



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE  
Promoting Consensus and Access to Justice  
[www.IMImediation.org](http://www.IMImediation.org)

## CONCILIA

*IMI QUALIFYING ASSESSMENT PROGRAM*

### Introduction & Background

CONCILIA ([www.concilia.it](http://www.concilia.it) and [www.conflictresolution.it](http://www.conflictresolution.it)) is a company of professionals experienced in handling civil and commercial mediation, conciliation and arbitration. Founded in 1999, CONCILIA is considered one of the national and international best-known and respected company in the field of alternative dispute resolution (ADR, mediation, conciliation, arbitration).

Before the company was formed, some members were already active in the ADR since 1997.

CONCILIA is a company made up of academics, lawyers, accountants, experts in training and marketing that, after having gained considerable experience in theory and practice in England and the United States, have begun to work together, providing innovative training and consultancy services in alternative dispute resolution procedures.

The CONCILIA's experts are all experienced negotiators, mediators and arbitrators of national and international reputation, with several hundred of conciliation, mediation and arbitration conducted in Italy and abroad.

Over the last ten years CONCILIA has contributed greatly, working with top professionals to create the history of the ADR system in Italy.

The professionalism of the CONCILIA's experts is chosen, for over ten years, by major groups, companies, lawyers, notaries, accountants, governments, chambers of commerce, ministries, universities.

CONCILIA is a primary (and one of the first) accredited body by the Italian Ministry of Justice for providing services of training for professional mediators and consultancy in civil and commercial mediations.

## 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.*

CONCILIA Certification as "CERTIFIED MEDIATOR" is possible only for experienced mediators. Many CONCILIA Certified Mediators are more experienced than 200 hours of mediation and 20 mediations (required by IMI). Furthermore, every Italian "CONCILIA certified" mediator has to be prior accredited by the Italian Ministry of Justice, having passed a qualifying training course of minimum 50-hours of theory and practice, organized by an accredited ADR Center. Moreover, to maintain the status of CONCILIA Certified Mediator, a mediator must accumulate a minimum of 18 hours of refreshing courses every two years, and must certify that he/she acted as a mediator every two years in at least 10 mediations.

CONCILIA Candidate Mediator shall have and maintain high professional competency in mediation skills (both theory and practice), having competence in procedural aspects of the resolution of disputes rather than the mediator's familiarity with technical knowledge relating to the subject of the dispute. Therefore a professional who requests the "CONCILIA Accredited Mediator Status" (CAMS) shall obtain (first) and demonstrate (after) necessary skills and substantive training appropriate to the mediator's areas of practice and upgrade those skills on an ongoing basis.

The methodology used for determining the level of practical experience that the mediator has includes:

- 1) letter of intent including: a.) Proof that mediator has performed, at least, 10 mediations, of which at least 3 in the previous year. The proof is provided by the aspiring CONCILIA's mediator by sending copies of the "forms of appreciation" of the managed mediations, with the parties' votes about the service provided; b.) Adherence to one of the codes of ethics.
- 2) commitment to attend every two years at least a refresher course lasting at least n. 18 hours (theoretical and practical)
- 3) possible certificate of professional liability insurance.

## 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.*

All CONCILIA Registered Mediators are prior required to pass a written test composed by 70 multi-choice questions relating to mediation theory and practice. The questions give the opportunity to the participants to test their capacity of being professional mediators, both theoretically and practically. Furthermore, every candidate have to pass an interview with an assessor who investigate the particular mediation knowledge of the individual and his/her attitude to become a civil and commercial mediator.

### **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.*

Besides the above-mentioned written examination, Concilia will test with role playing, tests and mediation simulations that candidates have some particular skills, qualities and characteristics (candidates will receive written feedback covering the areas of competence where their performance needs improvement. Unsuccessful participants will be advised as to which areas of performance or knowledge they need to address before presenting for further evaluation) The assessment process is spread over a 4-hours period.

To pass this assessment a mediator must cumulate a minimum score of votes – at least 130 points – in a total of 4 sessions.

