



European Forum for victim-Offender Mediation and Restorative Justice v.z.w.

Final Report JAI/2003/AGIS/129

**Working towards the creation of European training
models for practitioners and legal practitioners in
relation to restorative justice practices**

**Exchange of Training Models for Mediation
Practitioners**

February 2004



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1. Introduction

Until a few years ago, the European victim-offender mediation (VOM) projects, which started to surface in the 1980s, had seldom established contacts beyond national borders. However, informal contacts revealed that practitioners, academics and policy makers in Europe were looking for a more regular exchange and mutual support in developing VOM. A small group of people with a strong commitment to mediation and restorative justice wanted to build on this interest. In 1998 they obtained a non-recurrent funding from the Grotius programme of the European Commission to launch a European network and to perform particular activities. On 8 and 9 December 2000, the European Forum for Victim-Offender Mediation and Restorative Justice was created and the first General Meeting was organised. On 19 April 2001, the statutes of the Forum were published in the Belgian Official Journal.

The general aim of the Forum has been defined as to help establish and develop VOM and other restorative justice practices throughout Europe. To further the general aim, the Forum pursues the following objectives:

- promote international exchange of information and mutual help;
 - promote the development of effective restorative justice policies, services and legislation;
 - explore and develop the theoretical basis of restorative justice;
 - stimulate research;
 - assist the development of principles, ethics, training and good practice;
- and, such other objectives as the General Meeting shall from time to time determine.

In order for the European Forum to continue to work towards its objectives, it is important that an effective support is being given to the development of VOM and restorative justice at the practical level. Two of the priority fields in this respect are training of restorative justice practitioners and stimulating the increased involvement of legal practitioners.

Currently the training of mediators in criminal cases often varies from project to project. Some training programmes are very intensive; some mediators are only trained in the basics of mediation work; some mediators are not trained at all. The quality of the training of mediators is however highly important. Working with offenders, and certainly with victims of crime, requires specific attitudes, techniques and sensitivities. It is therefore important that trainers of mediators have an opportunity to come together and to exchange information and views in order to improve their respective training programmes. Different training models need to be evaluated, so that in the long run standards for training victim-offender mediators can be developed.

Another crucial point in the development of VOM and restorative justice is the involvement of legal practitioners. It is clear that in practice the success of mediation programmes depends to a large degree on the co-operation of legal practitioners. A good co-operation between legal practitioners and mediation services is important for the selection and referral of suitable cases, for taking into account the results of mediation and for safeguarding the necessary legal rights of the parties. In order for good co-operation to develop, the two parties – legal practitioners and mediation services – need to understand each other's "language". The training of legal practitioners in the basics of VOM and restorative justice is necessary, and that is why training for legal professionals needs to be developed.

The co-financing received through the AGIS/2003/JAI/129 project, allowed the European Forum to make very concrete steps in both areas.

As concerns the training of mediators, a group of experienced trainers coming from different European countries met twice. They exchanged information on the training models that they used, and compared the models. They discussed the desirability of developing European standards for training mediators. The meetings resulted in the

drafting of recommendations for the training of mediators. Other initiatives to work together in the future were taken as well. More information on these two seminars can be found in this report.

With regard to the training of legal practitioners, two meetings were organised. They were attended by prosecutors, judges, experienced mediators and trainers in mediation. Together, the participants developed a one-and-a-half-day training programme for prosecutors and judges. The general purpose of the course is to promote restorative justice with the judiciary by providing them with the required knowledge of restorative justice and the opportunity to change their attitude. The course should enable prosecutors and judges to make use of restorative justice practices in their daily work. This part of the project is reported on in a separate report.

Next to the organisation of abovementioned seminars, the AGIS/2003/JAI/129 project allowed the Forum to:

- extend the Forum's website to report on abovementioned initiatives.
- create a leaflet informing about the Forum in general and the abovementioned initiatives in particular.
- link abovementioned initiatives with a policy-oriented vade-mecum on the implementation of restorative justice that the European Forum has written for the Council of Europe. The linking of the projects allowed for a minimalisation of overlap.

The European Forum is very grateful to the European Commission for making these things possible.

2. Context

Training (and support and supervision) of mediators – be it volunteers or professionals – is of utmost importance. This has been emphasised again and again, not only by mediation practitioners, local managers, umbrella organisations and governmental departments, but also by supranational bodies.¹ Last years much know-how and experience on training has been developed at the local and national level. But a strong need is felt to break through the isolation and to learn from others who try to reach the same goals, namely developing and delivering good training programmes and standards. This is why the European Forum started, two years ago, a Practice and Training Committee. This Committee, however, has no financial means to meet, to exchange experiences and hence to proceed in their endeavour. In 2002 a questionnaire was developed and launched by the Committee (Questionnaire on the Qualification of Mediators between Victims and Offenders in Europe), in which ample room was given to the topic of training. People from more than 20 countries responded to this questionnaire. The result can be found in annex 1. Unfortunately, up till this AGIS project, the Committee did not have the chance to further analyse the answers to the questionnaire.

Another objective of the Committee is to compose a list or pool of well-experienced trainers in different countries who agree to contribute in training programmes abroad. The organisation of the two seminars in the context of the AGIS project allowed the necessary contacts to start this effort.

¹ Council of Europe Recommendation R(99)19 on Mediation in Penal Matters.

3. Planning and participants

Two seminars, on 11-13 December 2003 and on 5-7 February 2004, were organised on the exchange and analysis of training models and experiences. The meetings were hosted by the Catholic University of Leuven, Faculty of Law, Belgium, and lasted two days each (from Thursday 2 PM until Saturday 1 PM).

For each seminar experienced trainers from different European countries, namely from Austria, Belgium, the Czech Republic, England, Finland, France², Germany, Norway, Poland, Scotland and Spain, were invited (see annexes 3 and 8). The participants stressed that in many cases they could not be seen as representatives of their country, but merely as representatives of their organisation.

The participants in the seminars were selected with the help of the Practice and Training Committee of the European Forum. Most of the invited people had training experience for at least 5 years and were (partly) practitioners.

4. Topics

The first seminar focused on:

- An overview of basic data on the way training is organised in the different countries (by whom, for which mediators, frequency, accreditation, funding). The results of this exercise were brought together in a schematic way (see annex 11).
- An overview of the contents and structure of the training programmes and the methods used (see annexes 11 and 18).
- A discussion on the experiences of trainers: what works and what doesn't? In annex 6 the most pertinent problems, questions and opinions concerning mediation training were collected.

The second seminar dealt with:

- Differences and similarities: can differences and similarities be discerned in the field of victim-offender mediation 'training' models? (annex 12 provides an overview of the most common topics dealt with in training programmes, and annex 13 explains the scheme provided in annex 12 in more detail).
- Recommendations on the contents and (further) organisation of training (see point 6 and further).

5. Process

Meeting 11-13 December 2003

(Annex 4 provides the timetable of this meeting, and annex 5 is the full report of the meeting.)

The meeting started with the introduction of the participants. All participants introduced themselves, their work and their organisation. In order to be able to talk about training at a European level, it was necessary to – in a first phase – hear how training was organised in the different countries represented at the meeting: who organises training? Who are the trainees? Who are the trainers? What is the frequency of the training? Who pays for the training? Does training lead to accreditation? What is the structure of the training programme? What are the contents? Which methods are used?

² The French participants were unable to attend the first meeting.

It was also important to make an inventory of problems and difficulties connected with training (see annex 6).

It became clear that there was a different training system in all countries. Therefore it was decided to create an overview, based on a template, of the most important features to make the information more clear and comparable (see annex 11).

Based on this overview, participants talked about similarities and differences.

In view of the differences, several ideas came up on how to deal with the variety and on how to learn from each other: a basic recommendation, annual expert meetings, a summer school, a pool of resource people, stock exchange of training materials. As a long-term goal, participants mentioned the development of European training standards, training on a European level, further European training for trainers and European accreditation for mediators.

Due to the limited time available in the project, it was decided to limit the work to the formulation of a general recommendation, and to include the information about the countries in it, and to the discussion of the idea of annual meetings and a summer school. The organisation of the exchange of training materials and the development of a pool of resource people were delegated to the Practice and Training Committee of the European Forum although some further ideas were also developed in the second meeting.

Meeting 5-7 February 2004

(See annex 7 for the agenda, annex 9 for the timetable and annex 10 for the full report of the meeting.)

The second meeting started with the discussion of draft texts: the draft overview of training in different countries and the draft proposal of a recommendation for the content of training (see annex 12 and 13).

Then another proposal was presented. This was broader; it did not only make recommendations on the contents of training, but also pointed out how complex the field is and that any training should reflect this.

The idea came up to structure the recommendations on three levels: a first level with general statements, a second level explaining the general statements in more detail and making them more concrete, and a third level with additional information (drawings, details about the contents, overview and detailed information about training in the different countries).

After the discussion about the wording of the general statements and the explanations, there was some consideration about what should happen with the recommendations. It was decided that the recommendations would be presented at the next conference of the European Forum, that they would be presented to the Board of the European Forum, and that they would be made available via the website of the Forum. It was considered important to regard the recommendations as a first step; they should be discussed and revised on a regular basis. This last point connected to some of the ideas that were voiced during the first meeting, namely to organise regular meetings of experienced practitioners and to exchange ideas and training materials. There was some discussion on how to organise such meetings. A first step in this direction was the agreement to organise the summer school once in order to see how it would work in practice.

