

MCDR MEDIATOR SKILLS ASSESSMENT CHECKLIST

Candidate: Name Assessor: Name

**I. MANAGING THE RELATIONSHIPS IN MEDIATION**

<b>A. Establishes and maintains a respectful trusting relationship with the participants ?</b>	<b>Score</b>
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OBSERVATIONS:

**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 creatively because of quality of trust in the mediator and the mediation process

**B. Facilitates a collaborative relationship between the participants. Does the mediator promote clients' cooperative efforts and mutual understanding?**

Score #

<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>actively discourages dialogue and distrust between participants</li> <li>participants have a worse relationship at end of session than at the beginning.</li> </ul> <p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>fails to establish effective guidelines for communication</li> <li>continually cuts off participants when they are engaged in productive discussion</li> <li>insists on controlling all dialogue through mediator, thus promoting dependency on mediator</li> <li>does not mutualize</li> </ul> <p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>engages both participants in the discussions</li> <li>encourages the participants' co-operation and partnership in the process</li> <li>promotes each participant's understanding of the other's point of view of the conflict</li> </ul> <p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>works with participants to promote mutual understanding, insight into and empathy for the other</li> <li>helps participants find a mutual definition of the problem</li> </ul> <p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>enhances participants' commitment to their new collaborative working relationship</li> </ul>	<p>OBSERVATIONS:</p>

**C. Manages power imbalances. Does the mediator facilitate opportunities for full participation? \* you are required to pass this section of the assessment**

Score #

<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>ignores one party completely or diminishes the importance of what they say</li> <li>does not recognize unequal power balance</li> </ul> <p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>uses the participants' positional, emotionally laden, inflammatory language</li> <li>allows one participant to dominate the session</li> <li>aligns with one of the participants</li> </ul> <p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>ensures equal communication opportunities which both understand</li> <li>uses appropriate body language and eye contact</li> <li>ongoing screening for safety</li> <li>ensures both agree with process decisions</li> </ul> <p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>works with participants to develop a process that creates and ensures equal opportunities for involvement</li> </ul> <p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>establishes and maintains a working environment based on equality with all participants able to give and receive appropriate, constructive comments/feedback</li> </ul>	OBSERVATIONS:



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

Score #

<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• oblivious to or extreme unease with conflict</li> <li>• neither participant feels emotionally or physically safe in the mediation</li> <li>• no screening for safety</li> <li>• terminates unsafely</li> </ul>	<p>OBSERVATIONS:</p>
<p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• ignores or mismanages emotionally damaging statements</li> <li>• negatively reframes statements which serve to escalate, maintain or entrench the participants positions</li> </ul>	
<p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• provides ongoing screening for safety</li> <li>• works with the parties to develop their communication guidelines</li> <li>• establishes and maintains (redirects, refocus) constructive negotiations</li> <li>• establishes an emotionally and physically safe atmosphere</li> <li>• ensures focus is on the problem not the people</li> <li>• acknowledges and normalizes the participants' conflict</li> </ul>	
<p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• uses interventions to seek clarification</li> <li>• confronts discrepancies</li> <li>• uses immediacy to attend to non-verbal cues</li> <li>• explores intense emotions and/or body language between the participants to promote deeper understanding</li> <li>• reframes statements to defuse and gain consensus</li> </ul>	
<p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></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>	

