

College of Mediators



Diversity and Inclusive Practice in Mediation Policy and Guidelines

Part 1 Diversity and Inclusive Practice in Mediation Policy

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PART 1: Diversity and Inclusion in Mediation Policy

1. Glossary of Terms

For the purposes of this document, the terms below are understood to mean the following:

Associate/Student Mediators (A.M.C.M.)

Associate or Student Mediators are trainee mediators, students and non-practising mediators who (a) are interested in the work of the College of Mediators, with the view to becoming a Trained Mediator, or (b) have previously practised as a mediator and would like to stay in touch with news from the College of Mediators.

Trained Mediators (T.M.C.M.)

Trained mediators are adult mediators who have successfully attended a College-recognised training course. The course will include a level of assessment which states that the mediator has an understanding of the principles and process of mediation, and has demonstrated the basic skills of a mediator based on role play. To maintain membership status, Trained Mediators must complete at least 15 hours of mediation each year, receive supervision and participate in regular CPD training.

Diversity

Diversity refers to a broad range of human identities, characteristics and qualities. These encompass – but are not limited to – the protected characteristics enshrined in the Equality Act of 2010, including age; disability; gender reassignment (and gender identity); marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation. Mediators and service providers are expected to comply with relevant legislative frameworks.

Inclusive Practice

Inclusive Practice is an approach that recognises difference (diversity) and uses this recognition to ensure full participation in the mediation process.

Participant

A participant is a party to the dispute, who is taking part in the mediation process in order to resolve issues.

Professional Practice Consultant

A Professional Practice Consultant is an experienced mediator, with specific training, who supervises the professional practice of other mediators.

Training Provider

A training provider is an individual or an organisation who offers mediation training at foundation level or as continuing development. The College assesses the work of all training providers against defined standards before granting approval.

2. Who this policy is for

2.1 This policy has been developed for College members including:

- Trained and Accredited Mediators
- Training Providers
- Professional Practice Consultants

2.2 Separate information may be available, if relevant, in association with the College's complaints procedures.

3. Statement of Purpose

3.1 This policy sets out the principles of diversity and inclusive practice for members of the College of Mediators.

3.2 The accompanying guidelines outline:

- training requirements and recommendations
- the College's commitment to, and strategy for, diversifying its membership

3.3 These principles should be applied in all mediation casework, training and College outreach activities.

3.4 The College Code of Practice states: 'Mediators should be aware of the importance of the principles of equality of opportunity and inclusiveness in their practice. They should also be aware of the impact of unconscious bias towards participants in mediation.' (Section 4.9.1)

3.5 The College encourages members to engage in a continuous process of reflection, in relation to diversity and inclusive practice.

3.6 Further information, including references to the relevant legislative frameworks, can be found in the Appendices attached to this document. Mediators and service providers are expected to comply with relevant legislation.

4. Principles of Practice

4.1 Diversity, in the context of mediation, is a positive recognition of difference. To the extent possible, mediators should encourage parties to acknowledge their differences as neutral or positive, while recognising the effect they have on the mediation process.

4.2 Diversity is intersectional; multiple dimensions of diversity will overlap and influence, to different extents, the life of the parties involved in mediation. The intersection of multiple characteristics will influence how parties communicate, behave and contribute to the mediation process. To the extent possible, mediators should pay attention and take into account the different and overlapping aspects of diversity.

4.3 No assumption should be made about the values, abilities or beliefs of a mediation client on the basis of their diverse and intersecting characteristics, including financial background.

4.4 Where it is safe and appropriate, mediation should be available and accessible to all.

4.5 Mediators should be vigilant about their own bias and the impact their responses may have on (a) themselves; (b) the parties; and (c) the process.

4.6 Mediators should strive to provide equality of accessibility. To do so, mediation practice may need to be adaptive and flexible to meet the specific needs of participants.

4.7 Mediators should take a multi-partial approach to working with diversity. They should pro-actively demonstrate their understanding and support of the differing values, abilities and beliefs of each mediation client.

4.8 Mediators should draw out differences, help parties to acknowledge and to affirm diversity, and to support understanding and respect.

5. Responsibilities of Mediation Providers

5.1 The responsibilities and requirements outlined in this section apply to:

- Sole mediation providers
- Agencies employing mediators or contracting with mediators on a consultancy basis

Mediators and Agencies should be aware of their mutual responsibilities in fulfilling these requirements, and they should share information accordingly.

5.2 The responsibilities and requirements of mediators, PPCs and Agencies are to abide by the attached guidelines regarding:

- i. Foundation training
- ii. Continuing professional development
- iii. Supervision

5.3 If a mediator does not feel equipped to provide inclusive and accessible mediation, the parties should be signposted to another colleague or service.

6. Responsibilities of the College of Mediators

6.1 The responsibilities and requirements outlined in this section apply to:

- The Board of Directors
- The Professional Standards Committee
- Employees (if any) of the College of Mediators, and any third party (whether individual, partnership or corporate) with whom the College contracts for services and good.

6.2 The responsibilities and requirements of the College and its representatives (defined above) are to:

- i. Support College members by reviewing and updating the attached guidelines at regular intervals, with guidance from the Working Group for Diversity and Inclusive Practice.
- ii. Engage in ongoing reflection and dialogue to develop better practices for increasing diversity in, and access to, the field of mediation.

6.3 As a professional body, the College of Mediators commits to developing a culture that promotes the principles of diversity and inclusive practice.

PART 2: Guidelines

7. Training

7.1 The principles of Diversity and Inclusive Practice in Mediation should be introduced in all College-approved Foundation training courses.

7.2 Core content should include:

- i. Theory and Core Principles
 - Key terminology
 - Legal frameworks related to Equality and Diversity
 - Access
 - Inclusion
- ii. Self-Awareness
 - Personal triggers
 - Unconscious bias
 - Privilege
- iii. Communication
 - Developing relevant questions
 - Inclusive language
- iv. Reflective Practice

7.3 Training methods could include:

- i. Pre-assigned reading/website content
- ii. Role play
- iii. Written assignments
- iv. Reflective work
- v. Assessment

7.4 To ensure quality of input, members of the Working Group for Diversity and Inclusive Practice in Mediation may develop a prototype '*Training for Trainers*' resource.

7.5 College-appointed assessors will ensure that applications from training providers respond to the Working Group's guidelines for content.

8. Continuing Professional Development

8.1 The principles of Diversity and Inclusive Practice in Mediation are an integral part of Continuing Professional Development.

- i. This applies to all members of the College, whether paid or voluntary
- ii. Training and reflection may take a variety of forms, including:
 - Training sessions at regional network days
 - Conferences
 - Online training
 - College-approved book club programmes
 - Reflective journaling
- iii. Relevant Continuing Professional Development must be undertaken within three years of completing initial foundation training, and then at least every three years thereafter.

9. Supervision

9.1 College registered Professional Practice Consultants (PPCs) have an important role to play in developing the culture of Diversity and Inclusive Practice in Mediation for the College.

- i. All College PPCs should be familiar with the content of the 'Training for Trainers' programme
- ii. Initial PPC training should include input on Diversity and Inclusive Practice
- iii. Like all College members, PPCs are required to complete relevant Continuing Professional Development on a 3-year cycle
- iv. At least one mandatory session on supervision-specific Diversity and Inclusive Practice will be included at the annual PPC conference

9.2 If a PPC feels unable to offer adequate supervision in the area of Diversity and Inclusive Practice, the supervisee should be referred to a colleague with relevant expertise.

This policy reflects the requirements of the Equality Act 2010, included but not limited to the nine protected characteristics, and has been created in good faith of being so compliant.