Conclusions:

- There are big differences in the way in which training is organised. The drawing 'Professionals versus volunteers' (annex 14) shows that countries using volunteers tend to have training on the job, and that countries using professional mediators tend to use external training packages.

- Although the way training is organised is very different, there are a lot of similarities in the methods used in the training and the contents of the training.
- The participants were very reluctant to formulate very concrete recommendations. They did not want to force other countries to take over their systems and found that it was important to ensure that creativity is not stopped.
- It was agreed that it is still too early to unify training in Europe. The first step should be to allow people to exchange experiences and materials and to learn from each other how training is organised. The second step could be to draw up some standards, for which the recommendations could be seen as a first step. Long-term goals are the organisation of European training and European accreditation.

6. Recommendations

6.1. Recommendation on the training of mediators in criminal matters (level 1)

(1)

There needs to be **transparency** about what can be expected by all parties from the mediator. Therefore transparent training programmes on mediation **should be provided**.

(2)

In every training, **knowledge, skills and personal qualities** should be addressed (see 'Triangle' annex 15).

(3)

We should actively provide a **diverse range of training models**. There should be no hierarchical relationship between the models of training. In each of these, the three pillars in R 2 should be addressed (see 'Complex field' annex 16).

(4)

We should **guarantee** that all mediators have received this kind of training. In practice this guarantee could be made visible by a training certificate or by the fact that the mediator is recognised by his parent organisation.

(5)

We should **distinguish between the responsibilities** of the trainers and the responsibilities of the organisations that employ the mediators.

- a) However self-selecting, the main purpose of training should not be selection of mediators.
- b) However oriented to practice, training should not be too much determined by practical needs.
- c) However focused on long term effects, the responsibility of the trainer ends when the training is completed.

The employer of the mediator is responsible for the selection of mediators, for developing and monitoring criteria on efficiency, case-load, etc. for day-to-day control on the quality of their work, and day-to-day training on the job.

(6)

Training should be an **ongoing process**. Mediators should be expected to continue their professional development on a yearly basis. Trainees should be encouraged to follow training of other models (see R 3).

(7)

In addition to a proven ability or experience in delivering training, every training programme, even if not necessarily provided completely by experienced mediators, should be provided by people with an **in-depth knowledge and experience of the mediation process**.

As far as is reasonably practicable, the responsibility for the training programme would be that of a **multi-disciplinary team**.

(8)

All these recommendations should be the subject of **review and follow-up** by a group of experienced practitioners, trainers and other experts.

6.2. Explanations on the recommendations (level 2)

Ad 1

The first recommendation is linked to the respect that we should have for victims, offenders, candidate mediators and the structure in which mediation operates.

At the European level, one can see a lot of similarities as concerns the definition and the essence of mediation. However, there is a lot of diversity in relation to the position of mediation in the field. The mediators have different relationships with the justice system, with the prosecutors, judges and lawyers. Also, the different moments in which mediation comes into play require that the content of the mediation training is different. The circumstances with which mediators have to deal with clearly display a wide range of diversity, both concerning the parties involved and the instances every mediator and the whole concept of mediation have to deal with in order to maintain and develop a credible offer on a very delicate and polarised field.

In the light of the complexity outlined above, and out of respect for the candidate mediators, the potential clients and the structure in which mediation operates, we should provide transparency regarding the integrity of mediation training. This will help to provide the various stakeholders with security and clarification regarding expectations and outcomes. Those participating in mediation should get a clear idea of what can be expected and required from the mediation process and from the trained mediator. And the candidate mediator should be offered a clear, transparent course outline showing how the work requirements will be met, how he/she will be trained and enabled to establish him/herself truly as a mediator and to be recognised as such by others.

Ad 2

Contents of training³:

➤ Personal qualities:

A mediator should be someone who is relatively open to discuss personal values and should have the capacity to reflect on his/her own way of dealing with conflict. Having the capacity for personal growth, i.e. being able to develop as a person, is important. The mediator needs to be supported and helped to deal with issues of personal growth during training. He/she should have the capacity for openness and sharing (for example, talking about his/her own values, about how he/she reacts, about his/her own vulnerabilities, about what kind of influence this could have on the mediation process, etc.). It is important to, during training, be exposed to one's own capacity to manage oneself in the

³ See 'Triangle' in annex 15.

mediation process, i.e. how to combine one's role as a mediator and as an individual. Another important element is to be able to give and accept feedback.

Training should also include the skill of self-management with particular regard to working with one's own prejudices and perspectives. One principle aim in training is to broaden the perspective of the mediators and to deepen their capacity to grow as people who are willing to explore their own strengths and vulnerabilities. The value of this depth of training lies in enabling the mediator to develop capacities for congruence and empathy with clients.

➤ **Knowledge:**

Any mediation course needs to contain specific themes on conflict, law, psychological and social processes and something specific about applied mediation.⁴

➤ **Skills:**

There are five main skills: to maintain impartiality, to remain neutral, to be accepted in one's role, to be able to keep confidentiality, and to ensure that participation in the process is voluntary. These are the skills that distinguish mediation from other forms of dispute resolution, e.g. arbitration.

Other skills that should be addressed during training include:

- How to act in the different stages of the mediation process.
- How to show empathy.
- How to create a 'safe environment'.
- How to organise the practical work.
- How to react on certain situations during the mediation process.
- How to collaborate with other agencies.

Ad 3

There are a lot of similarities concerning the definition and essence of mediation, and there is a lot of diversity in relation to the place of mediation in the field. Also, the different contexts for the application of mediation require different course contents.⁵

In general people agree on the definition of mediation, the content of training and the competences of the mediator. It is important to bear in mind, however, that we are not only dealing with mediation in criminal matters, but also with all the things contingent with that, e.g. the fact that the mediator is part of an organisation that has its own tradition, expectations, culture and co-operation agreements with other organisations. There are organisational guidelines on mediation and financial and recourse issues affecting the application of mediation. Around the victim, you find his/her social network, culture, etc. The same goes for the offender with the added implications of the judicial process and the use of mediation in relation to the justice system.⁶

These considerations call for a range in training programmes, taking into account the diversity in terms of culture, structure and function within which the mediators have to operate, even within the same country.

We posit at least three possible emphasises in training (all of them necessary) depending on the particular situation in which the mediator will have to work:

⁴ See 'Common themes' in annex 12.

⁵ See 'Application of mediation' in annex 17.

⁶ See 'Complex field' in annex 16.

- An emphasis on knowledge (for example for dealing with technically complex cases or for mediators who have to be an ambassador for the idea of restorative justice).
- An emphasis on skills (for example for mediators who have to deal with a large number of cases or who are under pressure to meet targets regarding outcomes and efficiency).
- An emphasis on the person of the mediator. Here we can distinguish two aspects:
 - 1) mediators working with cases that are emotionally highly charged;
 - 2) where mediation is used as a way to build up communities (for example, focusing on group-interaction, team-building, etc.). By way of developing this community aspect, some countries train volunteers as mediators. This has been found to be an effective way to safeguard communities. In effect, there are no significant differences for training and supervised practice between using volunteer mediators and professional mediators.

Those differences should not refer to any hierarchical relation amongst types of mediation or mediators; they only reflect different needs depending on circumstances. Any training model should address the overall notion of the mediator's function. Any training model should also contain cognitive elements, practice skills and personal qualities as referred to in ad 2.

On a more formal level, the following is recommended for every model of training:

- **Length of training:** This differs depending on whether the training is provided by an external agency or is done 'on-the-job'. Basic external training requires a syllabus. Training 'on-the-job' requires a variety of methods, for example, observation by the trainee of an experienced mediator, then progressing to co-mediation and receiving feedback afterwards from an experienced mediator based on observed practice.
- **Number of participants:** A maximum of 12 trainees per trainer is recommended. Group interaction is crucial and only possible if the group is neither too small nor too big.
- **Methods to be used:** The group process should facilitate self-development, skills training, the creation of a safe learning and working environment and group interaction.
- **Necessary material:** Clear and well-structured handouts are necessary.
- **Costs of training:** The cost should not prohibit suitable candidates from being trained. The situation where training is only available for those who can pay for it is to be avoided on the grounds of providing equality of opportunity.

Ad 4

Given the fact that there is a great diversity in how certification and accreditation is dealt with in the different countries⁷, this recommendation reflects the idea that a certificate can be a useful tool to provide a certain (partial) guarantee of the basic capacity of the mediator. On the other hand, the notion of a 'parent organisation' taking responsibility to provide the mediator with some kind of controllable proof of basic capacities and some kind of recognition could be seen as a useful alternative.

However, in the long term, it should be cleared out what exactly is meant by 'parent organisation' and what kind of agency can be entitled to provide training certificates.

⁷ See 'Overview' in annex 11 and 'Details per country' in annex 18.

Ad 5

The ideal scenario is to consider dividing the responsibilities for training and for employing mediators. The reality, however, is often different and dependent on resources. In some countries training is provided by specific training organisations and in others it is done by mediation organisations themselves. The tension between these two approaches is acknowledged.

