



## **MEDIATION TRAINING AND ACCREDITATION: 1<sup>ST</sup> NOVEMBER TO 7<sup>TH</sup> NOVEMBER 2023**

### **COURSE CONCEPT**

#### **INTRODUCTION**

Mediation as an alternative dispute resolution mechanism is quickly gaining momentum as a means of settling disputes and conflicts and access to justice for individuals, groups and organizations the world over. This rings true in the public sector in Kenya as the Kenyan Judiciary continues to establish a court-annexed mediation program, allowing parties to first attempt mediation before filing for litigation. The private sector has not been left behind. Several industry associations and regulators and private companies have introduced mediation within the workplace and in the broader industry. All these have been as a result of the realization and appreciation of mediation as an efficient, cheap (both financially and timely) and party-focused nature of mediation as compared to other forms of dispute resolution. As a result of this growing uptake of mediation in Kenya and the world over, there is an increasing demand for qualified mediators who have undergone reputable 40- Hour mediation trainings and received subsequent accreditation.

Heeding to this demand, the Strathmore Dispute Resolution Centre (SDRC), a leading mediation centre in East Africa continues to offer comprehensive 40-Hour Mediation Training and accreditation. This year's training will take place between 1<sup>st</sup> and 7<sup>th</sup> November 2023. The course is conducted over 5 days (Wednesday – Friday and Monday – Tuesday).

This training is drawn out to give a concrete understanding for aspiring mediators and build their skills and knowledge to practice in the field of mediation. It is designed for professionals, leaders, business people and all individuals who are interested in offering mediation services within and outside the legal spectrum.

#### **EXPECTED OUTPUT**

The main goal of the training is to adequately train aspiring mediators and accredit the successful ones. To this end the training will cover the following specific aspects;



**Mediation Process**

- This will include the nature of and stages in mediation. The trainers will also compare Mediation and other dispute resolution mechanisms with a view to understanding the unique opportunities available in mediation.

**Key Mediation Skills**

- In order to be an effective mediator, an individual needs an excellent and practical grasp of certain key skills in mediation. These are questions and listening, trust and rapport, negotiating, conveying offers, summarizing and reframing.

**The Role of a Mediator**

- The participants will be given a comprehensive training on the different roles of a mediator before, during and after the mediation and also the role of a mediator in different practical scenarios.

**Case management and mediation**

- This will be taught both within the context of mainstream dispute resolution and also with specific reference to mediation practice. The question, how does a mediator manage numerous disputes submitted to him is one that will be discussed during the training.

**Personality theories and conflict styles.**

- To be excellent mediators, individuals need to understand their personalities and those of the parties and the different conflict styles. There exists different theories on personalities and conflict styles. These will be taught practically to the participants.



**Presence and leadership in mediation**

- The Mediator's main role is to guide the process of mediation. To do this effectively, the mediator will require to understand and put to use skills of presence and leadership.

**Influence and leverage in mediation**

- More often parties at mediation have unequal influencing powers. The mediator is in this case expected to ensure adequate power symmetry so the process can be effective for all the parties.

**Cross-cultural perspectives**

- Parties to mediation usually come from different backgrounds and this has an effect on their expectations and conduct of mediation. Managing these cross-cultural expectations and conduct is an important skill a mediator should understand during the training.

**Mediation strategy**

- To ensure that mediation is adequately utilized by the parties, the mediator needs to understand and adopt certain strategies prior, during and after the conclusion of mediation.

**Psychology of decision making**

- For mediation to be effective, the parties need to be encouraged to generate more than one option as a solution to the dispute. To guide the parties towards an effective solution among these options, a mediator needs a solid understanding of the basic psychology behind decision making.

