



Chartered  
Institute of  
Arbitrators

**CIArb**

## THE CHARTERED INSTITUTE OF ARBITRATORS

### CRITERIA FOR SELECTION TO

### THE SCOTTISH PANEL

OF

### CIVIL AND COMMERCIAL MEDIATORS

#### **Prior Conditions**

1. Candidates must be members of the Institute.
2. Candidates must submit evidence of achievement of the Institute's mediation accreditation programme or of recognised exemptions\*.
3. Candidates must provide evidence of mediation experience. This evidence must include experience as a lead mediator in at least 3 mediations. The Institute reserves the right to seek references from parties and/or solicitors.
4. Candidates must provide evidence of Continuing Professional Development meeting the Institute's relevant policy.

#### **Criteria**

Candidates applying for selection to The Scottish Panel will be invited to attend an interview. The candidate will be assessed on relevant knowledge, skills and attitude. Candidates presenting themselves for selection should be prepared to demonstrate the reality of their knowledge/experience of the mediation process as mediator, and also party representative if appropriate, including

- The depth and breadth of core knowledge of the mediation processes, the people skills to apply that knowledge in the conduct of mediation in a commercial environment and the ability to reflect their knowledge and skills by drawing on their practical experience
- The reality of any experience claimed
- Attitude towards ethical and practical conduct of mediations

\* Accreditations from The Chartered Institute of Arbitrators, CEDR, the Law Society of Scotland, the Academy of Experts, the ADR Group, Global Mediation Services or Core Mediation.

## **ASSESSMENT CRITERIA**

**Candidates must demonstrate a knowledge and understanding of the skills and process of commercial mediation and an ability to use them effectively, evidencing a professional approach to parties and the public interest.**

**The standard to which the candidate will be judged is:**

**“Competence and experience to serve the public as a civil/commercial mediator in an ethical manner”**

### **Knowledge**

Candidates must be able to demonstrate:

- An understanding of the legal framework within which mediation operates in Scotland
- A detailed understanding of the process of mediation and its application including the duties, powers and obligations of a mediator
- Awareness of and commitment to the practical application of the Institute’s Code of Ethical Conduct

### **Skills**

Candidates must be able to demonstrate the ability to:

- Manage the mediation process effectively
- Act impartially and fairly
- Build rapport
- Create a safe environment for the parties
- Encourage understanding between the parties

### **Attitude**

Candidates must be able to demonstrate:

- The capacity to inspire the parties to have confidence in the process of mediation
- The capacity to discretely demonstrate presence/authority
- The capacity and willingness to conduct himself/herself in a manner that would establish and maintain the independence of the mediator.