

Resolution Institute

Mediator competency assessment form

for Accreditation as a Mediator under National Mediation Accreditation System (NMAS)

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Feedback on demonstration of mediation process and skills

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NMAS Assessment of Competency

Please note all 23 competencies have to be met for the candidate to be eligible for NMAS accreditation

Assessment of candidate for NMAS accreditation

Name: _____ Simulation: _____ Date: _____

Feedback on demonstration of process and skills

The Mediator's Opening <i>Purpose: To develop participants' confidence in the process of mediation and the mediator</i>	Demonstrated "not at all" to "a little"	Demonstrated "moderately" to "significantly"	Comments
1. Welcomes and introduces in appropriate way	<input type="checkbox"/>	<input type="checkbox"/>	
2. Establishes a positive tone	<input type="checkbox"/>	<input type="checkbox"/>	
3. Refers to pre-mediation or intake	<input type="checkbox"/>	<input type="checkbox"/>	
4. Confirms agreement to mediate	<input type="checkbox"/>	<input type="checkbox"/>	
5. Confirms no conflicts of interest	<input type="checkbox"/>	<input type="checkbox"/>	
6. Describes or confirms purpose of mediation	<input type="checkbox"/>	<input type="checkbox"/>	
7. Checks/explains principles of process - Voluntary agreement - Flexible (time lines, questioning discussion) - Confidentiality	<input type="checkbox"/>	<input type="checkbox"/>	
8. Confirms commitment to confidentiality	<input type="checkbox"/>	<input type="checkbox"/>	
9. Explains role of mediator as facilitator	<input type="checkbox"/>	<input type="checkbox"/>	
10. Explains role of participants - To make decisions themselves - To seek advice as needed	<input type="checkbox"/>	<input type="checkbox"/>	
11. Explains the stages in the process including private session and joint sessions	<input type="checkbox"/>	<input type="checkbox"/>	
12. Confirms level of 'authority to settle'	<input type="checkbox"/>	<input type="checkbox"/>	
13. Discusses time available (if any)	<input type="checkbox"/>	<input type="checkbox"/>	
14. Establishes communication guidelines	<input type="checkbox"/>	<input type="checkbox"/>	
15. Checks for questions about process	<input type="checkbox"/>	<input type="checkbox"/>	
16. Manages transition and explains the purpose and process of the next stage	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of candidate for NMAS accreditation

Participants' opening comments <i>Purpose: To hear what has brought each participant to the mediation and what topics they would like to discuss</i>	Demonstrated "not at all" to "a little"	Demonstrated "moderately" to "significantly"	Comments
17. Invites participants in turn to provide opening comments as if each is the first speaker	<input type="checkbox"/>	<input type="checkbox"/>	
18. Takes notes while each speaks	<input type="checkbox"/>	<input type="checkbox"/>	
19. Maintains appropriate eye contact and body language with each participant	<input type="checkbox"/>	<input type="checkbox"/>	
20. Manages transition and explains the purpose and process of the next stage	<input type="checkbox"/>	<input type="checkbox"/>	

Reflection and summary <i>Purpose: to help participants to hear themselves and each other</i>	Demonstrated "not at all" to "a little" <i>Please ✓</i>	Demonstrated "moderately" to "significantly" <i>Please ✓</i>	Comments
21. Summarises - comments of participant who started - comments of participant who spoke next	<input type="checkbox"/>	<input type="checkbox"/>	
22. Reflects both content and feelings	<input type="checkbox"/>	<input type="checkbox"/>	
23. Uses the language of the participants as much as appropriate	<input type="checkbox"/>	<input type="checkbox"/>	
24. Attributes ownership of comments to participants e.g. "You said ..."	<input type="checkbox"/>	<input type="checkbox"/>	
25. Makes time for additions or clarifications from each participant	<input type="checkbox"/>	<input type="checkbox"/>	
26. Manages transition and explains the purpose and process of the next stage	<input type="checkbox"/>	<input type="checkbox"/>	