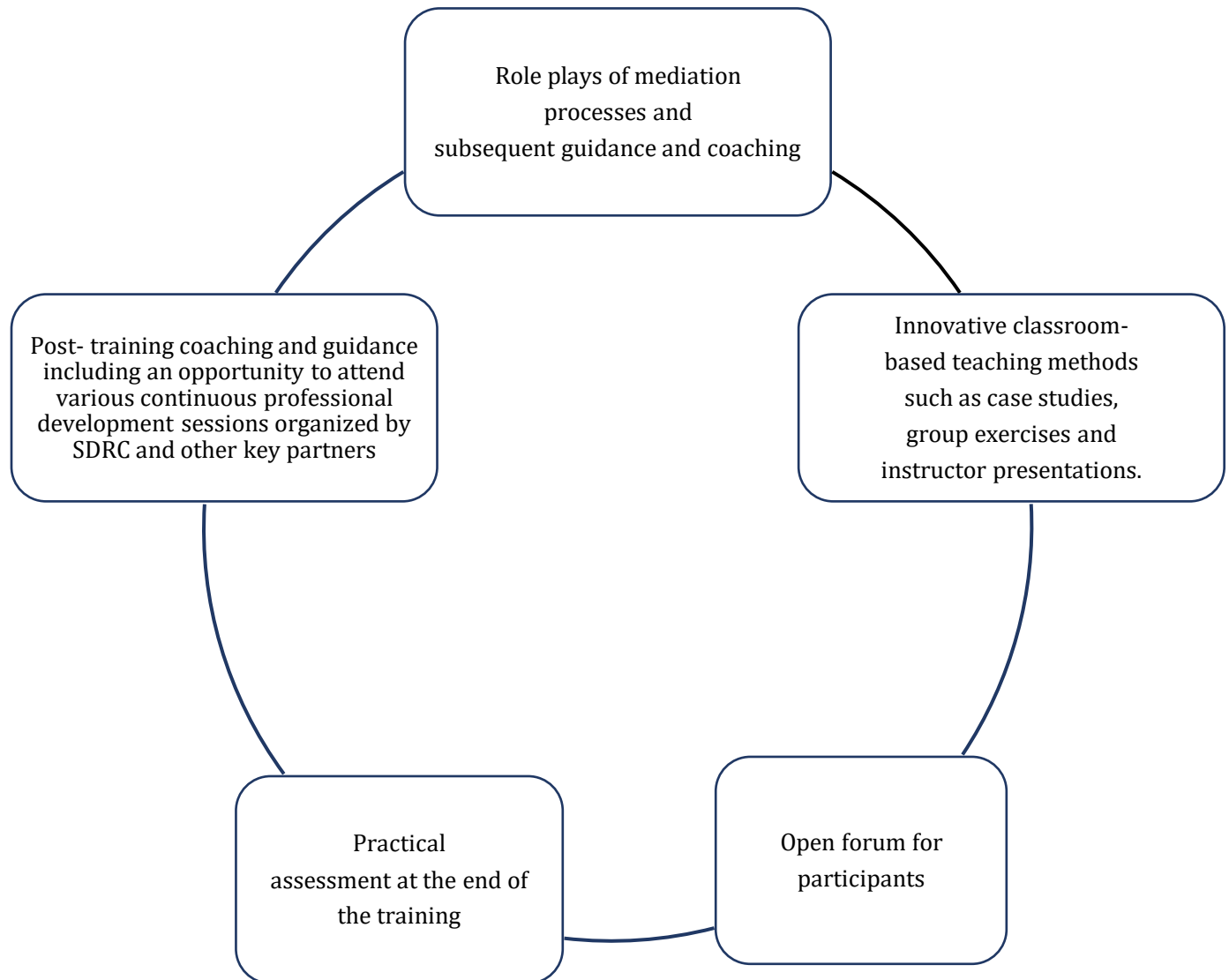
**Ethics and behavior**

- The world over, mediators are expected to maintain certain standards of conduct. In Kenya, the Judiciary has recently published its code of conduct for mediators. The core standards of conduct expected of any mediator across different regions will be taught in this training.



## TRAINING ACTIVITIES

The participants of this training enjoy the instruction and guidance of at least three mediation trainers and experienced practicing mediators. Their teaching will involve different approaches including;





## **ASSESSMENT**

There will be one practical assessment. The assessment will involve each participant playing the role of a mediator in a role play session created to reflect real life disputes. Participants will be tested by senior practicing mediators in Kenya.

## **ACCREDITATION**

Participants who successfully complete the course, sit and pass the practical assessment will be accredited as mediators by SDRC and may practice locally and internationally.

## **POST-ACCREDITATION**

Mediators who are successfully accredited by SDRC enjoy the following post-accreditation opportunities;

- ✓ Continuous Professional Development sessions with the aim of ensuring continuous improvement of skills. These are classroom-based.
- ✓ Accredited mediators may apply to join the Mediation Accreditation Committee's list of accredited mediators and may practice within the court-annexed mediation scheme. They may also apply to join organizations that maintain a Panel of Mediators.
- ✓ All accredited individuals will join the Strathmore Roll of Mediators. It is from this roll that we recommend mediators to our partners including Federation of Women Lawyers (FIDA) Kenya.
- ✓ Accredited individuals may also practice their skills within their workplace or establish private practice with SDRC providing all the necessary professional support.

## **COST**

The training cost is One Hundred Thousand Kenya Shillings (Kshs.100,000/=). This covers the training and assessment materials, examination fees, one year's access to online practice and coaching and the meals and refreshments over the five days.