MCDR MEDIATOR SKILLS ASSESSMENT CHECKLIST

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Candidate: Name Assessor: Name

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

INADEQUATE SKILLS DEMON-STRATED

- 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

SATISFACTORY SKILLS DEMON-STRATED

- is "present" and attentive
- builds rapport and confidence in med.
 process and self
- demonstrates ability to be nonjudgmental 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

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

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

> 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.

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' cooperation 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

DEMONSTRATED

enhances participants' commitment to their new collaborative working relationship

OBSERVATIONS

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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
- balance does not recognize unequal power

INADEQUATE SKILLS DEMONSTRATED uses the participants' positional

- uses the participants' positional, emotionally laden, inflammatory language
- allows one participant to dominate the
- aligns with one of the participants

3. SATISFACTORY SKILLS DEMONSTRATED

- uses appropriate body language and eye contact opportunities which both understand ensures equal communication
- 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

OUTSTANDING SKILLS DEMONSTRATED

participants able to give and receive establishes and maintains a working environment based on equality with all comments/feedback appropriate, constructive

OBSERVATIONS:

MANAGING THE PROCESS OF MEDIATION

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

Score

NO SKILLS DEMONSTRATED

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

INADEQUATE SKILLS DEMONSTRATED

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

3. SATISFACTORY SKILLS DEMONSTRATED

- allows sufficient time for each participant feelings, and explore their interests to state their positions, express their
- cues and attends to non-verbal cues acknowledges the participants' feelings tracks body language as well as verbal
- clarifies misunderstandings and reframes positions and probes for assumptions
- ensures children's interests are underlying interests
- addressed

5. OUTSTANDING SKILLS

works with the participants to identify principles based on their underlying

OBSERVATIONS

4. STRONG SKILLS DEMONSTRATED interests of the participants identifies mutual and individual interests is able to differentiate and connect DEMONSTRATED

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

INADEQUATE SKILLS DEMONSTRATED

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

3. SATISFACTORY SKILLS DEMONSTRATED

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

STRONG SKILLS DEMONSTRATED

- uses interventions to seek clarification
- confronts discrepancies
- uses immediacy to attend to non-verbal
- explores intense emotions and/or body promote deeper understanding language between the participants to
- reframes statements to defuse and gain consensus

DEMONSTRATED

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

OBSERVATIONS

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

Score #

NO SKILLS DEMONSTRATED

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

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

SATISFACTORY SKILLS DEMONSTRATED

- maintains optimism and forward movement respects each participant's different needs for time to process decisions
- demonstrates adequate understanding of monitors participant's readiness to move productively through the process
- 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

STRONG SKILLS DEMONSTRATED

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

OUTSTANDING SKILLS DEMONSTRATED

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

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

INADEQUATE SKILLS DEMONSTRATED

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

3. SATISFACTOR' DEMONSTRATED SATISFACTORY SKILLS

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

4. STRONG SKILLS DEMONSTRATED

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

impasse is reached OUTSTANDING SKILLS DEMONSTRATED

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

OBSERVATIONS:

MANAGING THE CONTENT OF MEDIATION

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

Score

1. NO SKILLS DEMONSTRATED

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

2. INADEQUATE SKILLS DEMONSTRATED

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

- of the mediator and the participants. defines the mediation process and the roles
- uses a variety of questions to generate information
- accurately tracks, uses and summarizes information 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
 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 OUTSTANDING SKILLS DEMONSTRATED

relevance of the information based criteria in judging usefulness or assists the participants to apply interest-

OBSERVATION

information is integrated throughout the works with the participants to ensure the

NO SKILLS DEMONSTRATED

- forces parties to a decision not of their
- frames issues as positional and the

negotiations become positional bargaining INADEQUATE SKILLS DEMONSTRATED parties appear ready and express need to

- despite time to do so proceed with options but mediator postpones
- insufficient information allows premature decisions based on
- does not summarize where they leave off
- limits creation of options
- allows unrealistic and unworkable decisions SATISFACTORY SKILLS DEMONSTRATED
- assists participants to explore and evaluate
- accurately summarizes progress
- breaks solutions down into manageable
- works with participants to build interim measures to assist until next session
- own outcomes or solutions promotes participants' ability to define their
- encourages and commends the participants'

STRONG SKILLS DEMONSTRATED

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

OUTSTANDING SKILLS DEMONSTRATED

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

OBSERVATIONS

MCDR MEDIATOR SKILLS ASSESSMENT SCORING

Candidate: Name

Assessor (PRINT): Name

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