

MCDR MEDIATOR SKILLS ASSESSMENT CHECKLIST

Candidate: _____ Assessor: _____

I. MANAGING THE RELATIONSHIPS IN MEDIATION

A. Establishes and maintains a respectful trusting relationship with the participants. Does the mediator form an effective relationship with the participants ?

score

1. NO SKILLS DEMONSTRATED

- treats participants in a disrespectful manner
- makes no attempt to develop trust or rapport

2. INADEQUATE SKILLS DEMONSTRATED

- demonstrates uncertainty, lack of confidence in the mediation process
- establishes minimal relationship with participants
- expresses own views, imposes own decisions and disregards those made by participants
- forces participants to disclose feelings which expose and make them feel more vulnerable

3. SATISFACTORY SKILLS DEMONSTRATED

- is "present" and attentive
- builds rapport and confidence in med. process and self
- demonstrates ability to be non-judgmental and to keep an open mind
- encourages open expression of views
- uses language both can understand
- acknowledges what participants express as important to them
- uses humour appropriately

4. STRONG SKILLS DEMONSTRATED

- protects and affirms participants' right to self-determination
- maintains and supports participants' integrity

5. OUTSTANDING SKILLS DEMONSTRATED

- continually demonstrates predictability and accountability in all aspects of the working relationship
- participants able to work with risks and creativity because of quality of trust in the mediator and the mediation process

OBSERVATIONS:

B. Facilitates a collaborative relationship between the participants. Does the mediator promote clients co-operative efforts and mutual understanding?

score

1. NO SKILLS DEMONSTRATED

- actively discourages dialogue and distrust between participants
- participants have a worse relationship at end of session than at the beginning.

2. INADEQUATE SKILLS DEMONSTRATED

- fails to establish effective guidelines for communication
- continually cuts off participants when they are engaged in productive discussion
- insists on controlling all dialogue through mediator, thus promoting dependency on mediator
- does not mutualize

3. SATISFACTORY SKILLS DEMONSTRATED

- engages both participants in the discussions
- encourages the participants' co-operation and partnership in the process
- promotes each participant's understanding of the other's point of view of the conflict

4. STRONG SKILLS DEMONSTRATED

- works with participants to promote mutual understanding, insight into and empathy for the other
- helps participants find a mutual definition of the problem

5. OUTSTANDING SKILLS DEMONSTRATED

- enhances participants' commitment to their new collaborative working relationship

OBSERVATIONS:

C. Manages power imbalances. Does the mediator facilitate opportunities for full participation?

score

*** you are required to pass this section of the assessment**

- 1**
NO SKILLS DEMONSTRATED
- ignores one party completely or diminishes the importance of what they say
 - does not recognize unequal power balance
- 2. INADEQUATE SKILLS DEMONSTRATED**
- uses the participants' positional, emotionally laden, inflammatory language
 - allows one participant to dominate the session
 - aligns with one of the participants
- 3. SATISFACTORY SKILLS DEMONSTRATED**
- ensures equal communication opportunities which both understand
 - uses appropriate body language and eye contact
 - ongoing screening for safety
 - ensures both agree with process decisions
- 4. STRONG SKILLS DEMONSTRATED**
- works with participants to develop a process that creates and ensures equal opportunities for involvement
- 5. OUTSTANDING SKILLS DEMONSTRATED**
- establishes and maintains a working environment based on equality with all participants able to give and receive appropriate, constructive comments/feedback

OBSERVATIONS:

II. MANAGING THE PROCESS OF MEDIATION

A. Attends to and explores participant's interests. Does the mediator assist participants to identify underlying interests?

score

1. NO SKILLS DEMONSTRATED

- entrenches participants in their positions
- accepts statements at face value; no questions or probes
- imposes mediator's interests

2. INADEQUATE SKILLS DEMONSTRATED

- minimal exploration of positions and without exploring interests before moving to solutions
- ignores/mishandles statements of feelings
- allows assumptions and misunderstandings

3. SATISFACTORY SKILLS

DEMONSTRATED

- allows sufficient time for each participant to express their positions and explore their interests
- reframes positions and probes for underlying interests
- acknowledges the participants' feelings
- clarifies misunderstandings and assumptions
- ensures children's interests are addressed

4. STRONG SKILLS DEMONSTRATED

- identifies mutual and individual interests
- is able to differentiate and connect interests of the participants

5. OUTSTANDING SKILLS

DEMONSTRATED

- works with the participants to identify principles based on their underlying interests

OBSERVATIONS:

B. Manages conflict appropriately. Does the mediator assist the participants to engage productively?

score

1. NO SKILLS DEMONSTRATED

- oblivious to or extreme unease with conflict
- neither participant feels emotionally or physically safe in the mediation
- no screening for safety
- terminates unsafely

2. INADEQUATE SKILLS DEMONSTRATED

- ignores or mismanages emotionally damaging statements
- negatively reframes statements which serve to escalate, maintain or entrench the participants positions

3. SATISFACTORY SKILLS

DEMONSTRATED

- provides ongoing screening for safety
- works with the parties to develop their communication guidelines
- establishes and maintains (redirects, refocus) constructive negotiations
- establishes an emotionally and physically safe atmosphere
- ensures focus is on the problem not the people
- acknowledges and normalizes the participants' conflict

4. STRONG SKILLS DEMONSTRATED

- uses interventions to seek clarification
- confronts discrepancies
- uses immediacy to attend to non-verbal cues
- reframes statements to defuse and gain consensus

