



International Mediation Institute

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

## The Mediators' Institute of Ireland (The MII)

*IMI QUALIFYING ASSESSMENT PROGRAM*

### Introduction & Background

The Mediators' Institute of Ireland (The MII) is the professional association for Mediators in the Republic of Ireland and Northern Ireland. Established in 1992, the MII promotes the use and practice of quality mediation as a process of dispute resolution in all areas of dispute.

The MII is not a service provider and does not provide mediation training nor Mediator services, but rather accredits mediation training programmes and Mediators. In December 2011, the MII had just under 600 registered members, of which, in excess of 400 are approved by the MII to practice.

Practising MII Mediators have a high standard of training and accreditation and are subject to skills assessment. They have a compulsory programme of Continuing Professional Development and are bound by the MII Code of Ethics and Practice ([www.themii.ie/code-of-ethics.jsp](http://www.themii.ie/code-of-ethics.jsp)). MII Mediators in practice are required to have appropriate professional indemnity insurance in place and are subject to independent regulation. The MII has clear and transparent accreditation, training and mandatory CPD requirements that meet international and professional standards.

### 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.*

While the MII has six categories of membership, only Practitioner and Certified Members who hold a current MII Practising Certificate are approved by the MII to mediate and are bound by the MII Code of Ethics and Practice to only mediate where they have the appropriate training, knowledge and competence to effectively mediate.

The MII believe that to maintain a high professional practice standard a Mediator needs to continually develop professionally. MII approved Mediators are obliged to engage in ongoing CPD. The following requirements are the minimum, annual requirement for approved MII Mediators but it is expected that most MII Mediators exceed these requirements. The requirements are grouped into three different elements to reflect different areas of practice development. In line with best practice, the requirements for each element stand alone.

1. Practice: 15 points (3 cases at 5 points per case)

a. Live cases or equivalent MII role plays.

\*In the Family Sector this will require a mix of "comprehensive" cases and specific issue cases (e.g. parenting). Comprehensive means a case that deals with issues around the family home, e.g. parenting plan, maintenance, division of assets, etc.

2. Case Consultation: 8 points: Reflective Practice/Supervision; Sharing and Learning

a. Active (ie. Case consultation/Reflective Practice/Supervision/Sharing and Learning related to actual cases, and/or case presentation of own case) =10 points (1 point per hour) (2 points per hour if you present at a sharing and learning meeting).

b. Peer Learning – books/articles/videos = 5 points (1 point per hour).

3. Training/Education: 8 points

a. Presentation of lecture/workshop: 2 points per hour

b. Presentation of paper at MII Annual Conference: 3 points

c. Attendance at relevant lectures/conferences/workshops/seminars: 1 point per hour.

The MII proposes that MII approved Mediators who wish to become IMI Certified through the MII Qualifying Assessment Programme must submit a signed self-declaration stating that they have completed not less than 200 hours face-to-face mediation or 20 mediations in line with the and a log of their mediation cases outlining:

- Start date of mediation
- End date of mediation
- Nature of case
- Face-to-face hours
- Whether agreement reached
- Whether representatives present (e.g. legal; union; advocates etc.)
- Number of parties to the mediation

## 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.*

To register as an approved MII Mediator, the Mediator must have successfully completed and MII approved or MII equivalent mediation training programme and an approved MII assessment of their mediation skills. All training programmes approved by the Mediators' Institute of Ireland are assessed against specific criteria based on the competencies required for the various levels of membership.

Any training programme seeking approval to MII approved Associate or Certified level must meet the requirements as set out in the Associate/Certified Training Programme Assessment Grid ([www.themii.ie/documents/Training\\_Prog\\_Assessment\\_Grid\\_000.pdf](http://www.themii.ie/documents/Training_Prog_Assessment_Grid_000.pdf)). For further details in relation to the specific requirements of approved assessment processes please refer to Roleplay Assessment Procedures ([www.themii.ie/role-play.jsp](http://www.themii.ie/role-play.jsp)).