Two concerns should be highlighted:

1. using training solely as a selection mechanism
2. training programmes being unduly influenced by immediate organisational needs.

Mediation organisations have a responsibility to be clear about the distinction between quality training provision for mediators and the necessary duties and obligations of the day-to-day work environment.

Ad a) A training programme should not be established to select mediators. It should address training needs and reflect the values of restorative justice. It should cover a broad range of topics.

Ad b) There are different learning types: the theorist, the activist, the reflector and the practitioner or 'doer'. The needs of these types should be addressed by different training methods and materials.

Ad c) It is good practice for trainers to have a contract covering training expectations.

Ad 6

Mediation training is an ongoing process. Mediators need to be encouraged and/or even obliged to follow training in other countries and to exchange with mediators in other areas. The purpose of this ongoing training and exchange is to stimulate continued development at every level. It is a constant challenge to maintain and develop the capacity to mediate. The identity of the mediator also implies personal change, and personal change requires support. Training is not something imposed on the mediator from the outside; it is a self-motivating process of lifelong learning.

Ad 7

In comparing the different ways of how training is organised in the countries consulted on these recommendations, it became obvious that there again is a vast range of different models. In some countries mediation tends to be akin to a quasi academic degree; in others there is some kind of external package where training is provided by several experts. In still other countries there is a great deal of practice-oriented 'training on the job' or at least external training given by experienced mediators.

These different training concepts require different types of trainers. A good, experienced lawyer or judge can explain the cognitive parts of law and theory, and a professor in psychiatry can explain a theory on personality issues. A therapist can provide some contributions on how to handle a conflict and on aspects of the supervision of mediators.

However, all these possibilities do not overrule the general concern that the basic, unifying aspects in all this should be experience and an in-depth knowledge of mediation. Therefore, every training programme should ensure as a kind of safeguard against any derailments that the in-depth knowledge of mediation should

be prominently present in any team providing training for mediators to provide an overall kind of synthesis. Mediation can require some psychotherapeutic elements, but it is not psychotherapy. Mediation can require a lot of knowledge about law or social sciences, but a mediator is not a lawyer or a brilliant scientist. The specification lies in the synthesis which is experienced in the every-day mediation practice.

Trainers need to be encouraged or even obliged to continue their own training on a yearly basis. The experience and knowledge arising from mediation practice compel the trainer to do this.

Ad 8

Several ideas came up in order to provide some follow-up to this recommendation. For instance, to meet at a kind of summer school to be organised in various countries. Participants should be provided with an opportunity to gain insight into the training concepts of different countries, update their existing knowledge and exchange views with their colleagues. A stimulating environment and leisure time should enhance creativity and spontaneity.

Another idea is to have annual meetings of a group of experienced practitioners and trainers to work on the basis of this recommendation with the long-term vision of creating some kind of European standards of training or some sort of European accreditation system.

6.3. Details of training in 11 European countries (level 3)

The details of the training programmes in the 11 European countries that participated in this project (annex 18), together with the drawings (annexes 14 till 17) form the third level of the recommendations. They serve as examples to illustrate the reasoning behind the statements on level 1 and level 2.

7. Other results

7.1. Summer school

Early June 2005 was withheld as the provisional date to organise the summer school a first time. It was not clear yet who would attend the summer school and which topics it would deal with. It was agreed to meet again during the next conference of the European Forum for Victim-Offender Mediation and Restorative Justice (Budapest, 14-16 October 2004) to make these decisions.

7.2. Pool of resource people

This pool of resource people would help the European Forum to answer questions that it is receiving not only concerning training, but also, for example, in relation to the implementation of mediation.

A small group of 4 people was composed. They would work out the idea a bit further and then propose it to the Board of the European Forum.

7.3. Exchange of training materials

It was agreed that a letter would be added to the invitation for the next conference of the European Forum for Victim-Offender Mediation and Restorative Justice (Budapest, 14-16 October 2004), inviting participants to bring training materials. These materials could then be discussed during a workshop.

8. Future plans

Next to the fact that the summer school, the pool of resource people and the exchange of training materials are all initiatives that will need to be implemented in the future, other ideas were voiced to take the recommendation forward. It was agreed that the recommendation would:

- a. be distributed via the Practice and Training Committee of the European Forum. Comments and reactions would be collected.
- b. be presented to the Board of the European Forum. The Board could express its support with the way of working.
- c. be presented to the General Meeting of the European Forum in order to inform the membership of the Forum about the document.
- d. be presented during the next conference of the European Forum in a workshop.

Annexes

1. Answers to the questionnaire on the qualification of mediators between victims and offenders in Europe
2. Working plan
3. List of participants meeting 11-13 December 2003
4. Timetable meeting 11-13 December 2003
5. Report of the meeting of 11-13 December 2003
6. Problems, questions, opinions concerning mediation training
7. Agenda of the meeting of 5-7 February 2004
8. List of participants meeting 5-7 February 2004
9. Timetable meeting 5-7 February 2004
10. Report of the meeting of 5-7 February 2004
11. Overview of training models
12. Common themes in the training of mediators in criminal matters
13. Combining the training topics for victim-offender mediators from 10 European countries
14. Professionals versus volunteers
15. Triangle
16. Complex field
17. Application of mediation
18. Training details per country

ANNEX 1



Servicebüro für
Täter-Opfer-Ausgleich und
Konfliktschlichtung

Eine Einrichtung des DBH-
Fachverband für soziale
Arbeit, Strafrecht und
Kriminalpolitik

**ANSWERS TO THE QUESTIONNAIRE ON THE QUALIFICATION
OF MEDIATORS BETWEEN VICTIMS AND OFFENDERS
IN EUROPE**

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Foreword

As agreed at the General Meeting of the European Forum for Victim-Offender Mediation and Restorative Justice in 2001, the committee "Practice and Training" was regarded as a kind of platform for practice and training in Europe. However, all participants noticed that a general overview what is common practice in the different European countries was urgently needed.

Thus a questionnaire on training in the field of victim-offender mediation was drafted by Leo van Garsse (Suggnomé, Belgium), the chair of that committee, and Gerd Delattre (Servicebureau for Victim-Offender Mediation and Conflict Settlement, Germany). The main purpose of this questionnaire was to ask as little questions and to obtain as much information on the situation of training as possible.

On behalf of the committee the Servicebureau sent the questionnaire to 25 countries and collected the answers. The response was beyond expectation: 23 answers came in and the questionnaires were filled in quite extensively.

Representatives of Suggnomé, Belgium, and the Servicebureau, Germany, met in Germany in 2002 for evaluating the material and discussing further steps. The results of this meeting and some conclusions presented at the Conference of the European Forum in Oostende were the following:

- Not complete:
The results of the questionnaire are not to be regarded as completed since some countries haven't answered the questionnaire yet.
- Selection of mediators:
A general impression is that in the northern European countries volunteers are preferred, in the middle of Europe there are certain requirements and in the southern European countries things are more open.
- Training:
There is some kind of training in all countries, except for Albania, Sweden and Luxemburg at the time of answering the questionnaire.

There are three methods how training is organised:

- In the northern countries training is often organised by victim-offender services.
- In the Czech Republic the Ministry of Justice is organising training.
- In some countries general educational organisations organise training in cooperation with victim-offender services.

Some bilateral cooperation in the field of training was mentioned:

Danmark – USA
Scotland – Ireland
Germany – Poland, Slovenia

- Structure:
 - For all countries the practical aspect is mentioned as being the most important one.
 - Only few countries organise courses on a regular basis.
 - Training is structured in very different ways.
- Future developments:
In some countries there is a tendency that ministries start organising the training. In some cases a cooperation with universities is planned.

The following conclusions and proposals were presented at the conference:

1. Given the diversity of training structures, it is still too early to consider any unification of training in Europe. Many countries answered that they want to stick to their structure.
2. It seems to be important to address the trainers of mediators and to start some kind of exchange of knowledge and experience.
3. There seems to be some interest in developing some minimum standards. This could contribute to establishing a certain level of quality.

We got several enquiries about the results of this questionnaire. This induced us to compile the material we got so far and present it to anybody who is interested in this topic.

We would like to thank all those who helped to accomplish the task of getting an overview of the situation in Europe by contributing the answers for their countries or parts of their countries. We hope that anybody who is interested in continuing this work has got a basis to work on and doesn't have to start from the scratch.

*Gerd and Regina Delattre, Cologne
July 2003*

I Country:

We do not expect our respondents to provide really complete information on these questions for a whole country. If your information is only partial, what specific region are you talking about?

Albania: whole country

Austria: whole country

Belgium, Flanders

Belgium is a federal State which consists of communities and regions. Everything related to the juveniles is a part of the competence of the communities. The communities exercise their competences (which are related to culture) independently. Therefore the victim – offender **mediation for juveniles** falls under the competence of the communities and the mediation for adults falls under the competence of the federal government.

There are two kinds of victim – offender mediation for adults: mediation in penal affairs and mediation for redress. The **mediation in penal affairs** or **penal mediation** can be situated inside the department of justice, has as a result the extinction of the penal claim and has a legal base. The **mediation for redress** can be situated outside the department of justice, hasn't as a result the extinction of the penal claim and hasn't (yet) a legal base.

