



TOOLKIT COMPANY PERFORMANCE BASED ASSESSMENT TOOL¹

Type of Assessment: ACB legal mediator ACB accredited mediator Toolkit accredited mediator IMI certified mediator

Step 1:

- Self-evaluation and description of mediation style received
- Integrity declaration mediator/training institute/parties received
- Interview carried out and passed

Step 2-3 additional:

- Logbook of at least 20 full-scale mediations or 200 mediated self-assessment received
- Feedback Digest and feedback forms received.
- Additional interview carried out and passed (Confirm Practice Assessment Criteria Tool)

Name, address mediator:

Categories and points:

- | | |
|--|---|
| I. Ability to manage the process: <i>(I.1. Generating options, decision making and closure (if applicable))</i> | Max 16 points 8 = pass <i>Max 4 points 2 = pass)</i> |
| 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) |

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

¹ ©2011-2020 Manon Schonewille Toolkit Company – All rights reserved – www.mediationbedrijfsleven.nl - www.toolkitcompany.com

| 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: adequate brainstorming, all parties take part in generating options, and adequate decision making which is separated from inventing options, (only if applicable) (4) | | | | | | |
| Total I: | | | | | | |
| Total I.1 (if applicable) | | | | | | |

| 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 Satisfactory | 3 Good | 4 Excellent | Observations / Remarks |
|---|---------------------|------------------------|--------------------------|------------------|-----------------------|-------------------------------|
| IV. Self reflection and PD | | | | | | |
| • Self assessment matched observations assessors (4) | | | | | | |
| • Post-assessment interview satisfactory and confirming (4) professional attitude | | | | | | |
| • 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/PD | 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 circle) **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 ACB | TC Mediator Qualifying Assessment Program Criteria. Based on the assessment result this mediator is qualified as ACB Accredited Mediator | ACB Accredited Legal Mediator | Toolkit Company Accredited Mediator (please circle) and is eligible to continue steps 2 & 3 of the full assessment program to become IMI Certified Mediator.
- The mediator is an experienced mediator who has submitted a logbook and a self-assessment prepared by them as well as the Feedback Digest and feedback forms submitted by the parties. The logbook contains at least 20 full-scale mediations or 200 mediated hours in the 3 years prior to the assessment. The Feedback Digest is based on feedback forms from those mediations and prepared by an independent Reviewer according to the IMI guidelines. The mediator passed the additional interview based on the Practice Assessment Criteria Tool. Besides this the mediator demonstrated sufficient levels of mediation competence during the performance-based assessment and the interview on the basis of the ACB | TC Mediator Qualifying Assessment Program Criteria. Based on the assessment result this mediator is qualified as ACB Accredited Mediator | ACB Accredited Legal Mediator | and/or Toolkit Company Accredited Mediator (cross through what is NOT applicable) and is eligible to apply to become an IMI Certified Mediator.
- The mediator has NOT demonstrated sufficient levels of mediation competence during performance-based assessment and/or the interview on the basis of the ACB | 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 ACB 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 ACB, 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:



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: