



Guidelines for Supervision of Trainee Mediators

NOTE: For the Purposes of this document, the term "Supervisor" shall refer to an HKMAAL accredited Family Mediator/ Family Mediation Supervisor & the term "Trainee Mediator" shall refer to persons who have completed the HKMAAL accreditation training requirements for Family Mediators and are undertaking the live case supervision requirement to complete Stage 2 of the HKMAAL Family Mediator accreditation procedures.

Policy Components:-

1. The Parties should be advised that the Trainee Mediator is not accredited.
2. Parties should be told that the Trainee Mediator has completed training but needs to complete the accreditation component of live case supervision.
3. The Family Mediation Supervisor has the responsibility to explain to the parties that the Trainee Mediator will be responsible for conducting the mediation, however it will be on a co-mediation basis, such that the Family Mediation Supervisor can monitor and intervene where necessary.
4. Both the Family Mediation Supervisor and Trainee Mediator should notify the parties and obtain the parties permission (preferably in writing) regarding clauses 1, 2, and 3 prior to commencing the mediation.
5. A different Family Mediation Supervisor must be used for each of the two supervised cases.
6. The Family Mediation Supervisor is ultimately responsible for the protection of the parties and ensuring that the mediation is conducted as per the Code of Practice for Family Mediators.
7. A borderline assessment/evaluation of the Trainee Mediator's performance should be considered as a "no" recommendation as per the Assessment Form.
8. A standardized, written Family Mediation Supervisor/Trainee Mediator contract will be used to make explicit the terms for the supervision. This contract should be signed off by both the Family Mediation Supervisor and the Trainee Mediator prior to commencing the mediation.



9. The Family Mediation Supervisor should take the responsibility of supervising Trainee Mediators in good faith and should be as independent and as fair minded as possible.

Guidelines for Family Mediation Supervisor

A. Prior to Commencing the Mediation

1. Prior to accepting a Trainee Mediator, the Family Mediation Supervisor must ensure that he or she has the time and commitment to undertake this responsibility.
2. Check with Trainee Mediator before case allocation what times he/she can commit to the mediation proper and supervision/debrief sessions and do not accept Trainee Mediator if times are not mutually convenient or are inflexible. (Eg the Trainee Mediator is only available one evening per week.) Do not underestimate how difficult it is to co-ordinate times with both the parties that also suit yourself and the Trainee Mediator. Time availability and flexibility are important.
3. Mutually agree that the Trainee Mediator will complete the whole mediation, including drafting the Settlement Agreement and post mediation follow-up, except if the case is assessed as unsuitable as per Clause A12.
4. Agree on a mutually acceptable venue. This is generally more convenient for the Family Mediation Supervisor if the venue is at his/her place of work.
5. If there is an additional cost associated with the venue for the supervised mediation, responsibility for this cost should be negotiated between the Family Mediation Supervisor and Trainee Mediator prior to commencement.
6. It is the Family Mediation Supervisor's responsibility to ensure that they have up to date information regarding accreditation procedures and the latest Evaluation/Accreditation Forms. The Family Mediation Supervisor should also check the Trainee Mediator has obtained his or her own copy of these from HKMAAL so that everyone is aware of the criteria being used for the evaluation.



7. The Family Mediation Supervisor will meet with the Trainee Mediator for a pre-supervision session (approx. half an hour) to clarify mutual expectations, goals and learning methods. This pre-supervision session may be conducted by telephone at the Family Mediation Supervisor's discretion.
8. Discuss the terms of the Supervision Contract with the Trainee Mediator and sign. This should outline each parties' responsibilities, time, fees, payment method and venue for mediation and debriefing sessions. Both the Family Mediation Supervisor and the Trainee Mediator should sign a "Record of Hours" sheet at the conclusion of each mediation session. It will be the Family Mediation Supervisor's responsibility to maintain this record sheet.
9. The Family Mediation Supervisor will ensure that the Trainee Mediator and the Parties have signed a Standardized Agreement to Mediate Contract prior to the commencement of the mediation. The Family Mediation Supervisor must also sign said Agreement in order to protect themselves and the Parties as per the terms of the contract.
10. Parties should be initially assessed as appropriate for mediation by referral information/phone contact with the parties, prior to allocation by a Family Mediation Supervisor or acceptance by a Trainee Mediator.
11. If the Trainee Mediator brings his or her own case, the Family Mediation Supervisor should explain that suitability must still be assessed.
12. Both Family Mediation Supervisor and Trainee Mediator should be involved from the outset, i.e. they should jointly participate in the intake or pre-mediation interviews. In the event that following this assessment the Family Mediation Supervisor concludes that the case is not suitable or is too difficult for a Trainee Mediator, even if the Trainee Mediator brought the case to the Family Mediation Supervisor, the Trainee Mediator will accept the assessment of unsuitability and not proceed. The Family Mediation Supervisor may invite the Trainee Mediator to proceed on the basis of either observing or co-mediating as the junior partner on a non-assessable basis, on the condition that the Trainee Mediator undertakes to attend all the mediation sessions. In such case, the supervision fee for the intake and pre-mediation sessions



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will be charged unless otherwise agreed.

B. Conducting the Mediation

1. Be available for a minimum of a half an hour consultation with the Trainee Mediator prior to each session to discuss the goals of the session and co-mediation roles.
2. Debrief the Trainee Mediator immediately after each mediation session in person or by phone for a minimum of a half an hour, or such time as is required, to keep the Trainee Mediator informed of his/her progress/knowledge/skills/qualities, both demonstrated and required.
3. The Family Mediation Supervisor's feedback should concentrate on:
 - a. the encouraging/positive aspects of the Trainee Mediator's performance together with constructive criticism of the less appropriate/effective aspects of his/her mediator behavior.
 - b. feedback should be concrete, with specific examples, to make it relevant to the Trainee Mediator and easier for him/her to accept.
 - c. do not form premature judgments on the reasons for the Trainee Mediator's performance when giving feedback but ask the Trainee Mediator to explain the rationale. His/her intention may have been appropriate but the strategy inappropriate, (eg. Breaking a deadlock).
 - d. deliver feedback using "I" messages so as to own the feedback and help the Trainee Mediator receive the feedback without becoming defensive.
 - e. be prepared to discuss, clarify and give examples if asked by the Trainee Mediator.
 - f. be aware of your own reaction to the Trainee Mediator and maintain neutrality. Do not overprotect or expect too much.
 - g. give feedback honestly and professionally.



C. After Settlement/Agreement Reached

1. Review and discuss the Draft Mediation/Settlement Agreement regarding the terms of the Settlement prepared by the Trainee Mediator prior to the parties' signing same. In the event that the case does not reach Settlement, but the mediation has progressed to a point where the Family Mediation Supervisor believes it may be helpful for assessment purposes to ask the Trainee Mediator to draft a mock Agreement, the Family Mediation Supervisor may do so at their discretion and will review and discuss the same with the Trainee Mediator. In this event, the Family Mediation Supervisor will record these comments on the evaluation sheet.
2. Do final verbal evaluation debrief with Trainee Mediator after signing at a mutually convenient time for a minimum of a half an hour, or for such time as is necessary.
3. Prepare and discuss the Evaluation Form with the Trainee Mediator within one to two weeks of the final mediation session. Give the original of this to the Trainee Mediator and retain a copy for your own records.
4. Indicate clearly your recommendation as to whether the Trainee Mediator should be recommended for the Family Mediation Panel. If the evaluation is borderline, you should not make an affirmative recommendation and should explain to the Trainee Mediator the reasons for this.
5. Explain to the Trainee Mediator that it is his/her responsibility to submit this evaluation form, together with all other necessary documentation to the Accreditation Committee of the HKMAAL.