Three different organizations therefore completed the questionnaires. The **Support Platform Special Youth Care** completed the questionnaire on behalf of the mediators for juveniles. The **adjunct-adviser mediation in penal affairs** completed the questionnaire on behalf of the mediators in penal affairs. **Suggnomè** (forum for restorative justice and mediation) is also the employer of the mediators for redress and completed the questionnaire on behalf of the mediators for redress.

The three questionnaires were coordinated into one document. The coordination took place in the working group 'international exchange', which is situated inside Suggnomè and gathers different persons in the field of restorative justice.

Belgium, Wallonia

The French speaking regions of Belgium.

Bulgaria: whole country

Czech Republic: whole country

Denmark

VOM is being carried out as an experiment in 3 (of 54) police districts until June 2002. There are no other VOM programs in Denmark.

England

Thames Valley Police provide training within the Thames Valley area (Berkshire, Buckinghamshire and Oxfordshire) to all our own staff and anyone who wishes to attend from anywhere in the United Kingdom. We will also visit anywhere in the United Kingdom to provide training to any group who requests it.

Finland

I have discussed with my colleagues from Vantaa, Kotka, Mikkeli, Savonlinna, Tampere and Hämeenlinna. Including my own area, Helsinki, those areas represent app. 60-70 % of all mediations.

Germany: whole country

Ireland

Our Service is the only existing service of its kind in the Republic of Ireland, so the answers relate to the current situation here.

Italy 1, South (Puglia)

Italy 2, Trentino

Luxemburg

There are 36 mediators with the agreement to practice victim-offender mediation in the country. 24 mediators are working with our Center.

Netherlands

1) In Holland there're different experiments. There're the **HALT bureaus**, that deal with minor offences, some of the co-workers of these organisations are trained according to the family-conference model from the Thames Valley police. These trainings are given by the organisation "op kleine schaal" and in different places in Holland these conferences are taking place.

2) Then there's **Herstelbemiddeling**, a project in two of the five "high court districts" This deals with more serious offences, the workers do have a professional social work or academic training and in addition an eight days mediation training course. There's a constant supervision and the objective is to develop an accurate training for this kind of V.O.M.

Norway, Eastern region

For now, my information is partial. The mediation services in Norway will soon have a common education for mediators.

Portugal: whole country

Scotland: whole country

Slovenia: whole country

Spain 1, Basque country

Spain 2, Catalunya

Sweden: whole country

Switzerland, French Part

(Geneva GE (adults) & Freiburg FR (minors, since July 2002)).

I heard of some experiences in Zurich and Ticino about penal mediation for minors, for which I don't know enough to talk about.

II Requirements:

- a) *On what basis are people selected in your country/region to act as a mediator between victims and offenders?*
- b) *Do you need a certain degree? (If any, which one)*
- c) *Are there other requirements (age, certain attitudes, social or professional background etc.)?*

Albania

Based on the mediation law (11.03.1999) the mediators are selected based on these criteria

- a) Age (over 25 years old), Reputation, University Degree, Clean criminal record
- b) Yes, University Degree.
- c) Distinguished for his/her honesty, prudence, wisdom, reliability and experience in the social life.

Austria

- a) and b) Applicants must be social-workers. Lawyers and psychologists are taken, if they have practical experience within the field social work. Part of the application proceedings is a psychological test including a talk with the psychologist, a talk with the head of the team and the head of the agency. After consultations the decision is made by the head of agency.
- c) No. We try to have a 50/50 balance between men and women in the team. Professional experience within the field of social work is an advantage (and a requirement for lawyers or psychologists).

Belgium, Flanders

- a) The selection depends on the context wherein the mediators are working (mediation for juveniles, penal mediation, mediation for redress). There is no uniform, but a fragmented selection.
- b) Mediators need to have a degree, with a basis of Human Sciences. So we can conclude that there is a uniformity.
- c) In general the requirements are rather low profile. The mediation sector is a young movement and part of the social sector which has a specific culture. Mediators are professionals. There are no volunteers.

Belgium, Wallonia

- a) Social workers of community service organisations who decide to organise mediations.
- b) These social workers have at least a superior degree in education or social work. Others are criminologists or psychologists.

Interest in the field.

Bulgaria

We have not started VOM practice yet.

Czech Republic

- a) Officers of Probation and Mediation Service (PMS) carry out both probation interventions and V-O mediation. To act as an officer of Probation and Mediation Service it is necessary to succeed at the interview organised by Headquarters of Probation and Mediation Service. After this procedure, in a following one-year period successful candidates prepare for their officer's career. During this time they complete on job qualification education programme, concluded by a qualification exam (if they do not complete all duties and do not pass the exam, they contract is not prolonged).

- b) An officer working with the PMS shall hold a university degree in the field of social sciences obtained by graduating from master's degree programme and a qualification exam, which is sat for after passing qualification education program for the candidates on the position of officers of PMS.
- c) This person shall be crime peaceable and have capacity for legal action.

Denmark

- a) The mediators are persons against whom there are no previous convictions and who are local citizens – lay mediators. They must be committed, open, unprejudiced, neutral, easy to reach, have good communication skills, a sense of humour and the necessary time to take on the task.
The mediators have not been appointed until after the training.
- b) no - their personal skills are seen as more important, and they are being trained before they begin mediating.
- c) there are no other requirements. All of the mediators right now are over 40 years and white middle class people. We should look for younger persons and people with other social and ethnic backgrounds if/when the Parliament decide that VOM should be implemented in all police districts in Denmark.

England

- a) Participants are selected to answer the personal skills and qualities which are identified in the Practice Standards published by Mediation UK.
- b) no formal qualification is required to attend.
- c) No not formally. However, we would expect participants to be in a position to practice the skills following the training and expect participants to conduct at least 10 conferences per year to maintain a basic level of skill through practice. We look for as diverse a group as possible to present the population in the area in which they work.

Finland

- a) they have to participate 30-hours elementary course (the mediators are voluntary workers, who have received appropriate training)
- b) no, there's variance in occupations and degrees
- c) they should be at least 18 years old, flexible, reliable, impartial, willing to participate in further education (what ever includes to mediation).

Germany

- a) There are no special selection criteria, i.e. employers do not apply such criteria. In general mediators are persons with a psycho / social professional background (social worker). However, we observe a tendency towards using volunteer mediators as well.
- b) You do not need a special degree or training. There are not general regulations.
- c) No official requirements. However, employers look for people with a professional social background.

Ireland

- a) We have had two rounds of recruitment and training. We specifically targeted the mediation / facilitation / counselling / caring services sectors.
- b) No. Although we are anxious to develop a training module, which will have appropriate accreditation and standing.
- c) This is the advert we used outlining the requirements for prospective Victim / Offender mediators.

Italy 1

People are selected on degree and attitudes, that are evaluated at the training centre

Italy 2

- a) People who have experiences in social work and linked to delinquency
- b) No but we attended a beginning training course held by Thierry Bonfanty Interdiscipline

Luxemburg

- a) The Basis is the law from 06/05/1999 – penal mediation
- b) No, but the text talk about competence ...
- c) Honorability, competence,

Netherlands

- a) and b) For as far as I know from the family conference; anyone can subscribe for such a training. For Herstelbemiddeling at least a general education, Highschool or University is required, with additional training
- c) For Herstelbemiddeling basic skills a required within the social work as being able to listen, respectful, accepting supervision, etc, as well as a certain resourcefulness/creativity, regarding conflicts and fixed situations.

Norway, Eastern region

- a) Mediators are volunteers and not professionals. They apply for the task, and are appointed by a committee after being interviewed.
- b) No
- c) Age: 18. Attitudes are important – what do they think of crime, of those who commit crimes, what about restorative justice, about the role as a mediator... Social background: they have to have a hold on their own lives. Professional background: no.

Portugal

- a) All the professionals selected to work in the field of mediation are staff members of the Institute for Social Rehabilitation (Instituto de Reinserção Social).
- b) Licentiate degree in the field social sciences
- c) Prior experience in the field of social rehabilitation, namely in terms of prior work with juveniles

Scotland

- a) application form and interview
- b) no
- c) certain attitudes

Slovenia

According to Art. 6 and 7 of the Instructions on mediation in penal matters the Ministry of Justice obtains the opinions of heads of state prosecutors offices on trends and situation regarding minor criminal offences. After that an invitation for gathering applications of candidates for mediators shall be published in the Official Gazette of the Republic of Slovenia

Candidates for mediators must fulfil the following conditions:

- They must be adult citizens of the RS
- They must have no final convictions for criminal offences prosecuted ex officio
- They must be in appropriate health and have a suitable character
- They must be fluent in Slovenian language and in areas populated by members of the Italian or Hungarian nationalities, also in the Italian or Hungarian language respectively
- They must have at least a 6 th level (post-secondary college) education

They must have permanence residence in the region of the Higher State Prosecution Office

Those included in the list of candidates for mediators (they become mediator in each single case by appointment of the Higher State Prosecutor) shall be required to take part in all forms of education organized by the State Prosecutor's Office of the RS.

Spain 1

People who are working as a mediator between victims and offenders are members of psycho-social teams of the Juvenile Courts.

This team has the function, apart of many others, to make the VOM.

