



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

[www.IMImediation.org](http://www.IMImediation.org)

## MTI East Africa

*IMI Certified Mediator Training Program*

### The Organisation

<b>Legal name</b>	Mediation training institute international East Africa East Africa
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<b>Person completing application</b>	James Mang'erere - President MTI East Africa +254707124831

### Registration

*If there is a requirement within a jurisdiction that a training course should be registered, then it should be complied with by the training provider, and the training course should be registered.*

<b>Year formed, and under laws of what country/ies</b>	2010 the laws of the Republic of Kenya
<b>Training course registered in accordance with jurisdiction requirements</b>	Not required

<p><b>Locations and Languages</b></p>	<p>Kenya, Uganda and Tanzania, the common language used in all these three countries is English, we are all under the East African community and since we train in all these countries, we are able to maintain the standards of the program as we have been doing so for the last 8 years. We have local branches in all the countries. We have registered our program in Kenya but we offer it in all the East African countries as there is no requirement for other registrations there. We use English language in all our programs.</p>
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## Course Content

*Course content can be divided into Knowledge Development and Skills Development topics.*

*The essential KNOWLEDGE topics that should be included in any training program are mediation principles; the roles of legal counsel and representatives; an overview of negotiation and conflict resolution theory; mediator ethics.*

*The essential SKILL topics that should be covered, demonstrated, and practiced in any training program are forms of listening skills and communication strategies, process management skills (including the use of joint and private meetings), negotiation strategies and skills to manage the content of the dispute, and ways of responding to parties' diverse behaviours.*

<p><b>Attach your course outline</b></p>	<p>See attachment.</p>
<p><b>Mediation principles - neutrality, voluntary nature, confidentiality, party self-determination, process</b></p>	<p>They are all covered under the mediation process in Day 3 of the training. Mediation principles is the last topic in Day 3.</p>
<p><b>The roles of legal counsel and representatives</b></p>	<p>This is in Day 2 Role of a lawyer in the mediation process.</p>

<p><b>Overview of negotiation and conflict resolution theory</b></p>	<p>These topics are covered in Day 1 and 2 under these themes:</p> <p><b>NEGOTIATION</b></p> <ul style="list-style-type: none"> <li>☐ Meaning of Negotiation</li> <li>☐ Features of Negotiation</li> <li>☐ Outcomes of Negotiation</li> <li>☐ Elements of Negotiation</li> <li>☐ Role of a mediator in Negotiation</li> <li>☐ Types of Negotiation</li> <li>☐ Negotiation Strategies</li> <li>☐ Joint Problems Solving</li> <li>☐ Negotiation Stages/steps</li> <li>☐ Determining BATNA, WATNA and MLATINA</li> <li>☐ Barriers to Negotiation</li> <li>☐ Handling Barriers to Negotiation</li> <li>☐ Managing impasse in Mediation</li> </ul> <p><b>UNDERSTANDING A CONFLICT</b></p> <ul style="list-style-type: none"> <li>☐ Conflict Aspects</li> <li>☐ Conflict Analysis</li> <li>☐ Conflict Management Styles</li> <li>☐ Defense Mechanisms to Conflict Management</li> </ul>
<p><b>Mediator ethics, including appropriate local ethical standards</b></p>	<p>We follow the international mediator ethical standards and we cover mediators ethics in Day 2 of our training through lecture and discussions.</p>
<p><b>Forms of listening skills and communication strategies</b></p>	<p>This is covered in Day 2 ("Effective Communication Skills") through lectures, group exercises and discussions.</p>
<p><b>Process management skills, including the use of joint and private meetings</b></p>	<p>This is covered in Day 3. We use lectures, illustrations and discussions. It is done within "The Mediation Process".</p>

