



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Training Program Requirements

Effective as of 25 June 2021

Table of Contents

Introduction	3
1. Registration	4
Commentary:.....	4
2. Course Content.....	5
Commentary:.....	5
3. Competency Framework.....	6
Commentary:.....	6
4. Course Duration	6
Commentary:.....	6
5. Group Size	7
Commentary:.....	7
6. Minimum requirements for delivering online-only training.....	8
The training provider:	8
The participants:.....	9
Commentary:.....	9
7. General Teaching Approach	10
Commentary:.....	10
8. Participant Materials	11

Commentary:.....	11
9. Setting Up Role Plays.....	12
Commentary:.....	13
10. Providing Feedback.....	14
Commentary:.....	14
11. Performance Assessment and Accreditation	15
All programs	15
Programs conducted entirely online	15
12. Facilitation of further development as a mediator	17
Commentary:.....	17
13. Complaints and Appeals Policy.....	17

Introduction

In generating international criteria, IMI first assembles an international and representative taskforce to consider the issues and produce a draft. This then goes to the public for feedback prior to finalisation, and potential implementation for IMI-recognised programs.

The training criteria were first launched in 2017, and IMI launched the possibility to have training programs recognised beginning in January 2019. People completing recognised programs could be submitted to IMI and then be recognised as 'IMI Qualified Mediators'.

In October 2019, we advised that the guidelines had been designed for the training of mediators who would mainly be mediating in a face-to-face physical environment. Language was tweaked accordingly, at which point IMI said it would not be recognising training conducted entirely online.

When the 2020 COVID-19 pandemic began, IMI started receiving increased requests from mediation training providers, asking whether IMI would revisit its stance on online-only programs, and whether training delivered via existing IMI-recognised programs, out of necessity being conducted online, could be recognised as meeting IMI's standards during the pandemic

IMI recognised that it did not know how long this crisis would last, and it wished to support its mediators and the organisations with which it was associated. To that end, the IMI's Training and Competency Assessment Taskforce agreed that organisations that have existing Certified Mediator Training Programs would be permitted to temporarily deliver that training online if they submitted a methodology document indicating how they would ensure they are delivering the same program to the same standards, identifying challenges and how they will be overcome, and; offered an in-person role-play component to be undertaken in future once it becomes possible. Only once that in-person role-play component had been completed would course graduates be entitled to become IMI Qualified Mediators.

However, even preceding the pandemic, IMI had received questions about the recognition of online-only training. This referred specifically to delivering initial mediation training online (rather than in-person), as opposed to training specifically *in* online mediation, which is associated with IMI's existing ODR competency criteria.

To this end, IMI invited training providers who had made the move online and mediators who had taken the training online to provide feedback on protocols and lessons learned. Based on those learnings and discussions, the IMI decided to accept training

delivered in part or entirely online as meeting the standards required of IMI Certified Mediator Training Programs.

To this end, the guidelines were again reviewed. Reviews were first performed by the Taskforce, then sent for public feedback and consideration, and then finalised in the format found below. The guidelines now apply equally to programs that deliver training in-person, in hybrid formats, and online.

1. Registration

If there is a requirement within a jurisdiction that a training course should be registered, then it should be complied with by the training provider, and the training course should be registered.

Commentary:

Within some jurisdictions, there may be a type of formal regulation of mediation training courses in place. This can take the form of self-regulation through a professional body, or direct regulation by the relevant government entity/ministry of law or justice. Where such external registration exists, it provides minimum standards of training that can be applied objectively to all courses in any jurisdiction. It not only serves as a point of reference for new entrants to satisfy but also may help to raise overall standards of training across the industry.

In addition, trainer providers could consider setting entry requirements for their course to ensure that those attending will have the necessary level of ability to fully engage in the course. In a course with assessment this is less important as the assessment process will ultimately determine competence. Since being a mediator involves a multi-disciplinary skill set, it is not necessary or advisable for mediator training to be restricted to lawyers. Finally, any legal requirements of any jurisdiction in this respect will also need to be followed.

2. Course Content

Course content can be divided into Knowledge Development and Skills Development topics.

a) In terms of Knowledge Development, the essential KNOWLEDGE topics that should be included in any training programme are:

- Mediation principles – neutrality, its voluntary nature, confidentiality, party self-determination; and process – the opening statement by the mediator, the steps of mediation and the mediator’s role within each step. Note that while these must be covered, it is up to the training provider to adopt a format that is consistent with the focus, approach and ethos of the course, e.g. facilitative, transformative, on-line, co-mediation, etc.
- The roles of legal counsel and representatives
- An overview of negotiation and conflict resolution theory
- Mediator ethics, including any appropriate ethical standards existing in the region in question.

b) In terms of Skills Development, the essential SKILLS topics that should be covered, demonstrated and practised in any training programme are:

- Forms of listening skills and communication strategies
- Process management skills including but not limited to the use of joint and private meetings
- Negotiation strategies and skills to manage the content of the dispute
- Ways of responding to the diverse behaviours of the parties.

