



International Mediation Institute

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

## International Bar Association (IBA)

*IMI QUALIFYING ASSESSMENT PROGRAM*

### Introduction and Background

The IBA was founded in 1947 with the most recent form of the constitution being adopted in 2013. It is registered in New York and in London as a foreign corporation. The London office operates as the administrative office. The IBA operates under the laws of both the UK and US however it was incorporated in the USA.

### 1. General Requirements

Any MA-QAP must meet the following general criteria in order to be able to qualify professionals for IMI Mediation Advocacy Certification:

#### A. Methodology

*All MA-QAPs must implement an assessment methodology for assessing whether each applicant's performance meets each of the Substantive Criteria in Section 2 below.*

See the section on Substantive Criteria below

#### B. Transparency

*The substantive criteria (i.e. assessment benchmarks applied by an approved MA-QAP) must be published and be openly accessible on the organization's website.*

The criteria will be published on the IBA Mediation Committee's website in conjunction with the details of each assessment event.

The Assessment in relation to Knowledge of Mediation Advocacy and Practical Skills will take place over a full day. The applicant will take part in a number of group activities including discussion groups and case studies.

At least one assessor will be present with each group. If the numbers are such that more than one group is formed on any assessment day the applicant will be moved between groups for different activities. Each applicant will be assessed by at least two assessors. Each assessor will mark the applicant as “has demonstrated competency”, “has not demonstrated competency” or “query”. In the case of Query the assessor will note their concerns and a second assessor will review the issues raised and make a final determination as to “has demonstrated competency” or “has not demonstrated” competency.

Applicants will receive their results and any feedback within one month of completing the assessment day. Those who were assessed as “has not demonstrated competency” may apply on payment of an appropriate fee for a reassessment of those areas where they were not successful which may be on an individual basis before two assessors at least one of whom was not involved in the original assessment.

### *C. Integrity*

*Each Assessor must have substantial experience of mediation advocacy and/or teaching/assessing mediation advocacy competency.*

The assessors will all have extensive teaching and/or mediation experience and previous assessment experience. The majority of the assessors will be lecturers at Regent’s University, London where they are engaged in regularly teaching, researching and assessing mediation and allied subjects. At least one assessor will be appointed by the then Chair of the IBA Mediation Committee and will not be a full time academic or otherwise on the staff of Regent’s University, London. The assessors for any particular event will meet in advance to ensure that consistent standards of assessment are in place.

### **D. Ongoing Monitoring Programs**

*The MA-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.*

Those assessors employed or engaged by Regent’s University, London are subject to ongoing professional appraisal by the University. The choice of the “IBA” assessor being in the hands of the chair of the mediation committee will ensure that appropriate individuals are appointed. The Committee officers will monitor the success and feedback on the whole process to ensure high standards are met on an ongoing basis.

## **E. Diversity**

*The MA-QAP must be accessible on an equal basis to applicants regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. This should be clearly stated on each MA-QAP's website.*

Assessment events will be advertised through the IBA and will be open to any applicant on payment of the advertised fee whether or not that applicant is a member of the association or not. This is an online process and no discriminatory practices will be applied. The assessment venue is accessible to the less able bodied and the process can accommodate various forms of disability.

## **2. Substantive Criteria**

Any program qualifying candidates for IMI Mediation Advocacy Certification must meet the following minimum substantive criteria with respect to all applicants:

### **A. Experience of the Mediation Process**

*The MA-QAP must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors experience of mediation as a client representative in at least five mediations. The QAP must include clearly identified criteria on this requirement.*

Applicants for assessment will be considered to have satisfied the criteria regarding mediation experience if they can show one of the following within 24 months of satisfactorily completing B and C below:

1. They are already IMI certified mediators;
2. In countries where there is no QAP programme for IMI certification that they have acted as a sole mediator in at least 10 cases/200 hours; or
3. They have acted as a mediator advocate/advisor in at least 5 mediations.

Evidence of b) or c) can be provided by submitting to the assessors feed back forms of the mediations concerned or in the case of c) detailed reports of the 5 mediations in which they have advised or advocated for a party. The reports should outline the process of the mediation and the advice given or interventions made by the applicant. The applicant should include their reasoning in taking the approach that they did in the mediation and any particular issues that arose in reducing the agreement to writing where the mediation resulted in an agreement.

The confidentiality of the mediations should be respected and the parties' names or any other feature that would lead to their identification should be omitted from the reports. The names of the mediators or the client however should be included together with their contact details so that the assessors may randomly confirm the veracity of the reports or feedback forms.

## **B. Knowledge of Mediation Advocacy**

*The MA-QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation advocacy theory and practice.*

*Written tests, essays, reports, theses and interviews may be used to determine such knowledge. Applicants are expected to be tested on and exhibit a comprehensive understanding of Mediation Advocacy theory derived from the leading international textbooks on the subject (as listed in the annotated bibliography at: <http://IMImediation.org/mediation-advocacy-bibliography2>).*

*MA-QAPs may use the listing of Core Competency Knowledge Elements set out in [Annex 1](#).*

Reference is made to the numbered list of Annex 1 of the IMI requirements headed "Mediation Advocacy General Knowledge Requirements" <https://imimmediation.org/mediation-advocacy-criteria>

Items numbered 18,19,21-24 (drafting and interpreting settlement agreements, negotiation techniques, communication with the mediator) will be covered in the course but are considered assessed by the evidence of experience required under section A above.

Items numbered 1-8, 17, 20 ( understanding when and how to use mediation, the different types of mediation, other dispute resolution options, making appropriate choices, roles within mediation, the legal framework around mediation ) will be assessed in small group round table discussions with an assessor lasting one hour during the assessment day.

A case study over 2 hours will be used to assess items numbered 9-13 (Practical skills in working with the mediator and the client to address interests, positions, motivations and options in working towards resolution within the wider picture of the clients overall commercial situation.)

A 30 minute case study will be used to assess items 14-16 (Managing the atypical mediation such as cross cultural or multi party dispute).

### *C. Practical Mediation Advocacy Skills*

*The MA-QAP must include a methodology for the assessment of performance as a mediation advocate against a variety of benchmarks that together demonstrate mediation advocacy competency. The assessed benchmarks may be based on role-play 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 ISC expects that the methodology used by MA-QAPs will address all the Practical Skills sections and sub-sections in Annex 2 and will be sufficiently detailed (in the view of the ISC) to attest to an applicant's demonstrated high level of competency as a Mediation Advocate/Advisor. However, it is not expected that all detailed Practical Skills listed in Annex 2 will be assessed in the same depth, and MAQAPs will be free to assess other practical skills not listed in Annex 2. The ISC will take these issues into account when deciding whether to approve MA-QAP applications.*

Reference is made to the numbered list of Annex 2 of the IMI requirements headed "Mediation Advocacy Practical Skills Requirements"

Part 1 Section A ( case diagnosis and process selection ) will be covered in the roundtable discussion under II above

Part 1 Section B and Part 2 will be assessed by a World Café process led by the assessors (An iterative exploration of issues in getting to mediation and winning the commitment of the various stakeholders to the process including consideration of outside forces such as cultural norms and the selection of the mediator and process appropriate to the situation)

Part 3 ( the practicalities of the mediation itself including exploration and selection of options, setting and managing the agenda, opening statements, communication with parties and mediator, exploring options, and negotiation ) will be covered in part by the 2 hour case study under B above and in part by case studies focussing on certain aspects of the process during the course.

Part 4 will be assessed in a round table discussion in small groups led by assessors raising a number of hypotheticals (Short case studies exploring the conclusion of mediation, whether or not resolution has been reached, follow up, implementation and enforcement of settlement agreements).