Albanian Foundation for Conflict Resolution and Reconciliation of Disputes

IMI QUALIFYING ASSESSMENT PROGRAM

# Introduction & Background

The Albanian Foundation for Conflict Resolution and Reconciliation of Disputes, known by the acronym AFCR, was established in 1995 on the initiative of a group of experts in the field of justice, sociology and culture. Its mission is contributing to the development of democracy in Albania through promotion of Alternative Dispute Resolution / Mediation in dispute resolution in civil, family and penal area.

AFCR’s main areas of intervention have been:

* Lobbing and advocacy for establishment of the legal framework for mediation in Albania;
* Establishment of mediation networks in the main cities of Albania;
* Capacity building through organization of training programs in ADR/Mediation at basic and advanced level;
* Awareness raising in the area of mediation, negotiation, facilitation, reconciliation, restorative justice, peer mediation, etc., tailored to the needs of state institutions, civil society actors, local government and schools;
* Provision of the mediation service in civil, family and criminal disputes.
* Development and application of the monitoring and evaluation scheme to assess the quality of the mediation service provided to parties.

# 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.

The mediator assessed by AFCR for the IMI Certification should be firstly licensed by the Commission for Accreditation of Mediators (at the Albanian Ministry of Justice), under the terms of law no. 10385, dated 24.02.2011, “On Mediation in Dispute Resolution”.\*

Each applicant should provide documents that he/she has undergone advanced level training in mediation, of at least 20 hours of training.

The applicant shall be able to demonstrate successful mediation service in at least 20 cases from civil, commercial and family area, handled within at least one-year. He/she shall demonstrate this through a logbook, containing data about the parties involved, type of conflict, date of referral, date of settlement agreement, number of sessions and mediation hours.

A feedback digest will be prepared for each applicant by a reviewer. The applicant shall provide feedback forms for 20 cases (by parties who have used mediation) and also through discussion with the mediator to assess their performance, competency, impartially, confidentiality, communication skills.

Moreover, the assessors will participate in three cases mediated by the applicant, upon the parties’ permission, to assess the mediators’ competence and mediation skills. The assessor will prepare an evaluation report for the performance of the mediators.

*\*Mediators from other countries are also eligible for our QAP. They should provide respective documents on their licensing and/or certification by relevant bodies in their countries.*

## 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.

All the persons applying for the IMI Certificate shall be assessed of their understanding of the general theory of mediation and practice. It will be a combination of assessing their theoretical knowledge and practical skills, according to a scoring system of 100 points, out of which 40 points will be awarded to the theoretical knowledge and 60 points to the practical skills.

A candidate shall score 85 points or over in order to get qualified for the IMI certification.

Theoretical knowledge will be assessed through a written test on issues related to mediation, such as referral mechanism, mediation process, qualities of mediators, principles, etc. The written test will also include an essay about mediation.

Prior to the testing, the group of applicants shall attend a three-day refreshing training organized by AFCR experts, combining theory and practice. Thus, the practical skills will be assessed through the training, where all the applicants will demonstrate their mediation skills through role-plays.

The applicants will be assessed by three mediation experts, certified by international institutions.

### 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 methodology used by AFCR to evaluate the applicants’ performance includes:

– Feedback from the parties (clients receiving mediation)

The applicants shall be required to present copies of the parties’ satisfaction forms for the mediation service provided to them for at least 20 cases managed through mediation within one-year, in accordance with the data recorded by them in their case database.

The parties’ satisfaction form should contain questions about the mediator’s role, impartiality, etc, their satisfaction about the service. In order for the applicant to be considered a successful mediator, he shall mark an 80% satisfaction rate in the total of the forms assessed, meaning that in 80% of the cases the parties have stated they are satisfied with the service.

– The statistics on the resolved cases

We shall take into account the number of cases handled by each applicant in a year and also the ratio between the cases resolved and cases withdrawn (when the parties have withdrawn from the mediation process). As evidenced by his/her log case book, he/she shall demonstrate a rate of success in at least 65-70% of the cases handled through mediation, i.e. he/she should have at least 20 cases resolved out of around 30-35 cases managed by the applicant within one-year.

– Monitoring of the cases by AFCR assessors

AFCR has developed a monitoring and evaluation scheme to measure the sustainability of the mediation service provided and also the parties’ feedback on the mediation process. Based on the data provided by the mediators on the cases settled and information, AFCR will randomly select 2-3 cases assisted by the applicant, and will conduct interviews with the parties and the mediator.

#### 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 and will include a direct link to the credentialing organizations’ websites.

The benchmarks and criteria applied by AFCR in mediator’s assessment and qualification are published on the AFCR website: <http://www.mediationalb.org/mat.php?l=e&idm=175&idr=78>.

They are accessible by anyone who is interested in being part of our QAP.

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.

Our QAP’s Assessors’ team will consist of three experts: one expert representing the organization, and two independent ones.

The prospective assessors shall meet the following criteria in order to be part of the QAP assessors’ team:

* he/she shall have completed international training courses in mediation;
* he/she shall have substantial experience in mediation training for at least 5 years;
* he/she shall have substantial experience as monitoring/evaluation expert;
* he/she shall have experience as mediator.

Prior to an assessment, the organization will conduct a one-day qualification retreat for assessors, in order to update them with the recent international/national developments in the area of mediation, research, monitoring and evaluation, etc. The assessors will not be trainers in the refreshment training course for applicants, who want to apply for the IMI certificate.

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.

AFCR is open to submit any requested information to IMI and is willing to accept IMI monitoring in order to maintain a suitable quality control system.

AFCR will monitor the performance and practice of assessors through monitoring missions of AFCR headship. They will be evaluated for their performance based on the following criteria: they have adhered to QAP criteria for mediators assessment through reviewing of applicants files; objectivity in assessment of the applicants and their engagement for improving the qualifying program.

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.

AFCR provides for accessibility to our QAP to all mediators regardless of gender, race, ethnicity, age, religion, sexual orientation and personal characterization. All mediators who meet the mediation qualification criteria, standards and the required experience can apply to our QAP.