

MEDIATOR ACCREDITATION RULES



APCAM
ASIA PACIFIC CENTRE FOR
ARBITRATION & MEDIATION

MEDIATOR ACCREDITATION RULES



NOTES

APCAM MEDIATOR ACCREDITATION RULES

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ASIA-PACIFIC CENTRE FOR ARBITRATION AND MEDIATION (APCAM)

MEDIATOR ACCREDITATION RULES

The APCAM Mediator Accreditation Rules is a professional standards process developed by the Asia Pacific Centre for Arbitration & Mediation (APCAM) to certify professional mediators.

All the APCAM Centres maintain a panel of skilled and experienced mediators from diverse jurisdictions, based on knowledge and expertise in various sectors, trade and industry. Various reports and feedbacks obtained from experts and users have emphasized strong preference for accreditation and proper training for mediators and that the criteria for inclusion of mediators on panels must be made more stringent. Responses also suggested that mediation institutions must keep records of the performance of all mediators appointed by them and review them annually. Different grades or categories of accreditation reflect different levels of skill and experience and are given on satisfaction of the criteria set for each grade or category. These rules have been made with stringent accreditation norms for creating high standards of professionalism among mediators from different jurisdictions, which will be available in all APCAM institutions in the region, so as to guarantee uniformity, quality and transparency, by enabling credible, competent and professional outcome in dispute resolution.

ACCREDITATION SYSTEM

The APCAM Accreditation system follows a multi-level approach by which mediators with diverse mediation skills and experience are recognised. It aims at giving exposure and growth options for professional mediators, honing their knowledge, skills and multi-cultural awareness, apart from giving options for users to select different grades of mediators based on their requirement. This ladder-step approach helps young and new professionals to get more work through greater exposure and step-up their accreditation based on experience.

Since the focus of APCAM is international and cross-border mediation, accreditation to the higher levels of accreditation also emphasise inter-cultural component, so as to deal with cultural differences that may arise in mediation. The accreditation is also based on the Feedback given by users and experts on the quality of the mediator, so that the quality and ethical transparency is made available to the user while selecting the mediator, which enhances the value propositions behind APCAM Accreditation process.

The APCAM Accreditation will be accessible on an equal basis to all mediators regardless of their gender, race, ethnicity, age, religion, sexual orientation or other personal characterisation. The Mediator accreditation will be purely based on evaluation under the respective QAP's.

LEVELS OF ACCREDITATION

As per APCAM Accreditation System, there are three levels of Accreditation.

1. APCAM Accredited Mediator (AAM)
2. APCAM Certified Mediator (ACM)
3. APCAM International Certified Mediator (AICM)

APCAM Accreditation is given as per the Qualifying Assessment Programs (QAP) or under the Experience Qualification Path (EQP).

1. APCAM Accredited Mediator (AAM):

This is the entry level accreditation provided by APCAM to recognise young mediators who have just started the profession. The candidate should complete an APCAM approved Mediator Training Program within the two-year period, starting from the date immediately preceding the date of application. An Accredited Mediator shall not be entitled to act as a sole mediator, but shall act as a co-mediator with a Certified Mediator or International Certified Mediator, and has a monetary limit of disputes not exceeding 1 million US\$. A candidate can apply for AAM under QAP-1.

2. APCAM Certified Mediator (ACM):

A Mediator, who has completed an APCAM approved Mediator Training Program, and further upon completing thirty hours of mediation spread over at least five mediations becomes eligible to apply for accreditation as APCAM Certified Mediator. A Certified Mediator will be eligible to mediate in all types of disputes and has no monetary limit in dispute amount. A candidate can apply for ACM under QAP-2.

3. APCAM International Certified Mediator (AICM):

A Mediator, who has completed an APCAM approved Mediator Training Program, and further upon completing one hundred and fifty hours of mediation spread over at least twenty mediations becomes eligible to apply for accreditation as APCAM International Certified Mediator. International Certified Mediator will be eligible to mediate in all types of disputes and has no monetary limit in dispute amount. A candidate can apply for AICM under QAP-3.