Commentary:

While seeking to maintain the flexibility of trainers to include content in the course which meets the needs of their social, cultural and legal context as well as the ethos of their course, there are certain topics that are fundamental in any mediator skills training programme and must be covered. These are the topics specified above.

The training provider could include other knowledge topics including but not limited to: legal framework for mediation and settlement; administrative procedures if required in that jurisdiction or mediation venue (such as agreement to mediate forms); court-connected or programme specific

laws/rules; history of mediation; international development and trends; psychological factors in mediation and cultural and diversity aspects of mediation.

Trainers may include other skills-based topics including but not limited to management of emotions, dealing with difficult people, responding to impasse, neuro-linguistic programming, etc.

3. Competency Framework

A training course must have a 'competency framework' which clearly and concisely sets out the core competencies that an effective mediator should possess. This framework should be consistent with the content and skills requirements of the course as set out under Section 2 of these guidelines.

Commentary:

A competency framework is used throughout the course to give clarity to participants as to what mediator competencies they should achieve. It can also be used by the trainers, coaches and assessors, to provide consistent input, coaching, assessment and feedback to participants measured against a clear set of competency criteria.

In developing a competency framework for use on a course, training providers could draw on:

- *Their own individual and organisational knowledge of mediator skills training*
- *Existing external sources, including relevant legislation and other published frameworks.*

4. Course Duration

For a course to cover adequately the necessary content using appropriate methodologies, (both of which are set out in these guidelines), courses should have a substantial number of training hours being not less than 40 hours. This does not include pre-course preparation, lunch and breaks.

This minimum level of 40 hours, however, should not prevent training providers from aspiring to a higher number of practical hours, given that more practice will translate into better learning opportunities for participants. Therefore a number of training hours higher than 40 is suggested, whenever that is possible.

Commentary:

This minimum level has been set, as it is regarded as an acceptable minimum benchmark for the teaching and practice of the practical aspects of mediator skills, bearing in mind that these trainings are only intended to train people to a base level of mediator competence. Courses may vary in duration for many reasons including local requirements, venue of the course (university, court or private) context within which mediation takes place, as well as the approach of the training providers. Certainly, trainers must offer trainings of sufficient length to meet the laws or regulations of their particular jurisdiction.

Where courses are online-only, the minimum of 40 hours may include up to 10% asynchronous learning undertaken as part of the course.

5. Group Size

It is recommended that courses have a maximum class size of 30 students, with the trainer-student ratio ranging between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.

Commentary:

One of the key factors affecting the quality of a course is to ensure that students have sufficient opportunities to interact with each other and the trainers. It is generally accepted that overly large class sizes and a low trainer- high student ratio can compromise this course quality.

Some of the factors to be taken into account when determining the participant to trainer ratio include:

- *overall class size*
- *whether the training is taking place on an in-person basis or online*
- *breakdown of teaching, coaching, assessing and number of days*
- *the presence of assistant trainers, facilitators or coaches.*

For example, if the class is only comprised of 12 students, then a ratio of 1:12 might be appropriate for delivering presentations. However, one or two coaches could be brought in when the students are practising role plays. (See Section A.8. 'Setting up Role Plays' for more information).

6. Minimum requirements for delivering online-only training

In order to facilitate effective online learning the training provider must ensure that participants are fully engaged on the course for the **minimum required 40 hours**. This will be achieved by the following:

The training provider:

- Subscribing to a platform with appropriate video conferencing facilities and becoming familiar with the functionality of the platform, including ensuring trainers, coaches, and assessors have adequate equipment and training in its use.
- The platform should enable the course content to be delivered in an engaging manner, for example by including videos and dynamic presentations, using asynchronous learning tools where applicable, and breakout rooms for exercises, discussion, roleplaying, coaching and assessment.
- Providing written guidance on software and hardware requirements, and pre-course video conference practice sessions. This is to ensure that the participants, trainers, coaches and assessors are able to interact on the platform.
- Providing guidance in advance of the course about the environment in which the participants and trainers, coaches and assessors should undertake the course in order to minimise distractions.
- Programming the course to take place in a paced manner. This means online courses will typically take place over a longer period of time than in-person training and include live sessions of no longer than 120 minutes at a time, interspersed with frequent breaks.
- Ensuring that trainers are visible on-screen at all times and that coaches and assessors are able to hide their videos during roleplays so that participants do not feel intimidated by their presence.
- Providing capability for course participants who were, for reasons beyond their control, unable to participate in the minimum of 40 hours' course, to make up the missing components in order that the minimum 40 hours' training is attained. This could include via recorded videos for trainer-delivered content, where course participants have given permission for the course content to be videoed. Where the components missed are skills-related, this may necessitate one-on-one training with

the participant. No participant may make up more than 20% of the course and still gain IMI recognition as an outcome of that course.

