

TOOLKIT COMPANY ACADEMY MEDIATION & NEGOTIATION

40+ hour basis mediation training program

Each module consists of 4 hours including a 15-20 minute break (220 minutes = 44 hrs).

A full day consists of 2 modules with lunchbreak in between.
The actual times may differ depending on the jurisdiction and local customs

Day 1

Module 1: Introduction to Mediation and ADR

09.00 - 13.00

Topic	Time
Welcome, overview program, trainers and participants	30
Introduction to mediation & ADR exercise	40
Role-play	45
Video demonstration	40
Dispute Resolution Spectrum, characteristics of mediation and comparison with other Dispute Resolution methods.	20
When and why to mediate (or not) Factors favouring and disfavouring mediation, pro's and cons. Basic principles of mediation. Interests vs. positions	20
Case study analysis. Exercise identifying interests, generating options based on interests	25

Module 2: Mediation and interest-based Negotiation

14.00 - 18.00

Topic	Time
Negotiation styles, test	20
Basic principles and analysis of negotiation. Methods of negotiation: positional, interest based, integrative, eclectic (intuitive) negotiation.	20
Short role-play negotiation.	45
Negotiation theory.	20
Role-play negotiation	90
Negotiating online and offline	25

Day 2

Module 3: The stages of a mediation, the initial contact stage, opening statements, ethical aspects and code of conduct for mediators

09.00 - 13.00

Topic	Time
Stages of the mediation process, overview.	10
Initial contact phase (preparation stage 0), intake of a case and pre-mediation planning).	10
Role-play: pre-mediation intake.	45
Basics and characteristics of mediation process, what to cover in mediator opening statement	60
Role-play mediator opening statement and first interaction.	60
Video demo mediator opening statement.	35

Module 4: The mediation process stage 1 opening statements & first exchange, conflict theory

14.00 - 18.00

Topic	Time
Conflict theory / causes of conflict part 1	30
Strengths and weakness	30
Ethics and trust	40
Role-play	120

Day 3

Module 5: The mediation process opening stages ctd. and exploration of interests, conflict theory ctd.

09.00 - 13.00

Topic	Time
Mediation techniques and tools	20
Exploration stage ctd + Video demonstration	50
Important psychological concepts of communication and conflicts	60
Role-play	90

Module 6: The Mediation Process continued, mediator styles and approaches, and use of caucus and joint session, exploration stage ctd

14.00 - 18.00

Topic	Time
Opening: video techniques	10
The business case for mediation	20
Mediator styles and approaches:	45
Caucus vs joint meeting,	20
Exploring interests ctd	35
Role-play	90

Day 4

Module 7: The psychology and neuroscience of conflicts, generating options stage

09.00 - 13.00

Topic	Time
Video demonstration	45
Stage 3: Generating options and negotiating the solution	20
Brainstorming and other techniques to enhance creativity to generate options.	10
Structuring and process management techniques Working with package deals. Objective criteria.	55
Role-play	90

Module 8: The Mediation Process continued, negotiating and closing stages

14.00 - 18.00

Topic	Time
Opening: creative thinking exercise	20
Brainstorming exercise. Discussion on marketing of mediation services, setting up your practice.	40
Closing stages and closing techniques	20
Role-play	90
Mediator styles and approaches ctd	50

Day 5

Module 9: The full mediation process, mediation techniques, (ethical) dilemma's and strategic choices for a mediator

09.00 - 13.00

Topic	Time
Role-play	120
Toolkit GAME. Mediation, communication and conflict de-escalation techniques and interventions, mediator dilemma's / strategic choices. Techniques:	100

<ul style="list-style-type: none"> • listening test and listening styles, (active) listening • paraphrasing and summary • reflecting (enlarging, acknowledgement, on progress) • framing and reframing • asking questions • reality testing, BATNA, WATNA, RATNA 	

Module 10: The full mediation process, dealing with lawyers

14.00 - 18.00

Topic	Time
Summary and overview of structuring tools for mediators (presentation)	10
Mediation advocacy video demo's	60
Small group preparation for role play with lawyers	30
Role-play	120

Day 6

Module 11: Closing techniques, mediation practice, (ethical) dilemma's and strategic choices and breaking through impasse, settlement agreements and admin

09.00 - 13.00

Topic	Time
Dealing with dilemma's	30
Stage 4: SMART Closure and SMART settlement agreements. Legal and admin docs. Note-taking.	20
Dealing with breaking through impasse, emotions and risk analysis, closing techniques.	50
Role-play	90
Reflective learning: stop, start continue	30

Module 12: The full mediation process, performance based assessment/long roleplay, written test if applicable and individual coaching

14.00 - 18.00

(this is sometimes offered on a separate day - full day instead of afternoon - depending on number of participants)

Topic	Time
Role play, where applicable with assessment.	220
Where applicable written exam on mediation theory	

Module 12 is followed by an individual coaching meeting of approx. 30 minutes with each participant and a trainer

After this training participants will:

- Have a better understanding of different types of negotiation and facilitated negotiations / mediations
- Know the theory of mediation, its general principles as well as the mediation procedure and 7 stages of a mediation process
- Be able to better apply negotiation and communication techniques and interventions in your daily interactions
- Know how to analyse different types of conflicts, the underlying theoretical frameworks, and prevent them from escalating further
- Have active knowledge of various psychological aspects to mediation and negotiation, including better communication skills and process management techniques to conduct a mediation or facilitate a negotiation
- Have learned the essential legal, administrative and ethical aspects of mediation
- Understand the impact of different mediator interventions, and know how to apply certain basic principles of psychology to negotiations and mediations
- Have a better awareness of the responsibilities and roles of mediators, lawyers and other advisors in mediation, and how to better work with and help coach other participants in the process (e.g., how and when to use individual meetings (caucuses) as opposed to joint sessions)
- Be acquainted with the key factors for “success” and “failure” in a mediation (whether online or offline)
- Be familiar with a broader range of Appropriate Dispute Resolution methods, and how they may be combined
- Have acquired critical mediation and negotiation techniques and process management skills, which you will have been able to practise throughout the training through interactive role-plays, simulations, teamwork, individual exercises, case studies and case elaborations (including an optional assessment session, should you wish to be coached in a live face-to-face session following the program’s completion)
- Have learned process skills to work with emotions and power imbalances during mediations and negotiations, as well as techniques to enhance participant creativity, and attention orientation, to make constructive, lasting and creative deals based on needs and interests, as opposed to positions
- Have a better knowledge of how to participate in mediations or negotiations and represent clients as an advisor or lawyer (mediation advocacy) and as a mediator understand how to collaborate with lawyers representing their clients
- Have learned how to start a mediation process, both face to face and online and the differences of mediating online and offline.

Participants who attend the full program and successfully complete the assignments will receive a **certificate as a Toolkit trained mediator**. Those who pass a written exam and a performance-based assessment at the end of the training may also receive a **certificate as a Toolkit accredited mediator**.