

## **CIVIL MEDIATION COUNCIL PROVIDER REGISTRATION SCHEME**

### **Guidance Notes**

- i. Please read these Notes with care and complete the application form on [www.civilmediation.org](http://www.civilmediation.org) in full.
- ii. This scheme applies to organisations, bodies, groups, societies, centres and the like, collectively described as providers who provide civil, commercial and / or workplace mediation. The provider will continue to carry the responsibility of ensuring that the individual mediator is appropriately trained, insured, supervised and allocated, and fulfils the CPD and practice requirements.
- iii. Although there are no restrictions on applications, for providers of civil / commercial mediation, candidate providers should be aware that one of the reasons for originally setting up the scheme was to meet the requirements of the National Mediation Helpline, which was run as part of the Ministry of Justice's commitment to proportionate dispute resolution. The scheme is now relied on as a requirement for inclusion in the DirectGov "Find a Civil Mediation Provider" database.
- iv. 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.
- v. Please note the requirement for a senior official of each candidate provider to sign and date a Statement of Truth personally, certifying that the contents of the application form are true and accurate, upon which the CMC may rely.
- vi. Please also note that by completing the application form you are authorising the CMC to hold all data on the Registrar's computer and for it to be shared with officers of the CMC and members of the registration committee, and your consent will be so implied for the purposes of the Data Protection Act 1998. If you are concerned by this, please contact the Registrar.
- vii. Finally, It is the CMC's intention / policy to publish on the CMC website the name and contact details of each Registered Mediation Provider, along with basic information about the provider's mediation practice as provided on the application form. (If you do not wish this to happen, or for certain information not to be listed, please inform the Registrar).

### **THE REGISTRATIONScheme**

1. The CMC Articles of Association calls (at Article 2.4) for the CMC to:  
"2.4 ... encourage standards of good practice in relation to mediation and other dispute resolution techniques and methods."
2. This is taken forward at Article 14.1 which reads:  
"14.1 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)."

### **Registration requirements**

3. The CMC believes that the characteristics to be expected of a competent mediation provider can be crystallised. Such characteristics engender trust, efficiency and professionalism, and reinforce neutrality and confidence.

4. The characteristics to be examined by the CMC in the scheme when assessing a candidate provider are broadly:
- (a) **Adequate mediator training** - the method by which the candidate has and will continue to admit mediators to membership of its panel, list or group: this includes the minimum training requirement it sets for candidate members, the means by which it assesses whether that training is sufficient and whether the candidate has a sufficient understanding of role and duties of a mediator to be appropriate for admission. The CMC has based its criteria on practice within the civil and workplace mediation community in the UK and abroad, but it will refine and may revise its requirements in due course.
  - (b) **Code of Conduct** – whether the provider has instituted or adopted, and implements, an appropriate Code of Conduct for its members to follow: the CMC endorsed and adopted the EU Model Code of Conduct for Mediators in 2004 and expects that this Code, or a Code of equivalent rigour, should be embraced by a registered mediation provider.
  - (c) **Complaints Handling and Feedback** – whether the provider has a published complaints procedure and requires written records to be kept of all complaints.
  - (d) **Supervision and Mentoring** – the means by which the provider provides adequate and appropriate supervision, mentoring, monitoring and observerships for its mediators; the provider’s mediation-specific continuing professional development (CPD) policy and programme or requirements; the scheme the provider adopts for handling comments and feedback; and the opportunity for peer review.
  - (e) **Insurance** – whether the provider can demonstrate that it has adequate insurance in place for the activities it and its members undertake. Officers and directors insurance is required in addition to mediator insurance where the officers and directors are not panel mediators.
  - (f) **Efficient administration** – whether the provider can demonstrate that it has suitable and sufficient administrative arrangements that are proportionate to and for the work and workload it undertakes, including the handling of enquiries, the recording of calls, the accurate accounting for fees and the proper rendering of bills to the consumer.
  - (g) **Allocation of mediators** – the method by which the provider can demonstrate that it ensures (save where the parties decide their own choice of mediator) that an appropriately trained, experienced and skilled mediator is allocated to each case with which it deals.

5. In order to be registered a provider must meet the following minimum requirements:

A. Size of Panel

A Registered Mediation Provider of civil and commercial mediation must have at least six trained civil or commercial mediators on its panel.