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

Score  
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<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>overwhelmed and confused by the process and takes no action</li> <li>no control over process with no established and respected guidelines</li> </ul> <p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>unaware of participants' resistance to process</li> <li>does not solicit or respect the participants' input into the process</li> <li>lacks awareness of the contentiousness of the issues</li> <li>allows participants to focus on past behaviours which are unrelated to the issue at hand</li> </ul> <p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>respects each participant's different needs for time to process decisions</li> <li>maintains optimism and forward movement</li> <li>monitors participant's readiness to move productively through the process</li> <li>demonstrates adequate understanding of issues</li> <li>comfortable with silence</li> <li>participants feel safe and understand what is happening</li> <li>helps generate an agenda and prioritizes it</li> <li>works with the participants to develop a process that respects their culture and their uniqueness</li> </ul> <p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>helps participants focus on issues to be addressed based on individual and mutual interests</li> <li>seeks clarification and direction from the participants in the process design, adapts agenda and makes procedural changes as necessary</li> <li>tracks body language as well as verbal cues and attends to non-verbal cues</li> <li>encourages them in their capacity to work through the issues</li> </ul> <p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></p> <p><input type="checkbox"/> 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</p>	<p>OBSERVATIONS:</p>
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**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  
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<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• sets up or continues with an unsafe meeting endangering one or more of the participants</li> <li>• Violates Code of Ethics/ professional standards of practice</li> </ul> <p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• fails to discuss confidentiality</li> <li>• gives wrong information or gives legal advice</li> <li>• imposes solutions</li> </ul> <p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• explains confidentiality and deals with any immediate concerns around it</li> <li>• monitors participants' readiness and safety before mediation and as an ongoing process</li> <li>• evaluates need to include others or refer out</li> <li>• acts within own area of ability and mandate</li> <li>• discloses mediator biases/conflicts of interest</li> <li>• maintains the children's best interests</li> <li>• ensures full disclosure of information</li> </ul> <p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• ensures decision making power remains with participants</li> <li>• encourages feedback from participants on mediator impartiality</li> <li>• preserves self-determination even when impasse is reached</li> </ul> <p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• continually engages participants in a process with integrity and respect, guarding their rights and maintaining their self-determination</li> </ul>	<p>OBSERVATIONS:</p>
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**B. Assists participants to apply interest-based solutions. Does the mediator assist the participants to generate options and apply interest based solutions?**

Score:  
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<p><b>1. NO SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• forces parties to a decision not of their making</li> <li>• frames issues as positional and the negotiations become positional bargaining</li> </ul> <p><b>2. INADEQUATE SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• parties appear ready and express need to proceed with options but mediator postpones despite time to do so</li> <li>• allows premature decisions based on insufficient information</li> <li>• does not summarize where they leave off</li> <li>• limits creation of options</li> <li>• allows unrealistic and unworkable decisions</li> </ul> <p><b>3. SATISFACTORY SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• assists participants to explore and evaluate options</li> <li>• accurately summarizes progress</li> <li>• breaks solutions down into manageable portions</li> <li>• works with participants to build interim measures to assist until next session</li> <li>• promotes participants' ability to define their own outcomes or solutions</li> <li>• encourages and commends the participants' efforts</li> </ul> <p><b>4. STRONG SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• helps the participants identify principles and criteria that will guide their decision making</li> <li>• assists participants to select a wide variety of creative options which best address their mutual as well as individual interests</li> <li>• provides an opportunity for participants to test the reality of their decisions</li> <li>• provides for options if agreement is not reached or breaks down</li> </ul> <p><b>5. OUTSTANDING SKILLS DEMONSTRATED</b></p> <ul style="list-style-type: none"> <li>• works with the participants to develop their own principles to evaluate their solutions</li> <li>• 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</li> </ul>	<p>OBSERVATIONS:</p>
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# MCDR MEDIATOR SKILLS ASSESSMENT SCORING

Candidate: **Name**

Assessor (PRINT): **Name**

## Scoring Summary:

Page 1:	x	Page 6:	x
Page 2:	x	Page 7:	x (Ethics - 3 to pass)
Page 3:	x (Power Imbalance - 3 to pass)	Page 8:	x
Page 4:	x	Page 9:	x
Page 5:	x	Arithmetic Total:	$x \div 9 = \text{Avg: } \mathbf{x}$

Overall (3 to pass): x

Date: Date, \_\_\_\_\_

Assessor signature:

\_\_\_\_\_  
Name