Courses recognised as equivalent to Associate or Certified level are also assessed against these criteria.

To apply for approval of a training programme, the training provider must submit documentation outlining the knowledge, skills and assessment procedures of their training programme with a completed Training Course Profile Form (to the Director of Accreditation, c/o The MII, 35 Fitzwilliam Place, Dublin 2

The Director of Accreditation will acknowledge receipt of the application and indicate the timescale for assessment.

Applicants will be assessed by a group consisting of Practitioner Members of the MII. No Member of that group will be running a training programme in mediation during their involvement in the assessment of training programmes.

If further information is required in order to properly assess the training programme, this will be requested. If there are specific identified gaps in relation to the application of the course or assessment of skills content, this will be discussed with the trainer making the application.

Following assessment, trainers will be informed of the status of their programme and the ongoing quality assurance criteria of the MII.

Approved Training Programmes must be able to demonstrate a Satisfactory rating in Core Knowledge and Skills\*; and an Adequate rating in Beginning Skills (see Figure 1 below):

**Figure 1: Knowledge Assessment Grid for Training Programmes**

Knowledge	Specific Areas
Conflict	<ul style="list-style-type: none"> <li>Conflict Resolution Theory*</li> <li>Principles of Conflict Resolution*</li> <li>Management and Transformation of Conflict*</li> <li>Different styles of handling conflict</li> <li>Positions, Interests, Needs*</li> <li>Conflict Mapping</li> </ul>
Negotiation Theory	<ul style="list-style-type: none"> <li>Principles of Negotiating and Bargaining*</li> <li>Negotiation Strategies</li> </ul>
Mediation Principles	<ul style="list-style-type: none"> <li>Code of Ethics*</li> <li>Ethical Dilemmas</li> <li>Values and Principles*</li> <li>Professional Assumptions*</li> </ul>
Mediation Process	<ul style="list-style-type: none"> <li>Different process models: family, community, business, schools, restorative justice, etc Stages of the process: pre-mediation/case development and mediation parts*</li> <li>Mediation Styles: facilitative, evaluative, transformative, problem solving</li> <li>Process management: engaging, empowering, screening, power balancing, facilitative, negotiation and agreement*</li> <li>Co-mediation</li> <li>Caucus</li> <li>Shuttle</li> </ul>
Managing the Relationship in Mediation	<ul style="list-style-type: none"> <li>Establish and maintain a respectful, trusting and balanced relationship by: creating rapport, respecting the participants, encouraging mutual respect, being objective and impartial*</li> <li>Encourage self determination*</li> <li>Facilitate collaborative relationship</li> <li>Enable to hear each other's stories*</li> <li>Enable to develop relationship with mediator and each other if feasible whereby they express feelings and become "real" to each other</li> <li>Facilitate expressions of regret and apology</li> <li>Enable to explore future relationship if relevant</li> </ul>
Managing the Process in Mediation	<ul style="list-style-type: none"> <li>Manage the introduction with respect and clarity*</li> <li>Assist in negotiating process, groundrules and agenda*</li> <li>Attend and explore concerns through empathetic, active and reflective listening*</li> <li>Using various types of questions</li> <li>Reframing, paraphrasing and summarising</li> <li>Enable the development of each person's story*</li> <li>Assist in understanding consequences of plans</li> <li>Assist with option building, broadening the number or scope of options</li> <li>Manage impasse, resistance or difficult behaviour</li> <li>Use of Caucus</li> <li>Work with power imbalance or control issues</li> <li>Handle intense emotions or difficult agendas</li> </ul>

	Display flexibility and use creative strategies Reality test through questioning and encouraging participants to consult with others to broaden options Develop clarity about participants' concerns Empower participants to explore and find ways forward* Manage creative discussion of ways forward Facilitates agreement or non-agreement Writes agreement
Manages the content of Mediation	Obtain, identify, organise, analyse, prioritise and evaluate information Assess issues and options and reason logically* Read, comprehend and use relevant written materials* Write clearly and concisely using neutral language* Organise records and materials*

### 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.*

#### 3.1 MII Certified Member Accreditation Process

Mediators who have satisfactorily completed an MII approved or equivalent training programme and successfully undertaken an MII approved assessment of their mediation skills may apply for Certified Member status of the MII.

