



**2019**

**COMMERCIAL MEDIATOR TRAINING**

**GUIDELINES FOR FACULTY**



## **GUIDELINES FOR FACULTY**

We have developed these guidelines to ensure that coaching and assessment is given fairly and consistently, and to assist you with the task.

### **GENERALLY**

1. Arrive early each day so that faculty can have a brief meeting before the day starts.
2. Before the coaching or assessment session starts check your faculty rota to see who you are coaching / assessing and introduce yourself to the mediators saying that you will be coaching / assessing them later.
3. Also check whether you stay in the same room for mediator A and B or whether you change rooms or take a break.
4. It is your responsibility to ensure that you are at the right place at the right time.

### **SUGGESTIONS FOR GIVING FEEDBACK ON BOTH COACHING AND ASSESSING DAYS**

1. Consider the following ideas when giving feedback:
  - Think about the profile of the mediator and tailor your feedback accordingly
  - Suggest that mediator use the personal record section of the file to record your feedback.
  - Ensure that your feedback bears a direct relation to the CEDR mediator competencies.
  - Start with a headline comment such as “Overall I feel you have demonstrated many important competencies, there are some specific things I would like to highlight that you did well and others that I think you need to pay attention to before the assessed sessions”.
  - Give feedback in relation to the three broad areas of competence (Relationship, Process and Content), making reference to specific competencies as relevant.
  - Under each competency, start with the positive and then turn to things to work on
  - Balance empathy and sensitivity with honesty
  - Encourage mediator to receive your feedback as useful information, keep an open mind, and be curious and interested.
  - Everything you say should be evidence based, give examples based on observations
  - Be present and aware, watching for reactions from the mediator
  - Demonstrate things to work on
  - Be conversational and check if they have any questions
  - Check that they are clear on what to do differently next time
2. Whether you are giving feedback as a coach or as an assessor it is important to think about the impact of your feedback so that mediators receive your feedback in the most receptive manner possible. We suggest varying your style of feedback depending on the competence and

confidence of the mediator. Here are some ideas adapted from the ***CEDR Faculty coaching and assessing guidelines*** and incorporating ideas developed by the SA faculty:

Low - MEDIATOR CONFIDENCE – high		
Low-FACULTY VIEW OF COMPETENCE - high	<p><b>INSECURE OVERACHIEVER - you think mediator has done well but they think they have done badly</b></p> <ul style="list-style-type: none"> <li>• Let them talk first</li> <li>• Reassure them that they have done well</li> <li>• Tell them specifically about the positive things</li> <li>• Encourage them to make notes</li> </ul>	<p><b>UNCONSCIOUS COMPETENCE - you both know mediator has performed well</b></p> <ul style="list-style-type: none"> <li>• Acknowledge good work</li> <li>• Give examples of what they did well</li> <li>• Give ideas to raise their game</li> <li>• Remind not to rest on laurels</li> <li>• Encourage them to make notes</li> </ul>
	<p><b>MORE WORK NEEDED - they know and you know they did badly</b></p> <ul style="list-style-type: none"> <li>• Let them talk first, share disappointment with empathy</li> <li>• Give honest feedback beginning with any positives and then followed by 'things to work on'</li> <li>• Don't overwhelm with detail rather focus on a few key areas to work on</li> <li>• Give specific direction on what they can do differently, referring to the competencies</li> <li>• Ask them to describe / visualise an effective mediator</li> <li>• Encourage them to be themselves</li> <li>• Give hope</li> <li>• Check how they feel as you end</li> <li>• Offer opportunity to talk later</li> </ul>	<p><b>DEFENSIVE JUSTIFIER - they think they have done well but you do not</b></p> <ul style="list-style-type: none"> <li>• Encourage them to make notes</li> <li>• Suggest you give the feedback first before discussion</li> <li>• Offer feedback as “information”</li> <li>• Give honest feedback beginning with any positives and then followed by 'things to work on'</li> <li>• Be clear in relation to competencies and give specific examples</li> <li>• Give examples of party reactions</li> <li>• Let them vent overconfidence; you remain non-defensive</li> <li>• Listen to what they say, remaining confident of your view</li> <li>• May need to be robust</li> <li>• Encourage reflection</li> <li>• Offer opportunity to talk later</li> </ul>

## COACHING DAY

1. Get to the room where you are coaching a few minutes before the session starts to ensure that the mediators are ready.
2. Ask the mediators whether they would like feedback on any particular skills, behaviours or aspects of the process.
3. Invite the mediators to stop the role-play if they want assistance; if they do ask for assistance make your intervention brief.
4. Reassure the mediators that the session is a coaching one not an assessed one.

