



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

[www.IMImediation.org](http://www.IMImediation.org)

# Instituto de Certificação e Formação de Mediadores Lusófonos

*IMI QUALIFYING ASSESSMENT PROGRAM*

## Introduction & Background

The ICFML (“Instituto de Formação e Certificação e Formação de Mediadores Lusófonos” i.e. the “Portuguese-Speaking Mediators’ Training and Accreditation and Training Institute”) was established in August 2011 to host CPLC (Community of Portuguese Language Countries including Portugal, Brazil, Angola, Cape Verde, Guinea-Bissau, Mozambique, São Tomé and Príncipe and East Timor) mediators’ training and accreditation and qualify Mediators for IMI Certification via a Qualifying Assessment Program (QAP).

Its founding members are IMI Certified mediators Ana Maria Maia Gonçalves and François Bogacz and Thomas Gaultier, mediator and lawyer.

The ICFML Accreditation Committee members are:

- Ana Maria Maia Gonçalves
- François Bogacz
- Helena De Backer
- Paul Eric Mason
- Professor Dra. Mariana França Gouveia.

ICFML has the following strategic objective:

1. Establish a common ground of mediators’ training and accreditation within the **CPLC** and further qualification for IMI Certification via a QAP meeting the criteria developed by IMI.

2. Establish ICFML representatives in each CPLC Country in order to develop and monitor the above mentioned activities;
3. Contribute to the implementation, awareness and use of mediation in the CPLC countries, by promoting and organizing information and training sessions in mediation particularly directed to all legal professionals, including magistrates, lawyers, paralegals, notaries, law students, mediators and any other interested parties.
4. Promote and organize conferences, events, debates and legal publications in order to contribute to the development of mediation in the CPLC countries.
5. Support and develop mediation in cross-border conflicts, at a European and global level particularly in the CPLC countries.
6. Establish a network of ICFML accredited and IMI Certified Portuguese-speaking mediators around the world in order to develop mediation, and support them in their professional and institutional development particularly, in cross border commercial conflicts and design and maintain the Portuguese Search engine for Portuguese speaking users.

The ICFML (“Instituto de Certificação e Formação de Mediadores Lusófonos” i.e. the “Portuguese-Speaking Mediators’ Accreditation and Training Institute) is the only institution in Portugal approved by the International Mediation Institute, as a “Qualifying Assessment Programme” (QAP) for IMI Certification for international mediators.

## 1. Mediator Experience

*The Qualifying Assessment Program (QAP) must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program’s Assessors a substantial level of experience as a mediator. The QAP must include clearly identified criteria on this requirement.*

Applicants to the program shall demonstrate an important level of experience as mediators, this importance being defined in accordance with the level of development of mediation in the CPLC countries, which means that they shall:

1. Have conducted, at least, 7 mediations and 70 hours of mediation in the last 3 years among which 3 mediations should have been conducted in the last 12 months

before the date of application (this criteria will evolve as mediation becomes more mainstream in CPLC countries);

2. Demonstrate proof that at least 50% of those mediations were paid mediations.
3. Provide evidence of their level of experience in the form of: a. Logbooks specifying dates, duration of mediation and if applicants were alone or co-mediating with supporting materials without confidential information. b. Copies of paid invoices
4. Adhere to the European Code of Conduct for Mediators.

As a complement to the ICFML certification, applicants may be qualified for IMI Certification if they can prove that they have the minimum experience recommended by IMI, which is 200 hours and 20 mediations.

## 2. Mediation Knowledge

*The QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation theory and practice which may be based on written tests, essays, reports, theses interviews and/or other testing platforms.*

1. Applicants must have completed at least 40 hours advanced mediation training which should cover at least the following topics:
  - a. principles and aims of mediation;
  - b. attitude and ethics of the mediator;
  - c. phases of the mediation process;
  - d. traditional settlement of a dispute and mediation;
  - e. indication, structure and course of mediation;
  - f. legal framework of mediation;
  - g. skills and techniques of communication and negotiation;
  - h. skills and techniques of mediation.
2. Applicants must show evidence of their mediation training in the form of a certificate delivered by their training institute. Applicants can also provide proof of a graduate or postgraduate qualification in negotiation or ADR.
3. Applicants will have to successfully pass a written test.

4. Applicants will have to provide certificates of attendance on a yearly basis showing that they are taking part in a continuing education program.

### 3. Mediator Skills

*The QAP must include a methodology for the evaluation of candidates' performance in terms of the occurrence and effectiveness of mediation process and mediation techniques, against high competency benchmarks. The Evaluations/Assessments may be based on roleplay or live action assessments, and may include videotaped and online assessments such as web dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations.*

The Applicant's skills assessment will include:

1. User feedback forms of at least 3 mediations conducted by the applicant;(form attached)
2. A live role-play evaluation of minimum 1h30 in front of a jury of 3 assessors (see the assessors selection criteria in section 6). The role-play participants will be academics, researchers or mediators selected by the ICFML Accreditation Committee. The instrument used to evaluate the applicant will be the Chris Honeyman's NIDR Performance-Based Assessment.

<http://www.convenor.com/uploads/2/3/4/8/23485882/method.pdf>

### 4. Program Transparency

*The benchmarks and criteria applied by the QAP must be published and be openly accessible on the organization's website. Details of all approved programs will be listed on the IMI web portal [www.IMImediation.org](http://www.IMImediation.org) and will include a direct link to the credentialing organizations' websites.*

The QAP's benchmarks and criteria will be published and openly accessible on our organization website, which is under development.

### 5. Program Integrity

*Each Assessor must have substantial experience of assessing the performance of mediators. At least one of the Assessors on each Program must be independent of the QAP.*

The assessors will have to satisfy the following criteria:

1. Be fluent in Portuguese language;
2. Have a substantial mediation experience (for instance being an IMI certified mediator);
3. Have judged at least 10 role-plays in international mediation moots or assessments;
4. Have signed a protocol with ICFML mentioning the collaboration procedures, costs and quality commitment rules.

At least one of the 3 assessors will be independent of ICFML and will be randomly chosen. Their names and resumes will be openly published on our website.

## 6. Ongoing Monitoring of Program

*The QAP must include a process for the ongoing monitoring of the performance and practice of the Assessors. IMI will liaise closely with all recognised program organizers to maintain a sustainable quality control system.*

For Assessors, we will use the following performance and practice monitoring tools to guarantee a high level of professionalism and impartiality:

1. Peer-review between assessors at the end of each assessment;
2. A learning diary in English to be filled at the end of each assessment and that will be available to IMI;
3. IMI representatives will be welcome as observers of the assessment sessions.

## 7. Commitment to Diversity

*The QAP must be accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.*

The ICFML QAP will be accessible on equal basis to all mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. The Mediator accreditation will be purely based on evaluation under the QAP based on the Mediators grading. Training or Orientation programs on mediation received by candidates, on equal rating with ICFML programs as accepted by ICFML, will entitle the mediator to apply under ICFML QAP.

*QAP Approved 2011*