

MCDR MEDIATOR SKILLS ASSESSMENT CHECKLIST

Candidate: Name Assessor: Name

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' cooperative 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?
* you are required to pass this section of the assessment**

Score
#

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
#

<p><u>1. NO SKILLS DEMONSTRATED</u></p> <ul style="list-style-type: none"> • oblivious to or extreme unease with conflict • neither participant feels emotionally or physically safe in the mediation • no screening for safety • terminates unsafely <p><u>2. INADEQUATE SKILLS DEMONSTRATED</u></p> <ul style="list-style-type: none"> • ignores or mismanages emotionally damaging statements • negatively reframes statements which serve to escalate, maintain or entrench the participants positions <p><u>3. SATISFACTORY SKILLS DEMONSTRATED</u></p> <ul style="list-style-type: none"> • 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 <p><u>4. STRONG SKILLS DEMONSTRATED</u></p> <ul style="list-style-type: none"> • uses interventions to seek clarification • confronts discrepancies • uses immediacy to attend to non-verbal cues • reframes statements to defuse and gain consensus <p><u>5. OUTSTANDING SKILLS DEMONSTRATED</u></p> <p>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</p>	<p>OBSERVATIONS:</p>
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C. Evaluates ongoing process. Does the mediator monitor and work with participants to continually adapt the process?	Score #
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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

OBSERVATIONS:

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

OBSERVATION:

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

Score:
#

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

OBSERVATIONS:

MCDR MEDIATOR SKILLS ASSESSMENT SCORING

Candidate: **Name**

Assessor (PRINT): **Name**

Scoring Summary:

Page 1: x

Page 2:x

Page 3:x(Power Imbalance - 3 to pass)

Page 4: x

Page 5: x

Page 6: x

Page 7:x (Ethics - 3 to pass)

Page 8:x

Page 9: x

Arithmetic Total: $x \div 9 = \text{Avg: } x$

Overall (3 to pass):x

Date: Date, _____

Assessor signature: _____
Name