



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Mediation Foundation of Ireland

IMI Certified Mediator Training Program

The Organisation

Legal name	Mediation Foundation of Ireland Limited
Contact details	Annamoe Lodge, Glendalough, Co Wicklow A98 HK19, 00353876876569, tonyb@mfi.ie, www.mfi.ie
Website	www.mfi.ie is our website and contains a downloadable document describing the course
Person completing application	Tony Bourke, Partner

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.

Year formed, and under laws of what country/ies	2010, Ireland, and our course is MII (Mediation Institute of Ireland) approved annually
Training course registered in accordance with jurisdiction requirements	Yes

Locations and Languages	Ireland, English
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Course Content

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

The essential KNOWLEDGE topics that should be included in any training program are mediation principles; the roles of legal counsel and representatives; an overview of negotiation and conflict resolution theory; mediator ethics.

The essential SKILL topics that should be covered, demonstrated, and practiced in any training program are forms of listening skills and communication strategies, process management skills (including the use of joint and private meetings), negotiation strategies and skills to manage the content of the dispute, and ways of responding to parties' diverse behaviours.

Attach your course outline	See attachments.
Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process	All of these topics are covered in the Ground Rules on the second day of the course. A list of Ground Rules or 'Introductions' is handed out and discussed in order that the mediators understand that the 'Ground Rules' lays out the rules of the mediation process including neutrality, voluntary nature, confidentiality, party self-determination. In addition the Ground Rules stage sets the tone for the whole mediation process so that welcoming the disputants and making them feel safe in the presence of a competent mediator is emphasised.
The roles of legal counsel and representatives	Under the Mediation Act 2017, disputants must be made aware of the potential support of legal representatives at every stage of the mediation process - particularly at the agreement stage. This is discussed and is also highlighted

	<p>within the 'Agreement to Mediate' document and the 'Agreement' document at the end.</p>
<p>Overview of negotiation and conflict resolution theory</p>	<p>Both trainers highlight classic negotiation skills including the use of listening, silence, body language, summarising, time-outs and it being a win-win process and is this is discussed during the 'Solutions' stage of the mediation process. We highlight in particular the Thomas Kilmaan conflict management framework as a way to explore the participant's own conflict management style as a means to explore the many and various ways people address conflict. They complete the diagnostic for themselves and then share/discuss the results. There are a number of exercises they complete here also to experientially engage with conflict resolution – eg looking at their experience of managing conflict in differing contexts such as work and home. In terms of negotiation – we discuss the key concepts of BATNA, Anchor, PIN (Position, Interest, Need), interest based negotiation so that the intersection of the approaches of negotiation and mediation is clear.</p>
<p>Mediator ethics, including appropriate local ethical standards</p>	<p>The course reviews both the MII code of ethics (2009) and the Mediation Act (2017).</p>
<p>Forms of listening skills and communication strategies</p>	<p>The essential skills of listening and reading body language are practised as are the skills of taking and handling time-outs during heated moments. The power of active listening is covered extensively – the three levels of listening – to reply, to understand and to engage are explored with exercises to embed the learning. This we see as a foundational skill to the transformational approach we have to mediation. For example on the first day, participants engage in four listening exercises ranging from</p>

	<p>10 to 30 minutes in triads – each triad has an observer, a listener and a presenter. Each exercise is followed by debrief in the triad and in plenary.</p>
<p>Process management skills, including the use of joint and private meetings</p>	<p>The course practises the participants in undertaking private meetings and joint meetings. Private meetings are explored on the second day to understand their value and the approach with key questions being: what is your story/perspective? What do you think the other’s view will be? What possible ways forward that both of you might agree to can you begin to envisage at this stage? These questions are asked following the positioning of the private meeting in the mediation process and guiding principles such as confidentiality, mutual respect etc. De-briefs occur after the private meetings and before the joint session. The trainer works with each group during the role-plays as well as leading the plenary debriefs. The joint sessions occur from day one and lengthen over the programme. We have each participant mediating each day – 15mins for each private meeting and beginning with 20 minutes for the joint session rising to 50/60 minutes for the joint sessions by day 5 and onwards.</p>
<p>Negotiation strategies and skills to manage the content of the dispute</p>	<p>Emphasis is placed on the need for the mediator to be nicely assertive while occasionally remaining silent and unobtrusive but always driving the mediation process forward. When it comes to the solution and agreement phases we introduce further negotiation strategies to assist in the process. As we are adopting the Fisher/Ury Getting to Yes and the Thompson The Mind and Heart of the Negotiator frameworks, we explore the interest based approach in depth so that the participants are facilitating the participants explore common values, interests as they frame solutions that will work for them. Also in breaking</p>

	deadlocks, the breakthroughs of looking at new understandings, managing apologies and positive gestures will be crucial.
Ways of responding to the diverse behaviours of the parties	Participants are trained on how to handle disruptive behaviours such as disinterest, aggression, passive-aggression and to understand mediation issues for people with difficulties or people from differing nationalities

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.