They're psychologist, social workers and social educators, and, for the moment they don't need any special formation in mediation. There aren't any requirements, as far as I know, only be those three professions.

(Some members of the Victims assistance offices had a course about mediation 4 years ago.

They started a pilot program in Vitoria – capital of Basque country – but Basque Government decide to finish... nowadays, in fact, they don't do any mediation...)

Spain 2

- a) In juvenile justice there are social workers (working on the Department of Justice) interested on penal mediation programs that are selected to move to the mediation teams (held by the Department of Justice also). In penal mediation with adults, there is a contract with one ONG (ACDMA) to implement a Pilot Project. There are social workers and psychologists working as Mediators in this team.
- b) The minimum degree it's a diploma or an university degree (social work, social pedagogy, psychologist, sociologist, lawyer...)
- c) Attitudes and professional background

Sweden

Nothing settled yet (see below)

Switzerland, French part

- a) GE: 30 years old, university degree, qualification in mediation, knowledge of penal right end procedure, no penal inscription. (see Geneva's law in attach). FR idem
- b) GE: not very clear, leaves latitude to the State Council to name who he wants (see law): practice for the first 8 nominated: 200h generalist mediation programme, 40h penal law & procedure.
- c) Some knowledge in social and psychological matters is welcome. We have to owe in front of the state council and never have been inscribed into penal register.

III Is there any training for mediators?

If yes, please answer the following questions:

- a) To what extent is it focused on victim-offender problems?*
- b) Who is the organiser?*
- c) Who is invited to participate? And how?*
- d) Is there any teaching programme? (If any, please add a copy!)*
- e) What is the structure of the training (how many units, relation between theoretical and practical units)?*
- f) How many do participate in reality?*
- g) Is there any kind of examination/certificate at the end? (If any, please add a copy!)*

Albania

Yes.

- a) It is focused on penal cases (quarrel, beating, revenge and blood feud cases, injuries, accidental killing etc.)
- b) Trainers of AFCR; International trainers from Denmark, Norway, USA.
- c) Coordinators and mediators of 9 mediation Centers; part-time mediators in districts. They are invited to participate in short and middle term workshops in local level.
- d) Yes, we have teaching modules, training manuals, but only in Albania version.
- e) The training structure has two main components: - the theoretical aspects and practical, demonstrative, interactive aspect. The trainers distribute in advance orienting materials for the participants. After that the program is structured in units for ex: First unit 15'-20'- Theoretical presentation, Second unit 1 hour 15' Practical presentation (demonstration, play roles, study-cases etc). Generally are organized 2-3 three days trainings /year (6 hours/day and 2-3 unit/day.
- f) The number of participants is usually 15-25, but it depends of the level of the Workshop.
- g) Yes (Attach you'll find a copy)

Austria

Yes. We have a two level training programme for all mediators in penal matters. The first part is a curriculum for beginners (4 weeks) and the second part (also 4 weeks) is an education program to become a mediator in penal matters the second (the whole program is recognised by the Austrian association of mediators). Further requirements to become a mediator in penal matters: mediation of 150 cases, 32-50 hours supervision, practical guidance of an experienced mediator for at least one year.

- a) It is focused on mediation.
- b) Neustart (former name VBSA= association of probation and social work) which is also the employer.
- c) All beginners in the field of victim-offender mediation have to participate in the training programme.
- d) ?
- e) See above answer.
- f) All.
- g) Participants receive after a written final work a diploma. We do not have a test.

Belgium, Flanders

- a) The training of the mediators for juveniles is the most elaborated one (There is specific training for victim – offender mediators. The focus is on the needs or problems on the field. The training encounters especially the role, vision and the ground attitude of the mediator and less the specific victim and offender problems). The training of penal mediators is still under construction and the training of the mediators for re-dress is fragmented.

- b) The training of the mediators for juveniles is the most elaborated one (cfr. infra). The training of penal mediators is still under construction and the training of the mediators for redress is fragmented.
- c) The mediators for juveniles are the only mediators that are trained by an external organisation.
The penal mediators are exclusively trained by the employer (internal).
The mediators for redress are trained by the employer and have the change to follow external training programmes.
- d) There is no specific programme. Yet a lot of training initiatives are taken (inter vision days, theme days, workgroups, introduction course for new mediators, group sessions, course on the methodology of mediation).
- g) There is no examination or certificate at the end. Sometimes there is a proof of presents which is necessary for some mediation services. Afterwards there is always a paper. That offers the services the possibility to discuss or to bring back the discussions on a more local level.

Belgium, Wallonia

Yes, at a "superior degree" in different social or educational schools (not at the University).

- a) Little extent
- b) Public or private initiatives of "superior schools".
- c) Who ever wants.
- d) Yes but we have not a copy
- e) Yes.

N.B. Some sessions specifically centred on VOM. are sporadically organised by the mediators themselves who feel they need it.

Bulgaria

No

No specific training. Some /6/ universities have introduced mediation as a part of Alternative Conflict Resolution course of lectures. Theory prevails.

Limited practical training.

Czech Republic

Yes

- a) The system of education of officers of PMS consists of the qualification education program and further education (annexe 1: The System of Education of Probation and Mediation Service Staff). The qualification on job training course for officers of PMS includes 320 hours of training. The training consists of the legal (50%) and communication skills unit (50%), both are related with probation and V-O mediation aspects.
- b) The system of education for Probation and mediation staff is guaranteed by the minister of justice and is organised by the Ministry of Justice. The pilot project of the qualification education program for candidates for the position of an officer of PMS was launched in the cooperation of Ministry of Justice and the Association for the Development of Social Work in Criminal Justice (SPJ) in 1999 and 2000. Since 2001 SPJ has participated in the qualification education by delivering the communication skills unit.
- c) Participants are employees of Probation and Mediation Service whose have Master University Degree and were selected to become officers of Probation and Mediation Service. To attend all units of qualification education system and to pass the exam is the condition to become an officer of Probation and Mediation Service. The staff participation in the training is organised by the Ministry of Justice.
- d) See an annexe 2
- e) Qualification Education Program covers practice on the Probation and Mediation centre (10 months), short time attachments in partner organisations / court, public prosecutor's office, Police station and other organisations related to conflict resolution and social services/ (5 days), 320 hours of the qualification on job training course focused on both legal and communication aspects of probation and mediation

- (ten 4 days meetings) and regional supervision meetings (5 days). See annexe 3: The Qualification Education Program.
- f) The pilot project of qualification education programme was successfully completed by 35 candidates for the officer's position, in 2001 there were 97 persons who did participate the qualification education and passes the exam.
 - g) Yes there is the certificate – see an annexe 4.

Denmark

Yes - 12 mediators and I were trained when we started the program. One of them was not appointed because she was not able to do the role playing during the training. There are 8 mediators right now – and many people from the whole country contact me because they want to become mediators.

- f) a)
 - b) The Crime Prevention Council was the organiser. The trainer was a woman who had been working in Boston, USA, as a mediator in VOM cases for about 4 years. She is now project co-ordinator planning a master degree in mediation and conflict resolution at the University of Copenhagen.
 - c) Before the training I interviewed a number of people and 12 of them were invited to participate in the training program.
 - d) Yes there is a training program. The teaching program is in Danish so I don't add any copy.
 - e) The practical and theoretical training was 5 days – 4 days at a hotel and the last day visiting the local police station and local court to make them understand more about how the police work and what happens in the court.

Here are the most important headlines:

 - what is mediation (definition, the process and procedure, the basic principles, experiences from other countries)
 - mediation step by step = training by role playing (opening the meeting, the parties' storytelling, active listening, formulating an agenda for the rest of the meeting, brainstorming, the parties' negotiation of an agreement, the agreement, closing the meeting and follow up by contacting both parties after some time.
 - exercises: about listening, self experiences with crime, own attitude to conflicts, how do conflicts escalate and how to avoid them in escalating
 - expert presentations on "Who are the victims and who are the offenders", "how does crime impact victims", "what happens from the crime has been committed until the offender is being conditional released", "the VOM program in Denmark"
 - f) 12 mediators were trained. It has not been necessary to educate more mediators, since the program started.
 - g) I have - together with the trainer - decided whether the participants were able to take on the task after the training. There is no certification committee.

England

Yes - Our training is aimed at Facilitators of Restorative interventions rather than mediators although recognition of those skills is made. The training is focused as follows.

- a) The training and approaches are focused on offender and victim needs.
- b) Thames Valley Police
- c) Anyone by calling and requesting places on training courses
- d) There is a training manual which covers a 5 day residential training course (It is 250 pages we can discuss contents in greater depth later.
- e) The course is made up of 14 units which are arranged in to 5 themes which take participants through the mechanics of facilitating conferences. The whole is very practically based and is designed to mirror the conferencing process there is little theory relying on experiential learning nature of the course.
- f) the courses are designed for up to 16 people usually not less than 12 attend.
- g) There is a certificate for attendance and completion of the course this is not a recognised qualification however we are currently pursuing National accreditation of the course which will then be subject of formal qualification by the Open College Network.

