



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

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

## ACB Foundation

*IMI QUALIFYING ASSESSMENT PROGRAM*

### Introduction & Background

#### Corporate representative

ACB Foundation is a conflict resolution & prevention research center. The foundation is specialized in quality control, selection of qualified neutrals or negotiation professionals for commercial cases, as well as representing the interests of the private sector in the area of dispute resolution and negotiation. ACB Foundation was formed in 1998 by (legal) professional associations and businesses – including the Dutch Employers Association VNO-NCW – that saw a need for a high-quality infrastructure in the field of conflict management & commercial mediation representing their interests. The aim of the foundation is to promote the use and quality of commercial and legal negotiation, deal facilitation and mediation in commercial conflicts and especially to support development of professional users of mediation services, including mediation advocates.

#### ACB 3-step assessment program philosophy

ACB identified a set of criteria that are important for mediation training programs to guarantee that prospective mediators are trained in a way as to ensure a solid base to become commercial or legal mediators ([QAP ACB Foundation Annex A training criteria 2014](#)). The quality of mediators and the interests of the private sector are not served through prescribing a specific mediation style or approach. Self-evaluation, continuous professional development with peer feedback as well as a clear understanding of the mediator of their own style and approach are crucial. It is important that the user ‘gets what s/he sees’ in the description and Feedback Digest of a mediator which enable him to make an informed choice for a mediator fitting their needs in a specific case. This philosophy forms the base of the ACB assessment program and the ACB assessment tool

used during the performance based assessment (Annex B) that has been developed by Toolkit Company ([www.toolkitcompany.com](http://www.toolkitcompany.com)). Therefore the feedback digest, user feedback, a logbook and self assessment of the mediator are taken into account during the 3-step assessment program and the mediator receives individual feedback from an assessor in several instances both on their performance during the assessment and while reviewing how the mediator dealt with mediations in practice.

## The ACB three-step assessment program

ACB Foundation uses a three-step system to assess performance and knowledge and monitor actual mediation experience for mediators who would like to become IMI certified:

### Step 1: Performance Based Assessment

#### Performance Based Assessment to become 'ACB accredited Legal Mediator' or 'ACB accredited Mediator'

A 45-minute video or life action assessment by one or two (for Legal Mediators) ACB trained assessor(s), based on a role-play; as well as a 15-20 minute interview with the assessor(s). Candidates need to prepare and hand to the assessor(s) a strength-weakness analysis as well as a paper describing their mediation style. This forms part of the assessment and will be used in the feedback and interview with the assessor(s) in this step as well as in step 3. Candidates will be assessed based on the ACB / Toolkit Company assessment tool ([QAP ACB Foundation Annex B MEDIATOR Perf based ASSESSMENT TOOL 2014](#)).

The idea behind this assessment is to give young (meaning 'new to the field') mediators a chance to ascertain potential clients and mediation providers that they meet quality standards, which will help them to acquire cases (either on their own or as co-mediator) that are necessary to gain sufficient experience to become an IMI Certified Mediator. As well as offering a first step in an ongoing professional development system that will guide and monitor mediators when gaining experience while embarking on a Continuous Professional Development path including self reflection and peer intervision that should stimulate the mediator to continue the habit of self reflection and seeking peer reviews.

The Mediator skills that are tested during the performance based assessment as well as the interview fall into the following categories:

1. Professional attitude, self-reflection and professional development

2. Managing the process, including generating options, decision-making, closure, implementation and follow-up of mediations
3. Advanced mediation process management skills

See annex C: Practice Assessment Criteria Tool

In order to be admitted to the performance based assessment in step 1 the applicant must have completed mediation-training(s) that meet the ACB criteria for training programs. (Annex A, above).

### **Step 2: Monitoring actual cases, self-assessment and gaining sufficient experience**

#### **Systematical self-assessment keeping track of actual cases and monitoring performance while gaining sufficient practical experience**

At latest after passing the performance based assessment and interview in step 1, the candidate should gain experience in at least 20 cases or 200 hours of mediation. For each mediation a feedback form should be submitted to the parties and the mediator should keep track of a logbook of their mediations as well as update their self assessment/strengths-weaknesses analysis.

Before being admitted to step 3 of the assessment program the candidate needs to submit to ACB a logbook and a self-assessment prepared by them as well as the Feedback Digest and feedback forms submitted by the parties. ACB will submit these documents to the assessor.

- The logbook must contain at least 20 full-scale mediations or 200 mediated hours in the 3 years prior to step 3 of the assessment.
- The Feedback Digest should be based on feedback forms from those mediations and be prepared by an independent Reviewer according to the IMI guidelines. Candidates can choose their own Reviewer or apply for an ACB Reviewer (More information on Reviewers on IMI's website: [imimediation.org](http://imimediation.org) & [www.acbfoundation.nl](http://www.acbfoundation.nl)).
- The feedback forms on which the Feedback Digest is based should also be submitted to ACB.
- The self-assessment should be updated by the mediator and also be based on those mediations (at least 20 mediations or 200 mediated hours in past 3 years prior step 3 of the assessment).

In order to be admitted to steps 2 and 3 of the assessment the candidate needs to successfully pass the performance based assessment as well as the interview with the assessor(s) in step 1. The interview consists of a part dealing with theory and background knowledge to establish sufficient understanding of mediation-, conflict- and negotiation theory as well as a part where the assessor(s) will examine how the candidate applied these learning's in practice.

### **Step 3: Peer review, oral assessment and testing of performance in practice**

**After gaining sufficient practical experience and monitoring those cases in a structured way including self-assessment, the mediator is being reviewed and assessed on their performance in practice by an external assessor before becoming an IMI Certified Mediator**

After submitting all documents prepared during step 2, the mediator will be eligible for the final practice assessment. It is important that the self-assessment should be a summary of the experience and learning points of actual mediations that were carried out and described in the logbook, including an analysis of what went well, what the mediator could have done differently and why, and a list of the mediators strong skills and areas of development. The self assessment should be accompanied by a description of the mediators style/approach to the mediation process.

In step 3 of the assessment procedure the assessor will hold a 20-minute interview with the mediator to discuss their actual mediation cases and experiences and provide feedback on their performance. The candidate needs to successfully absolve the interview with the assessor and establish that they have sufficient understanding of mediation-, conflict- and negotiation theory as well being fully able to apply all learning's in practice and to carry out mediations in a professional manner. During step 3 of the assessment also the mediators proficiency in advanced mediation process management skills like dealing with attorneys representing their clients, multi-party cases or cross border cases will be tested.

The Mediator skills that are tested during the interview in step 3 fall into the following categories:

1. Professional attitude, self-reflection and professional development
2. Managing the process, including generating options, decision-making, closure, implementation and follow-up of mediations
3. Advanced mediation process management skills

See Annex C: [Practice Assessment Criteria Tool](#)

## ACB Foundation Qualifying Assessment Program (QAP)

### 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.*

To be qualified for IMI certification a mediator must provide a logbook, Feedback Digest and a self-assessment.

The logbook must contain at least 20 full-scale mediations or at least 200 mediated hours in the 3 years prior to the assessment. The logbook should state the months and year, amount and duration of mediation sessions, duration of the mediation (the start is calculated from the date of first contact with the parties, the end is the date of concluding the mediation or signing the settlement agreement), subject matter, type of parties, whether counsel were present, the number of participants and whether or not settlement (in part) was reached.

The Feedback Digest should be based on feedbacks from those meditations and be prepared by an independent Reviewer according to the IMI guidelines. The self-assessment should also be based on those mediations.

The self-assessment and the Feedback Digest should match with what the assessors see the mediator doing during the (video) performance based assessment in step 1 and the interview during the final oral assessment in step 3. This is integrated in the criteria and the assessment tool.

### 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.*

The applicant must have successfully followed a mediation-training course that meets the ACB criteria for training organizations (Annex A). The criteria can be met through combining several mediation courses or in one course.