<p><b>Negotiation strategies and skills to manage the content of the dispute</b></p>	<p>This is covered in Day 2 under these themes:</p> <p><b>NEGOTIATION</b></p> <ul style="list-style-type: none"> <li>• Meaning of Negotiation</li> <li>• Features of Negotiation</li> <li>• Outcomes of Negotiation</li> <li>• Elements of Negotiation</li> <li>• Role of a mediator in Negotiation</li> <li>• Types of Negotiation</li> <li>• Negotiation Strategies</li> <li>• Joint Problems Solving</li> <li>• Negotiation Stages/steps</li> <li>• Determining BATNA, WATNA and MLATINA</li> <li>• Barriers to Negotiation</li> <li>• Handling Barriers to Negotiation</li> <li>• Managing impasse in Mediation</li> </ul>
<p><b>Ways of responding to the diverse behaviours of the parties</b></p>	<p>This is covered by the following themes in the course outline:</p> <ul style="list-style-type: none"> <li>• The art of Reframing</li> <li>• The art of Uncovering self-interests and common interests</li> <li>• Identifying BATNA WATNA &amp; MLATNA</li> <li>• Informing and reminding</li> <li>• Preventing bullying</li> <li>• The art of power balancing</li> <li>• Managing emotions: Anger, fear, despair</li> <li>• Techniques for managing impasse</li> </ul>

## Competency Framework

*A training course must have a 'competency framework' which clearly and concisely sets out the core competencies that an effective mediator should possess. This framework should be*

*consistent with the content and skills requirements of the course as set out under Section 2 of these guidelines.*

Attach competency framework	See attachment (Accreditation system)
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## Course Duration

*For a course to cover adequately the necessary content using appropriate methodologies, (both of which are set out in these guidelines), courses should have a substantial number of training hours being not less than 40 hours. This does not include pre-course preparation, lunch and breaks.*

Course duration	A total of 57.5 hours including tea and lunch breaks (48.5 hours without tea and lunch breaks).
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## Group Size

*It is recommended that courses have a maximum class size of 30 students, with the trainer-student ratio ranging between an ideal of 1 trainer to every 6 participants; to a maximum of 1 trainer to every 10 participants.*

Maximum class size	30
Maximum trainer to participant ratio	1 to 10
Overall approach to class size or trainer-participant ratio	1 to 12. We will endeavor to continue to reduce the ratio as we grow

## General Teaching Approach

*Mediator Skills training courses should be participatory, interactive and learner focused. To ensure this, a variety of teaching methodologies should be used, including lecturing, videos, interactive exercises, individual work, group discussion, talking in pairs, and role-playing. As a guideline, for the practical part of any course, that is designed to teach the process and skills to be an effective mediator, the following percentage of time should be spent on these*

*different approaches to training delivery: Lecturing/knowledge input/presentation – approximately 10%; Exercises and discussion – approximately 40%; Role-playing, coaching and feedback– approximately 50%*

<p><b>Lecturing, knowledge input, presentation</b></p>	<p>10%</p> <p>We have a number of PowerPoint presentations and handouts given out which include notes for further reading and case studies.</p>
<p><b>Exercises and discussion</b></p>	<p>40%</p> <p>Much of the time is spent in group discussions and plenary sessions, including group exercises.</p>
<p><b>Role-playing, coaching, and feedback</b></p>	<p>50%</p> <p>We use different forms for assessing role plays, coaching and feedback, some of which are mentioned here. - checklists for mediation role-plays, mediator evaluation forms, mediator skills assessment forms among others.</p>

## Participant Materials

*When preparation prior to the course is required, participants should receive comprehensive materials in sufficient time to allow them to prepare adequately. As a guideline, it is suggested that this should be no later than two weeks in advance of the course.*

*In a similar way, when participants are required to prepare for their roles in advance of the role plays, role play confidential briefs should be supplied in sufficient time to allow role players to prepare. As a guideline, it is suggested that this should be no later than one week in advance of the course.*

*If courses are designed with no pre-course preparation required, this guideline does not apply.*

In what format and how far in advance do participants receive general course materials and confidential role play briefs?	They receive material in soft copy through email, three weeks prior to the date of the workshop. We will call them to confirm receipt and sometimes we communicate through email.
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## Setting up Role Plays

*Role plays are used for participants to practise the wide range of mediation skills in a simulated environment and also for participants to have the benefit of feedback and coaching from an experienced mediator, acting as a coach. Accordingly, role plays should be planned and run to allow the participants the maximum opportunity to learn.*

Each role play in a course has a maximum of six persons for a two party mediation.	Yes
Mediation time slots within role plays are a minimum of 45 minutes	Yes
At least 50% of role plays are supervised by an experienced coach/trainer, and a coach is present for at least 50% of the role playing time	Yes
Where role plays are used as assessments, they are supervised by the assessor 100% of the role play time	Yes
Coaches are rotated among groups and participants	Yes