BENEFITS OF BECOMING APCAM CERTIFIED MEDIATOR

- ◆ Only APCAM Certified Mediators will be empanelled as mediators with all APCAM centres in the Asia-Pacific region of approximately ten countries, and featured in the APCAM website, enabling visibility in all these countries.
- ◆ Enlistment in APCAM website gives the mediators greater exposure and growth options as international professional mediators, helping them to hone their knowledge, skills, multi-cultural awareness and networking opportunities.
- ◆ Certified Mediators will have a unique profile page containing all details, brief profile, complete with a Feedback Digest, and are searchable by users.
- ◆ All accredited and certified mediators will receive exclusive updates and news and priority subscription to events, seminars and conferences organised by APCAM or in collaboration with other APCAM Partners.

- ◆ APCAM International Certified Mediators are also offered to become Reviewers of other Mediators, thereby becoming mentors to other mediators.
- ◆ APCAM International Certified Mediators and Certified Mediators are also offered to become Assessors under the respective QAPs.

APCAM QUALIFYING ASSESSMENT PROGRAMS (QAP)

QAP-1

(For APCAM Accredited Mediator)

QAP-1 is applicable to a candidate who has successfully completed an APCAM approved Mediator Training Program within the two-year period, starting from the date immediately preceding the date of application.

Evaluation of Mediation Knowledge: The applicant shall provide the copy of the certificate of mediation training and shall have to demonstrate mediation knowledge either by submitting an assignment given to him/her which would cover topics on mediation theory, mediation rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. On evaluation of the assignment or interview, the applicant should get a minimum of 55% score. On failure to get the minimum grade, the applicant will be able to apply again, only after a period of 3 months.

Assessor & Fee: The Assessor for QAP-1 would be a selected APCAM Certified Mediator or above. Fee for QAP-1: US\$ 100.00

Annual Fees: The annual fees payable by an APCAM Accredited Mediator for listing in the APCAM website will be US\$ 50.00. The annual fees received will go towards supporting APCAM's work and operations in maintaining high standards of professional mediation in the region, promoting mediation and research initiatives. For new Mediators, fee will be payable within eight weeks of being notified that their application has been successful. For existing Mediators, fees are payable by 15th of April of each calendar year.

QAP-2 (For APCAM Certified Mediator)

QAP-2 is applicable to a Mediator who has successfully completed an APCAM approved Mediator Training Program and who has completed thirty hours of mediation, spread over at least five mediations. Applicant shall provide documentary evidence to show the level of experience as a mediator. This could be approved logbooks specifying the experience as a mediator, including dates and duration of mediations, capacity (eg. sole or co-mediator) or supporting evidence such as references, feedback forms etc.

The Applicant will be entitled to avail the benefit of attendance in recognized programs, like mediation workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of hours of mediation, provided only a maximum of five hours (One hour for each program) will be accepted.

Evaluation of Mediation Knowledge: The applicant shall provide the copy of the certificate of mediation training

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QUALIFYING ASSESSMENT PROGRAMS

and shall have to demonstrate mediation knowledge either by submitting an assignment given to him/her which would cover topics on mediation theory, mediation rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. The applicant shall also draft a settlement agreement based on the assignment given by the Accreditation Committee. On evaluation of the assignment or interview and the settlement agreement, the applicant should get a minimum of 60% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of three months.

Evaluation of Mediation Experience: An eligible Mediator, who successfully completes the Mediation Knowledge evaluation, will be evaluated for mediation experience and skills. This shall be based on assessment of Feedback forms of at least five parties in mediations conducted by the applicant and through an interview between the Applicant and Assessors or by other means of assessing an applicant's competency in mediation, as approved by Accreditation Committee. The applicant should have at least a minimum of 60% "3" rating or above in the Feedback forms and in the interview.

On successful evaluation, the Feedbacks could become a base for the Feedback Digest which would be included in the Mediator's Profile.

Once accredited and enlisted, the certified mediator shall update the Feedback digest regularly through their reviewers or at any rate once in two years, with Feedback

forms of at least five parties in mediations conducted by the mediator. If the Feedback Digest is not updated or if the annual fee is not paid APCAM reserves its right to delist the mediator from the APCAM website.

Assessor & Fee: The Assessor for QAP-2 would be a selected APCAM International Certified Mediator. Fee for QAP-2: US\$ 150.00

Annual Fees: The annual fees payable by an APCAM Certified Mediator for listing in the APCAM website will be US\$ 75.00. The annual fees received will go towards supporting APCAM's work and operations in maintaining high standards of professional mediation in the region, promoting mediation and research initiatives. For new Mediators, fee will be payable within eight weeks of being notified that their application has been successful. For existing Mediators, fees are payable by 15 April of each calendar year.