A Registered Mediation Provider of workplace mediation must have at least two trained workplace mediators available.

You will be asked to provide the names of all panel members (mediators) as at the date of application or provide a link to such a list on your website.

A mediator on maternity leave or on long term sick leave (which does not exceed 18 months in duration) will continue to count.

B. Mediator Training

- (1) A Registered Mediation Provider’s mediators must have successfully completed an assessed training course.
- (2) That course must include training in ethics, mediation theory, mediation practice, negotiation, and role play exercises.

- (3) If the mediator is not professionally qualified in a discipline which includes law, the mediator must demonstrate a grasp of basic contract law if he/she is to undertake civil or commercial mediations. In workplace mediation a mediator should have an understanding of anger and conflict in today's workplace.
- (4) For mediators who will have attended a training course up to 31st March 2011 for civil or commercial, 31<sup>st</sup> March 2015 for workplace training courses, the course and its assessment must have complied with the following requirements:
  - (i) Performance during or on completion of training must be assessed.
  - (ii) The training course will include not less than 24 hours of tuition and role-play followed by a formal assessment.
- (5) For mediators who attended a training course from 1<sup>st</sup> April 2011 onwards for civil or commercial, or 1<sup>st</sup> April 2015 for workplace training courses, the course and its assessment must comply with the following requirements:
  - (i) Assessors are to meet the criteria of the CMC Registration Scheme in terms of training, observations, CPD and practice requirements. Assessors are to be separate from those delivering the training.
  - (ii) Performance during or on completion of training must contain at least one separate assessment phase of at least one hour where the assessment is continual, and at least two separate assessments of at least one hour each where the assessment is carried out on separate days.
  - (iii) 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;
    - h) proper consideration of ethical issues as they arise.
  - (iv) The training course will include not less than 40 hours of face to face tuition and role-play followed by a formal assessment. Lunch and coffee breaks are excluded.
  - (v) The training course will include not less than 50% role plays with 50% of these supervised.
  - (vi) The classroom/lecture setting should not exceed 30 delegates.
  - (vii) A Registered Mediation Provider bears the responsibility of being satisfied that members have in fact successfully completed a recognised mediation training course and assessment. The CMC maintains a list of recognised mediation training courses. Approval has been given for the introduction of a scheme to register mediation training courses and this is expected to be implemented in the near future in relation to both civil and commercial and workplace.

### C. Code of Conduct

- (1) A Registered Mediation Provider must have an appropriate written Code of Conduct for its members to follow.
- (2) That written code must be no less rigorous than the EU Model Code of Conduct for Mediators published in 2004.

#### D. Complaints Handling and Feedback

- (1) A Registered Mediation Provider must have in place a published complaints handling procedure and keep written records of any complaints. All complaints should be followed up and the outcome notified to the complainant within a specified timescale.
- (2) A Registered Mediation Provider must have a feedback system under which it invites, receives, assesses and reviews, both internally and with the mediator, all comments by the parties and their lawyers or representatives in respect of mediations.

#### E. Supervision and Mentoring

- (1) A Registered Mediation Provider must require its new mediators to have observed at least three civil or commercial mediations and / or three workplace mediations over the last 12 months before they are eligible for appointment as a lead mediator. One of these observerships may be of a role-play nature.
- (2) All the Provider's mediators must have observed or conducted at least two civil or commercial mediations and / or workplace mediations in the 12 months prior to its registration (or re-registration) in order to ensure that they have current practice experience. This mediation practice requirement can be met by substituting two simulated mediation practice sessions of at least 1 hour each, or one community mediation, or two telephone mediations for one of the two actual or observed mediations that are required. Where a panel mediator is on maternity leave or long term sickness absence, this period may be extended to 18 months.
- (3) The Provider should offer the opportunity for mediators to consult experienced mediators before, during or after each mediation to discuss any issues on which they would benefit from advice.
- (4) The Provider should require panel members to undertake at least six hours of mediation-specific CPD per annum in addition to the practice requirements set out above.

These hours may include:

- a) courses offering practical role plays;
- b) attendance at seminars, conferences, tutorials and debates on mediation;
- c) writing articles on mediation;
- d) presenting mediation training, seminars or similar events.