<p>Coaches and trainers who coach a participant are not involved in subsequent assessment of that participants</p>	<p>No</p>
<p>Role plays during the course ensure participant work with the widest range of fellow participants as possible</p>	<p>Yes</p>
<p>All participants mediate the same number of times in role plays</p>	<p>Yes</p>
<p>Role plays are varied in subject matter and allow for practice of different stages of the mediation process</p>	<p>Yes</p>
<p>Comment where guidelines are not met</p>	<p>With the guidelines we have and because of the minimal cost of the course , we may not afford to get another group to do assessment separately, though in some occasions we get qualified outsiders to help in assessment , but it is not always because of the expenses involved and the economic conditions of this part of the world.</p> <p>Coaches are rotated among groups and participants  METHOD - If the class has four groups role playing different cases, one coach will assess the introductory phase of mediation in group 1, then he will move to group 2 and assess the first joint session, then move to group 3 and assess caucus and lastly group 4 and assess exchange of offers and drafting a settlement agreement. The other coaches will interchange using the same formula until all the four groups are coached.</p>

	<p>Role plays during the course ensure participant work with the widest range of fellow participants as possible METHOD - After every role play, we shuffle the groups and go through the above process.</p> <p>All participants mediate the same number of times in role plays - The number of role plays there are depends on the class size. We normally assign each group two role plays in different areas of practice (i.e., commercial mediation or commercial mediation etc.).</p> <p>Role plays are varied in subject matter and allow for practice of different stages of the mediation process - In our program, we have commercial mediation, workplace mediation, Family mediation, Community mediation and insurance mediation.</p> <p>Regarding the standards we use to maintain neutrality without outside assessors, the people we train are strangers. There is no bias at all and we are very objective when we assess and grade using our grading documents.</p>
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## Providing Feedback

*Participants learn not only by practising the skills of mediators but also from receiving feedback from experienced mediators acting in the role of coaches throughout the course. Training programmes must provide opportunities for feedback to participants. This feedback should be delivered using a competency framework to ensure consistency of approach to feedback by coaches trained in delivering effective feedback (see coaches' guidelines).*

<b>How is performance feedback given to participants on your course?</b>	Experienced mediators provide written feedback at the middle and the tail end of the course to the participants and recommendations for improvement where necessary
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	by using specialized forms, though most of the time they do it verbally, face to face with the participants after the role plays
<b>Attach course feedback forms or guidance</b>	See attachments (Mediator Assessment and Mediation Skills Assessment)

## Performance Assessment and Accreditation

*If a course is designed to assess, certify or accredit a participant as having the necessary skills and knowledge to mediate a dispute competently, then it must contain an actual assessment of the participant's mediator competence, as compared to its own competency framework, developed under these guidelines. In relation to assessment of a mediator's skills, this should be done using a participant's performance during a role play.*

