



MEDIATOR ACCREDITATION STANDARDS

1. COMMUNITY MEDIATION IN SCOTLAND

Community Mediation has now been established in Scotland as a tried and tested means of resolving neighbourhood conflict. It is comparatively inexpensive, quick, gets to the root of the problem, and is often successful where all other methods of intervention have failed. Almost all Scottish local authorities now have access to mediation services or are currently planning for such provision, and there are now between 150 and 200 Community Mediators active in Scotland.

Different models of service provision have been developed, from independent specialist charities to in-house local authority mediation services. All models, however, share a basic requirement that mediators work with the public in as safe, effective and efficient way possible. Mediators operate in situations of conflict where those involved are usually stressed and often depressed by their circumstances. Moreover, neighbour disputes are unpredictable and rarely similar and mediators are required to act with a great deal of autonomy, often having to make important decisions immediately.

The Scottish Community Mediation Network (hereafter termed SCMN) believes it is therefore essential that all mediators practising community mediation operate at an appropriate level of competence. The scheme outlined below sets out the standards we consider to be necessary for fully competent mediators to practice.

2. STANDARDS

2.1 Core Standards

SCMN-accredited mediators will be able to demonstrate the following:

- a) *They have successfully completed an SCMN approved training course or one deemed by SCMN to be of equivalent standard;*
- b) *They have participated in at least five mediations - totalling no less than 6 hours of mediation - in which at least 2 are mediation meetings;*
- c) *As a transitional arrangement, the above two requirements will be deemed to be fulfilled for mediators who complete applications prior to 23 December 2010 under the scheme and have fulfilled all other condition;*
- d) *They undertake a minimum of 12 hours CPD a year;*
- e) *They operate within the Scottish Mediation Network 'Guidelines On The Practice Of Mediation' (see Appendix 1).*



2.2 Specific Standards - Mediation Practice

SCMN-accredited mediators will be able to satisfy the following standards:

a) Basic Principles

- *Understanding of the basic models, principles and ethical dimensions of mediation;*
- *Understanding of basic theories of conflict and negotiation;*
- *Understanding of the legal and social background to community mediation in Scotland;*

b) First Contact With Clients

- *Establish contact with clients appropriately;*
- *Introduce the concept of mediation positively and effectively, including principles of confidentiality and impartiality;*
- *Assist clients in deciding whether they will use the service offered;*

c) Building Interaction With Clients

- *Communicate with clients in a manner that builds empathy and encourages positive and honest participation in the process;*
- *Recognise and work with expressions of emotion;*
- *Assist clients to identify and explore issues and concerns about the conflict and about engaging with the mediation service;*

d) Preparing Clients For Mediation

- *Ensure the client's understanding of the mediator's role, their own expectations of the process, what will be expected of them, and how the mediation will be managed;*
- *Agree the issues and concerns to be discussed in the mediation process and identify issues or concerns that cannot be appropriately dealt with by mediation;*
- *Establish whether the client is able to give their informed consent to participating in the mediation;*

e) Conducting The Mediation

- *Create a positive environment and cover introductions, the mediation structure, practical arrangements (e.g. health & safety) and ground rules clearly and comprehensively;*



- *Conduct the initial part of the mediation process so that all clients are able to voice their issues, concerns and hopes;*
- *Explore issues constructively and creatively with all clients, demonstrating impartiality, an ability to recognise and address power imbalances, and an ability to address inappropriate interactions;*

f) **Assisting Clients Toward Agreement**

- *Creatively assist clients in building agreement without proposing solutions;*
- *Assist clients to build and secure agreements and to test their practicality and appropriateness;*
- *Record and process agreements in a mutually acceptable way and establish any agreed next steps with the clients.*

3. ACCREDITATION PROCESS

3.1 Assessors

SCMN's Standards Committee will appoint a panel of no less than 7 assessors each of whom will serve for no more than three years. Assessors will have a minimum of two years experience of relevant casework and will receive training in assessment procedures.

Member services participating in the scheme will agree to contribute an assessor's time and expenses arising from assessment duties when required, as well as contributing any time and expenses arising from assessors acting under the Training and Service Accreditation schemes. In return services and their mediators will have access to free accreditation under all schemes. No assessor shall undertake any more than 5 assessments per year.