The participants:

- Confirming that they have basic computer skills including the ability to manage any technology challenges efficiently.
- Ensuring that they have a laptop or desktop computer or a large tablet, a microphone and camera. Cell phones are not suitable.
- Being visible on screen at all time, with due sensitivity to individuals' special learning needs.
- Ensuring that they have sufficient data and power to remain connected throughout the course.
- Arranging a suitably quiet and undisturbed location to be during the training.

Commentary:

Organisations delivering training are encouraged to provide opportunities for participants to meet informally at stages of the course to build rapport and camaraderie.

7. General Teaching Approach

Mediator Skills training courses should be participatory, interactive and learner focused. To ensure this, a variety of teaching methodologies should be used, including lecturing, videos, interactive exercises, individual work, group discussion, talking in pairs, and role-playing. As a guideline, for the practical part of any course, that is designed to teach the process and skills to be an effective mediator, the following percentage of time should be spent on these different approaches to training delivery:

- Lecturing/knowledge input/presentation – approximately 10%. This may be conducted face-to face and/or online.
- Exercises and discussion – approximately 40%. This may be conducted face-to face and/or online, as long as the online sessions involve simultaneous group discussion, for example by students watching a video and then engaging in an online discussion forum.
- Role-playing, coaching and feedback– approximately 50%. This must be conducted face-to face, although the role-play assessment(s) may be recorded and subjected to evaluation by a remote assessor who should provide detailed written feedback to the student. (For online-only training, see also item 11.)

Commentary:

The guidelines above refer to the practical part of any course which teaches the process and skills to be an effective mediator and are not intended to cover parts of courses which are largely theoretical in nature. Regardless of the nature of the training, it is recommended that the focus of the training should be on preparing the participants to practise mediation, and not on the study of mediation as an academic subject. The teaching approach, therefore, should be participatory, interactive and learner-focused, and should be responsive to the various learning styles of participants and consistent with the cultural norms of the jurisdiction. As outlined in the introduction to these recommendations, courses that are delivered entirely on-line will not meet the requirement to be participatory, interactive and learner focused.

8. Participant Materials

When preparation prior to the course is required, participants should receive comprehensive materials in sufficient time to allow them to prepare adequately. As a guideline, it is suggested that this should be no later than two weeks in advance of the course.

In a similar way, when participants are required to prepare for their roles in advance of the role plays, role play confidential briefs should be supplied in sufficient time to allow role players to prepare. As a guideline, it is suggested that this should be no later than one week in advance of the course.

If courses are designed with no pre-course preparation required, this guideline does not apply.

Commentary:

Without being prescriptive, the sort of materials that might be distributed in advance includes:

- *Course handbook/workbook*
- *Supplementary materials such as general instruction for role plays*
- *Mediation rules and procedures, relevant legislation*
- *Academic articles and textbooks.*

These materials may be distributed in hard copy and/or electronic format.

9. Setting Up Role Plays

Role plays are used for participants to practise the wide range of mediation skills in a simulated environment and also for participants to have the benefit of feedback and coaching from an experienced mediator, acting as a coach. Accordingly, role plays should be planned and run to allow the participants the maximum opportunity to learn. Therefore it is recommended that:

- Each role play in a course should have a maximum of six persons for a two-party mediation. This is recommended in order to keep the role plays manageable for a new mediator to practise adequately and to allow maximum engagement of the other participants as role players
- Mediation time slots within roleplays should be a minimum of 45 minutes in order to allow sufficient time for the mediator to practise a range of skills as the mediation develops
- At a minimum, at least 50% of all roleplays should be supervised by an experienced coach/trainer, and of those, a supervising coach should be present a minimum of 50% of actual role-playing time. This is a minimum level of supervision and coaching for role plays, and training providers should aspire to the highest possible level of coached or supervised role plays
- When role plays are used as assessments, these should be supervised by the assessor or a course manager 100% of the role play time. Course managers may fulfil this role where assessments are recorded for off-site/asynchronous assessment by independent assessors
- Coaches should be rotated among groups and participants to ensure that a variety of coaching approaches is experienced by all the participants
- In courses that contain assessment, any coach/trainer who coaches a participant should not be involved in any subsequent assessment of that participant
- Role plays throughout the course should ensure that all participants work with the widest range of their fellow participants as possible
- In order to ensure fairness and equality of participation, all participants should mediate the same number of times in role plays

- Role plays should be varied in subject matter and should allow for practice of different stages of the mediation process.