<b>Does your course provide an assessment of a participant's competence as a mediator, and if so, how is this process undertaken?</b>	<p>ASSESSMENT PROCEDURE</p> <p>The Assessment has three components:</p> <ol style="list-style-type: none"> <li>1) a Role-play;</li> <li>2) a Reflective Practice; and</li> <li>3) a Written Exam.</li> </ol> <p>Candidates must satisfy all three components of the Assessment in order to pass and receive Certification:</p> <ol style="list-style-type: none"> <li>i. Role-play: Candidates will be evaluated on each core skill within a 1-5 value scale (5 = demonstrating exceptional competence, 1 = not yet demonstrating competence). Each candidate will be subjected to two assessments ,in at least two different roles plays with different assessors .</li> <li>ii. Reflective Practice: Candidates will submit two brief self-reflective essays; one completed before, and one completed after the Role-play. This component of the assessment encourages candidates to evaluate their own expectations and performance and demonstrate their ability to self-reflect on their actions. Reflective practice gives the impression whether the participant has gotten the</li> </ol>
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	<p>substratum for the entire training; it is not graded.</p> <p>iii. Written Exam: The written exam will be based upon the course content covered in classroom training and will measure candidates' awareness of core mediation skills. The exam will be multiple choice format and true/false statements plus a written open book exam.</p>
<p><b>Does your course provide an assessment of a participant's knowledge as a mediator, and if so, how?</b></p>	<p>Yes, through the written examination as stated above.</p>
<p><b>Process of appointing assessors on a course</b></p>	<p>CRITERIA FOR SELECTION OF ASSESSORS</p> <p>Candidate's Name:</p> <p>1. Education- At least a bachelor's degree in any field. (Experience in the field of expertise may be substituted as judged on a case-by-case basis.) Accept? Y/N (initial &amp; date) Comments.</p> <p>2. Work experience- At least 3 years of mediation practice experience in all types of mediation. Accept? Y/N (initial &amp; date) Comments.</p> <p>3. Training- Successful completion of a 50 hour Professional Mediation training course or equivalent. Accept? Y/N (initial &amp; date) Comments.</p> <p>4. Assessment experience- Attendance at and/or participation in one or more previous assessments. Accept? Y/N (initial &amp; date) Comments.</p> <p>5. Communication/ interpersonal skills- Demonstrates ability to communicate orally and in writing. Accept? Y/N (initial &amp; date) Comments.</p> <p>6. Personal attributes: Ethical, open-minded, diplomatic, observant, perceptive, versatile, tenacious, decisive, self-reliant.-Demonstrates ability to apply personal attributes to</p>

	<p>enable candidate to act in accordance with assessment principles.</p> <p>Accept?      Y/N      (initial &amp; date)      Comments.</p> <p>7.      Knowledge and skills in applying assessment technique in professional mediation training- Demonstration by training.</p> <p>Accept?      Y/N      (initial &amp; date)      Comments.</p>
<p><b>Clarification of passing criteria.</b>  <b>How a student passes or fails this CMTP</b></p>	<p><b>EXAMINATIONS POLICY</b>  <b>PROFESSIONAL MEDIATOR CERTIFICATION FINAL EXAMINATION</b></p> <p>Successful completion of the exam is a pre-requisite for Certification as a Professional Mediator</p> <p><b>Core Values</b></p> <p>The professional mediation Examinations promotes the following core values.</p> <ul style="list-style-type: none"> <li>• Integrity</li> <li>• Professionalism</li> <li>• A spirit of continuous improvement</li> </ul> <p>The professional mediation Examination shall be graded out of 100 marks and the pass mark shall be 40 marks, unless stated otherwise. The marks are translated into letter grades as follows:</p> <p><b>Undergraduate Courses</b></p> <p>70% to 100%    A  60% to below 70%    B  50% to below 60%    C  40% to below 50%    D  Below 40%    E</p> <p><b>Retake and Repeat Examinations</b></p> <ul style="list-style-type: none"> <li>• A Participant, who fails in the aforementioned</li> </ul>

	<p>examination, shall be allowed to apply to the examination board for retake examination.</p> <p>Such a candidate shall apply for the retake examination within a period of not more than 14 days inclusive of Saturday and Sunday after the candidate has been notified of the result. A candidate for retake examination shall be required to register and pay the prescribed fee for the retake examination after being notified of the success of his/her application but not later than one month before the date of the retake examination.</p> <ul style="list-style-type: none"> <li>• The maximum marks in a retake examination shall be 40%</li> </ul> <p><b>Appeal for Re-assessment</b></p> <p>A candidate who is not satisfied with the grade, which he/she has been awarded in the examination , may appeal to the examination board for a re-marking of the written examination paper upon payment of the appropriate fee, which shall be determined by the board from time to time. The grade and mark recommended by the examiner(s) after remarking shall be the final grade and mark awarded to the candidate for the unit.</p> <p>No appeal for re-marking of the examination shall be entertained in cases where the appeal has been submitted later than fourteen calendar days after the candidate has been notified of the result.</p> <p>For further information, contact our program officers Hesbon Peterson +254714390371 and Emma Oyando +254725538320</p>
<p><b>Next steps taken, should a student fail.</b></p>	<p>As written above -Retake and Repeat Examinations</p>

Policy documents relating to assessment (optional / if applicable)	See attachments (criteria for selection of assessors, examination policy, trainee assessment policy)
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## Facilitation of further development as a mediator