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Agenda setting – identifying the issues <i>Purpose: to provide structure and frame issues</i>	Demonstrated “not at all” to “a little” <i>Please ✓</i>	Demonstrated “moderately” to “significantly” <i>Please ✓</i>	Comments
27. Identifies the issues/topics based on what the participants have said in their opening comments	<input type="checkbox"/>	<input type="checkbox"/>	
28. Limits discussion by letting participants know that discussion of the detail will follow	<input type="checkbox"/>	<input type="checkbox"/>	
29. Frames the topics in language that is neutral and mutual	<input type="checkbox"/>	<input type="checkbox"/>	
30. Uses one or only a few words to identify the topic	<input type="checkbox"/>	<input type="checkbox"/>	
31. Checks with participants that issues/topics sufficient to start have been identified	<input type="checkbox"/>	<input type="checkbox"/>	
32. Writes the issues/topics on the whiteboard or flipchart paper	<input type="checkbox"/>	<input type="checkbox"/>	
33. Identifies common ground (if appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	
34. Manages transition and explains the purpose and process of the next stage	<input type="checkbox"/>	<input type="checkbox"/>	

Issue Exploration <i>Purpose: To broaden participants’ understanding of the issues and to frame that understanding in terms of interests</i>	Demonstrated “not at all” to “a little” <i>Please ✓</i>	Demonstrated “moderately” to “significantly” <i>Please ✓</i>	Comments
35. Facilitates exploration of each of the agenda topics	<input type="checkbox"/>	<input type="checkbox"/>	
36. Facilitates direct communication between participants. Encourages each to: - Share perspectives - Ask questions	<input type="checkbox"/>	<input type="checkbox"/>	
37. Facilitates balanced interaction by participants	<input type="checkbox"/>	<input type="checkbox"/>	

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Issue Exploration (continued) <i>Purpose: To broaden participants' understanding of the issues and to frame that understanding in terms of interests</i>	Demonstrated "not at all" to "a little" Please ✓	Demonstrated "moderately" to "significantly" Please ✓
38. Facilitates focus on the present and future shifting from focus on the past	<input type="checkbox"/>	<input type="checkbox"/>
39. Facilitates focus on interests	<input type="checkbox"/>	<input type="checkbox"/>
40. Facilitates participants to talk about: <ul style="list-style-type: none"> - their point of view about the agenda item under discussion - their interests/needs, perceptions, expectations and feelings 	<input type="checkbox"/>	<input type="checkbox"/>
41. Facilitates effective management of emotions, interactions and interruptions constructively	<input type="checkbox"/>	<input type="checkbox"/>
42. Uses appropriate interventions such as: <ul style="list-style-type: none"> - Open questioning - Summarising - Silence - Reflecting appropriately what participants have said - Reframing 	<input type="checkbox"/>	<input type="checkbox"/>
43. Ensures all the agenda items are sufficiently discussed before private session	<input type="checkbox"/>	<input type="checkbox"/>
44. Manages transition to private session effectively including: <ul style="list-style-type: none"> - choosing appropriate timing - appropriately arranging which participant's private session to start with - providing information to the other participant about approximately how long, where to wait etc., suggesting aspects to consider while waiting - confirming confidentiality of the private sessions 	<input type="checkbox"/>	<input type="checkbox"/>

Assessment of candidate for NMAS accreditation

First private session <i>Purpose: To check on the participant's experience of the mediation, that all issues have been raised and to start thinking about mutual options</i>	Demonstrated "not at all" to "a little" Please ✓	Demonstrated "moderately" to "significantly" Please ✓	Comments
45. Confirms confidentiality at beginning	<input type="checkbox"/>	<input type="checkbox"/>	
46. Refrains from giving advice or suggesting options throughout session	<input type="checkbox"/>	<input type="checkbox"/>	
47. Invites participant to comment on how the mediation is going for them	<input type="checkbox"/>	<input type="checkbox"/>	
48. Facilitates identification and exploration of own and other's interests and needs (moves from first to second position)	<input type="checkbox"/>	<input type="checkbox"/>	
49. Facilitates identification and exploration of any issues not yet raised in joint session	<input type="checkbox"/>	<input type="checkbox"/>	
50. Facilitates doubt creation when appropriate	<input type="checkbox"/>	<input type="checkbox"/>	
51. Facilitates reality testing about how the participant could address the issues independently of the other participant and assists them to identify the current best among these (i.e. BATNA)	<input type="checkbox"/>	<input type="checkbox"/>	
52. Facilitates the participant to generate preliminary options that potentially addresses other participant's interests	<input type="checkbox"/>	<input type="checkbox"/>	
53. Facilitates participant to prepare for the following joint session	<input type="checkbox"/>	<input type="checkbox"/>	
54. Manages transition and explains the purpose and process of the next stage - providing information to participant about how long, where to wait etc. and next joint session, suggesting aspects to consider while waiting - confirming confidentiality of the private sessions	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of candidate for NMAS accreditation