Attach competency framework	See attachments
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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.

Course duration	Courses start at 0900 daily and break for lunch at 1300 (tea/coffee is consumed while working both in the morning and afternoon). The course resumes at 1345 and concludes daily at 1715 = 7.5 hours daily for 6 days = 45 hours. On day 7, the course assessment begins at 0830 and continues until 1230 with lunch and resumes at 1300 until 1700 = 8 hours for a total of 53 course hours. In addition, the participants must write a 1500 word
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	mediation essay which requires a minimum of 3 hours. The participants must undertake 3 practise role-plays of 1.5 hours each between days 5 & 6 = 4.5 hours Finally the participants must write up a Learning Journal daily after the course listing the three skills they learnt each day at 10 minutes per day = 1 hour Total of 61.5 hours.
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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.

Maximum class size	15 participants with 2 trainers
Maximum trainer to participant ratio	1 trainer to 10 participants
Overall approach to class size or trainer-participant ratio	The course always uses 2 trainers on different days with the second trainer available for supervising role-plays. The mornings of the course are typically spent in group discussion work and the afternoon in roleplays. The second trainer attends the afternoon role-plays.

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%; Exercises and discussion – approximately 40%; Role-playing, coaching and feedback– approximately 50%

<p>Lecturing, knowledge input, presentation</p>	<p>Both trainers are coaches and use a coaching style of delivery i.e. extracting information instead of delivering it. Where information needs to be presented , this is done on PowerPoint and, again, used as a discussion medium and not lecturing.</p> <p>The full 7-day course uses a combination of lecturing (minimal), stories, discussions, short videos, workbook and handouts and occupies about 10% of the course</p> <p>As an example, a list of good mediation questions is handed out and then each question is reviewed by the course attendees rather than being lectured about good questions for mediators to ask. The attendees then select their two preferred mediation questions.</p> <p>The best way to learn to mediate is to do it rather than be lectured about it. Hence all participants do their first mediation on the first day of the course.</p> <p>There is no formal lecturing on the course.</p>
<p>Exercises and discussion</p>	<p>Group discussions are used to review each each topic and role play and are a constant throughout the course and accounts for 30%</p>
<p>Role-playing, coaching, and feedback</p>	<p>The participants practise mediating from the first day to the final day of the course and give and receive feedback on their performances (emphasis on positive feedback on how to improve). This represents about 60% of the entire course.</p>

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.

<p>In what format and how far in advance do participants receive general course materials and confidential role play briefs?</p>	<p>Course arrangements are sent to participants 4 weeks before the course begins via bcc'd emails. The course uses single issue role plays at the beginning and the role plays become increasingly complex. Role plays are handed out 10 minutes before each practise. For the videoed assessment, role plays are handed out the evening before the videoed assessments and the following morning, the roles are allocated to the role-playing mediators.</p> <p>During the course, Participants receive a course workbook, course handouts (e.g. list of introductions), a booklist, videos to watch and roleplays to practise after the course and before the assessment</p> <p>Our role-plays always have 2 stories about the dispute and each disputant receives one story and not the other. This is done to mimic real-life experience where people arrive at the mediation being only vaguely aware of the other person's story and being wholly unaware of parts of the other person's story e.g. a sick child.</p> <p>If we were to hand out the role-plays in advance, both disputants would know each other's story fully and this would take from the reality of the mediation process. However, in preparation for the assessment, role-plays are</p>
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	<p>handed out the evening before the assessment.</p> <p>Once the role-play has been handed out, the trainee mediator immediately begins to introduce the mediation process, followed by the storytelling and emotions stage, followed by the clarification of issues stage, followed by the solutions or brainstorming stage and ending up with the agreement stage (5 minutes).</p> <p>Role-plays include the following topics:-</p> <ul style="list-style-type: none">* accountant & customer argument about fees* football coach and parent argument about coach not playing parent's son* landlord and tenant dispute about end of lease* disagreement between two business partners over management styles* dispute between two colleagues over the sale of a faulty car* dispute between training and course attendee about course not being certified* dispute between neighbours over dog fouling neighbour's garden* dispute between daughter and elderly father about his driving his car* dispute between landowners about a boundary fence* dispute between funeral home and widow about cost of funeral <p>For short role-plays we hand out the role-plays ten minutes before the role-play commences.</p> <p>We have recently updated our process and now hand out roleplays the evening before the next day's course to give more preparation time. We feel that it is impractical to</p>
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	send role-plays in advance of the course as our experience is that they will remain unread by many of the course attendees and disrupt those who have ready them.
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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.