QAP-3

(For APCAM International Certified Mediator)

QAP-3 is applicable to a Mediator who has successfully completed an APCAM approved Mediator Training Program and who has completed one hundred and fifty hours of mediation, spread over at least twenty mediations. Applicant shall provide documentary evidence to show the level of experience as a mediator. This could be approved logbooks specifying the experience as a mediator, including dates and duration of mediations, capacity (eg. sole or co-mediator) or supporting evidence such as references, feedback forms etc.

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The Applicant will be entitled to avail the benefit of attendance in recognized programs, like mediation workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of hours of mediation, provided only a maximum of fifteen hours (One hour for each program) will be accepted.

Evaluation of Mediation Knowledge: The applicant shall provide the copy of the certificate of mediation training and shall have to demonstrate mediation knowledge either by submitting an assignment given to them which would cover topics on negotiation theory, mediation theory, mediation rules, professional code and ethical standards or by attending an interview conducted by APCAM, as decided by the Accreditation Committee. The applicant shall also draft a settlement agreement based on the assignment given by the Accreditation Committee. On evaluation of the assignment or interview and the settlement agreement, the applicant should get a minimum of 60% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of three months.

Evaluation of Mediation Experience: Eligible Mediator, who successfully completes the Mediation Knowledge evaluation, will be evaluated for mediation skills. This shall consist of three modes:

1. Assessment based through an interview between the Applicant and Assessors or by other means of assessing an applicant's competency in mediation, as approved by the Accreditation Committee.
2. Assessment of Feedback forms of at least fifteen parties in mediations conducted by the applicant.

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3. Assessment of Mediator Skills Evaluation form collected from at least five individuals who have witnessed the Applicant acting as a mediator (e.g. parties, counsel, or co-mediator).

The candidate should obtain a minimum of 60% score in the interview and should have at least a minimum of 60% “3” rating or above in the Feedback and Evaluation forms.

On successful evaluation, the Feedbacks and Evaluation Forms could become a base for the Feedback Digest which would be put into the Mediator’s Profile.

Once accredited and enlisted, the international certified mediator shall update the Feedback digest regularly through their reviewers or at any rate once in two years, with Feedback forms of at least ten parties in mediations conducted by the mediator and at least five individuals who have witnessed the Applicant acting as a mediator. If the Feedback Digest is not updated or if the annual fee is not paid APCAM reserves its right to de-list the mediator from the APCAM website.

Assessors & Fee: The Assessors for QAP-3 will comprise of two selected APCAM International Certified Mediators. Fee for QAP-3: US\$ 250.00.

Annual Fees: The annual fees payable by an APCAM International Certified Mediator for listing in the APCAM website will be US\$ 125.00. The annual fees received will go towards supporting APCAM’s work and operations in maintaining high standards of professional mediation in the region, promoting mediation and research

initiatives. For new Mediators, fee will be payable within eight weeks of being notified that their application has been successful. For existing Mediators, fees are payable by 15th of April of each calendar year.

Records for Accreditation

1. The credit for hours of mediation done by the applicant will be recorded in accordance with the Mediation Record Form as approved by the Accreditation Committee.
2. Evaluation forms are separate from the Feedback forms. Same individual shall not provide both Evaluation and Feedback forms. Persons giving Evaluation forms must have direct experience with the mediation process. Applicant shall provide the contact information of these individuals to enable APCAM to send them the Evaluation Form and Guidelines.
3. The applicant shall be entitled to avail the benefit of attendance in recognized CPD programs, like mediation workshops, seminars, conferences, training programs, courses. The self-attested certificates of such programs shall be produced for availing this.

APCAM EXPERIENCE QUALIFICATION PATH (EQP)

The Experience Qualification Path (EQP) is an alternative path towards becoming an APCAM Certified or International Certified Mediator under the APCAM Mediation Accreditation system. There are two limbs under the EQP:

- ◆ Mediators endorsed by an APCAM constituent member; and
- ◆ Certified Mediators from International Mediation Institute (IMI) or such other mutually recognised international certifying organisations.