The applicant should submit a written self-assessment before the performance-based assessment and submit an updated version prior to the final oral assessment in step 3. The self-assessments should be prepared by the mediator him or herself and the updated assessment that is submitted before the oral assessment should be based on at least 20 mediations or at least 200 mediated hours in past 3 years prior to the oral assessment. This self-assessment should be a summary of the experience and learning points of those mediations, including what went well, what the mediator could have done differently and why, as well as a list of the mediators strong skills and areas of development, and a description of the mediators style/approach to the mediation process.

As part of the assessment procedure the assessor(s) will hold a 20 minute interview with the mediator and provide feedback on their performance in step 1 and will hold another 20 minute interview in step 3. The candidate needs to successfully pass both interviews with the assessor(s): both the parts dealing with theory and background knowledge to establish sufficient understanding of mediation-, conflict- and negotiation theory as well as the part where the assessor(s) will examine how the candidate applied these learning's in practice.

### 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 candidate should submit to ACB a videotape of a 45-minute mediation role play of which the opening statement should not exceed 10 minutes, or a videotape containing 60 minutes of an actual mediation; or it should be a 45-minute live action assessment based on a role play (ditto). After having watched this video or the live action, the assessors will hold a 20 minute interview with the mediator, either in person or in through a videoconference.

The candidate needs to successfully pass the performance-based assessment and the part of the interview with the assessor(s), dealing with skills and process management and how the candidate applied these skills in practice.

The Mediator skills that are tested during the interview as well as the performance-based assessment in step 1 of the assessment fall into the following categories:

- Ability to manage the process [Generating options, decision-making and closure (if applicable)]
- Specific skills interventions and techniques used
- Professional attitude
- Self-reflection and professional development

The Mediator skills that are tested during the interview step 3 of the assessment fall into the following categories

1. Professional attitude, self-reflection and professional development
2. Managing the process, including generating options, decision-making, closure, implementation and follow-up of mediations
3. Advanced mediation process management skills

The specific subcategories are elaborated in the performance based assessment tool in Annex B as well as the practice assessment criteria tool in Annex C.

#### 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 program and the criteria are published on ACB Foundation's website ([www.acbmediation.nl](http://www.acbmediation.nl)) as well as on Toolkit Company's website ([www.toolkitcompany.com](http://www.toolkitcompany.com)).

#### 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.*

ACB Foundation does not offer mediator training, the foundation assesses the performance of mediators independent of a specific own mediator training program, mediation style, etc. The ACB assessors will be trained by ACB and hired on a case-by-case base as independent contractors. They should additionally not have been involved in the training program(s) through which the mediator received his or her training. Assessors need to sign an integrity declaration for each assessment (See Annex B) stating:

*“To the best of my knowledge, this mediator has been assessed in line with my professional integrity, according to the ACB standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well as the video materials.”*

## 6. Ongoing monitoring of Programs

*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.*

ACB’s assessment task force, chaired by ACB Foundations President, will monitor the work of the assessors and IMI audit is welcome. ACB’s assessors are trained by ACB Foundation and Schonewille & Schonewille Legal Mediation. Through the 3-step assessment process that involves monitoring of the mediator over a longer period of time before they are eligible for IMI certification ongoing monitoring is built in the assessment system itself.

## 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.*

There are no barriers for applicants to enroll in ACB certification, the option of a video assessment combined with a video-conference interview makes it possible for all mediators around the world to obtain IMI certification without having to be part of a specific organization, having to have gone through a specific training or have to live in a certain part of the world or having to travel to a specific country to be assessed. Also the



ACB assessors will sign an integrity declaration (See Annex B and under 5, above) for each assessment.

Manon A. Schonewille,  
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## Enclosures:

- Annex A: criteria for commercial mediator training) [QAP ACB Foundation Annex A training criteria 2014](#)
- ANNEX B: ACB Performance Experience Assessment Tool: [QAP ACB Foundation Annex B MEDIATOR Perf based ASSESSMENT TOOL 2014](#)
- ANNEX C: Practise Assessment Criteria Tool: [QAP ACB Foundation Annex C](#)

To contact the ACB Foundation in regards to becoming IMI Certified, email:

[ACBassessment@toolkitcompany.com](mailto:ACBassessment@toolkitcompany.com)