5. Explain that role-players will stay in the room throughout the role-play, and that if the mediator is meeting with parties in side session the other party should sit slightly back from the table but continue to listen and not distract the mediator.
6. Explain to the role-players that you will interject from time to time to coach the mediator if you think it will be helpful.
7. Ensure that the role-play starts on time; each role-play will be an hour long unless informed otherwise.
8. Interrupt the role-play about 4/5 times to make suggestions about how the mediator might do things differently to bring things back on course, to highlight an excellent learning point. These interruptions should be brief and should take not more than a minute or two, so as not to detract from the mediator's time.
9. Observe the mediator in relation to the CEDR mediator competencies, making notes so as to be able to give comprehensive one-on-one feedback at the conclusion of the role-play.
10. Mediator A - end the role-play after 60 minutes. Confirm that you will give the mediator feedback after mediator B has completed their role-play. Handover to mediator B as per the guidelines on page 5.
11. Check your faculty rota to see whether you continue in the same room or move to another room or take a break.
12. Mediator B - start the role-play as per handover instructions below. End the role-play after 60 minutes. Briefly draw the group's attention to one or two learning points. Do not comment on the mediator's performance or allow the role-players to do this.
13. Ask mediator B and the role-players to leave the room and spend 10 – 15 minutes giving mediator A feedback first, followed by mediator B.
14. Give feedback following the suggestions on pages 1 and 2.

## **ASSESSMENT DAYS**

1. Get to the room where you are assessing a few minutes before the session starts to ensure that the mediator is ready.
2. Ensure that the role-play starts on time; each role-play will be an hour long unless informed otherwise.
3. Explain that role-players will leave the room when the mediator is meeting with parties in side session. Ask the role-player to stay close to the room so that the mediator does not lose time looking for role-players.
4. Ensure that the camera is on and that the mediator and their name board are clearly visible on the screen. Do not alter any settings. The camera should be on a wide angle to capture the mediators and as much of the participants as possible.

5. Ask the mediator to announce to the camera their name, whether they are mediator A or B, and which role-play they are mediating.
6. Do not interrupt during the role-play; follow the mediator at all times to observe how they handle the transition between meetings.
7. Sit away from the table so you do not intimidate the mediator and be aware that your movements may interfere with the camera recording.
8. Observe the mediator in relation to the CEDR mediator competencies, making notes so as to be able to give comprehensive one-on-one feedback at the conclusion of the role-play
9. Mediator A - end the role-play after 60 minutes. Confirm that you will give the mediator feedback after mediator B has completed their role-play. Handover to mediator B as per the handover pointers below.
10. Check your faculty rota to see whether you continue in the same room or move to another room or take tea break. Do not give feedback to mediator A until mediator B has finished.
11. Mediator B - start the role-play as per handover instructions below. End the role-play after 60 minutes. Briefly draw the group's attention to one or two learning points. Do not comment on the mediator's performance or allow the role-players to do this.
12. Ask mediator B and the role-players to leave the room and spend 10 – 15 minutes giving mediator A feedback first, followed by mediator B.
13. Suggest that they use the personal record section of the file to record your feedback.
14. Ensure that your feedback bears a direct relation to the CEDR mediator competencies.
15. Start with a headline comment such as "Overall I feel you have demonstrated many important competencies, there are some specific things I would like to highlight that you did well and others that I think you need to pay attention to before the assessed sessions".
16. Then give feedback in relation to the three broad areas of competence (Relationship, Process and Content), making reference to specific competencies as relevant.
17. Give feedback following the suggestions on pages 1 and 2.

## **GUIDELINES FOR DRAFTING YOUR ASSESSMENT**

1. Try to type your assessment directly into the PDF template during the assessment session so that it is complete by the end of the day and can be submitted immediately.
2. Complete all fields in the form.
3. Record your observations during the role-play under the appropriate competence heading on the PDF, noting examples of words used and particular skills or learning points so that you can give detailed feedback.
4. Relate your comments to the CEDR competencies.
5. Your feedback should be in narrative form not in bullets.

6. Please check your spelling before you send us the form as mediators are given copies of your assessment with their results.
7. Save your form as follows: **Delegate Name Surname Roleplay Name**. e.g. Alan Brown KOTS
8. Submit your assessments asap after the course, but not later than one-week after the course ends.