5. OUTSTANDING SKILLS

DEMONSTRATED

- appears comfortable with conflict and to assist the participants to deal with their conflict in a healthy, healing manner
- facilitates the participants' ongoing positive communication patterns

OBSERVATIONS:

C. Evaluates ongoing process. Does the mediator monitor and work with participants to continually adapt the process?

score

1. NO SKILLS DEMONSTRATED

- overwhelmed and confused by the process and takes no action
- no control over process with no established and respected guidelines

2. INADEQUATE SKILLS DEMONSTRATED

- unaware of participants' resistance to process
- does not solicit or respect the participants' input into the process
- lacks awareness of the contentiousness of the issues
- allows participants to focus on past behaviours which are unrelated to the issue at hand

3. SATISFACTORY SKILLS DEMONSTRATED

- respects each participant's different needs for time to process decisions
- maintains optimism and forward movement
- monitors participant's readiness to move productively through the process
- demonstrates adequate understanding of issues
- comfortable with silence
- participants feel safe and understand what is happening
- helps generate an agenda and prioritizes it
- works with the participants to develop a process that respects their culture and their uniqueness

4. STRONG SKILLS DEMONSTRATED

- helps participants focus on issues to be addressed based on individual and mutual interests
- seeks clarification and direction from the participants in the process design, adapts agenda and makes procedural changes as necessary
- tracks body language as well as verbal cues and attends to non-verbal cues
- encourages them in their capacity to work through the issues

5. OUTSTANDING SKILLS DEMONSTRATED

- consistently works with the participants to ensure that they are engaged in a mediation process that meets their particular needs with predictable transitions and structure and a pace they are both comfortable with

OBSERVATIONS:

**D. Conducts the mediation ethically. Does the mediator work with the participants in a professional manner?
* you are required to pass this section of the assessment**

score

1. NO SKILLS DEMONSTRATED

- sets up or continues with an unsafe meeting endangering one or more of the participants
- Violates Code of Ethics/ professional standards of practice

2. INADEQUATE SKILLS DEMONSTRATED

- fails to discuss confidentiality
- gives wrong information or gives legal advice
- imposes solutions

3. SATISFACTORY SKILLS DEMONSTRATED

- explains confidentiality and deals with any immediate concerns around it
- monitors participants' readiness and safety before mediation and as an ongoing process
- evaluates need to include others or refer out
- acts within own area of ability and mandate
- discloses mediator biases/conflicts of interest
- maintains the children's best interests
- ensures full disclosure of information

4. STRONG SKILLS DEMONSTRATED

- ensures decision making power remains with participants
- encourages feedback from participants on mediator impartiality
- preserves self-determination even when impasse is reached

5. OUTSTANDING SKILLS DEMONSTRATED

- continually engages participants in a process with integrity and respect, guarding their rights and maintaining their self-determination

III. MANAGING THE CONTENT OF MEDIATION

A. Assists participants to identify and manage information. Does the mediator provide a framework to gather and track information?

score

1. NO SKILLS DEMONSTRATED

- lacks interest and skill in soliciting information
- deliberately misuses and mismanages information

2. INADEQUATE SKILLS DEMONSTRATED

- does not provide appropriate information (role and process of mediation, pertinent issues)
- poor listening skills and does not capture the essence of what is being communicated
- lacks knowledge of stages of children's growth and development, grieving cycle, community resources, etc.

3. SATISFACTORY SKILLS DEMONSTRATED

- defines the mediation process and the roles of the mediator and the participants.
- uses a variety of questions to generate information
- tracks, uses and summarizes information accurately
- provides appropriate and correct information and/or refers to helpful resources
- encourages full disclosure of information needed to make decisions
- appears to understand case facts

4. STRONG SKILLS DEMONSTRATED

- assists participants to organize information
- works with participants to aid their ability to see new information and information links
- helps the participants develop a framework to gather and track their needed information

5. OUTSTANDING SKILLS DEMONSTRATED

- assists the participants to apply interest-based criteria in judging usefulness or relevance of the information
- works with the participants to ensure the information is integrated throughout the process

B. Assists participants to apply interest-based solutions. Does the mediator assist the participants to generate options and apply interest based solutions?

1. NO SKILLS DEMONSTRATED

- forces parties to a decision not of their making
- frames issues as positional and the negotiations become positional bargaining

2. INADEQUATE SKILLS DEMONSTRATED

- parties appear ready and express need to proceed with options but mediator postpones despite time to do so
- allows premature decisions based on insufficient information
- does not summarize where they leave off
- limits creation of options
- allows unrealistic and unworkable decisions

3. SATISFACTORY SKILLS DEMONSTRATED

- assists participants to explore and evaluate options
- accurately summarizes progress
- breaks solutions down into manageable portions
- works with participants to build interim measures to assist until next session
- promotes participants' ability to define their own outcomes or solutions
- encourages and commends the participants' efforts

4. STRONG SKILLS DEMONSTRATED

- helps the participants identify principles and criteria that will guide their decision making
- assists participants to select a wide variety of creative options which best address their mutual as well as individual interests
- provides an opportunity for participants to test the reality of their decisions
- provides for options if agreement is not reached or breaks down

5. OUTSTANDING SKILLS DEMONSTRATED

- works with the participants to develop their own principles to evaluate their solutions
- encourages the participants' belief in their ability to use their own criteria to develop interest based solutions for the present mediation and for their future negotiations

MCDR MEDIATOR SKILLS ASSESSMENT SCORING

Candidate: _____

Assessor: _____

Scoring

Overall (3 to pass): _____

Ethics (3 to pass): _____

Power
Imbalance (3 to pass) : _____

Date: _____ Assessor signature: _____