



The Academy of Legal Mediation | TOOLKIT COMPANY PERFORMANCE BASED ASSESSMENT TOOL¹

Type of Assessment:

- IMI qualified mediator
 IMI certified mediator
 ADR-Register associate certified mediator ADR-Register full certified mediator Other:

- Integrity declaration mediator/training institute/parties/assessors received
For IMI Certified only: Self-evaluation and description of mediation style and/or UDPM received
For IMI Certified only: Logbook received and approved
For IMI Certified only: Interview carried out and passed

Scoring scales:

- 0: Missing: Behavior / aspect not observed or unacceptably dealt with
1: Behavior / aspect inadequately dealt with
2: Behavior / aspect satisfactorily dealt with
3: Behavior / aspect (very) well dealt with
4: Behavior / aspect excellently dealt with

Categories and points:

- | | |
|--|---------------------------------|
| I. Ability to manage the process: | Max 16 points 8 = pass |
| (I.1. Generating options, decision making and closure (if applicable)) | Max 4 points 2 = pass) |
| II. Specific skills interventions and techniques used: | Max 12 points, 6 = pass |
| III. Professional attitude | Max 12 points, 6 = pass |
| IV. Self-reflection and professional development: | Max 16 points, 8 = pass |
| Total maximum points Assessment: 56 (60); | pass at score of 28 (32) |

To pass the assessment, a maximum of one 'inadequate' (1 point) in any total sum of a category is allowed, provided there is no 0 'missing behavior / aspect not observed or unacceptably dealt with' scored in any of the subcategories and the candidate has identified this as one of their weaker points that they are still working on in their self-assessment. An assessment is rated as 'with distinction' if the candidate scores 'with distinction' in 3 or more categories.

¹ ©2011-2023 Manon Schonewille The ACADEMY of Legal Mediation (powered by Toolkit Company) – All rights reserved – www.academylegalmediation.nl



CRITERIA	0 Missing	1 Inadequate	2 Satisfactory	3 Good	4 Excellent	Observations / Remarks
I. Managing the process						
<ul style="list-style-type: none"> • Effectively moving parties forward: empowering parties, motivating parties, stimulating parties input and control, effectively break through impasse (4) 						
<ul style="list-style-type: none"> • Managing communication aspects: regulating power imbalances, equal attention, speaking time and balance, dealing with emotions, dealing with interruptions, working through conflict issues (4) 						
<ul style="list-style-type: none"> • Structuring the mediation process: expectation management, setting up an issue or negotiation agenda, directing the process, explaining mediation process and roles (opening statement), organizing room, meeting and seating, good timing / mechanics for use of caucus and/or joint sessions and vv. (4) 						
<ul style="list-style-type: none"> • Managing substantive aspects: Identifying, clarifying and working through conflict issues, as well as (underlying) interests. Identifying and pointing out individual and joint interests, framing issues to facilitate discussion. (4). 						
I. 1 Generating options, closure						
<ul style="list-style-type: none"> • Generating several options, and closure: <ol style="list-style-type: none"> 1. Adequate brainstorming, all parties take part in generating options. 2. Agreement and closure: Reality testing and adequate decision making which is separated from inventing options (only if applicable) (4) 						
Total I:						
Total I.1						

CRITERIA	0 Missing	1 Inadequate	2 Satisfactory	3 Good	4 Excellent	Observations / Remarks
II. Specific skills and techniques						
<ul style="list-style-type: none"> • Adequate and timely use of several techniques and interventions: Listen, acknowledging feelings, reframe, summarize, paraphrase, reflect enlarge, asking questions (open, linear, problem-solving clarification, digging deeper), use of silence, reframing • <i>(not all of these techniques need to be used during the assessment: it's about the adequate and timely use, it must fit in the specific mediation) (4 x 2)</i> 	X 2 =	X 2 =	X 2 =	X 2 =	X 2 =	
<ul style="list-style-type: none"> • Basic techniques: Good use of listening, open-ended questions, (and digging deeper to find underlying interests) summarizing. • <i>(all of these techniques must be used during the mediation) (4)</i> 						
Total II:						
III. Professional attitude						
<ul style="list-style-type: none"> • Building up a working relationship: building up trust, rapport with parties, brings in sense of balanced perspective, reduces tension, professional ethics, empathic, relaxed and at ease (4) 						
<ul style="list-style-type: none"> • Task focused, adequate professional distance and stance (4) 						
<ul style="list-style-type: none"> • Equal attention and balance, impartial stance (4) 						
Total III:						



