



Conflict Management & Alternative Dispute Resolution

Accredited by the Italian Ministry of Justice for running training courses addressed to professional mediators (for provision of conciliation for enterprises, banks and financial institutions) on the basis of the legislative decree 17 January 2003 n.5 and related law.

Registered, at n.8, in the Register kept by the Italian Ministry of Justice for bodies allowed to manage mediation procedures on the basis of art. 38 of the Legal Decree 17 January 2003 n. 5 for provision of mediation for enterprises, banks and financial institutions.

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CONCILIA COMPETENCE ASSESSMENT PROCEDURE (CCAP)

The aim of CCAP is to test knowledge and practical skills of the candidates in mediating civil, commercial and corporate disputes (national and/or international), acting as mediators.

For the purpose, CONCILIA created a Competence Assessment Committee (CAC) formed by three professional mediators acting as evaluators:

Mr. Alessandro Bruni (Lawyer, Founder Member of Concilia srl and Concilia Board Member; Professor of “Mediation and Conciliation” and “Strategic Management of the Human Resources”, The International Academy of Sciences of Peace, Rome; accredited by the Italian Ministry of Justice for ADR Training Courses; accredited by the Italian Ministry of Justice for corporate, banking and financial disputes)

Mr. Massimo Cerasa (Accountant, President pro tempore of the Board of Directors of CONCILIA SRL, Expert in mediation and adjudication)

Ms. Michela Sitzia (Apprentice Lawyer; Expert in Mediation Case Management and ADR Training Courses Management; CONCILIA Partner; Responsible for the CONCILIA Mediators Network)



The CONCILIA CAC assesses:

CONCILIA Candidate Mediator shall have and maintain high professional competency in mediation skills (both theory and practice) having competence in procedural aspects of the resolution of disputes rather than the mediator's familiarity with technical knowledge relating to the subject of the dispute. Therefore a professional who requests the **CONCILIA Accredited Mediator Status (CAMS)** shall obtain (first) and demonstrate (after) necessary skills and substantive training appropriate to the mediator's areas of practice and upgrade those skills on an ongoing basis.

But before, a Candidate Mediator must meet the competence standards requested for the CAMS:

- 1) Jurisprudence Degree and/or Economics Degree and/or Political Sciences Degree and/or other similar degrees;
- 2) Successful completion of a Mediation Training Course, of at least 40 hours of mediation theory and skills training, for Professional mediators in civil, corporate, banking, commercial and financial disputes, organized by an ADR Training School accredited by the Italian Ministry of Justice (or at least by one of the following international ADR Training Body: CIArb, CEDR, NMI, AAA, CPR, JAMS, WIPO, CMAP, INTA, PON at Harvard Law School);
- 3) Have at least 3 years experience as a mediator;
- 4) Have conducted at least 40 hours of mediation sessions (at least 15 of which have been conducted in the year before the request for being accredited in CONCILIA SRL);
- 5) Commitment to conducting at least 15 hours of mediation session every year;
- 6) Completion of at least 30 hours of study or training in (at least) two of the following subject:



ADR and dispute resolution generally; the psychology of conflict management; negotiation; communication techniques; strategic management of the Human resources; psychology; counselling; peace keeping and peace maintaining; family mediation; social mediation; international mediation; peer mediation; criminal mediation; environmental mediation.

Besides the above-mentioned competence standards, before Concilia srl will act asking the Italian Ministry of Justice to accredit candidates as CONCILIA Accredited Professional Mediators, for the CAMS, the CAC will test with role playing, tests and mediation simulations that candidates have some particular skills, qualities and characteristics (candidates will receive written feedback covering the areas of competence where their performance needs improvement. Unsuccessful participants will be advised as to which areas of performance or knowledge they need to address before presenting for further evaluation) The assessment process is spread over a one day period (8/10 hours).

The above mentioned skills, qualities and characteristics on which candidates are judged are the following:

1st session - Mediator qualities (to pass the exam of this session: 90 points maximum, 45 points minimum):

Appropriate manners in conducting mediation

Use of Non-verbal communication

Responding in a positive way to others

Appreciation of own values and preferences

Building true and valuable rapports

Sensitivity to the problems of others

Appreciating all inputs

Use of humour

Showing respect to all



Use of paraphrases

Keeping mental, not written note

Alertness to emotional needs

Creating a secure setting

Ability to talk freely and openly to all parties

Ability to accept feelings of all parties

Ability to listen actively

Ability to analyze problems, identify and separate the issues involved, and frame these issues for resolution or decision-making;

Ability to identify and separate the mediator's personal values from issues under consideration;

2nd session - Procedural skills (to pass the exam of this session: 80 points maximum, 40 points minimum):

Ability to treat the parties equally and fairly

Patience

Involving all

Sustaining optimism

Flexibility

Use of positive language

Turning negative language to positive

Ability to use clear, neutral language in speaking and in writing

Gathering information with the use of open question

Checking comprehension with the use of closed questions

Testing possible solutions with the use of hypothetical questions

Testing reality with the use of challenging questions

Correct use of silence effectively

Ability to help parties invent creative options



Ability to screen out non-mediabile issues

Ability to help the parties identify their own BATNAs and WATNAs

3rd session - Negotiation skills (to pass the exam of this session: 60 points maximum, 30 points minimum):

Using information tactically

Helping parties to use information positively

Identification of key points

Dealing with interruptions

Dealing with power imbalance

Dealing with inappropriate behaviours

Moving from the past to the future

Moving from rights and obligations to interests and needs

Avoiding impasse

Helping the parties in saving their own face

Making long-lasting decisions

Ability to earn trust and develop rapport

4th session - Case management skills (to pass the exam of this session: 20 points maximum, 15 points minimum):

Maintaining timetables

Avoiding redundant time

Using visual aids (as power-point slides, overhead projector, video-recorder, etc...)

Keeping the parties informed

After having passed this assessment, with the minimum score of votes (total of the 4 sessions: at least 130) assigned by the members of the CAC, Concilia will ask the Italian Ministry of Justice to accredit candidates as professional mediators.



It has to be known that, besides the CONCILIA accreditation procedure, the Italian Ministry of Justice will grant the accreditation of the candidate only if the documentation is complete and can demonstrate possession of the requirements requested by the Italian D.M. n. 222 of 2004 about the qualifications of professional mediators:

- a) JD, Economics Degree or equivalent;
- b) Accredited training courses of at least 40 hours lessons about ADR, mediation techniques, Italian Corporate Law, Communication skills

With the accreditation of the Italian Ministry of Justice a candidate mediator obtains the CONCILIA Accredited Mediator Status (CAMS) and he/she is enrolled in the CONCILIA Panel of Accredited Professional Mediators.