The above mentioned skills, qualities and characteristics on which candidates are tested are the following:

1st session – Mediator qualities (to pass the exam of this session: 90 points maximum, 45 points minimum):

- Appropriate manners in conducting mediation
- Use of Non-verbal communication
- Responding in a positive way to others
- Appreciation of own values and preferences
- Building true and valuable rapports
- Sensitivity to the problems of others
- Appreciating all inputs

Use of humor  
Showing respect to all  
Use of paraphrases  
Keeping mental, not written note  
Alertness to emotional needs  
Creating a secure setting  
Ability to talk freely and openly to all parties  
Ability to accept feelings of all parties  
Ability to listen actively  
Ability to analyze problems, identify and separate the issues involved, and frame these issues for resolution or decision-making;  
Ability to identify and separate the mediator's personal values from issues under consideration;

2nd session – Procedural skills (to pass the exam of this session: 80 points maximum, 40 points minimum):

Ability to treat the parties equally and fairly  
Patience  
Involving all  
Sustaining optimism  
Flexibility  
Use of positive language  
Turning negative language to positive  
Ability to use clear, neutral language in speaking and in writing  
Gathering information with the use of open question  
Checking comprehension with the use of closed questions  
Testing possible solutions with the use of hypothetical questions  
Testing reality with the use of challenging questions  
Correct use of silence effectively  
Ability to help parties invent creative options  
Ability to screen out non-mediabile issues  
Ability to help the parties identify their own BATNAs and WATNAs

3rd session – Negotiation skills (to pass the exam of this session: 60 points maximum, 30 points minimum):

Using information tactically  
Helping parties to use information positively  
Identification of key points  
Dealing with interruptions  
Dealing with power imbalance  
Dealing with inappropriate behaviors  
Moving from the past to the future

Moving from rights and obligations to interests and needs  
Avoiding impasse  
Helping the parties in saving their own face  
Making long-lasting decisions  
Ability to earn trust and develop rapport

4th session – Case management skills (to pass the exam of this session: 20 points maximum, 10 points minimum):

Maintaining timetables  
Avoiding redundant time  
Using visual aids (as power-point slides, overhead projector, video-recorder, etc...)  
Keeping the parties informed

#### *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 benchmarks against which candidates for CONCILIA Certification are assessed are written in: [http://www.concilia.it/CONCILIA\\_COMPETENCE\\_ASSESSMENT\\_PROCEDURE.pdf](http://www.concilia.it/CONCILIA_COMPETENCE_ASSESSMENT_PROCEDURE.pdf) and in the homepage at [www.concilia.it](http://www.concilia.it) and [www.conflictresolution.it](http://www.conflictresolution.it)

#### 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.*

The Scientific Responsible of CONCILIA is Mr. Alessandro Bruni (IMI Certified mediator, Lawyer, Founding Member of Concilia srl and Concilia's Board Member; Professor of "Mediation and Conciliation" and "Strategic Management of the Human Resources", The International Academy of Sciences of Peace, Rome; accredited by the Italian Ministry of Justice for ADR Training Courses; accredited as mediator by the Italian Ministry of Justice for civil and commercial mediations).

For the purpose, CONCILIA created a Competence Assessment Committee (CAC) formed by professional mediators and trainers acting as evaluators.

To be an approved CONCILIA Assessor, a professional must have long-time experience of mediating and of assessing the skills of mediators.

**For every examination session, in order to have some external professionals acting as Assessors, CONCILIA can call some experts officer from some Italian Chambers of Commerce. They are independent from the QAP.**

## 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.*

After the qualification as "CONCILIA Certified Mediator", for to remain on the CONCILIA Roster, a mediator must accumulate a certain number of Continuing Professional Development (CPD) hours. Every two years, he/she has to accumulate a minimum of 18 hours of training in mediation, developed by a qualified ADR Center, **accredited by the Ministry of Justice**. If the above mentioned requirements are not taken, the mediator loses his/her "CONCILIA certification", and he/she is cancelled by the list of accredited mediators.

**The Assessors will be monitored by CONCILIA's Board of Directors and CONCILIA's Scientific Responsible and under the guidance of IMI, will ensure strict interpretation and competent application of the Guidelines. CONCILIA will annually evaluate the performance and practice of the Assessors using the following criteria: impartiality, competency, and objectivity. The Assessors attend regular assessor meetings (off-line or on-line), and they are stimulated to discuss particular difficult issues regarding assessments. CONCILIA also provide for occasional assessment tests for assessors to assure their professionalism and devotion to assessment.**

## 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.*

CONCILIA encourages applications of mediators from all sectors of society, regardless of gender, race, ethnicity, age, religion, sexual orientation and personal characterization. Membership is open to all mediators of good standing, and who can provide minimum standards of qualification.