CRITERIA	0 Missing	1 Inadequate	2 Satisfactor y	3 Good	4 Excellent	Observations / Remark
IV. Self reflection and PD						
<ul style="list-style-type: none"> • Self assessment matched observations assessors (4) 						
<ul style="list-style-type: none"> • Post-assessment interview satisfactory and confirming (4) professional attitude 						
<ul style="list-style-type: none"> • Expectation management: description of style and approach and mediator profile in line with observations assessors (4 x2) 	X 2 =	X 2 =	X 2 =	X 2 =	X 2 =	
Total IV:						
TOTAL all categories I - V:						



PERFORMANCE BASED ASSESSMENT RESULTS

Name Mediator:

I. Process Management	points:	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> With Distinction
II. Skills, techniques, interventions	points:	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> With Distinction
III. Professional Attitude	points:	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> With Distinction
IV. SELF-REFLECTION/CPD	points:	<input type="checkbox"/> Fail	<input type="checkbox"/> Pass	<input type="checkbox"/> With Distinction

Overall performance-based assessment points: max: 56 (~~60~~); pass at score of 28 (~~32~~) (please indicate) Fail Pass With Distinction

The mediator demonstrated sufficient levels of mediation competence during the performance-based assessment and the interview on the basis of the TC Mediator Qualifying Assessment Program Criteria. Based on this assessment result this mediator is an IMI Qualified Mediator ~~ADR-Register associate-certified mediator*~~ and is eligible to continue to become an IMI Certified Mediator ADR-Register full certified* after satisfactory proof of having gained experience.

OR:

The mediator proofed to be an experienced mediator (20 cases or 200 mediated hours in 3 years prior to the assessment, based on a logbook, self-assessment, and where applicable Feedback Digest) and is eligible to become an IMI Certified Mediator | ADR-Register full certified mediator*

OR:

The mediator has not demonstrated sufficient levels of mediation competence during performance-based assessment and/or the interview on the basis of the TC Mediator Qualifying Assessment Program Criteria.

Assessor 1 Name: Signature: Date:

Assessor 2 (if applicable) Name:..... Signature: Date:

(Observer if applicable) Name: Signature: Date:



INTEGRITY DECLARATIONS

INTEGRITY DECLARATION ASSESSOR(S) and Observer

To the best of my knowledge, this mediator has been assessed in line with my professional integrity, according to the TC standards and requirements for professional assessments and on an equal base (independent of personal preferences, a specific mediation style or approach, training, or training institutes, professional affiliation, region, gender, race, sexual orientation, religion, or other personal characterizations or affiliations). I hereby attest that all marks were placed independently and to the best of my ability. Also, I ascertain confidentiality of and privacy for the documents, information gathered as part of this assessment as well as the video materials if applicable.

Assessor 1 Name: Signature: Date:

Assessor 2 (if applicable) Name: Signature: Date:

Observer (if applicable) Name: Signature: Date:

INTEGRITY DECLARATION MEDIATOR

I hereby attest that the parties were not working from a script prepared by me and did not confer with me other than during the actual mediation simulation about this case. They especially did not prepare or rehearse this case with me. I also declare that I prepared my self-assessment myself and that I did not speak with the other participants about the content of the case or informed them otherwise on substantive issues. Moreover, I declare that I will not give any third parties access to the information given to me during the assessment and/or the written exam. I will also not hand-out any training material, for example copies of presentations, power points and/or role-plays /exercises, written test questions, etc. to any third party.

I'm aware that in case Toolkit Company and/or the International Mediation Institute at any point would find out that I acted against this declaration, all accreditations will be revoked.

Mediator Name: Signature: Date:

If several separate copies of this integrity declaration are signed all copies together form the assessment tool integrity declaration



INTEGRITY DECLARATION Parties

I hereby attest that I was not working from a script prepared by one of the participants and did not confer with the mediator other than during the actual mediation simulation about this case. The mediator did not prepare or rehearse this case with me. I also declare that I did not speak with the other participants about the content of the case or informed them otherwise on substantive issues. Moreover, I declare that I will not give any third parties access to the information given to me during the assessment.

Party 1 Name: Signature: Date:

Party 2 Name: Signature: Date:

(If applicable additional parties or party advisors/advocates:

Party 3 Name: Signature: Date:

Party 4 Name: Signature: Date:)

INTEGRITY DECLARATION Training Institute (if applicable)

I hereby attest that we as a training institute and/or any of our trainers did not prepare a script from which the mediator and/or parties could be working. Parties were only given a case and case instructions. We did not hand out the case beforehand to the mediators or rehearse this case with him or her. I also declare that I did not speak with the other participants about the content of the case or informed them otherwise on substantive issues.

Training institute: Name representative:

Position: Signature: Date:

If several separate copies of this integrity declaration are signed all copies together form the assessment tool integrity declaration