Commentary:

A role play here is defined as a simulated case where the mediator has an opportunity to practise a wide range of mediator skills, possibly across multiple phases of the process. This should be distinguished from a shorter scenario-based role play, exercise or vignette which is designed to practise a specific skill, e.g. a short exercise to practise active listening or reality testing.

10. Providing Feedback

Participants learn not only by practising the skills of mediators but also from receiving feedback from experienced mediators acting in the role of coaches throughout the course. Training programmes must provide opportunities for feedback to participants. This feedback should be delivered using a competency framework (see Section A.3 above) to ensure consistency of approach to feedback by coaches trained in delivering effective feedback (see coaches' guidelines Section B.4 below).

Commentary:

A variety of different methods to deliver the feedback can be utilised, including:

- *Group coaching during a role play – Here feedback is not only for the benefit of the participant acting as mediator but also for the other participants involved in the role play*
- *Private one-to-one feedback following a role play – This enables more focused and detailed feedback on the performance of an individual, and can increase the opportunity for behaviour change during the course, particularly for those courses in which a participant is preparing for assessment. While it is not required, course leaders should aspire to design their programmes to include at least one opportunity to provide private one-to-one feedback*
- *Written feedback on a participant's performance is recommended to be used, particularly during an assessment element of a course.*

11. Performance Assessment and Accreditation

If a course is designed to assess, certify or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently, then it must contain an actual assessment of the participant's mediator competence, as compared to its own competency framework, developed under Section A.3. of these guidelines. In relation to assessment of a mediator's skills, this should be done using a participant's performance during a role play.

All programs

While not being prescriptive, the following should be taken into account when the assessment process is designed:

- While some form of on-going continual assessment throughout the course could be included as part of the assessment process, there should be at least one separate assessment based solely on performance during a role play
- Assessments could be recorded and assessed afterwards, although live assessments are generally more advisable
- While one assessment is the minimum number, it is recommended that two different assessment sessions are conducted for each participant assessed by different assessors. This would support fairness and would avoid assessor bias. Alternatively, the same assessment may be assessed by two assessors
- Each assessment roleplay should be for a minimum of one hour of roleplay time each session, not including any time needed to draft a settlement agreement.

If mediation knowledge is also to be assessed, this can be done through a written or verbal test, or through pre or post course assignments, and should be consistent with the knowledge requirements set out in the provider's competency framework.

Programs conducted entirely online

If participants attend the course entirely online and have not had the opportunity to perform an in-person role play as part of that course's assessment, then before they are accredited, they must complete a post-course assignment. The assignment must meet the following basic requirements:

- The participant must perform an in-person one-hour mediation role-play

- The mediation must include opening the mediation and beginning to explore with the parties.
- The parties for the purposes of the role-play could include fellow course participants, friends, family, colleagues, existing mediators or advocates.
- If the in-person session is not conducted in the presence of the training provider then it must be recorded and securely sent to the provider. Permission to record and share that recording must be obtained from the participants.
- The training provider should make role-plays briefs available for such role-plays.
- The participants must also submit a written assignment in which they explain how they would:
 - Arrange the venue for an in-person mediation including having sufficient rooms, ensuring suitable refreshments and useful equipment, the layout of tables and chairs and the seating arrangements
 - Build rapport with parties for an in-person mediation
 - Compare the experience of in-person and online mediation, what is different and how they would adapt from online to in-person

The purpose of this post-course assignment is practice and reflection, and not assessment per se.

12. Facilitation of further development as a mediator

While it is accepted that training providers cannot offer actual mediations for all participants, they have an obligation, as far as possible, to facilitate participants' further development as a mediator.

Commentary:

Such opportunities for further development could include:

- *A session within or in addition to the course that explains how the mediation profession works within the jurisdiction and how mediators can market themselves*
- *Facilitating on-going mentoring and coaching, and providing networking opportunities*
- *Facilitating opportunities to observe actual mediations*

13. Complaints and Appeals Policy

All courses should have a clearly set out written complaints policy for participants who are dissatisfied with the quality of the course.

In addition, for those courses that have an assessment element, there should be a clearly set out appeal or review process for participants who are not satisfied with the outcome of their assessment.