

**MAY 2019**  
**COMMERCIAL MEDIATOR**  
**TRAINING**  
**DETAILED FACULTY PROGRAMME**



## DAY 1

- 8.30** Welcome and introductions
- Brief faculty intro - name, background, something personal **T/G 5 MS**
  - Background to course **T/G 5 - 7 MS**
  - Outcomes statement **W/B 15 ; T/G 6 - 8 MS**
  - Participant introductions and expectations - name, background, objective for the course, something personal **W/B 16 ; T/G 7 -8 HK**
  - Course programme, workbook, how we work together, housekeeping **W/B 17 - 21 ; T/G 6 - 14 HK**
  - Learning cycle **T/G 14 MS**
- 9.30** What mediation looks like - visualising mediation **W/B 22 - 23 ; T/G 16 - 18 HK**
- 9.45** Mediation video CEDR 'A Way into Mediation' **W/B 24 - 34 ; T/G 18 - 21 MS**
- Phases in the mediation process
  - Typical pattern of mediation meetings
  - Comprehensive mediation process
- 10.30** Refreshment break
- 10.45** Review of pre-course work **T/G 22 HK**
- 11.30** Preparation Phase **T/G 22 – 25 MS**
- Demonstrating preparation contact / pre-meeting:** Taxituk Mediation (5 mins set up ; 10 mins role-play) **W/B 35 ; T/G 25 - 26 MS SET UP - HK MEDIATE – XX PARTY**
- Debrief demonstration: **W/B 35 & 38; T/G 26 MS**
- What is the purpose and benefit of the pre-mediation contact and pre-meeting?
- 12.00** **Demonstrating mediator opening and opening statements:** Taxituk Mediation (5 mins set up ; 20 mins role-play) **W/B 35 ; T/G 26 – 28 MS SET UP - HK MEDIATE – XX & XX PARTIES**
- 12.20** Debrief demonstration: **W/B 35 & 39 ; T/G 28 MS**
- What does mediator cover in mediator opening?
    - People - introductions, names, role of mediator, role of parties
    - Principles - confidentiality, without prejudice, authority, voluntary
    - Process - joint / private meetings, timetable the day, housekeeping, opening statements
- 12.30** **Practice mediator opening** : (5 mins set up ; 20 mins role-play (10 mins each) ; 5 mins feedback each) **T/G 28 - 29 HK**
- 12.55** Debrief practice **T/G 31 HK**

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- 13.00**                      **Lunch**
- 13.45**                      **Demonstrating exploration and analysing the dispute** - Taxituk Mediation (5 mins set up ; 20 mins role-play) **W/B 36 ; T/G 29 - 30 MS SET UP – HK MEDIATE – XX & XX PARTIES**
- 14.20**                      Debrief demonstration **T/G 30 - 31 MS**
- Relationship
    - neutrality and impartiality; establishing and maintaining rapport **W/B 40 ; T/G 31 - 33 HK**
    - non-verbal communication (mirroring and matching, pacing and leading) and managing rapport under pressure **W/B 41 - 42 ; T/G 33 - 36 HK**
- 15.15**                      Refreshment break
- 15.30**                      • Content
  - what is the mediator exploring - facts and feelings; legal, commercial and personal dimensions; past, present and future **W/B 43 ; T/G 38 - 39 MS**
- Process
  - the use of side and joint meetings **W/B 44 - 46 ; T/G 41 - 42 MS**
- 16.15**                      Handing out role-play briefs and giving instructions for role-play practice and feedback **W/B 117 - 119 ; T/G 39 MS**
- 16.30**                      **Practice opening statements and exploration** – Ombuddy Mediation role-play (5 mins set up ; 40 mins role-play ; 10 mins feedback) **T/G 40 - 41 MS**
- Debrief practice **W/B 119; T/G 41 MS**
- 17.40**                      Introduction to competencies **W/B 126 ; T/G 41 HK**
- Reflection **W/B 122 HK**
- 18.00**                      Close **T/G 41 HK**

## DAY 2

8.30

Opening:

- Reflection **W/B 122 ; T/G 43 MS**
- Programme for the day **W/B 18 ; T/G 46 MS**