I. Endorsement by APCAM constituent members

Under this process, a mediator may apply to become:

- (1) An APCAM Certified Mediator if they satisfy the following:
 - Provide an endorsement by an APCAM constituent member, stating that the applicant is an experienced practicing and active mediator under their panel of mediators and they have been certified under an accreditation process;
 - Appoint a Reviewer to write a Feedback Digest based on feedback given by at least five parties in mediation, to be uploaded to the applicant's Mediator Profile; and
 - Complete his/her Certified Mediator profile in accordance with APCAM Guidelines.
- (2) An APCAM International Certified Mediator if they satisfy the following:
 - Provide an endorsement by an APCAM constituent member, stating that the applicant is a highly experienced practicing and active mediator under

their panel of mediators and they have been certified under an accreditation process;

- Appoint a Reviewer to write a Feedback Digest based on feedback given by at least fifteen parties in mediation and Skills Evaluation form collected from at least five individuals who have witnessed the Applicant acting as a mediator, to be uploaded to the applicant's Mediator Profile; and
- Complete his/her Certified International Mediator profile in accordance with APCAM Guidelines.

This path is only available for a period of three months from the date from which the institution has been accepted as a constituent member of APCAM.

The applicant may apply under QAP-2 or QAP-3, based on the certification required, but is not required to complete the mediation knowledge and experience evaluation.

II. Certified Mediators from other international organisations

Certifications given by other international organisations may also follow the same procedure under clause-I, once such institutions are recognised by APCAM and mutual recognition of APCAM accreditation is given by such organisation.

APCAM REVIEWER

APCAM Reviewers shall be the constituent members of APCAM, who shall make a list of International Certified Mediators who will act as Reviewers. Every APCAM certified and international certified Mediator empanelled with APCAM shall mandatorily select a Reviewer of his choice from the list of Reviewers available. The Reviewer selected by a mediator should not be a member of the family, or someone who is subordinate to the mediator in a professional relationship. The Reviewer shall be responsible for preparing the Feedback Digest of the Mediator as per the APCAM Guidelines. The identity of the Reviewer will be mentioned in the Mediator's Feedback Digest. The Reviewer will also receive future Feedbacks for updating the Mediator's Feedback Digest as required to maintain the Certification. The Reviewer will also guide junior mediators as a Mentor, especially on any professional or ethical dilemmas.

APCAM ASSESSOR AND PROCEDURE FOR CONSISTENT QAP EVALUATION

APCAM Certified Mediator or International Certified Mediator may be appointed as Assessor under the respective QAP for evaluating mediator accreditation process.

For evaluating the mediators under QAP, the Assessors will be given guidelines for evaluating mediation

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knowledge and mediation skills. This is to ensure that the QAP Assessors evaluate the applicants on a consistent application of high-quality standards. The adherence to the guidelines also confirms that the standard of evaluation and outcome is the same for all Assessors, in identical situations, thereby ensuring the consistency of appraisal ratings. Assessors will assess applicants based on the written documentation and interview, as per the Guidelines given to them.

APCAM will monitor that the Assessors evaluate the applicants based on the guidelines. APCAM Accreditation Committee shall also monitor the performance and practice of the Assessors based on their (i) responsiveness, (ii) timeliness, (iii) meticulousness, and (iv) impartiality. Assessors will be invited to assist APCAM to improve the QAP and to develop the high standards.

The Assessors are independent of the Institution and have no administrative or policy connection with the Institution. Those Assessors who are members of the Governing Board or Committees of the Institution will be put in as Assessors along with another Assessor who is independent of such Board or Committee, for Mediators who are connected with the administration of the Institution.

GUIDELINES TO ASSESSORS FOR QAP EVALUATION

Mediation Knowledge Evaluation:	
✓ Knowledge of negotiation / mediation theory:	25%
✓ Knowledge of mediation rules:	15%
✓ Knowledge of mediator ethics & code:	15%
✓ Drafting of Settlement agreement:	20%
✓ Fairly & accurately presenting the matter & assessment of the issue:	15%
✓ Conforming with time schedule and number of words:	10%
Mediation Skill Evaluation:	
✓ Ingenuity and ability to communicate and facilitate dialogues:	20%
✓ Style, Poise, Courtesy & Demeanour:	10%
✓ Understanding of mediation theory & practice:	10%
✓ Covering the topics pertaining to the dispute:	20%
✓ Reflection of experience as a Mediator:	10%
✓ Time Management & Organization:	10%
✓ Structuring the mediation process (including plenary & caucus sessions) in a logical manner:	20%

Mediator Accreditation Rules of the
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For more details:
Email: info@apcam.asia
www.apcam.asia