

Competencies Checklist

You may find it useful to check your performance against the following competencies before your assessment:

1. Management of Mediation: Process Skills

- Understand mediation process and principles
- Display familiarity with procedure, structure, roles and responsibilities
- Manage the process and phases of mediation, including transitions
- Create an environment conducive of settlement
- Retain confidentiality
- Demonstrate neutrality
- Be thoroughly prepared
- Be able to manage an assistant mediator
- Manage time efficiently

2. Relationship Skills

- Be able to facilitate communication and interaction with and between the parties
- Exhibit general demeanour and approach
- Appear authoritative but relaxed, confident and alert
- Show ability to perform in difficult and sometimes unexpected circumstances
- Display integrity, confidentiality and ability to 'keep going'
- Exhibit negotiation and problem-solving skills
- Be able to engender trust, enthusiasm and solution-creating environments
- Manage parties, representatives, lawyers, experts by building rapport
- Be attentive to parties' comforts and needs
- Establish common ground
- Help parties through crises, mourning, face saving
- Control emotional venting
- Help parties analyse risks and benefits
- Listen attentively and respond
- Adopt a responsive pace
- Use humour and non-judgmental language
- Be conscious of power imbalance
- Be aware of cultural issues, bias and independence
- Convey impression of energy and enthusiasm, good bedside manner, empathy and personal warmth

3. Application of Techniques: Content Skills

- Apply mediation skills and techniques
- Appreciate commercial and legal contexts
- Decide when and how to apply particular techniques and skills
- Make decisions about order of presentation, use of private or joint meetings
- Make use of parties, representatives, lawyers, experts
- Be alert to ethical dilemmas and handle other potential challenges
- Be able to manage without determining content
- Open the mediation with confidence
- Offer explanations

- Summarise before moving on and keep notes
- Identify and probe issues
- Manage parties' expectations
- Clarify authorisation to disclose information
- Use strategies to overcome deadlock
- Encourage parties to re-evaluate positions and review expectations
- Be able to paraphrase and re-frame language
- Identify options
- Hypothesise 2nd and 3rd position views
- Use silence and questions effectively
- Explore prior settlement offers
- Be alert to tensions and danger
- Draw together options into a coherent settlement package
- Make use of physical environment
- Test solution is workable

Group feedback guidance

1. Role play exercises will finish as notified by the trainers, possibly a few minutes prior to the timetable for the session. This is to enable the group to perform the following tasks for learning and feedback during the training:

The Group

- (i) Before breaking up and returning to plenary session the group should provide personal feedback to the mediator about his or her performance.
- (ii) Identify things which, in your view, went well and things which might be done differently – or that might be a stretch - on another occasion. Be specific rather than general about this, and look at the method, style or conduct rather than personality of the mediator. Please do not cover up what you perceive to be mistakes, but air your views. This is a learning opportunity for the whole group, not just the mediator.

The Mediator

- (iii) If you were the mediator note the main points in the feedback. Add any points of your own. This may be the subject of a de-brief with the trainers or assessors.

The Parties

- (iv) If you were a role play party or representative identify learning points to carry forward to your own time to act as mediator

2. Feel free to continue giving feedback to each other outside the structured timetable.