3.2 Access To Assessment Process

Any mediator who is sponsored by a participating SCMN service and who has participated in at least five mediations (totalling no less than six hours of mediation) in which at least two are mediation meetings will be eligible to apply for accreditation at no cost.

It is not our intention to disadvantage particular candidates and evidence can be accepted in different forms where there are valid reasons for this. If a candidate requires to submit evidence in alternative forms they should first of all contact the Centre. The Internal Verifiers will then explore with the candidate suitable alternatives and will make a decision accordingly.



3.3 Assessment Process

- a) Applicant mediators will submit two copies of a completed evidence portfolio to the SCMN Administration Centre. The portfolio will include the following:
- *A completed Evidence Claim Form providing written or other suitable evidence of how they have met all standards detailed in sections 2.1 and 2.2. (see Appendix 2). Note that three copies of this document are required;*
 - *A series of documents cross-referenced and supporting the Evidence Claim Form;*
 - *Two case studies of mediation cases no more than two years old, which have resulted in mediation meetings (see Appendix 3);*
 - *Witness testimony from a line manager or supervisor confirming that the written evidence is accurate (see Appendix 4).*
- b) The Centre will allocate two assessors who will satisfy themselves that the application is completed appropriately and may make a request for clarification or further details if necessary. If at this stage the assessors are of the opinion that particular sections of the evidence portfolio do not yet meet the standards, they shall inform the applicant giving written reasons, and provide the candidate with the opportunity to amend or add to their portfolio accordingly.
- c) The assessors will contact the applicant to arrange a suitable date for an assessment interview and to explain the next steps in the process.
- d) Assessment interviews may be held by telephone or in person.
- e) During the assessment interview the assessors will satisfy themselves that evidence meets the following requirements:
- Valid - there is a clear relationship between the evidence supplied and the standard it seeks to meet;
 - Sufficient - there is enough evidence to indicate the standard can be met consistently;
 - Current - the evidence demonstrates the candidate's current knowledge and skills;
 - Authentic - the evidence is the candidate's own work.



- f) The Assessors will complete a brief written report and will forward this to the Centre for internal verification within two weeks of the assessment interview.
- g) The Centre's Internal Verifiers will sample a proportion of assessor reports together with the relevant evidence portfolio and either accept or substitute the assessor's recommendation. If the assessor's recommendation is not fully accepted, the assessors will be provided with written reasons.
- h) The Centre will inform the applicant and the Standards Committee of the decision in writing and shall include a copy of the assessor's report and, if appropriate, written reasons for substituting the assessor's recommendation. The time between the assessment interview and the Centre notifying the applicant of its decision shall not be greater than 30 days, other than in exceptional circumstances.
- i) If the application has been considered not to warrant mediator accreditation, the applicant will be entitled to engage with the appeals process (see Appendix 5). If an appeal is unsuccessful an applicant may not re-apply for mediator accreditation within a year of the original decision being made.

3.4 Accredited Mediators

Accreditation will be current for a period of two years and will be extended annually on receipt of a statement from the mediator indicating how they continue to meet all of the scheme's standards, and of evidence of at least 12hrs CPD in each of the two years. A statement pro forma is included in Appendix 6. If the renewal statement is not received within 6 months of registration lapsing, individual entries will be removed from the Register, and if not received within a further 6 months, a new application will be required.

While it is the responsibility of individual mediators to ensure their registration is current, reminders will be sent by the Centre no later than one month prior to registration lapsing.

Mediators who register with Scottish Mediation Network's *Scottish Mediation Register* as a registered mediator under this scheme will be entitled to be described on the Register's website as an SCMN-accredited mediator.



CODE OF PRACTICE FOR MEDIATION IN SCOTLAND

Adopted by the Board of the Scottish Mediation Network on 19.11.08

Preamble

This Code is intended to form a baseline for the conduct of all forms of mediation in Scotland. It is expected that the different strands of mediation will, if they have not already done so, develop complementary and more detailed guidance.

Definition of mediation

Mediation is a process in which disputing parties seek to build agreement and/or improve understanding with the assistance of a trained mediator acting as an impartial third party. Mediation is voluntary and aims to offer the disputing parties the opportunity to be fully heard, to hear each other's perspectives and to decide how to resolve their dispute themselves.

Voluntary participation and self determination

A mediator shall recognise that mediation is based on the principle of voluntary participation and that it is the parties, rather than the mediator, who determine the outcome.