Finland

Yes

- a) that 30-hour elementary course concentrates on victim-offender mediation process.
- b) Usually mediation offices arrange courses and co-operate with Adult Education Centres
- c) There could be ads in the newspapers or it is mentioned in Adult Education Centres programme (those courses are open for everybody). In some areas might be courses for certain occupational groups, like in Helsinki in March, there's elementary course for social workers.
- d) "Course provides the participants with basic information about theories behind mediation in the criminal justice system, operations of the police, the prosecutor and the court, the crisis approach as well as the prerequisites and conditions of co-operation between mediators and the authorities."
- e) Usually if the training is arranged with the Adult Education Centre there are 10 3-hours units in the evenings. Like in Helsinki, we usually try to offer to participate mediation during the elementary course. We also use demonstrations and practise how to make agreements.
- f) In Helsinki there was participants app. 25 in our last elementary course and app. 10 started mediations after course
- g) Unfortunately there isn't but all are interviewed

Germany

Yes, there is training for mediators.

- a) It is mainly focused on VOM.
- b) Organiser: Servicebureau for Victim-Offender Mediation and Conflict Settlement (TOA-Servicebuero)
- c) Everybody may participate who is interested in seriously offering VOM. The course is announced throughout the whole country.
- d) There is no teaching programme. However, the trainer meet regularly to discuss the contents of the training programme.
- e) Structure of the training: 3 workshops focused on practical training, 1 seminar (5 days) focused on theory. Furthermore, participants form small working groups where they discuss their cases and give advice to each other.
- f) Around 70 persons every year
- g) At the end of the course participants have to pass an oral examination, after they have handed in 3 case documentations in and a project conception in writing.

Ireland

Yes

- b) As we were the first in the Republic of Ireland, we had to source out training outside the jurisdiction. We tendered to existing services in the U.K. An established service in Scotland provided the training.
- c) See copy of advertisement above.
- f) On each occasion approx. 25 attended the open weekend. / approx. 10 were interviewed / o each occasion 4/5 were recruited.
- f) The training was held over 10 – 12 weekends – Saturdays. Probably 60 hours in all. The trainees also held informal sessions where they practised through role-play. It broke down about 40% theory and 60% practical.
- a) There was considerable focus on providing insight and understanding of victims and offenders and the difficulties and challenges that might arise in the restorative process. Apart from the training provided by the agency in Scotland we also had contributions from Victim Support and Probation & Welfare Service.
- g) There is no formal examination. The trainees' technique and proficiency were evaluated (using video) at the end of the training. Comments and observations were offered as to where they could improve or focus more.

Italy 1

Yes

The aim is to activate a new relation between victim and offender through the comprehension that crime is a relation between people in a determinate environment and not an action against law. There are only private centre of training and people are invited with advertising. There is no teaching programme, only few theoretical and many practical units (simulation). At the end you have to write 30 pages about vom and you receive a certificate.

Italy 2

No

A training course is fortold but not previewed

Luxemburg

No permanent training,
but we propose some formations for the mediators

Netherlands

Yes

As for Herstelbemiddeling (For the other mediation, you can consult the Family conference model as I understood they copied this quite literally from the Thames Valley Police):

- a) There difference of position, the one dealing with guild, the other with grief and pain. The objective is to enable people to exchange there're experience so that the offender can take/show responsibility for his deed and the victim can ask questions and express his feelings and the impact on his live. The mediation can start on either side and we try to create a maximum of space for them to express there needs. The mediation is not a part of the penal procedure nor a diversion but an addition to it.
- b) It is organised by the mediator who contacts them both, guides them through the process and facilitates the actual meeting.
- c) Each one of them is invited to bring a person with them as moral support. But there're no huge conferences.
- d) We do have a concept workbook, but in Dutch, does that make any sense?
- e) Not yet structured
- f) Very little, we're four now, if everything goes well, we'll be around 10 in 2003.
- g) Not yet

Norway, Eastern region

Yes

- a) Some extend, but this is not the main focus.
- b) Leaders or mediation services.
- c) Every potential mediator. After having applied they are interviewed. If they have the qualifications we are looking for, they will be offered the training.
- d) Yes. Only in Norwegian. If it is of interest to have a copy, please let me know.
- e) We use workshops as a structure of training. "Learning by doing". Today: 2 days. In future: 2x2 days.
- f) One training course: wax. 16 persons.
- g) No, not for now.
After the course the mediator will have advices from a mediator with experience.

Portugal

Yes

- a) d) and e) please confront training programme attached to this questionnaire
- b) Institute for Social Rehabilitation (Instituto de Reinserção Social)
- c) This training programme exclusively targets professionals of the Institute for Social Rehabilitation selected to act as mediators
- f) 37 trainees

- g) Each trainee receives a formal certificate from the Institute for Social Rehabilitation (Instituto de Reinserção Social) – The above mentioned certificate is not attached as we were unable to access it

Scotland

Yes.

- a) 40 %
- b) SACRO
- c) Those who pass. Interview.
- d) Yes
- e) Approx. 35 hours. 50 % theory, 50% practice.
- f) At least 10.
- g) Certificate – validated by teaching body

Slovenia

In December 1999 in Slovenia 259 candidates for mediators were invited to 2 days compulsory training but only 182 attended the course. The introductory training included the basic theoretical knowledge about the Criminal code and Code of criminal proceeding, content of the criminal report (lectures were given by the state prosecutors), skills of resolving disputes, negotiation and communication (lectures were given by specialists in psychology and social therapy).

In December 2000 mediators were made familiar with the conclusions regarding the past first years work, with mistakes and deficiencies and with resolving disputes from the ethical and civil aspects. In addition they listened to a lecture on resolving stress situation (a specialist in psychiatry).

In December 2001 the one day meeting was used to establish the Association of Slovenian Mediators in Penal Matters. The members of the executive board gave us – about 20 present prosecutors, some suggestions to improve our work about the selection of assigned cases and inform the colleagues mediators about some most interest cases

The State Prosecutor´s Office of the RS shall issue certificates of completed education to the candidates.

Spain 1

No

Not at the moment. There isn't any training programme focused in those matters.

Spain 2

Yes

The training's are masters and post-degrees offered by different Universities with different basis, aims and contents. There are no specific masters in penal mediation

- a) and b) On the Universitat de Barcelona, Facultat de Dret, there is the only master in mediation with one module for victim-offender mediation (20 hours) for a complete program of 200 hours (into family, school, community and penal mediation). The other masters and training's (offered by other universities) are much more focused in family and school mediation. There is a specific training on victim-offender mediation for professional mediators. This training it's offered by the Department of Justice to his employees on the Centre d'Estudis i Formació del Departament de Justícia
- c) People with a university degree. By sending information and making publicity on news papers and specialised magazines
- d) All of them have his owns programs
- e) The units are about family, school, community, enterprise, etc. There is no practice on mediation teams or projects. The only practice it's doing role playing as a method of training

- f) Usually there are between 20 and 40 people in each course (masters or post-degrees). The continues training offered by the Department of Justice for his employees (mediators) usually have around 10/15 participants
- g) Continues evaluation and sometimes short researches or studies. All the universities, and the Department of Justice, give certificates

Sweden

In the year 2002 in March we are going to organize a training with the invited specialist from Germany. We would like to educate a small group of mediators having special knowledge of resolving disputes and negotiating. This group will be later involved in our program of education other mediators and also the prosecutors.

We would like to educate a group of prosecutors, who are dealing with the alternative forms and who will understand the essence of VOM and will be able to contact our mediators and provide them with the real information.

Switzerland, French part

Yes

see Groupement Pro Médiation www.mediations.ch for general training. We have specialisation on penal matters. See also Maison de la Médiation in Geneva who has done the specialisation up to now.

- a) a)
- b) GPM
- c) Large public. Lawyers are recognised as advocate-emediator when following this training by their national federation.
- d) see WWW
- e) e)
- f) f)
- g) For the first participants who just finished, we made a formative evaluation on triple jump model.

IV Looking back at the past twelve months:

- a) *On what occasions/frequency mediators were offered possibility for training?*
- b) *What was focused on (percentages)?*

Albania

- a) We have done 2 trainings last year (5 days training-20 participants and 3 days training – 25 participants).
- b) Information 20 %
Practical training on the job 55 %
Personal attitude of the mediator 25 %

Austria

After the education programme to become a mediator (usually this takes about three years), mediators have at least one week of training in a seminar with other colleagues every year.

Belgium, Flanders

There is a culture of discussion or deliberation. A lot of time is spend on intervision, supervision, thinking days, etc. This is important for the restorative justice movement, but there is risk that there is too much talk and not enough action.

Concerning the specific aspects of the training offers, we can conclude that the greatest part is spent on cognitive training. Secondly, the specific skills of a mediator are focussed on. The personal attitude of mediators is not enough integrated in the training offers.

Bulgaria

None

Czech Republic

- a) Everyone, who wants to become an officer of Probation and Mediation Service, has to complete all qualification study duties during the time acting as an assistant of probation and Mediation Service and preparing for the career of officer of PMS.
- b) Information: 30 %
Practical training on the job: 60 %
Personal attitude of the mediator: 10 %

Denmark

- a) Some of the mediators have attended conferences paid by the VOM budget. We have had a couple of meetings and a whole weekend in a summer house discussing how to do about many different problems raised by the mediators or me. They have also been offered a presentation of the Albanian mediation program about blood feuds. All the mediators are invited to attend the Nordic conference on mediation January 2002.
- b) I can't give any percentages in general. In some cases the mediators have a co-mediator to support each other and having the possibility of learning from and supervising each other. We discuss ethical issues at the meetings and when I – or others – think that a mediator has some problems with his or her personal attitude I'm having a talk with the person. The mediators can always call me and they have the number of my private telephone.