## **GUIDELINES FOR DETERMINING MARK WHEN ASSESSING**

1. To pass, delegates must achieve the following marks over the two assessed days:
  - a. a majority of Cs (at least 7 Cs); and
  - b. a minimum of 2 Cs on each day; and
  - c. no more than one N/C; and
  - d. at least 1 C in five of the six individual competencies; and
  - e. no fewer than 2 Cs under each of the headline areas of competence – Relationship, Process and Content).
2. Mediators must also achieve at least a W for both the pre and post course assignment
3. Mediators are assessed in relation to the CEDR competencies.
4. As a general guidelines faculty have developed the following indicators of performance

### **AN OUTSTANDING PERFORMANCE (O)**

- Outstanding demonstration of competency without making mistakes
- Projects confidence
- Style of language promotes consensus
- Distilling issues accurately
- Proper decisions on what to convey
- Engaging parties inclusively
- Strong empowering presence and motivating
- Clearly in control of the process
- Packaging an offer strategically
- Able to act as a negotiation coach
- Just got it!!
- EQ and IQ combined

### **A COMPETENT PERFORMANCE (C)**

- Demonstrated competency without making mistakes
- Summaries well
- Active listening
- Decides on what to convey appropriately
- Aware of concerns (underlying)

- Comfortable with anger and emotion
- Builds and maintains rapport
- Deals well with interpersonal dynamics
- Interacts well with parties and reps
- Facilitates problem solving
- Curious to understand context
- Safe process
- Questions appropriately

#### **CANDIDATE STILL WORKING ON COMPETENCE (W)**

- Mostly demonstrated competency with a few not too significant mistakes
- Indecisive / unsure
- Inability to clearly grasp the issues
- Lack of process control
- Lack of pace / wrong pace
- Little interaction with parties
- Lack of problem solving
- Appears partial
- Over note-taking
- Inability to control our emotions
- Not summarizing
- Not asking appropriate questions
- Not conveying interests
- Judging
- Being a messenger only
- Prescribing – getting involved in substance
- Married to own ideas

#### **NOT COMPETENT (N/C)**

- Made a serious mistake(s) and otherwise not demonstrating the competency
- Inappropriate timing
- Breach of confidentiality
- Mediator solution rather than party solution
- No safe process
- Rude / abrupt / offensive
- Inability to grasp even most basic issues
- No structure
- Miscommunication of facts
- Constant interruption

- Conveying offer (misrepresenting)
- Aggressive instead of assertive
- Lack of confidence

## **HANDOVER BETWEEN MEDIATORS**

1. Call time when the hour is over.
2. Mediator A will receive feedback after mediator B has completed their role-play, except in the case of mediations that take place immediately before lunch, in which case the feedback to mediator A will take place immediately before the mediator and the coach / assessor take lunch.
3. Mediator B takes over from mediator A and continues as if they are mediator A. They may however wind back a little if they wish to start at a slightly different point, but they do not start the session afresh, they basically continue from where mediator A left off.

## **MANAGING THE CAMERA**

1. You might be asked by lead faculty to turn the camera on.
2. The camera must not be an obvious feature of the assessment. We do not want the mediator to be at all aware of or worried by the camera.
3. Please ensure that the mediator is in the frame, if not necessary move the camera rather than the mediator.
4. Ensure that the camera is set as far back as possible on wide angle, so that as many people in the room are included in the scene as possible.
5. It is essential that each mediator is recorded for 60 minutes.
6. Ensure that the camera is on before mediator A starts and then turn it off at the end of mediator A.
7. As each mediator starts ask them to announce themselves by name and role-play so that this is captured on camera.
8. Turn it on again at the start of mediator B.
9. Turn it off at the end of mediator B.
10. Turn it back on for feedback.
11. Turn it off when you finally leave the room.

## **WHEN YOU HAVE A SESSION OFF**

1. You might be off but you are still part of the team.....
2. Take the opportunity of the break to complete your assessments.
3. Take responsibility for ensuring that the other coaches / assessors and the role-players start their sessions on time.

4. Stay in the vicinity of the main training room and be there when the role-plays end to ensure that role-players take new briefs, and to answer questions.
5. If you have the last session of the day off then be in the main training room from the time that the role-players start returning. Ask mediators to complete their forms on feedback to coaches / assessors. Lead trainers - when most role-players are back start a plenary debrief of the lessons / questions from the role-plays.

## **FACULTY MEETINGS**

1. Faculty meetings are held at the end of the two assessment days. Faculty members need to plan to be present for the full meeting, which usually lasts no longer than 40 minutes.
2. The purpose of the meetings is to record the marks for the day. The meeting is also an opportunity to discuss difficult assessments and obtain support and guidance from other members of faculty before finalising marks.

## **YOUR DEVELOPMENT AND REVIEW**

1. Mediators are encouraged to give written feedback on coaches and assessors;
2. This feedback will be shared with you after each course and used as the basis for discussion when your coach / assessor contract is reviewed.
3. Coaches and assessors will be shadowed and will shadow one another at least once on a course to receive feedback on their coaching / assessing style and to give feedback.