To become an MII Certified Member the candidate must have successfully completed an MII approved training programme or equivalent course and undertaken and passed an MII approved assessment of their mediation skills in line with the MII Certified Member core competencies (See [www.themii.ie/documents/Certified\\_Member\\_Compentancies\\_000.pdf](http://www.themii.ie/documents/Certified_Member_Compentancies_000.pdf)).

This assessment may take place in either of the following two ways:

- An MII approved roleplay assessment ([www.themii.ie/role-play.jsp](http://www.themii.ie/role-play.jsp)) as part of a mediation training course; or
- An MII assessed roleplay ([www.themii.ie/certified-assessment.jsp](http://www.themii.ie/certified-assessment.jsp)) in addition to an approved mediation training course.

To register as a MII Certified Member of the MII, the candidate must forward a copy of their MII accredited or equivalent training certificate, a copy of their Certificate of

Assessment (except where the training certificate is subject to successful completion of an MII approved assessment), a completed registration form (downloadable from the MII Forms Page at <http://www.themii.ie/mii-forms.jsp>) and the applicable registration fee to The MII.

### *3.2 MII Practitioner Member Accreditation Process*

Practitioner Members of the MII are experienced Mediators who have successfully completed an MII advanced assessment of their mediation skills and fulfilled the registration requirements for Practitioner Member status. Only Practitioner Members and Certified Members who hold a current Practising Certificate are approved by the MII to practice.

To become an MII Practitioner Member the Mediator must firstly be a Certified Member. They then have to complete a number of live cases/hours (minimum of 100 hours face-to-face mediation) and fulfil further training and requirements as set by their Home Sector (Commercial; Community; Workplace; Family). They may then submit for Practitioner Member assessment in line with MII Practitioner Member core competencies and, on successful completion of their assessment, complete their registration as a Practitioner Member.

### *3.3 Mediator Competency*

MII Mediators may only mediate where they have the appropriate training, knowledge and competence to effectively mediate in the dispute (MII Code of Ethics and Practice, 5.6).

An MII Mediator who holds a current Practising Certificate may practice in any area provided they have the competence to do so. Whether or not the Mediator is working within their competence can only be assessed in relation to any particular case. Just because the particular case happens to fall under a particular heading in which the Mediator has had some training or experience does not necessarily mean that they are competent to start or to continue with that case. By way of example a commercial Mediator who is sufficiently competent to mediate a commercial contract dispute between two parties about one item to the value of €50,000 may lack the competence to mediate a complex, multi-party commercial case with €50 million in dispute.

Where a Mediator takes on a case in good faith and realises during the mediation that aspects of the case are outside of their competence, the Mediator is obliged to either suspend the mediation and to seek appropriate support, or to terminate the mediation.

It is the responsibility of each individual MII approved Mediator to ensure that they have the competence, skills and knowledge to mediate in any given mediation.

#### 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 and criteria for MII accreditation are available on the MII web site as follows:

- MII Certified Member accreditation process: [QAP-MII.docx](#)
- MII assessment of skills for Certified Member status: [www.themii.ie/role-play.jsp](http://www.themii.ie/role-play.jsp)
- MII Practitioner Member accreditation process: [www.themii.ie/practitioner-member.jsp](http://www.themii.ie/practitioner-member.jsp)
- MII assessment of skills for Practitioner Member status: [www.themii.ie/InterviewAssessment.jsp](http://www.themii.ie/InterviewAssessment.jsp)
- MII requirements for mediation training programmes seeking MII approval: [www.themii.ie/training-approval.jsp](http://www.themii.ie/training-approval.jsp)

Detailed information in relation to core competencies for Certified Member status and Practitioner Member status and detailed guidelines in relation to the assessment procedures is available on the MII website.

