



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE
Promoting Consensus and Access to Justice
www.IMImediation.org

African Centre for Dispute Settlement

IMI QUALIFYING ASSESSMENT PROGRAM

Introduction & Background

The Africa Centre for Dispute Settlement (ACDS) at the University of Stellenbosch Business School (USB) focuses on dispute practices that affect individuals and organisations.

The Centre also has a particular focus on Africa to ensure that African heritage and values are incorporated in the development of solutions that suit African conditions. The Centre's activities include teaching, research, applied research and development projects, including social responsibility projects.

Founded in 2007, the Centre already has an impressive list of achievements, not least of which has been to secure the patronage of Archbishop Emeritus Desmond Tutu, the establishment of an academic curriculum, attaining the status of a Qualifying Assessment Programme of the IMI and involvement in several important projects. The Centre is dedicated to ensuring that practitioners obtain the necessary training to be accredited as mediators and to the establishment of an independent body able to accredit mediators.

To this end the Centre was instrumental in facilitating the establishment and development of an voluntary industry backed initiative for setting accreditation and practice standards for mediators and arbitrators. The Dispute Settlement Accreditation Council ['DiSAC'] was established as a result of this.

DiSAC is comprised of private mediation service providers and representatives of various branches of the legal profession and has granted observer status to a number of other interested private and public bodies. Certain standards have been adopted or are in the process of development by DiSAC, which include:

- accreditation requirements for trainers, training providers and training programmes;
- assessment requirements for mediators;
- a code of professional conduct for mediators;
- disciplinary procedures;
- continued education requirements for mediators;
- arbitrator accreditation standards.

See http://www.usb.ac.za/disputesettlement/dispute_settlement_accreditation_council.html for further details.

The mediator training offered by the ACDS (in conjunction with Conflict Dynamics, a leading SA training service provider) meets the accreditation standards for training courses set by DiSAC. Accordingly, individuals who have successfully completed the ACDS training may apply for accreditation as mediators by DiSAC.

The ACDS has further committed itself to the development of dispute settlement practitioners, by developing a Post Graduate Diploma in Dispute Settlement. This was first offered by the Centre in 2011.

The ACDS has recognised the need to offer a further accreditation status for more advanced mediators and possible recommendation to the IMI for certification. In summary, the ACDS will accredit a mediator as an advanced mediator if such mediator:

- is accredited by the DiSAC;
- has at least 8 years' experience in mediation;
- provides a detailed log of at least 10 mediations conducted in a two year period preceding the application, which log must provide information regarding the date of the mediation process, duration of the mediation, nature of the dispute and the methodology utilized in engaging with the dispute;
- provides at least 10 feedback forms completed by parties who participated in ten different mediation processes in the two year period preceding the application;
- applies for renewal of the Advanced Mediator Status on a yearly basis by providing a log and at least five feedback forms from parties who participated in at least five different mediations during the year, alternatively proof of attendance of at least 48 hours of relevant continued education offered by the ACDS or DiSAC accredited service provider.

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.

ACDS Advanced Mediators must:

- be accredited by DiSAC;
- have at least 8 years experience in mediation, where a minimum of 200 hours and 20 mediations have been conducted by the mediator;
- provide a detailed log of at least 10 mediations conducted in a two year period preceding the application, which log must provide information regarding the date of the mediation process, duration of the mediation, nature of the dispute and the methodology utilized in engaging with the dispute; and
- provide at least 10 feedback forms completed by different parties who participated in mediation processes in the two year period preceding the application.

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.

ACDS Advanced Mediators will have to prove their knowledge of theoretical frameworks of mediation from both process and skills perspectives and will be required to indicate the number of hours of theory study involved in their training.

A mediator must have completed successfully a foundation 40-hour mediator training accredited by DiSAC. In addition, the mediator must:

- a. provide proof of a graduate or postgraduate qualification in negotiation or ADR; or
- b. have completed at least 40 hours of further education in negotiation or ADR after completion of a foundation course and satisfy an two assessors in an interview that

he/she possesses a sound knowledge of mediation theory; or
c. have at least ten years' experience as academic or trainer in the ADR field.

All applications for Advanced Mediator status will be considered by a two person sub-committee of the ACDS, each of whom must have at least 10 year's experience in mediation.

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.

Only mediators who are accredited by DiSAC will be able to apply for ACDS Advanced Mediator accreditation and to become qualified for IMI Certification. An individual must successfully complete mediator training accredited by DiSAC. Training provided by the ACDS requires all trainees to undergo an assessment based on actual roleplays performed by the trainees and assessed by two trainers and two independent assessors. Post-experience assessment takes place in the review of feedback forms submitted by parties and self- assessment as part of the application process. An example of the assessment form is attached as [annexure 1](#).

Further, mediators applying to become qualified for IMI Certification will be required to provide ten feedback forms completed by different parties who participated in at least 10 mediation processes in the two year period preceding the application. These feedback forms will be scrutinized by a two person sub- committee of the ACDS, each of whom must have at least 10 year's experience in mediation. An example of the feedback form is attached as [annexure 2](#).

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 criteria adopted for qualifying mediators for IMI Certification will be made available on the ACDS website as soon as the QAP is approved by the IMI ISC and the link will be provided to be posted on the IMI web portal.

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.

All applications will be considered by a sub-committee of the ACDS. At least one of the sub-committee members will be independent of the QAP in that they will not be employed by the QAP. All assessors appointed must:

be a member of a mediation service provider represented on the Council;
be accredited as a mediator by the Council;
have mediated over 50 disputes and currently be practicing as a mediator;
be qualified to act as an assessor of learners in terms of the National Qualifications Framework enacted in terms of the South Africa Qualifications Act.

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.

To retain the status of an ACDS Advanced Mediator, a practitioner must renew his or her application on an annual basis. The renewal application must contain at least 5 review forms from parties participating in five different mediations during the year, or the practitioner must have attended at least 40 hours of continued education offered by the ACDS or equivalent offered by a Council accredited service provider, or a combination of both demonstrating at least the equivalent of 40 hours theory and practice.

The renewal applications will be considered by the sub-committee of the ACDS.

Where an applicant is unsuccessful in his or her application for renewal, such applicant will have the right of appeal to an independent 3-person Appeals Panel appointed by the ACDS. Members of the Appeals body must be accredited with the Accreditation Council and be members of a mediation service provider represented

on the Accreditation Council. The decision of the Appeals Panel will be final. In the event the Appeals Panel denies the application for renewal, the applicant will no longer be afforded the status of Advance Mediator. Such applicant may reapply after a 12 month period from the date he or she was advised that the renewal application was unsuccessful.

The ACDS is ready to accept independent monitoring from the IMI and will participate readily in any audit process in this regard.

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.

South Africa is a diverse, multi-cultural society and constitutional democracy. Discrimination is prohibited under various Acts of Parliament. ACDS invites applications for its designations from all sectors of the population regardless of gender, race, ethnicity, age, religion, sexual orientation and personal characterization.