Second private session <i>Purpose: To check on the participant's experience of the mediation, that all issues have been raised and to start thinking about mutual options</i>	Demonstrated "not at all" to "a little" Please ✓	Demonstrated "moderately" to "significantly" Please ✓	Comments
55. Confirms confidentiality at beginning	<input type="checkbox"/>	<input type="checkbox"/>	
56. Refrains from giving advice or suggesting options throughout session	<input type="checkbox"/>	<input type="checkbox"/>	
57. Invites participant to comment on how the mediation is going for them	<input type="checkbox"/>	<input type="checkbox"/>	
58. Facilitates identification and exploration of own and other's interests and needs (moves from first to second position)	<input type="checkbox"/>	<input type="checkbox"/>	
59. Facilitates identification and exploration of any issues not yet raised in joint session	<input type="checkbox"/>	<input type="checkbox"/>	
60. Facilitates doubt creation when appropriate	<input type="checkbox"/>	<input type="checkbox"/>	
61. Facilitates reality testing about how the participant could address the issues independently of the other participant and assists them to identify the current best among these (i.e. BATNA)	<input type="checkbox"/>	<input type="checkbox"/>	
62. Facilitates the participant to generate preliminary options that potentially addresses other participant's interests	<input type="checkbox"/>	<input type="checkbox"/>	
63. Facilitates participant to prepare for the following joint session	<input type="checkbox"/>	<input type="checkbox"/>	
64. Manages transition and explains the purpose and process of the next stage, confirming confidentiality of the private sessions	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of candidate for NMAS accreditation

Option generation and negotiation <i>Purpose: To facilitate participants to generate options and to evaluate these options as a basis for endeavouring to develop an agreement</i>	Demonstrated “not at all” to “a little” Please ✓	Demonstrated “moderately” to “significantly” Please ✓	Comments
65. Reminds participants of mediator confidentiality from private session	<input type="checkbox"/>	<input type="checkbox"/>	
66. Refrains from giving advice or offering options throughout session	<input type="checkbox"/>	<input type="checkbox"/>	
67. Reinforces that participants - generate options themselves - make decisions themselves	<input type="checkbox"/>	<input type="checkbox"/>	
68. Facilitates participants to generate a range of options	<input type="checkbox"/>	<input type="checkbox"/>	
69. Facilitates participants to review and assess options	<input type="checkbox"/>	<input type="checkbox"/>	
70. Facilitates participants to evaluate options for workability and durability	<input type="checkbox"/>	<input type="checkbox"/>	
71. Manages transition and explains the purpose and process of the next stage	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of candidate for NMAS accreditation

Agreement and closure <i>Purpose: To confirm and document agreement if any and as appropriate</i>	Demonstrated “not at all” to “a little”	Demonstrated “moderately” to “significantly”	Comments
72. Facilitates the participants clearly expressing their agreement, framing and recording outcomes precisely	<input type="checkbox"/>	<input type="checkbox"/>	
73. Facilitates participants to review their agreement for clarity of responsibilities, time frames, follow-up, a process for resolution of future problems etc.	<input type="checkbox"/>	<input type="checkbox"/>	
74. Closes the mediation by inviting participants to sign the agreement and wishing the participants well	<input type="checkbox"/>	<input type="checkbox"/>	
75. Maintains the mediator role until the participants have left	<input type="checkbox"/>	<input type="checkbox"/>	

Assessment of competency

1. Recorded simulation

The National Mediator Accreditation System requires candidates for national accreditation to play the role of the mediator in a simulation of at least 1.5 hours duration. The Standards require that candidates be assessed as competent in the knowledge; skills and ethical principles listed in the *Practice Standards* Part III Section 10.1 (a) – (c). The competencies listed below are those that it is possible to assess in a simulation with supporting documents.

2. Self-assessment

After the simulation, candidates must complete a self-assessment (see page 11 of this document). This provides the candidate an opportunity to reflect on their role as mediator and to note competencies which they believe that they did not demonstrate effectively and to comment on what they would do differently next time. The self-assessment provides assessors with valuable information additional to that provided in the simulation.

3. Supplementary assessment

If most of the required competencies are demonstrated, the assessor may provide supplementary work to the candidate to enable them to demonstrate the competencies they have not yet met, if possible.

