



CMC Consultation: Mentoring, Peer Review and Reflective Practice

November 2018

Background

Commercial Mediation is a solitary occupation. Most mediators work alone. Even if they have an Assistant, such feedback they may have will usually be inexperienced and too respectful. Feedback from users is very rare. When it happens it is usually brief and unhelpful.

Supervision already exists in Family Mediation in the UK and the Mediation Institute of Ireland require supervision of all strands of mediation including Commercial Mediators. With the 'professionalisation' of mediation, and the closer relationship of the CMC with the Family Mediation Council, it has become apparent that civil and commercial mediators need to consider whether they will adopt some form of support and review.

The CMC Registration and Standards Committee is in favour of the increased use of mentoring and some form of reflective practice and is inviting CMC members to express their views and comment on these suggestions. It is important that any resulting scheme is realistic and has the support of the CMC membership.

Questions are asked in the main text of this document, and then repeated on page 4, for ease of reference and reply.

Part A

The CMC is considering the following suggestions.

1. Mentoring

Mentoring means having an experienced mediator available to give advice and support to other mediators. CMC registered Providers already state that they 'offer the opportunity for mediators to consult experienced mediators before, during or after each mediation....', although this is rarely checked. The use of Mentoring is, of course, the mediator's choice, but there is an obligation on the Provider to have the facility available if required.

It is suggested that the CMC have a list, or designation, on the website of experienced (including non-practicing) mediators who offer mentoring. The suggestion is that this should be a free service.

1. a) **Would you be in favour of the CMC introducing this measure?**
b) **If you have any suggestions for improvement, please detail them.**

2. Peer Review

Peer Review is the process of an experienced mediator sitting in on a mediation and observing the mediator in action. The Reviewer would then give helpful feedback to the mediator after the mediation. Some Commercial mediators have occasional reviews but it rare and spasmodic. This is not Co-Mediation.

It is suggested that Reviews should be once per year or every ten mediations, whichever is the greater period. The reviewer should be remunerated; this could be done by sharing the mediation fee, or by having a reciprocal arrangement for the mediator to review the Reviewer when they are mediating. The review would be confidential, although where the mediator is a panel member, the relevant Provider should be aware it has taken place. The CMC should produce guidance for Reviewers.

2. a) **Would you be in favour of the CMC introducing this measure?**
b) **If you have any suggestions for improvement please detail them here.**

3. Reflective Practice

Sometimes called 'Supervision', although this may be a less acceptable term for experienced mediators! This involves a trained supervisor (called a 'Professional Practice Consultant' or PPC in family mediation) meeting with the mediator on a regular (quarterly?) basis. Generally, the same supervisor is consulted and it can be singly or in a group. This could be considered to be part of Continuing Professional Development requirements.

It is suggested that Registered Providers should offer this service to their mediators. In addition, the CMC should offer reflective practice sessions for individuals or Providers. A fee would generally be payable for this service, though Providers may want to include this in its service to mediators. Supervisors/PPCs must be trained.

3. a) **Would you be in favour of the CMC introducing this measure?**
b) **If you have any suggestions for improvement please detail them here.**

Part B

The CMC is considering other, related issues and would appreciate hearing the views of the CMC membership on these issues.

4. Assistantships/Pupillages/Observations

The Registration scheme does expect Registered Providers to 'provide adequate and appropriate supervision, mentoring and observerships'. It also expects Providers to give observations to newly trained mediators of 'at least three civil or commercial

(or workplace) mediations' over twelve months before they are permitted to lead. **It is suggested that the CMC should expect all lead mediators to offer Observations when requested.** Observations should be without cost to the observer.

Please comment on this suggestion.

5. Newly trained Mediators

Some mediator training bodies do not accredit after assessment until after the mediator has attended two or three mediations. The College of Mediators requires ten hours face-to-face (i.e. attendance at actual mediations) after training before a mediator is accredited. The Civil Mediation Council requires three observations before a mediator is permitted to lead. **It is suggested that the CMC requires training bodies to accredit after three observations as part of their registration conditions.**

Please comment on this suggestion.

6. Co-Mediation

Co-Mediation is not common in Commercial mediation, whereas it is in Family and Community mediation. Co-Mediation would normally be two experienced mediators working as a team and would be suitable to multi-party and/or highly specialised disputes. **It is suggested that the CMC promote Co-Mediation for multi-party disputes.**

Please comment on this suggestion.

CMC Consultation on Mentoring, Peer Review and Reflective Practice

1. Mentoring

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- a) Would you be in favour of the CMC introducing this measure?
- b) If you have any suggestions for improvement, please detail them.

2. Peer Review

It is suggested that Reviews should be once per year or every ten mediations, whichever is the greater period.

- a) Would you be in favour of the CMC introducing this measure?
- b) If you have any suggestions for improvement, please detail them.

3. Reflective Practice

It is suggested that Registered Providers should offer this service to their mediators. In addition, the CMC should offer reflective practice sessions for individuals.

- a) Would you be in favour of the CMC introducing this measure?
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Please comment on this suggestion.

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