

**CIVIL MEDIATION COUNCIL
PROVIDER OF A REGISTERED TRAINING COURSE**

Guidance Notes

- i. Please read these Notes with care and complete the application form on www.civilmediation.org in full.
- ii. This scheme applies to training courses which seek to train mediators to be commercial/civil or workplace mediators, and wish to practice mediation in England and/or Wales.
- iii. In order to keep costs to a minimum, the CMC does not have a large administration. Applicants are therefore advised that applications may take up to four weeks to process although an acknowledgement should be received by return.
- iv. Please note the requirement for a senior official of each training provider to approve and date the Declaration personally, certifying that the contents of the application form are true and accurate, upon which the CMC may rely.
- v. All data will be held in accordance with the CMC's data protection policy. The CMC's Privacy Notice sets out how the CMC uses the personal data it holds.
- vi. It is the CMC's intention/ policy to publish the names and contact details of each registered organisation, along with all the information marked for publication on the application form, on the CMC's website. If you are unwilling for this to happen, please inform the Secretariat.
- vii. Applications and payments should be made online at <https://civilmediation.org/membership/>
- viii. Renewal payment terms: Invoices will be issued annually, with payment due within 30 days from invoice. A grace period of 2 weeks will be given from this date, after which the course listing will be removed from CMC website.

THE MEDIATOR SKILLS TRAINING COURSE REGISTRATION SCHEME

1. Background

- a. The CMC Articles of Association advise under 3.4 that the CMC will:

“encourage standards of good practice in relation to mediation and other dispute resolution techniques and methods.”

- b. The CMC Articles of Association's 'Defined Terms' contained in the Schedule (interpretation) attached to the Articles at 1.16 state that a mediator is

An individual who is trained to conduct mediations in accordance with such standards as the Directors may specify from time to time.

- c. The CMC Articles of Association's 'Defined Terms' as above at 1.18 state that a Mediator Provider is

'an organisation whose primary purpose or purposes include the provision of mediation services or training, or the promotion of mediation, and those activities are conducted in whole or in part in England or Wales'

- d. The CMC Articles of Association provides for registration as below:

- i. The Directors may make such standards, schemes, policies and terms of reference in relation to mediation and other forms of dispute resolution as they see fit (including but not limited to registration or accreditation schemes for individuals, organisations or courses).
- ii. Standards, schemes, policies and terms of reference may be made, repealed or altered by the Directors as they think fit.

- e. This scheme has been approved by the Directors of the Civil Mediation Council Limited pursuant to Article 14 (above) of the CMC Articles of Association.

- f. The CMC Equality and Diversity Policy is copied at Appendix 1 below.

- g. Providers of Registered Training Courses must be CMC Members. It is a condition of CMC Membership that members abide by the rules of the CMC, support and advance the CMC's aims so far as shall be in their power and that members do not bring the mediation process, the mediation profession or the CMC in to disrepute.

2. Registration Requirements

- a. The CMC believes that the characteristics to be expected of an effective Civil & Commercial and/or Workplace mediator skills training course can be crystallised. Such characteristics ensure that participants who go through these courses, have received a sufficient quality of training which will enable them to:

- i. competently mediate commercial and or workplace disputes;
- ii. have sufficient understanding of the role and duties of a mediator and therefore engender trust, efficiency and professionalism, and reinforce neutrality and confidence.

- b. The characteristics to be examined by the CMC in the scheme when assessing whether a mediator skills training course is to be registered by the CMC are:

- i. Course Content and Structure:

- 1 The training course will be not less than 40 hours including (a) face to face tuition and roleplay and (b) thereafter a formal assessment. Pre- and Post-course reading / work is therefore in addition to the 40 hours. Lunch and coffee breaks are also excluded.
 - 2 That course must include training in ethics, mediation theory, mediation practice, negotiation, and role play exercises.
 - 3 The training course will include not less than 50% role plays with 80% of these being coached.
 - 4 The classroom/lecture setting should not exceed 30 delegates.
- ii. Course Assessment of participants as Competent Mediators. Performance during or on completion of training must be assessed as follows:
- 1 With continual assessment throughout the course – at least one separate assessment of at least one hour.
 - 2 Where assessment is not continual throughout the course – two separate assessments of at least one hour each by two separate assessors.
 - 3 Assessment criteria are as a minimum to include:
 - a) an appropriate and safe environment is set by the participant-mediator which is conducive to problem-solving;
 - b) the role of mediator to be fully and properly articulated;
 - c) the principles of confidentiality, neutrality and facilitation be evidenced;
 - d) trust and rapport be established;
 - e) necessary skills to explore issues, interests and options be applied;
 - f) the ability to manage the parties and the process be clear;
 - g) the ability to advance resolution through the application of negotiation and communication skills be seen, without driving or imposing a solution;
 - h) proper consideration of ethical issues, including conflicts of interest, as they arise.
 - 4 Assessors are to meet the criteria of the CMC Registration Scheme in terms of training, observations, CPD and practice requirements. At least one of the assessments to be by assessors who are to be separate from those delivering the training.
 - 5 The training course will have a published and verifiable appeal process, by which participants may appeal the outcome of their assessment.

3. Course Administration

- a. A training provider must have in place a published complaint handling procedure which meets the CMC's minimum standards, and keep written records of any complaints. All complaints should be investigated and the outcome notified to the complainant within a specified timescale. If the provider's decision is appealed there should be provision for the complaint to be referred to an independent third party.
- b. A training provider should have suitable and sufficient administrative arrangements that are proportionate to and for the work and workload it undertakes, including the

handling of enquiries, the management and administration of the course and, the accurate accounting for fees and the proper rendering of bills to the consumer.

- c. Good Standing Test – A training provider should ensure its' key personnel meet the standards listed in the 'CMC good standing test' and disclose details for consideration if not. Key personnel are those involved in the management and running of the organisation.

CMC Good Standing Test

Training providers must confirm whether those involved in the management and running of the organisation have:

- Been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence;
- Been disqualified under the Company Directors Disqualification Act 1986 (CDDA);
- Been erased, removed or struck off a register of professionals;
- Been the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order in England and Wales or an order to like effect made elsewhere;
- Been a director of a company which entered in to administration or became insolvent in England and Wales or elsewhere;
- Been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a professional activity, or discharging any functions relating to any office or employment.
- Been refused Professional Indemnity Insurance

These questions will be asked:

(i)- on first application, to establish whether any of these have occurred in the last 5 years.

(ii)- on renewal, to establish whether any of these have occurred in the last 3 years.

Should any questions be answered yes, training providers will be required to disclose details, and asked to state if they think this will have an impact on their mediation work, and if not, why not. This will be considered by two members of the Registration and Standards Committee, who will have discretion to accept or not accept the application.

- d. Providers of Registered Training Courses understand that failure to adhere to the Training Scheme rules and any resulting complaint may result in a disciplinary investigation process, in accordance with the CMC's rules, the outcome of which could be, if the complaint is upheld, the temporary suspension or permanent expulsion of the organisation from Membership of the CMC. This would result in termination of the registration of your training course.

4. Registration of training providers - method of assessment

- a. The CMC has established a registration committee which includes experienced independent mediation trainers and members of mediation training organisations. This operates under the direction of the Board of the CMC.

- b. Training providers may at any time submit an application online at <https://civilmediation.org/membership/>, duly authorised, together with the fee for entering the registration process (which is in addition to the annual membership fee).
- c. Applications will be acknowledged. They will then be sent to members of the registration committee and examined. The CMC will in the ordinary course notify the candidate provider of its decision within four weeks of the acknowledgement of receipt of the application.
- d. Applicants may receive further questions from the CMC for clarification and response by email.
- e. In some instances, the CMC may ask if it may visit or meet members of the candidate training provider to clarify any issues that have arisen during its consideration of the application and to ensure that it is satisfied with the responses.
- f. Where on first assessment the CMC believes that the training course may not meet the criteria for registration it will, if it is appropriate, make recommendations to the provider and allow the provider a reasonable time to submit confirmation that those recommendations have been implemented before making a final decision. This is part of the CMC's objective to work towards promoting higher standards and best practice in the widest possible mediation community rather than to exclude through the unreasonable imposition of deadlines.
- g. Where the CMC registration committee is not satisfied that a training course meets the criteria for registration it will so notify the training provider, with reasons. The provider may then request that a panel comprised of the Chair or Vice-Chair of the CMC and two other Board members (all of whom are not on the registration committee) should consider any submissions it may wish to make. The panel will, on completion of its consideration, notify the decision to the provider, with reasons.