Impartiality and independence A mediator shall remain impartial and independent. If a mediator becomes aware of any reason which may diminish their impartiality or independence, they shall disclose this to the parties at the earliest opportunity and withdraw from the mediation unless the parties do not wish them to do so.

Conflicts of Interest

A mediator shall disclose all actual and potential conflicts of interest reasonably known to the mediator whether before or during a mediation and shall withdraw from the mediation unless the parties do not wish him/her to do so.

Competence

A mediator shall be responsible for undertaking sufficient training, supervision and continuing professional development to maintain necessary mediation skills. A mediator shall mediate only when she/he believes that he/she has the necessary skills to carry out the mediation.

Confidentiality

Confidentiality in mediation is important to encourage all participants to speak truthfully and candidly, and to enable a full exploration of issues in dispute. Unless compelled by law, or with the consent of all the parties, a mediator shall not disclose any of the information given during the mediation process.



Understanding of mediation

A mediator shall ensure that the parties understand:

- the purpose and procedure of the mediation;
- the role of the parties and the mediator;
- any fee arrangement;
- the obligation of confidentiality.

Advertising and solicitation

In advertising or offering services, mediators shall not guarantee settlement or promise specific results. All information provided by mediators about their education, background, mediation training and experience shall be accurate.

Gifts and favours

A mediator must not accept from or exchange any gift or favour with any party in any mediation. A mediator must use judgement that reflects the high ethical standards which mediation requires.

Discrimination

People should always be treated with respect and without discrimination.

Complaints and Professional Indemnity Insurance A mediator shall provide information about the process for handling any complaint made about their conduct or service, and about any professional indemnity insurance cover they may have.



MEDIATOR ACCREDITATION STANDARDS

APPEALS PROCESS

If you do not agree with the decision on your evidence claim you should lodge an appeal in writing within 21 days of the decision date. Your appeal will be heard by the Appeals Committee, which will consist of two members of the Standards Committee (one from a voluntary sector service and one from an in-house service) not previously involved in assessment of your evidence portfolio, and a representative of an independent external body, such as Scottish Mediation Network. The hearing will take place no longer than 30 days after receipt of the appeal letter. You will be entitled to appear in person and to bring a representative/supporter if desired. The decision of the Appeals Committee will be given in writing and will be final.

The Guidance

How can I appeal?

The Centre will send you a decision letter along with an appeal pro-forma which will allow you to appeal the decision.

How long do I have to appeal my decision?

You have 21 days from the date you receive the decision.

What decision can I appeal against?

You can appeal against a decision not to grant mediator accreditation on the following grounds:

- The assessment is founded on an error of material fact.
- The assessment has failed to take account of all appropriate evidence.
- The assessment is clearly unreasonable or perverse in light of the available evidence.
- The assessment procedure has not been followed.

Who will hear my appeal?

A panel of two members of the Standards Committee (one from a voluntary sector service and one from an in-house service) who were not involved in the original decision, along with a representative of an independent external body, such as Scottish Mediation Network.

Will I be accredited during the appeal process?

During the appeal process you will not be accredited.



What happens after I have sent in my appeal?

After your appeal form is received, a letter will be sent out to you within 5 working days. This letter is to let you know that we have received your form.

When will my appeal be heard?

Your appeal will be heard within 30 working days of receipt of your appeal form.

Can I attend my appeal hearing?

You will be entitled to appear in person and to bring a representative/supporter if desired.

When do I find out the decision of the appeal?

You will be informed in writing of the decision within 5 working days of the decision.

If a decision cannot be reached, the panel will keep you advised of the progress of your appeal or the further timescales that may be required to investigate further.

What decisions can the panel make?

The Committee will decide either to overturn the original decision made in your case or to uphold the original decision. If the panel overturns the original decision you will receive accreditation within 30 working days of the decision date.

What happens if I am still unhappy with the panel's decision?

The decision of the appeals panel is final. You may wish to take independent advice in these circumstances.

SCMN Standards Committee
C/o Scottish Community Mediation Centre
21 Abercromby Place
Edinburgh
EH3 6QE



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Letter of Appeal

I wish to appeal against your decision of not to grant me mediator accreditation on the following grounds:

(Please continue on a separate sheet if necessary)

Name:

Signature.....Date.....

Please return to:
SCMN Standards Committee
C/o Scottish Community Mediation Centre
21 Abercromby Place
Edinburgh
EH3 6QE