Conduct and management of the mediation process See <i>Practice Standards</i> 10.1 a) iv), v) vii) viii) and 10.1 b) iii)	Did not demonstrate competency	Demonstrated competency
a. Establishes and maintains the role of the mediator as an impartial facilitator , who does not impose a decision, make a decision or offer advice	<input type="checkbox"/>	<input type="checkbox"/>
b. Explains the process appropriately to participants both at the beginning and during the mediation	<input type="checkbox"/>	<input type="checkbox"/>
c. Establishes and maintains confidentiality	<input type="checkbox"/>	<input type="checkbox"/>
d. Clarifies authority to negotiate, settle or make agreement	<input type="checkbox"/>	<input type="checkbox"/>
e. Facilitates a series of phases, interventions or conversations that encourages progress in the dispute	<input type="checkbox"/>	<input type="checkbox"/>
f. Demonstrates effective use of sessions with both participants present (joint) and with one participant present (separate)	<input type="checkbox"/>	<input type="checkbox"/>
g. Manages transitions from one phase, intervention or conversation to the next effectively	<input type="checkbox"/>	<input type="checkbox"/>
h. Facilitates balanced communication with and between participants	<input type="checkbox"/>	<input type="checkbox"/>

Assessment of candidate for NMAS accreditation

Use of appropriate communication skills <i>See Practice Standards 10.1 a) iv) and 10.1 b) iv)</i>	Did not demonstrate competency	Demonstrated competency
i. Is attentive to the needs of the participants and the process	<input type="checkbox"/>	<input type="checkbox"/>
j. Listens actively	<input type="checkbox"/>	<input type="checkbox"/>
k. Uses appropriate micro-skills such as acknowledging, reflecting appropriately what participants have said, reframing and summarising	<input type="checkbox"/>	<input type="checkbox"/>
l. Asks open questions, using a range of different types	<input type="checkbox"/>	<input type="checkbox"/>
m. Uses non-judgmental language	<input type="checkbox"/>	<input type="checkbox"/>
n. Displays appropriate body language including eye contact	<input type="checkbox"/>	<input type="checkbox"/>
o. Uses whiteboard/flipcharts appropriately	<input type="checkbox"/>	<input type="checkbox"/>

Negotiation techniques and the mediator's role in facilitating negotiation and problem-solving <i>See Practice Standards 10.1 a) viii) and 10.1 b) v)</i>	Did not demonstrate competency	Demonstrated competency
p. Facilitates participants in joint session to explore topics fully and to uncover interests	<input type="checkbox"/>	<input type="checkbox"/>
q. Facilitates participants in separate sessions to reflect on progress so far and to prepare appropriately for further joint sessions	<input type="checkbox"/>	<input type="checkbox"/>
r. Facilitates parties to consider and evaluate alternatives through appropriate reality testing and identifying the current best among them (BATNA)	<input type="checkbox"/>	<input type="checkbox"/>
s. Facilitates participants to generate options that will help reduce or resolve the dispute	<input type="checkbox"/>	<input type="checkbox"/>
t. Facilitates participants to evaluate options or combinations of options using criteria such as their interests, likely durability and objective standards	<input type="checkbox"/>	<input type="checkbox"/>

Assessment of candidate for NMAS accreditation

Asking questions about or in appropriate circumstances, drafting of mediated agreements <i>See Practice Standards 10.1 b) ix)</i>	Did not demonstrate competency	Demonstrated competency
u. Facilitates participants to be specific in developing at least some aspects of the agreement	<input type="checkbox"/>	<input type="checkbox"/>
v. Facilitates participants to review their agreement for practicality appropriately including such items as clarity of responsibilities, time frames, follow-up, a process for resolution of future problems	<input type="checkbox"/>	<input type="checkbox"/>

Mediator interventions appropriate for standard difficulties in mediation and potential responses to high emotion and power imbalances <i>See Practice Standards 10.1 viii)</i>	Did not demonstrate competency	Demonstrated competency
w. Facilitates participants to maximize their engagement in the mediation through use of appropriate communication skills as described above	<input type="checkbox"/>	<input type="checkbox"/>

Number of criteria on which assessed as competent	/23
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To be assessed as competent, the candidate must be assessed as competent on each of the above criteria. The assessment may refer to the observed simulation, self-assessment and supplementary assessment methods.

Name of candidate: _____

Date assessment completed _____

This candidate **has/has not yet** demonstrated the competence required for accreditation under the National Mediation Accreditation System.

Assessment of candidate for NMAS accreditation

Commentary on main competencies that were demonstrated

For relevant strengths see previous pages for examples that evidenced these strengths

Commentary on main competencies that were not yet demonstrated

For relevant weaknesses see previous pages for examples that evidenced these weaknesses

Recommendations for further training and development Areas to work on