09.00

**Demonstrating exploration and analysing the dispute, and generating options for consideration** - Taxituk Mediation (5 mins set up ; 30 mins role-play) **W/B 36 ; T/G 43 - 44 HK SET UP - MS MEDIATE – XX & XX PARTIES**

09.30

Debrief demonstration **T/G 44 HK**

- Content
  - Outcomes and approaches to negotiation and creating value **W/B 47 - 60 ; T/G 44 - 53 MS**

10.30

Refreshment Break

10.45

- distinguishing positions and interests **W/B 61 - 64 ; T/G 53 - 55 HK**
- the costs and benefits of different styles and the negotiator's dilemma **W/B 65 - 69 ; T/G 55 - 59 MS**
- Process - Working with confidentiality and beginning to convey information **W/B 70 - 71 ; T/G 59 - 60 HK**
- Relationship – active listening and verbal communication (reflection, reframing, paraphrasing, summarising and questions) **W/B 72 - 79 ; TG 60 - 63 MS**

12.00

**Practice exploration and analysing the dispute , and generating options for consideration** – Ombuddy Mediation role-play (5 mins set up ; 40 mins role-play ; 10 mins feedback) **T/G 64 - 65 HK**

12.50

Debrief practice **T/G 65 - 66 HK**

13.00

Lunch

13.45

**Demonstrating choosing options and negotiation - to finalising agreement or confirming deadlock** - Taxituk Mediation (5 mins set up ; 30 mins role-play) **W/B 37 ; T/G 66 - 67 HK SET UP - MS MEDIATE – XX & XX PARTIES**

14.20

Debrief demonstration **T/G 67 - 68 HK**

- Content
  - moving from exploring to bargaining? **W/B 80 ; T/G 68 - 73 MS**
  - the bargaining range, the power of first offers and coaching on first offers **W/B 81 - 83 ; T/G 73 - 74 HK**
  - conveying offers and reactive devaluation **W/B 84 ; T/G 74 - 76 HK SET UP - MS MEDIATE – XX & XX PARTIES**

15.00

Refreshment Break

15.15

- reality testing and significance of alternatives to a negotiated agreement **W/B 85 - 88 ; T/G 76 - 79 HK SET UP - MS MEDIATE – XX & XX PARTIES**
- dealing with deadlock **W/B 89 - 91 ; T/G 79 - 80 MS**

- Relationship
  - Managing bias in mediation **W/B 92 ; T/G 80**
  - Managing emotion in mediation **W/B 93 - 95 ; T/G 81 - 84 HK**

**16.30**      **Practice choosing options and negotiation - to finalising agreement or confirming deadlock** – Ombuddy Mediation role-play (5 mins set up ; 40 mins role-play ; 10 mins feedback) **T/G 84 - 85 MS**

**17.15**      Plenary

- Debrief practice **W/B 123 ; T/G 85 - 86 MS**
- Discussion about ethics and professional conduct **W/B 96 - 111 ; T/G 86 - 88 HK**
- Preview of Day 3 **T/G 88 - 90 MS**

**18.00**      Close **T/G 90 MS**

## DAY 3

This is not an assessed day. Coaching and feedback will be given by faculty throughout the day in relation to the **Morninghill Clinic** role-play.

- 8.15** Faculty meeting **T/G 92**
- 8.30** Opening and reminder about programme, competencies and coaching **W/B 19 ; T/G 92 MS**
- Working with lawyers **W/B 112 ; T/G 92 - 94 HK**
- Use of the flipchart **W/B 113 ; T/G 94 - 95 MS**
- 9.15** Preparation for mediation - clients meet representatives and mediator set up room
- Before practice session starts introduce yourself to the mediators who you are coaching and ask them if there is anything they would like particular feedback about at the end of the session
- 9.25** **Practice role-play one** - opening and opening statements and exploration
- Start with mediator A
- 10.15** Change from mediator A to mediator B
- 11.05** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators
- Individual feedback to mediators A and B (15 mins each)
- Refreshment break for role-players**
- Preparation for mediation – participants collect new role-play briefs, and once they have read them clients meet representatives and mediators set up room for practice role-play two
- Before practice session starts introducing yourself to the mediators who you are coaching and ask them if there is anything they would like particular feedback about at the end of the session
- 11.55** **Practice role-play two** - exploration and generating options
- Start with mediator A
- 12.45** Individual feedback to mediator A (15 mins)
- Lunch**
- 13.45** Practice session two continued
- Change from mediator A to mediator B
- 14.35** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators
- Individual feedback to mediator B (15 mins)