England

- a) Training is provided / offered all year and participants may attend whenever suits them
- b) Information 25%
Practical on the job training this is designed for individuals within our own organisation and not part of planned training
Personal attitude 75% (the course is a developmental course)

Germany

- a) The past twelve months we have organised one course. It is offered every year.
- b) Information: 33.3 %
Practical training on the job: 33.3 %
Personal attitude of the mediator: 33.3.%

Ireland

We are currently providing 'extra curricular' training sessions to the mediation team i.e. Racial Equality Training, Personal Security Protocols, Good practice when working with minors, basic introductions to working with sex offenders and victims of sexual abuse. Relevant legal matters, also contributions from police, prison service, courts service.

Italy 1

No one occasion!

Italy 2

Never

Netherlands

Just once, for Herstelbemiddeling, again for the family conference, constantly people are trained to use that model

Norway, Eastern region

- a) We have regular meetings with all mediators – 5 per year. Problems and good advice are discussed, and they are given possibilities to train.
- b) Information: 20 %
Practical training on the job: 50 %
Personal attitude of the mediator: 30 %

Portugal

- a) In the last 12 months, and apart from the training mediation mentioned in nr. 3, no other training actions or programmes were made available for mediators
- b) ---

Scotland

- b) Information: 20 %
Practical training on the job: 30 %
Personal attitude of the mediator: 50 %

Slovenia

- c) Information: 40 %
Practical training on the job: 30 %
Personal attitude of the mediator: 30 %

Spain 1

Nothing about that.

Spain 2

- a) On the Department of Justice, all employees have 40 hours of training every year.
The mediators, last year, did 20 hours specifically in mediation
- b) Information: 0 %
Practical training on the job 100 %
Personal attitude of the mediator: 0 %

Sweden

3 – 4 times a year.

It's a mixture of all this. They are linked to each other.

Switzerland, French part

- a) 4 times a year, the 8 Geneva's penal mediators are working on intervision model.
There was a 40 hour specialisation for already trained generalist mediator to fit the state requirements to become recognised mediator.

V *Looking at the near future:*

- a) *What kind of evolution do you foresee in training of mediators in your country/region next year?*
- b) *Are there any plans on specific initiatives?*

Albania

- a) We have in plan to make two kinds of evaluations: - A written form evaluation based on the terms of reference in which are included theoretical, informative, practical aspect, the methodology, the beneficial aspect, attitudes, skills etc.
- b) No

Austria

a,b) None.

Belgium, Flanders

The organizations will elaborate the training as an internal training. The government probably will investigate in this approach. On the other side there are a lot of mutual questions, which can be answered by collaborating. There seems to be a bit of tension between those two evolutions.

Belgium, Wallonia

- a) Extent
- b) We are looking for specialists who would be available to come and organise some short training sessions.

Bulgaria

The Institute for Conflict Resolution- Sofia /NGO/ has started a project entitled "Promotion of Restorative Justice in Bulgaria". Some of the key points in this project are:

- organizing of workshops on VOM and study visits in countries with experience in VOM
- introducing of a Master's Program on Mediation in the Law Faculties
- organizing practical training of mediators
- establishing a network of researchers, policy-makers, and criminal justice professionals for the exchange of information and the promotion of good restorative justice practice (It is extremely difficult to predict which of these goals will be achieved due to the strong financial limitations.)

Czech Republic

- a) All efforts are focused on the keeping a high standard of the qualification education system of probation and mediation staff and developing the good training practice. Besides the qualification education, the developing the system of further education, which includes interdisciplinary seminars and supervision case study meetings, is on the agenda for the near future.
- b) Special attention is paid to preparation of workshops dealing with practical issues of cooperation between Probation and Mediation Service and public prosecutor's offices whose aim is to strengthen the use of mediation and probation activities as an alternative to the prosecution (diversion). Another specific initiative is developing the regular system of supervision and case study seminars within further education system.

Denmark

a) and b) The VOM program is planned to end June 2002. It is going to be evaluated and the evaluation will be sent to the Parliament which is going to discuss and decide whether VOM is going to continue in Denmark, if we should have some legislation and if VOM should be offered all over the country. Evolution and everything else is depending of the Parliament's decision.

England

- a) A formalisation of differing training available and sharing of information and methods. Accreditation of current training and development of standards in Restorative Justice.
- b) Development of above Standards in Youth Justice which encompass Restorative Practice.

Germany

- a) The training will be continued in the same form.
- b) Tendency to organise compact courses for certain Länder or organisations.

The use of volunteers in VOM is being discussed. We expect to get more voluntary mediators in the training courses.

There are no certain plans. However, we consider a general mediation education as a first part of the training programme. And then in the advanced section we want to teach the specific elements of VOM.

Ireland

As previously stated we would hope to become involved in an initiative that would see an accredited module of restorative justice / victim / offender mediation training being developed. This could be National or Trans National – we are open to suggestions.

Italy 1

I know that offices for vom juvenile mediation are in touch to exchange experiences

Italy 2

- a) We hope in a supervision of mediator works
Yes, in closed fields

Luxemburg

Training for new mediators in the University Center of Luxembourg.
Training for our mediators

Netherlands

For Herstelbemiddeling we foresee a handbook, including a training scheme for these types of mediations. A part from the initial training constant development is required. Therefore supervision and role play in dealing with all kinds of situation that help mediator develop skills to keep during the mediation the balance and dignity between the victim and the offender. V.O.M. is not about shaming it is about regaining respect.

Norway, Eastern region

The Ministry of Justice have – in association with leaders of mediation services worked out a new training program for mediators. It is 2 x 2 days. The main force is the mediation process and the role as a mediator. In the future is it important that we make sure that the parties feels good about the mediation process. Evaluation is for that reason important. The new training program is expected to be put in to practice during 2002.

Portugal

- a) At this point, it is impossible to anticipate the way training in the field of mediation will develop in the near future. The "Programme to implement Mediation in the Educative Guardianship Process", which is being developed by the Institute for Social Development (Instituto de Reinserção Social), is the first and only programme of this kind in Portugal. Nevertheless, this programme is in an early implementation stage, thus making it necessary determine the way in which the training strategy will be defined according to the training needs' assessment.
- b) Two training sessions are previewed:
 - Responsibility of the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima) on the issue of Intervention and Assistance to Victims of Crime in the Field of the Mediation Programme;
 - Responsibility of the Direcció General de Mesures Penals Alternatives I de Justícia Juvenil (Cataluna)

Scotland

- a) standardisation to vocational qualification level
- b) as above for mediators

Slovenia

In the year 2002 in March we are going to organize training with the invited specialist from Germany. We would like to educate a small group of mediators having special knowledge of resolving disputes and negotiating. This group will be later involved in our program of education other mediators and also the prosecutors.

We would like to educate a group of prosecutors, who are dealing with the alternative forms and who will understand the essence of VOM and will be able to contact our mediators and provide them with the real information.

Spain 1

The Basque Government has begun speaking about alternatives measures - ,... and between them, Mediation. But they don't have any project, as far as I know, about training in those matters. In the other hand, for October, all the members of those teams in Basque Country will do a training seminar about Mediation and Conflict Resolution, of 12 hours, and will be given by the University Center of Basque University about Conflict Resolution, of which I'm member.

Spain 2

- a) The same than until now (only partial training on penal mediation trough the masters and post-degree courses, and specific training's for mediators employees by the Department of Justice)

Sweden

We now expect a remarkable evolution in these matters. From Jan 1, 2003 the Government has appointed the National Council for Crime Prevention to deal with training, quality issues etc. and to deliver 2 Million Euro to new VOM projects. A new law on VOM came into force the July 1, 2002.

Switzerland, French part

- a) We are going to integrate penal mediation as a formal specialisation in the GPM training
- b) CEFOC (<http://www.ies-geneve.ch/>) a structure for continuous training for social worker is going to offer a specialisation for victim offender mediation in a generalist training.

V Unification

Is a unification of training for mediators on a European level useful in your opinion?

If yes, would you be prepared to contribute to it?

Albania

Yes if

- On my opinion a unification of trainings for mediators on a European level is useful if taken in consideration the differences of respective legislations, the concrete conditions, the tradition etc.
- Yes

Austria

Yes if

- This depends on the requirements in each country. If the are similar, yes.
- We also would contribute.

Belgium, Flanders

A unification of training can be useful. But it must offer some space for diversity and creativity. A dogmatic training programme can be harmful. An operationalisation of the basis principals will be already a big step in the right direction. Also an exchange of experiences is undoubtedly of very great importance.

Bulgaria

Yes

I am ready to take part in the preparation of the teaching program and syllabi and to act as a part of the faculty on some subjects.

Czech Republic

Yes

Yes, we are interested in developing such European standards and appreciate being involved in the exchange and work on this issue.