5. **Re-registration**

- a. Registered training providers must seek re-registration on a biennial basis online at <https://civilmediation.org/membership/Membership> and registration fees are still due on an annual basis.
- b. Applications for re-registration will be processed in accordance with the procedures set out in paragraphs 4.a. to 4.g. above.

6. **Complaints and Disciplinary Measures**

- a. A complaint may be made to the CMC on the ground that a provider of a Registered Training Course no longer meets the requirements for registration or that as a CMC member they have brought the CMC or the mediation profession or the mediation process into disrepute.
- b. Any such complaints are to be considered under the CMC's procedures as determined from time to time. Once a complaint has been made against a CMC Member, the CMC may investigate and reach conclusions about the complaint and any subsequent disciplinary measures in accordance with its procedures, whether or not that the Member chooses to retain their membership and/or registration status.
- c. Failure to adhere to the CMC's rules may result in a complaint and disciplinary investigation process, in accordance with the CMC's rules, the outcome of which could be, if the complaint is upheld, the temporary suspension or permanent removal of Registered Training Course status and/or membership of the CMC.

7. **Use of the phrase "CMC Registered Training Course" and related public statements**

- a. The Civil Mediation Council reserves the right to use the phrases

- i. “CMC Registered Civil/Commercial Mediation Training Course”;
- ii. “CMC Registered Workplace Training Course”;
- iii. “CMC Registered Training Course”; and
- iv. “Registered by the Civil Mediation Council”

to those training providers who have been registered under the procedures of the CMC. In the event that an organisation uses such phrases or descriptions without the authority of the CMC appropriate action will be taken.

- b. A providers of a Registered Training Courses may use the phrases in paragraph 6a) above with reference to the registered course in its literature or advertising providing the same is in accordance with the ethical and professional standards required by the CMC.

8. **Confidentiality**

- a. All information provided to the CMC will, save for the details in the registration application form marked for publication, be held and treated strictly in confidence and will not be copied or circulated other than to the relevant members of the registration committee. Each and every member of that committee undertakes not to use, communicate or refer to the information provided save in the course of the registration procedure.
- b. In the event that there is a concern over confidentiality issues, please contact the CMC’s Secretariat at secretariat@civilmediation.org

Published with the authority of the

Board of the Civil Mediation Council Limited

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Appendix 1



Equality and Diversity Policy

30th September 2020

1. STATEMENT OF INTENT

The Civil Mediation Council (CMC) is firmly committed to diversity by providing equality of opportunity in all aspects of our activities. We believe we have much to learn and profit from diverse cultures, experiences and perspectives and regard diversity as an asset to our work as it improves our ability to meet the needs of members, organisations and the people we serve.

The Equality and Diversity Policy underpins all our organisation policies and procedures and is designed to promote equal opportunity and protection for all staff, partner and member organisations. The overall aim is to ensure that no job applicant, employee, member organisation and users of the Council's services receive less favourable treatment or consideration on the grounds of:

- Disability (including mental illness)
 - Sex
 - Age
 - Gender (including transgender)
 - Race, colour, nationality, ethnic or national origins
 - Religion or beliefs
 - Sexual orientation
 - Marital status
 - Social class, income level or geographical area
- The CMC therefore strives to:
- Eliminate unlawful discrimination
 - Ensure that we treat all individuals fairly, with dignity and respect
 - Promote equality of opportunity
 - Promote equality of access
 - Provide a safe, supportive and welcoming environment for staff, partnering organisations and member companies.

Status of the policy

This policy forms part of the formal contract of employment for staff and part of the formal agreement between partners, members and the CMC.