#### 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 MII approved Mediators must successfully complete a skills assessment as part of an approved MII training programme or an MII assessed roleplay.

When a candidate is assessed by a training organisation for MII Certified Member assessment, a suitably experienced Certified or Practitioner Member with at least 3 years practice, engaged by the training organisation, carries out the process as outlined below:

1. Competency assessment forms are given to the applicants some weeks in advance of the assessment so that they can familiarise themselves with the documents.
2. The roleplay schedule for the candidates is created on a random basis in the class prior to the assessment day so that the rota is created in a transparent fashion.
3. All roleplays are given to the class to read in advance.

4. Approximately 5 roleplays can be conducted in each group in a working day. Generally, five students are allocated to each group.
5. Roleplays run for 50-60 minutes depending on the time available.
6. Each roleplay is filmed. Filming allows the candidates' performances to be reviewed if necessary.
7. The assessor sits in on the mediation roleplay and takes notes and assesses candidates in line with MII agreed competencies.
8. As each candidate completes their roleplay session, they step out of the group to complete a review of their roleplay performance (see [www.themii.ie/documents/Roleplay\\_Self\\_Assessment\\_2010\\_001.pdf](http://www.themii.ie/documents/Roleplay_Self_Assessment_2010_001.pdf)).
9. This self-assessment is part of the roleplay assessment process.
10. The next candidate then has a choice of:
  - a. Taking over as Mediator and continuing the role-play where the last mediation roleplay stopped
  - b. Starting the last mediation roleplay again (e.g. Roleplay 1)
  - c. Starting a new mediation roleplay (e.g. Roleplay 2)
11. This process is repeated until all candidates have been assessed.
12. The assessors take the candidates' completed self-assessment forms and reviews each performance after the roleplay sessions, marking each candidate on the Roleplay Assessment form, clearly indicating if they have been successful or unsuccessful.
13. Candidates are informed within a fortnight of the outcome of their assessed roleplay.

### **Roleplay Assessment Review Process:**

In the event of a candidate requesting a review, the candidate's filmed roleplay is sent to two other assessors who review the candidate's roleplay against the Competency Assessment document and deem the candidate successful or unsuccessful. If a majority of two or three of the three assessors (including the original assessor) deem the candidate to have been successful or unsuccessful, this is the final decision.

All MII approved training programmes are subject to independent auditing of their roleplay assessments (see Appendix 2).

## 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.*

MII approved training programmes are subject to MII quality assurance and auditing standards. See attached Appendix 2 for details.

## 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.*

The MII actively encourages learning and participation at all levels of mediation and has six different levels of membership – ranging from approved mediation professionals to those who have recently completed or are currently engaged in mediation training and those who have a general interest in mediation but with no wish to practice.

Membership categories include:

1. Practitioner Member: An experienced Mediator who has successfully completed an MII advanced assessment of their mediation skills.
2. Certified Member: A Mediator who has satisfactorily completed a 60-hour MII approved or equivalent training programme and successfully undertaken an MII approved assessment of their mediation skills.
3. Associate Member: Any person who has satisfactorily completed a 60-hour MII approved or equivalent training programme but have yet to compete the MII approval to practice process.
4. General Member: Any person with an interest in Mediation.
5. Trainee Member: Any person who is on or has recently completed an MII approved training programme and registered for free membership under the Trainee Member scheme.
6. Organisation Member: Organisations that are interested in mediation are encouraged to register as Organisation Member.

The MII recognises that there are many schools of mediation and the MII does not advocate any one approach or process over another. While the principles of confidentiality, voluntary engagement and self-determination remain the same, the format of the mediation process may vary depending on the Mediator and the type of dispute. Sometimes there are pre-mediation meetings and sometimes the parties spend most of the mediation in the same room and in other cases the parties may never be in the same room or for only a very small part of the mediation.

MII membership is open to all Mediators of good standing regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterisation.

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