Each role play in a course has a maximum of six persons for a two party mediation.	Yes
Mediation time slots within role plays are a minimum of 45 minutes	Yes
At least 50% of role plays are supervised by an experienced coach/trainer, and a coach is present for at least 50% of the role playing time	Yes
Where role plays are used as assessments, they are supervised by the assessor 100% of the role play time	Yes

Coaches are rotated among groups and participants	Yes
Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants	Yes
Role plays during the course ensure participant work with the widest range of fellow participants as possible	Yes
All participants mediate the same number of times in role plays	Yes
Role plays are varied in subject matter and allow for practice of different stages of the mediation process	Yes
Comment where guidelines are not met	<p>We work in threes (one mediator and two disputants) constantly as we believe this to be more participative than observing.</p> <p>Initial role plays can be as short as 30 minutes with a simple dispute to mediate but build up steadily until participants undertake full role plays including</p>

	<p>written agreements lasting an hour or more.</p> <p>The course attendees are usually a mixture of HR, lawyers, accountants, psychotherapists, customer service people and others. The role-plays are designed to mix people around so that, for example, everybody gets to mediate with a lawyer.</p> <p>If there is a spare person, they act as an observer and give feedback on good practises that they observed. The role of observer is rotated so that all attendees get to do it.</p> <p>Mediation Foundation of Ireland uses observers during roleplay mediations. The observers are tasked with noting the performance of the mediator. In addition, they are also tasked with being a representative of one party and of calling time-outs if they feel that their party is being treated unreasonably.</p>
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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 to ensure consistency of approach to feedback by coaches trained in delivering effective feedback (see coaches' guidelines).

How is performance feedback given to participants on your course?	Verbal feedback is given by disputants and trainers during the course in a round-table format. Assessment feedback is given in a written document.
Attach course feedback forms or guidance	See attachments

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 these guidelines. In relation to assessment of a mediator's skills, this should be done using a participant's performance during a role play.

Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?	<p>On the 7th day of the course, external assessors sit in while participants undertake hour-long videoed role plays. The video is then sent to each participant for self-assessing and this self-assessment plus the video is then emailed to the extern who independently passes or fails the candidate. The results are returned to us and we telephone and email each participant with the results and with detailed feedback on their performance.</p> <p>Overall, it is a pass or fail process using experienced assessors and we require them to give detailed feedback to the mediators.</p>
Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?	<p>The assessor wants to know whether each candidate knows the process of mediation and whether they show the skills to be able to implement those mediation skills. The need to do (a) confident introduction outlining the ground rules and mediation uniques (b) followed by</p>

	<p>storytelling and describing emotions (c) followed by obtaining a list of the issue to be resolved. The mediator must be in control of the process and must summarise everything said and must move the process steadily forward.. The mediator then (d) enters the solutions stage by asking the disputants for potential solutions and finally (e) writes up a solid agreement.</p>
<p>Process of appointing assessors on a course</p>	<p>We seek assessors who are certified mediators, who are actively mediating, who demonstrate good judgement, who have good writing skills and who are able to deliver fair and comprehensive feedback to candidates. They are interviewed and asked for examples of their demonstrating each of these skills. The two partners then offer the assessor a trial run and, if that is successful, they are appointed to be assessors.</p>
<p>Clarification of passing criteria. How a student passes or fails this CMTP</p>	<p>The assessor decides whether to pass or fail the candidate. In both situations, the assessors completes a standard MII assessment form and gives pages of feedback to the candidates.</p> <p>The assessment is based upon a 1-hour video of the candidate doing a mediation. There is no test or other input to the assessment.</p> <p>They are assessed on (1) do they know the mediation process (2) can they implement the mediation process (3) are they able to maintain control of the process (4) are they able to drive the process forward to an agreement.</p> <p>Each of these sections is scored as a 1 (unsatisfactory), 2 (working towards), 3 (competent), 4 (very good) and 5 (exceptional).</p>