- The CMC upholds the right of everyone to be treated fairly and equitably on their relevant merits and abilities and within the requirements of their employment;

- All applicants, employees, member organisations and users of the Council's services must declare their support for the objectives of this Equality and Diversity Policy. Failure to comply may result in disciplinary action and/or ineligibility for membership;
- The CMC shall oppose discrimination in matters of gender, sex, sexual orientation, race, faith, age, disability and shall operate within an equal opportunities policy framework for the delivery of its services, for its employment practices and for the organisation of its membership.

LEGAL AND OTHER REFERENCES

The policy is founded on the provisions of:

- Equality Act 2010

2. WHAT IS DISCRIMINATION?

Discrimination can take one or more of the forms set out below.

Direct discrimination involves the favourable treatment of a person over another in the same or similar circumstances based purely on the grounds of their gender, disability, sexual orientation etc. For example, refusing to employ someone who has the required qualification or skills because of a disability or illness would constitute such discrimination.

Indirect discrimination occurs where there is a requirement, criterion or condition, which, although applying to everyone, in practice has an adverse effect on a particular group of individuals when compared to another. Often times, the provision of such a criterion cannot be justified. For example, advertising a job as requiring an unnecessary number of years' experience which is not needed for the job or the fluency of a foreign language which again, is not really needed to perform the job.

Abuse and/or harassment - Discrimination also covers actions which amount to abuse and/or harassment of people or groups of people because they are a member of a religious, racial or ethnic minority group. This occurs when a person is subjected to unwanted conduct, real or perceived, that violates his/her dignity or creates an intimidating, hostile, degrading, humiliating or offensive environment for that person.

Victimisation occurs when a person is treated less favourably than someone else in the same circumstance because he/she has pursued or intends to pursue their rights or someone else's rights (such as if they had acted as a witness for the other person) in respect of alleged discrimination.

Discrimination in any of the forms stated above is unacceptable, regardless of whether there was any intention to discriminate or not.

4. IMPLEMENTING THE POLICY

Principles and policies are of limited value unless steps are taken to apply them, thereby ensuring that equality measures are embedded in the practice of organisation at all levels.

The CMC aims to actively encourage a climate of respect and is committed to ensuring that all staff and prospective staff are treated fairly and equitably on their relevant merits and abilities and within the requirements of their employment. We will:

- provide a safe working environment;

- make sure that we operate in line with the relevant employment legislation and statutory codes of practice;
- apply this Equality and Diversity Policy through the organisation's recruitment and selection process, training programmes, grievance procedures and all other employment policies;
- value and respect the identities and culture of our staff;
- do our best not to unfairly discriminate against any job applicant or employee and, when recruiting, only to consider factors which are relevant to the individual's ability to perform the job well;
- do everything we can to work towards a workplace that is free from discrimination, bullying and harassment and will act promptly on any complaints of discriminations, bullying, harassment or victimisation;
- make the workplace, and information about work, as accessible as we can for all our employees.

Commitment to members

The CMC's policy on Equality and Diversity applies to its members and membership procedures. It aims to:

- promote equality and diversity in its work with member companies and individuals;
- ensure that prospective members are selected against objective criteria and given equal consideration;
- reflect a fair balance and representation of the community we serve in its membership;
- ensure that referrals for mediation services from the Council will be without bias and fair.

Commitment to other users

Users of the CMC's services can expect to:

- receive appropriate and effective service that complies with the Equality Act 2010 and statutory codes of practice.
- have their complaints about the service we provide or the way it is provided, acted on promptly.
- work in partnership with the CMC to promote equality and diversity.

Promotion of policy

The CMC will make the Equality and Diversity Policy fully effective by:

- ensuring all other CMC policies support our commitment to equality and diversity;
- making sure that all employees and job applicants, partner organisations and members know about this policy;
- taking appropriate action, using agreed procedures, if any employee or member breaches this policy.

Monitoring

The CMC Board will review this Policy, at least annually, to ensure it is appropriate and responsive to relevant legislation. Amendments to the Policy will be made, where appropriate, in the light of experience or changes in legislation.