



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Mediation Training Institute International East Africa

IMI Mediator Qualifying Assessment Program

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.

To be admitted into our advanced mediator certification assessment program, The applicants will sign an affidavit (swearing under oath) describing in detail their mediation experience listing a minimum of 200 hours of actual mediation work comprising a minimum of 20 completed mediation cases. The applicant's experience will be further assessed through applicant submitting a video of an actual mediation which will be assessed by four assessors, three of whom who are affiliated with MTI East Africa and one who is independent of any relationship with MTI East Africa. The assessors will each view the video and assess the mediator's work through a detailed rating system.

The interventions assessed are categorized as follows:

- a) Knowledge of mediation process
- b) Knowledge of subject being mediated
- c) Understanding of mediator's role
- d) Use of empathy and other relational building skills
- e) Ability to create a mutual and cooperative environment
- f) Demonstration of respect for self-determination of the parties
- g) Refraining from engaging in evaluative and/or adjudicative approaches.
- h) Appropriate use of process management skills
- i) Understanding of participant dynamics as they affect mediation process

- j) Drafting skills
- k) Understanding the importance of neutrality and impartiality; applicants' actual use of neutrality principles
- l) Management skills related to applicants' skill in directing the flow of the discussions
- m) Management skills that demonstrate control of the process, implementation of protocols and guidelines for the session yet respect client self-determination

In the alternative to the above process, the mediators in the program must provide a detailed log of at least 20 mediations conducted in a two year period preceding the application, which log must provide information regarding the date of the mediation process, duration of the mediation, nature of the dispute and the methodology utilized in engaging with the dispute; and provide at least 20 feedback forms completed by different parties who participated in mediation processes in the two year period preceding the application.

To maintain the status of certification in this program, a mediator must accumulate a minimum of 18 hours of refreshing courses every two years.

MTI East Africa Mediators 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.

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.

MTI East Africa certified advanced Mediators in the program are prior required to pass a written test composed of 50 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. This written test may be supplemented by articles, papers and other writings written by applicant (both published and unpublished).

Furthermore, every candidate has to pass an interview with an assessor who investigate the particular mediation knowledge of the individual and his/her attitude to become a certified advanced mediator.

MTI East Africa certified advanced mediators will have to prove their knowledge of theoretical frameworks of mediation from both process and skills perspectives and will be required to indicate the number of hours of theory study involved in their training.

A mediator must have completed successfully a 50-hour professional mediator training and In addition, the mediator must:

- a. provide proof of college or a graduate or postgraduate qualification in any type of ADR
- b. have completed at least 40 hours of continuous professional development training after completion of a 50 hour professional mediation course or satisfy two assessors in an interview that he/she possesses a sound knowledge of mediation theory; or
- c. have at least 5 years' experience as an academic or trainer in the ADR field.

All applications for Advanced Mediator status will be considered by a two person sub-committee, each of whom must have at least 10 years experience in professional mediation practice.

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 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.

MTI East Africa will test the candidate with role playing and mediation simulations that applicants have some particular skills, qualities and characteristics (candidates will receive written feedback covering the areas of competence where their performance needs improvement.

The candidate must be subjected to the MTI East Africa performance-based skills assessment process by submitting a video presentation of mediation (either simulated role

play or live demonstration with clients who have signed a release). This includes a self-reflection exercise on the video that shall be submitted.

The assessor's written evaluation of the skills demonstration will be provided to the candidate. The candidate must achieve a minimum score on the performance-based assessment to be eligible for certification in the program.

The assessor will use an extensive checklist of knowledge, skills, abilities and other attributes to assess the candidate's performance from the video. The assessor will methodically analyze the video and check off the areas where the candidate has shown proficiency. The assessor may also take notes of areas the candidate needs to improve upon.

To pass this assessment a candidate must cumulate a minimum score of votes - at least **40 points** - in a total of **4 sessions**.

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

1st session - Mediator qualities (to pass this session: 14 points maximum, 7 points minimum):

A. Introduction

- Provides welcome and opening comments
- Explains mediation process
- Clarifies role of participants
- Establishes ground rules
- Discusses the Agreement to Mediate
- Appears sensitive to clients' physical and emotional comfort

B. Information Sharing

- Engages participation of clients
- Understands issues and empathized with feelings
- Accurately and briefly summarizes information and concerns
- Balances time and focus between clients

C. Issue Clarification

- Asks appropriate questions
- Identifies interests, intentions, differences, Limitations and underlying problems

- Identifies common ground
- -Reframes statements and issues

2nd session - Procedural skills (to pass this session: 29 points maximum, 15 points minimum):

D. Generation of Options

- Organizes and prioritizes issues amenable to mediation
- Focuses on current and future needs rather than positions
- Elicits multiple options and explored settlement possibilities

E. Resolution/Closure

- Facilitates negotiation and bargaining
- Assists parties to be realistic
- Drafts agreement that is sufficiently specific and addressed all issues
- Drafts agreement that is well organized, clearly stated, and easily readable.
- Assists in developing an agreement that is balanced,
- fair, realistic, understood, and not coerced
- Discusses options for noncompliance or resolving future conflict
- Exerted sufficient effort to assist parties in reaching agreement.