**Refreshment break for role-players**

- 15.05** Preparation for mediation – participants collect new role-play briefs, and once they have read them clients meet representatives and mediators set up room for practice role-play three
- Before practice session starts introduce yourself to the mediators who you are coaching and ask them if there is anything they would like particular feedback about at the end of the session
- 15.15** **Practice role-play three** - generating options and choosing options to agreement  
Start with mediator A
- 16.05** Change from mediator A to mediator B
- 16.55** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators  
Individual feedback to mediators A and B (15 mins each)
- 17.30** Plenary **T/G 98 - 100 HK**
- Complete feedback on coaching **W/B 172**
  - Practice debrief and reflection
  - Preview of days 4 & 5
  - Discussion about assessment (guidelines, cameras, name boards)
  - Night work – preparing role-plays
- 18.00** **Close**

## DAY 4

## Assessment day

**8.15** Faculty meeting **T/G 102**

**8.30** Opening plenary and plan for the day **W/B 20 ; T/G 102 HK**

Warm up exercise **W/B 124 ; T/G 102 - 104 HK**

**9.00** **Assessed role-play one** - Gumede Family Settlement

Clients meet representatives and mediator sets up room

**9.15** Mediator A

**10.15** Change to Mediator B

**11.15** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators

Individual feedback to mediators A and B (15 mins each)

**Refreshment break for role-players**

**11.45** **Assessed role-play two** – Contract Revision

Clients meet representatives and mediator sets up room

**12.00** Mediator A

**13.00** Individual feedback to mediator A (15 mins)

**Lunch**

**13.45** Change to mediator B

**14.45** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators

Individual feedback to mediator B (15 mins)

**Refreshment break for role-players**

**15.00** **Assessed role-play three** – Reliable and Stowe

Clients meet representatives and mediator sets up room

**15.15** Mediator A

**16.15** Change to Mediator B

**17.15** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators

Individual feedback to mediators A and B (15 mins each)

**17.15** Plenary **T/G 104 - 106 MS**



- Complete feedback on assessment **W/B 173**
- Questions and comments following assessment sessions
- Night work – preparing role-plays

**18.00**      **Close followed by faculty meeting T/G 106**

## DAY 5

Assessment day. Those delegates mediating in St Clementine's School on day 5 should ensure that they allow themselves preparation time for the flipcharts with which they start their mediation (Please refer to your mediator confidential and the General instructions for St Clementine's School for further information).

- 8.15** Faculty meeting **T/G 108**
- 8.30** Opening plenary and plan for the day **W/B 21 ; T/G 108 – 109 HK**
- 9.00** **Assessed role-play four** – Lemon Computers  
Clients meet representatives and mediator sets up room
- 9.15** Mediator A
- 10.15** Change to Mediator B
- 11.15** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators  
Individual feedback to mediators A and B (15 mins each)  
**Refreshment break for role-players**
- 11.45** **Assessed role-play five** – Kids off the Street  
Clients meet representatives and mediator sets up room
- 12.00** Mediator A
- 13.00** Individual feedback to mediator A (15 mins)
- Lunch**
- 13.45** Change to mediator B
- 14.45** Make a few comments to the group about particular lessons from the practice session, without reference to the performance of the individual mediators  
Individual feedback to mediator B (15 mins)  
**Refreshment break for role-players**
- 15.00** **Assessed role-play six** – St Clementine's  
Clients meet representatives and mediator sets up room
- 15.15** Mediator A
- 16.15** Change to Mediator B
- 17.15** Individual feedback to mediators A and B (15 mins each)  
  
Plenary while waiting for all role-players to return

Complete course evaluation sheets **W/B 174- 176**

**17.30 Closing plenary T/G 110 - 113**

- Pre-course work – explanation and deadline **W/B 131 MS**
- Post-course work - explanation and deadline **W/B 132 -168 MS**
- Results date **MS**
- Next steps following results **MS**
- Building a mediation practice **W/B 169 – 171 HK**
- Closing remarks and farewell **MS**

**18.00 Close and faculty meeting T/G 113**