	<p>If they receive a score of 1 or 2 in any of the four sections, they fail the assessment.</p> <p>The assessor returns the scored assessment form plus detailed comments on their performance to Mediation Foundation of Ireland and we telephone the assessees with the good or bad news. Following the phone call, we then email them their scores and the assessor's detailed notes on their mediation.</p>
<p>Next steps taken, should a student fail.</p>	<p>If a student fails, they are telephoned with the disappointing news by one of the partners and told why they failed. They are then given pages of feedback linked directly to their video. They are offered the choice of an appeals process (appealing to two other assessors) or repeating the assessment process after they have absorbed the feedback given to them by the assessor. To date, failed applicants have always opted to repeat the assessment.</p>

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.

<p>Indicate what your organisation does to facilitate participants' development as mediators</p>	<p>Tony is chairperson of Dublin Community Mediation and we encourage participants to gain experience initially in unpaid community mediation. We also run monthly Sharing & Learning events and emphasise the Mediation Institute of Ireland CPD requirements.</p>
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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.

Attach complaints and appeals policy	See attachments.
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Conflicts of Interest

<p>Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.</p>	<p>We have never experienced a conflict of interest on our mediation courses and do not anticipate such an event. If a conflict arises, we sit down with the other person and hear their case and reach an amicable resolution.</p> <p>If a participant decides that they no longer wish to continue with the course, we either refund their fee in whole or refund a portion of the fee depending upon days completed.</p> <p>There is always more than one assessor per Mediation Foundation of Ireland assessment session as we have a panel of approved assessors.</p> <p>The assessor meets the candidates for a few introductory minutes before the video recording commences.</p> <p>If the assessor were to recognise a</p>
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	<p>candidate, the assessor would immediately swap places with another assessor. The assessors have been briefed on this policy.</p>
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Trainers, Coaches, and Assessors

<p>Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.</p>	<p>Yes</p>
<p>Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.</p>	<p>Yes</p>
<p>TCAs have conducted at least two actual mediations of at least four hours' duration in each of the preceding three years before being appointed. Once appointed, they conduct two actual mediations of at least four-hours duration per year AND are able to show that they have maintained continuous professional development (CPD) of six hours per year.</p>	<p>Yes</p>
<p>Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes</p>	<p>Yes</p>

Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes	Yes
Trainers deliver at least one basic mediator skills training course or refresher course every two years	Yes
Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.	Yes
On-going feedback is sought from course participants, and given to those delivering the course.	Yes
Comments and/or explanations	<p>We far exceed the IMI standards outlined above. We only use trainers who are qualified trainers, qualified mediators and practising mediators who mediate a minimum of six times per year.</p> <p>For coaches, we use former course students who have become qualified mediators. This is a new aspect of our course. The coaches join the course for the mediation practises - usually every afternoon of the course. the coaches play no part in the assessment process.</p> <p>As we only have 2 trainers, we meet monthly to review developments, standards etc. in training and course evaluations.</p>

	<p>Before we take on a new trainer for our courses, we require that they have:-</p> <ol style="list-style-type: none"> 1. A training qualification 2. Five years of training experience – preferably management training. 3. A qualification in mediation such as MII Certified Mediator. 4. An active member of a mediation Sharing & Learning group. 5. Mediating disputes – minimum two cases per year. <p>They are then invited to sit-in on a mediation training course and to observe each of the existing trainers for one day each. During these two days they will coach groups doing mediation practises. If they succeed, they will then deliver one day of our 7-day program. If that is successful, they join our team as a mediation trainer.</p> <p>If they do not have this level of experience, we are not in a position to train them or to offer them training.</p>
<p>New TCAs are to be observed and given performance feedback by senior colleagues</p>	<p>A new trainer must have a recognised training qualification. He or she first observes 2 days of a mediation course given by one of our trainers and they are asked for feedback. They are then observed for one day delivering one day of a 7-day program.</p>

	If their evaluations are satisfactory, they are allocated additional training days.
Explain your peer review system for trainers, coaches and assessors	<p>The 2 business partners of Mediation Foundation of Ireland meet monthly to review course feedback forms and to review mediation related events and papers. These meeting are documented.</p> <p>Once an assessor or coach has been interviewed, they are then peer-reviewed. if their performance is of a professional standard, they are then appointed to participate in or assess courses</p>
Attach template feedback form	See attachments
Attach complaints policy for use should course participants wish to formally complain about a trainer, coach or assessor	See attachments