F. Personal Qualities

- Appropriate dress and appearance
- Develops rapport and trust, and conveyed a positive outlook
- appears confident and in control of emotions
- -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-mediatable issues;
- -Ability to help the parties identify their own BATNAs and WATNAs.

3rd session - Negotiation skills (to pass this session: 23 points maximum, 12 points minimum):

G. Professional Qualities

- Allows adequate planning and preparation time
- Possesses adequate knowledge of issues
- Maintains neutrality, impartiality, and objectivity
- Avoids giving advice, pressure, and judgment
- Demonstrates respect for different values and lifestyles
- Provides appropriate information and referral .

H. Communication Skills

- Posture, gestures, and eye contact
- Use of voice, tone, volume, and clarity
- Verbal content and timing
- Listening styles and other intuitive abilities
- Paraphrasing and reframing skills
- 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 this session: 12 points maximum, 6 points minimum):

I. Special Techniques and Skills

- Demonstrates appropriate use of caucus
- Overcomes impasses, resistance, or difficult behavior
- Deals with power imbalance or control issues
- Handles intense emotions or difficult agendas
- Displays flexibility and used creative strategies effectively Comments:

J. Overall Assessment

- Demonstrates mastery of mediation process
- Demonstrates an awareness of ethical issues
- Engages in ongoing assessment of appropriateness of case for mediation
- Demonstrates appropriate level of skill, competence, and effectiveness
- Demonstrates ability to work with co-mediator and clients
- -Avoids redundant time;
- -Keeps the parties informed.

Upon completion of the assessment, the assessor will tally the number of areas passed, and if the candidate has passed 50% of the areas, the assessor shall give a recommendation to MTI East Africa for certification of the candidate. If the candidate scores below 50%, he/she will be provided a detailed list of those areas where he/she needs improvement. MTI East Africa will offer the candidate a suggested plan to follow to achieve the improvement necessary to become certified.

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 and will include a direct link to the credentialing organizations' websites.

An individual must successfully complete A 50 hour professional mediation training and be certified by MTI International East Africa accordingly. The Training provided by the MTI International East Africa requires all trainees to undergo an assessment based on actual role-plays performed by the trainees and assessed by two trainers and two independent

assessors. Post-experience assessment takes place in the review of feedback forms submitted by parties and self- assessment as part of the application process.

The criteria adopted for qualifying mediators for IMI Certification will be made available on the MTI International East Africa websites as soon as the QAP is approved by the IMI ISC and the link will be provided to be posted on the IMI web portal

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.

For the purpose, MTI International East Africa has created a Competence Assessment Committee (CAC) formed by professional mediators and trainers acting as evaluators with decades of experience in practice and training.

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

For every assessment session, in order to have some external professionals acting as Assessors, MTI East Africa calls independent Certifying Assessors possessing a high level experience and competence in the field of professional mediation and assessment.

All assessors appointed must:

- be members of Institute of Chartered Mediators and Conciliators (ICMC) ;
- be Certified as a mediator by MTI international East Africa ;
- have mediated over 50 disputes and currently be practicing as a mediator;
- be qualified to act as an assessor of learners as per the standards set by MTI international East Africa

6. Ongoing monitoring of Programs

The QAP must include a process for the ongoing monitoring of the performance and practice of the Assessors. IMI will liaise closely with all recognized program organizers to maintain a sustainable quality control system.

After the qualification as "MTI East Africa certified professional mediator CPM (MTI)" Or Certified advanced Mediator CAM (MTI) , for a mediator to remain on the MTI certified Professional mediators Directory, a mediator must accumulate a certain number of

Continuing Professional Development (CPD) hours. Every two years, he/she has to accumulate a minimum of 15 hours of training in mediation, conducted by MTI International East Africa through refresher courses and Round table conferences. If the above mentioned requirements are not taken, the mediator loses his/her "MTI International East Africa certification", and he/she is cancelled from the list of certified professional mediators or Certified advanced mediators.

The Assessors will be monitored by MTI international East Africa Certification Committee and under the guidance of IMI, will ensure strict interpretation and competent application of the Guidelines. EMI will annually evaluate the performance and practice of the Assessors using the following criteria: (i) responsiveness, (ii) timeliness,(iii) Thoroughness, and (iv) objectivity.

MTI international East Africa is ready to accept independent monitoring from the IMI and will participate readily in any audit process in this regard.

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, socioeconomic status or other personal characterization.

Kenya is a diverse, multi-cultural society and a constitutional democracy. Discrimination is prohibited under various Acts of Parliament.

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

8. Does your organization provide other mediation training/assessment programs?

Comprehensive advanced family mediation training- a five day program which has been running for the past one year

9. Are any of your mediation training or assessment programs designed for experienced mediators?

Yes we have Certified advanced mediation training program which runs for 5 days and is for experienced mediators only. A copy of the program is available in our website.

General Information:

(a) Your organization's full legal name:

Mediation Training Institute International East Africa.

(b) In what year was the organization formed and under the laws of what country?

MTI East Africa was formed in 2010 under the laws of Kenya

(c) Address of your organization's primary office:

Mediation Training Institute International East Africa

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(d) Detail of the person completing this questionnaire:

Name and title/position of the person: James Mang'erere -President