

Guidance on Mediator Competency

The Scottish Mediation Network is funded by the Scottish Government to operate and regulate the Scottish Mediation Register. Mediators must meet the Practice Standards for Mediating in Scotland to enter the Register. The Practice Standards include requirements for initial training and on-going CPD. This document is designed as a guide to mediators and those who train them on the competencies that the Network expects Registered Mediators to meet or be working towards. It also acts as a useful tool for those using mediation to understand the skills and behaviours that they can expect to be exhibited by their mediator.

Managing the process		Managing the people	Communication in mediation
<ul style="list-style-type: none"> • Prepares and sets up mediation, engaging with all participants • Fee arrangements explained clearly to participants prior to mediation commencing • Ensures participants understand the voluntary nature of mediation and have given their informed consent to mediate • Recognises and responds appropriately to any perceived conflict of interest • Explains the confidential nature of mediation and the limits of confidentiality 	<ul style="list-style-type: none"> • Explains the role of the mediator and the participants in mediation • Understands when mediation is not appropriate and is able when required to explain why to participants • Helps participants to understand their positions and interests and reframe the discussion in a constructive way • Checks participants are prepared for mediation 	<ul style="list-style-type: none"> • Accesses or creates an appropriate environment for mediation • Does not discriminate against participants and makes reasonable adjustments for their needs • Checks authority to make decisions and to implement agreements • Explains the ground rules for conduct during mediation, checks that the participants understand them and discusses what they might do if they feel this is not possible 	<ul style="list-style-type: none"> • Clearly explains and ensures that the participants understand the purpose, procedure and process of mediation • Allows participants to ask questions about the mediation process which are then appropriately answered • Speaks clearly and concisely • Uses jargon free language • Demonstrates active listening • Uses appropriate non-verbal communication • Uses appropriate language and pace

Managing the process		Managing the people	Communication in mediation
<ul style="list-style-type: none"> • Is able to keep the mediation process moving in a constructive way • Enables participants to build their own agreements • Assists the participants to consider their options and how these may work in practice • Assists participants to test the practicality and appropriateness of solutions as a means of building secure agreements • Is able to identify common ground between the participants 	<ul style="list-style-type: none"> • Accurately summarises the information provided by participants during the mediation • Uses appropriate techniques to break impasse and deal with deadlock • Effectively manages transitions within the mediation process • Records agreements in a mutually acceptable way and establishes any next steps • Concludes mediation in an appropriate way when agreement is not reached 	<ul style="list-style-type: none"> • Intervenes appropriately if participants break the ground rules, behave or communicate inappropriate ways • Identifies and agrees issues for discussion in mediation • Recognises and addresses power imbalances • Demonstrates respect for the participants and their views and opinions • Demonstrates empathy • Demonstrates impartiality 	<ul style="list-style-type: none"> • Asks open questions • Checks back with the participants that the understanding of what they have said is accurate • Uses appropriate additional tools to assist the participants in mediation, e.g. flipchart • At all times remains calm even when others behave inappropriately