

# MEDIATOR REPORT

Name : \_\_\_\_\_ Name of Assessor : \_\_\_\_\_  
Simulation : \_\_\_\_\_ : \_\_\_\_\_

## Information

Assessor will give a tick at the box for each component.

A – Acceptable

NI – Needs Improvement

NO – Not Observed

## 1. THE MEDIATOR'S OPENING STATEMENT

	A	NI	NO
• Welcome and introduction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Role of mediator			
▪ not adjudicator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ process manager / facilitator of negotiations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ neutral and impartial	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Objectives of mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Role of parties	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Explanation of stages of mediation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Voluntariness			
▪ to mediate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ to enter settlement agreement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Authority to settle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Without prejudice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Confidentiality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Ground rules	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## Comment

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**2. THE FIRST JOINT SESSION**

**(a) Parties' Statements**

	A	NI	NO
• Communication styles			
▪ acknowledged parties' concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ appropriate eye contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Appropriate control of interaction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Summarised using appropriate language			
▪ first party's statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ second party's statement	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ use active listening	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**(b) Identification of Issues and Common Ground**

	A	NI	NO
• Issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ neutral	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ Mutual (only one list of issue)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
▪ checked if there are any other issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Identified common ground	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment** \_\_\_\_\_  
 \_\_\_\_\_  
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**(c) Exploration of Issues**

	A	NI	NO
• Mediator facilitates exploration (ventilation) of the issues.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• All the agenda items sufficiently discussed before private session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mediator encourages/facilitates direct communication between the parties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# MEDIATOR REPORT

## 3. PRIVATE SESSIONS

	Session 1			Session 2		
	A	NI	NO	A	NI	NO
• Timing of commencing private session was appropriate.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Confidentiality was stressed at beginning.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Needs of other party were considered.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• There was a confidential atmosphere.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Issues were explored.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Underlying interests were identified.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Possible solutions were explored.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mediator encourages parties to consider any possible solutions realistically.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mediator creates doubts.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mediator refrains from giving advice.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Mediator assist parties to prepare for subsequent joint session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Sufficient time was devoted to this session.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Authority to disclose was checked at end.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment (Session 1)**

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**Comment (Session 2)**

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**4. SUBSEQUENT JOINT SESSION**

**(a) Negotiation**

	A	NI	NO
• encouraged parties to negotiate directly	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• assisted in generating options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• listed options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• reality tested proposed agreements (if appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• refrained from giving advice on solutions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment**

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**(b) Closure**

	A	NI	NO
• progressively summarised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• final summary of agreement(s) (if any)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• heads of agreement on resolved issues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• formal documentation considered	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment**

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# MEDIATOR REPORT



## 5. GENERAL EVALUATION OF SKILLS (Joint and Private Sessions)

	A	NI	NO
• Listening skills used	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Appropriate eye contact	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Acknowledged parties' concerns	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Summarised	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Used open-ended questions	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Reframed neutrally	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Created doubts	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Reality tested	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Assisted in generation of options	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Appropriate amount of talking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Used appropriate body language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Refrained from giving advice	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Used whiteboard appropriately	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Developed rapport	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Control over process	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
• Displayed leadership qualities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Comment**

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# MEDIATOR REPORT



## 6. DEBRIEFING

a) How did the mediator assess his/her performance (including what was done well and what needs more work)?

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b) What did the assessor/parties find encouraging about the mediator's style?

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c) What did the assessor/parties feel the mediator needs to work on?

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# MEDIATOR REPORT



## 7. OVERALL PERFORMANCE

Instructor to indicate how candidate performs in each area with evidence.

- Process Management

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- Problem-solving Skills

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- People Skills

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**RESULT** : **Distinction Pass** / **Pass** / **Fail**  
*Please circle one*

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**Name and Signature of Assessor**

\_\_\_\_\_  
**Date**