*While it is accepted that training providers cannot offer actual mediations for all participants, they have an obligation, as far as possible, to facilitate participants' further development as a mediator.*

Indicate what your organisation does to facilitate participants' development as mediators	We have an elaborate mentorship program and continuous professional development programs. Our mentorship program has been working for the last two years and we have mentored more than 80 mentees who are qualified mediators serving the public.
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## Complaints and Appeals Policy

*All courses should have a clearly set out written complaints policy for participants who are dissatisfied with the quality of the course.*

*In addition, for those courses that have an assessment element, there should be a clearly set out appeal or review process for participants who are not satisfied with the outcome of their assessment.*

Attach complaints and appeals policy	See attachment (appeals policy)
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## Conflicts of Interest

Please outline what steps you take to avoid any potential conflicts of interest between trainer/coaches/assessors and participants on your course.	See attachment (conflict of interest policy).
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## Trainers, Coaches, and Assessors

Anyone seeking to act as a TCA has successfully participated in a mediation training course which meets the requirements set out above.	Yes
Where mediator registration is required in a jurisdiction, trainers, coaches and assessors are registered as mediators.	Not Applicable
TCAs have conducted at least two actual mediations of at least four hours' duration in each of the preceding three years before being appointed. Once appointed, they conduct two actual mediations of at least four-hours duration per year AND are able to show that they have maintained continuous professional development (CPD) of six hours per year.	Yes. MTI will ask the mediator to issue a mediator evaluation to every disputant at the beginning of every mediation to evaluate the mediator confidentially and send a report directly to our office (report information is confidential). The information helps MTI monitor the quality of mediators in our roster and also helps MTI know how many mediations the mediator has according to the number of reports we receive.
Trainers attend 'train the trainer' training of at least 18 hours, broadly covering topics set out in the IMI guidance notes	Yes
Coaches and assessors undertake a course broadly covering topics set out in the IMI guidance notes	Yes
Trainers deliver at least one basic mediator skills training course or refresher course every two years	Yes

<p>Coaches and assessors coach and/or assess at least four role play sessions over the course of two years.</p>	<p>Yes</p>
<p>On-going feedback is sought from course participants, and given to those delivering the course.</p>	<p>Yes</p>
<p>Comments and/or explanations</p>	<p>There is no registration requirement in the country. The profession of mediation is at its infancy stage, but we are working on a mediation bill which may be tabled in parliament any time and then registration will be a requirement to ensure quality control. We operate from Nairobi to other countries, we normally do it online by email. There is a program officer in charge of that.</p> <p>In terms of accounting for TCA experience, we keep records of all the above (we have less than 1000 mediators in the whole country, so it is easy to monitor).</p> <p>For coaches and assessors coaching/assessing at least four role play sessions over 2 years, we keep a log of this. We maintain records for every attendance.</p> <p>Ongoing feedback is sought from course participants and given to those delivering the course both through written and verbal feedback. It is an interactive communication.</p>

<p><b>New TCAs are to be observed and given performance feedback by senior colleagues</b></p>	<p>Each TCA is supervised at least once a year and feedback is given by senior and experienced mediators who are chartered mediators and Distinguished Fellows.</p> <p>Note that chartered mediators are those who have experience of over five years and have undergone advanced training than professional mediators.</p> <p>Also note that Distinguished Fellows are those who have gone through a thorough scrutiny of their experience in practice of commercial mediation and have been inducted by the international academy of mediators. They are at the same level of experience of chartered mediators and they perform the same role.</p>
<p><b>Explain your peer review system for trainers, coaches and assessors</b></p>	<p>We conduct a peer review yearly by having an open discussion on the competencies required, the challenges faced in the field and how to tackle them and how trainers, coaches and assessors can keep improving their competence yearly. We mix the senior and experienced mediators, trainers, coaches and assessors with new trainers, coaches and assessors and we gauge the competencies accordingly.</p>
<p><b>Attach Train-the-Trainer Program</b></p>	<p>See attachment (train the trainer program).</p>
<p><b>Attach template feedback form</b></p>	<p>See attachment (accreditation of trainers and assessors).</p>
<p><b>Attach complaints policy for use should course participants wish to formally complain about a trainer, coach or assessor</b></p>	<p>See appeals policy.</p>