Reading articles, mentoring and supervising mediators and preparing for mediation will not suffice.

So long as the hours are devoted to mediation-specific topics, CPD hours need not be dependent on recognition by a professional body.

#### F. Insurance

- (1) A Registered Mediation Provider must have in place insurance cover of not less than £1,000,000 to insure itself against claims that it has negligently administered a mediation.
- (2) a) A Registered Mediation Provider must either provide or require mediators to obtain and provide evidence of professional liability insurance cover of not less than £1,000,000.  
b) Where mediators are doing work involving sums exceeding this amount, a Registered Mediation Provider must have appropriate insurance cover in place and be able to provide evidence of the same.

#### G. Efficient administration

A Registered Mediation 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 recording of calls, the accurate accounting for fees and the proper rendering of bills to the consumer.

A Registered Mediation Provider must also be registered as a data controller (under the Data Protection Act) with the Information Commissioner's Office (ICO).

## H. Allocation of mediators

A Registered Mediation Provider should have a system of allocating mediations that ensures that an appropriately trained, experienced and skilled mediator is allocated to each case with which it deals.

6. The Application form is available on the CMC website at [www.civilmediation.org](http://www.civilmediation.org) or via the Registrar at [registrar@civilmediation.org](mailto:registrar@civilmediation.org).
7. All providers applying for registration under this scheme must complete the application form.
8. The CMC takes the view that provided the minimum requirements in paragraph 6 are met, there are no "correct" or "incorrect" answers to the questions on the application form and every application will be assessed on its collective merits in the context of the work undertaken.
9. If a candidate provider considers that there are exceptional reasons why it should be registered despite not meeting one or more of the requirements, then it should state these reasons in writing for the CMC to consider.

## Registration - method of assessment

### Registration

10. The CMC has established a registration committee consisting of experienced independent mediators and members of mediation organisations. This will operate under the direction of the Board of the CMC.
11. Candidate providers may at any time submit the attached application form via email to [registrar@civilmediation.org](mailto:registrar@civilmediation.org) (you can send a hard copy too but we must have an email copy for ease of distribution to assessors), duly signed, together with the fee for entering the registration process (£600 which includes the annual membership fee of £300). Prices are inclusive of VAT.

Payment can be made via cheque, made payable to the **Civil Mediation Council Limited** or via bank transfer to the Civil Mediation Council Limited, sort code: 40-03-02, account number: 41682938. Please put your name as a reference if you pay via bank transfer. The address for cheque payments is:

The Registrar of the Civil Mediation Council;  
CMC, 70 Fleet Street, London, EC4Y 1EU.

12. Applications will be acknowledged by return of email. 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.
13. In the event that the CMC has further questions for the candidate provider, these will be emailed for reply by email to the authorised official.
14. In some instances, the CMC may ask if it may visit or meet members of the candidate provider to clarify any issues that have arisen during its consideration of the application and to ensure that it is satisfied with the responses.
15. Where on first assessment the CMC believes that the candidate provider may not meet the criteria for registration it will, if it is appropriate, make recommendations to the candidate provider and allow the candidate 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.
16. Where the CMC registration committee is not satisfied that a candidate provider meets the criteria for registration it will so notify the candidate provider, with reasons. The candidate 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 candidate provider, with reasons.

### **Re-registration**

17. Registered providers must seek re-registration at the end of each 12 month period.
18. Applications for re-registration will be processed in accordance with the procedures set out in paragraphs 10-16 above.

### **Use of the phrase “Registered Mediation Provider”**

19. The Civil Mediation Council reserves the right to limit the use of the phrases:

- (a) “Registered Mediation Provider”; and
- (c) “Registered with the Civil Mediation Council”

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

20. Where a candidate provider is successful in being registered (or re-registered as the case may be) it may use either of the phrases in paragraph 20 in its literature or advertising providing the same is in accordance with any guidelines of usage laid down by the CMC.

### **Confidentiality**

21. All information provided to the CMC will, save for the details to potentially appear on the website, as per the guidance notes point vii, be held and treated strictly as commercial 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.
22. Records will only be retained by the Registrar of the CMC. In the event that there is a concern over confidentiality issues, please contact the Registrar.

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