Denmark

Yes if

- I think it could be helpful to have European training sessions at conferences. It could give mutual inspiration and support the development of VOM all over Europe. I'm not sure that a unification of training will work – there are so many differences between the European countries in the cases being mediated, the definition of mediation etc. It is important to consider the local context.

England

Yes if

- Yes unification would be useful however there needs to be clarity in terms and understanding of differing approaches as referred to in the above responses we deal primarily with Restorative Justice using Facilitators rather than using mediators.
- We / I would be prepared to contribute.

Finland

Yes

- Training on European level would be useful
- we would contribute
- I cannot answer the last question – I don't know where I'm going to work in the future (from 2003)

Germany

We would support the idea of a unified training in Europe. Having a certain European quality level would help a lot to get a qualified training in one's own country.

We could contribute by helping to draft a teaching programme and teaching standards for a European mediator training. However, this should be done within acceptable working time limits.

Ireland

See above.

Italy 1

Yes

It would be great because there is, almost in Italy, a great confusion and quiet everybody can do training and give certification

Italy 2

No

Luxemburg

Yes

We are one of the instigator for the Training for mediators in the University Center of Luxembourg.

This training proposes three degrees:

1. A Certificate of Mediator
2. A University degree in mediation
3. the possibility to enter for a European Master in Mediation.

For the student, the Centre de Médiation is one of the possibilities to see and to practice the mediation.

Netherlands

It's challenging, but difficult. Some minimal standards, as already formulated within the European "guidelines" (?) for V.O.M. I think that minimal professional training, and specialised training for mediation is required as well as "follow ups".

Required is:

- a general knowledge of the judicial system; the position of VOM in this system
- a general knowledge of forensic psychology and victimology
- and skill like:
- empathic questioning (not interrogation)
- careful listening to motives and drives
- being able to guide conflicting emotions
- to enable people to free themselves from fixed positions.

Norway, Eastern region

Yes

- I think so because we have something to learn from Europe, and because it is important as a inspiration source. Perhaps Norway also has something to give from our system.
- I could be prepared to contribute if I am asked.

Portugal

Yes

- The standardisation of the training provided to mediators is extremely important
- the Portuguese Association for Victim Support (Associação Portuguesa de Apoio à Vítima) is willing to contribute to achieve this, particularly as APAV has already included the issue of restorative justice in its last training programmes, namely a conference held by Prof. Tony Peters, a training session on restorative justice targeting the managers of the APAV Local Victim Support Schemes across Portugal (in 2001) and the training targeting mediators of the Institute for Social Rehabilitation (Instituto de Reinserção Social) which took place in 2002 and was previously mentioned in nr. 5b.

Scotland

Yes.

Yes.

Slovenia

In my opinion it would be useful to have an opportunity to exchange the experiences in our work and training. It would be a pleasure for me to have a chance to participate.

Spain 1

No

- I'm not very happy with unifications...I prefer standards or common elements.
- Yes, I think I would be prepared...

Switzerland, French part

Yes if

If promoted through 200h generalist formation and 40h (~80h) specialisation standard: sure we do!

VI Additional remarks:

Bulgaria

I believe the Forum could organise a Summer School on VOM. Probably not immediately, but in the near future. We could seek the right balance between theory and practice and could create common standards in training.

Czech Republic

Although the Probation and Mediation Act enable both Probation and Mediation Service and non-profit organisations to provide V-O mediation services, the practice within the NNO framework has not been developed yet and mainly Probation and Mediation Service's staff do V-O mediation. All information in questionnaire relates to the training and qualification system within the Probation and Mediation Service.

2 Probation and Mediation Service Act, Article 6.

3 Probation and Mediation Service Act, Article 6.

Germany

The questionnaire was answered by:

Gerd Delattre, Servicebureau for Victim-Offender Mediation and Conflict Settlement
Aachener Str. 1064, D-50858 Cologne, Germany

Scotland

The questionnaire was answered by:

Niall Kearney
nkearney@sacro.org.uk

Slovenia

The Association of Slovenian mediators has involved in its program also the permanent education of their members. I would like to provide you the address of the President who you could contact for the future information too:

Mrs Jozica TROST KRUSEC
Podraga 82
5272 Podnanos
SLOVENIA
Tel GSM 041 696 396
Fax 01 431 0381

The questionnaire was answered by
Alenka MEZNAR,spec., higher state prosecutor
Higher State Prosecutor's Office
Ljubljanska 20
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SLOVENIA

Sweden

Answers: by Christian Nehlin

Spain 1

Congratulations for this work

Switzerland, French part

For more information see document attached and/or contact

ANNEX 2



The exchange of training models for mediation practitioners

Working plan

Main objective:

Developing good training programmes and standards by exchange and analysis of training models and experiences

First seminar:

1. Overview:

I Organisation

- by whom
- for which mediators
- frequency
- accreditation
- funding

II Structure and contents

III Methods

2. What works / what doesn't?

Second seminar:

1. **Differences and similarities:** can we discern in the field of victim-offender mediation **'training models'**?
2. Needs for training in countries in which victim-offender mediation is just being developed or doesn't exist yet.
3. **Recommendations** on the contents and (further) organisation of training, both for 'advanced' and 'starting' countries.



AGIS 2003

ANNEX 3



**International Seminar:
The exchange of training models for mediation practitioners
Leuven, December 11 – 13, 2003**

List of Participants

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AGIS 2003



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AGIS 2003



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ANNEX 4



The exchange of training models for mediation practitioners

Thursday, December 11		
02:00 p.m.	Welcome, 1. working unit	Welcome <ul style="list-style-type: none">▪ EFVOM▪ Introduction participants▪ Project-coordinator Setting the scene: Why, what, how Overview + amendments: How is training organised (by whom, for whom, frequency, funding, accreditation)
04:00 p.m.	<i>Coffee break</i>	
04.30 p.m.	2. working unit	
07:00 p.m.	<i>End of the day</i>	
Friday, December 12		
09.00 a.m.	3. working unit	Presentations: How is training structured. Contents Methods
10.30 a.m.	<i>Coffee break</i>	
11.00 a.m.	4. working unit	
12.30 a.m.	<i>Lunch break: Catering Service</i>	
02:00 p.m.	5. working unit	Future workshop: Critique phase: Problems, difficulties Fantasy phase: What if?
04:00 p.m.	<i>Coffee break</i>	
04:30 p.m.	6. working unit	
07:00 p.m.	<i>End of the day</i>	
Saturday, December 13		
09.00 a.m.	7. working unit	Implementation phase: What works?
10.30 a.m.	<i>Coffee break</i>	
11.00 a.m.	8. working unit	Summary, discussion of next meeting
01:00 p.m.	<i>End of the seminar</i>	



AGIS 2003

ANNEX 5

*Report of the international seminar of the European Forum for Victim-Offender
Mediation and Restorative Justice v.z.w.
'The exchange of training models for mediation practitioners'
Leuven, 11-13 December 2003*

Participants:

Elzbieta Czwartosz (Poland), Gerd Delattre (Germany), Regina Delattre (Germany), Katerina Druskova (Czech Republic), Terje Eimot (Norway), Evelyne Hennis (Belgium), Niall Kearney (Scotland), Kaisa Kurikka (Finland), Martina Mössmer (Austria), Anna Vall (Spain), Leo Van Garsse (Belgium), Ken Webster (England and Wales), Jolien Willemsens (Belgium)

Thursday 11 December 2003

1. Opening of the meeting

Jolien Willemsens (JW) welcomed everyone to the meeting and explained why the meetings had to be organised on such short notice. She thanked everyone for their willingness to free up their time. She explained the AGIS project of which this meeting is a part.

Regina Delattre (RD) presented the agenda. All the participants agreed to keep the agenda open.

2. Introduction of the participants

• Elzbieta Czwartosz (EC) (Poland)

EC – educational psychologist, assistant professor at Faculty of Psychology, University of Warsaw and Advanced School of Social Psychology, where mediation courses are compulsory part of the curriculum. Researcher, lecturer, trainer, and practitioner of mediation in family and educational settings. Consultant and trainer in the programme on development and application of victim offender mediation procedures in Polish legal system since 1995. She together with Zbigniew Czwartosz elaborated the programme and led the training for VOM. In years 1995 – 2003 they trained over 700 mediators in Poland. They have headed Postgraduate Studies in Negotiation and Mediation at ASSC.

• Niall Kearney (NK) (Scotland)

NK works for SACRO (Safeguarding Communities, Reducing Offending). SACRO is the largest provider of criminal justice services in the voluntary sector in Scotland. As far as mediation and restorative justice (RJ) in the criminal justice system are concerned, SACRO is the main provider for both adults and young people. He trains volunteers to mediate between victims and accused people. He also plays a lead role in the development of two new services, namely courtbased and post-sentence RJ programmes. He also assesses the work of mediators. He assesses their work against national standards. Scotland has a qualification system.

• Martina Mössmer (MM) (Austria)

She works at the only VOM-provider in Austria, Neustart. She works as a mediator and is the leader of one of the mediation teams. Vienna counts 20 mediators, and nation-wide there are 90 mediators. She takes care of the training of mediators in the whole of Austria. Mediators have to follow a very long training during the first three or four years. In the meantime almost all mediators have taken the training.

• Katerina Druskova (KD) (Czech Republic)

KD is a Probation and Mediation Officer. She is a practitioner, not a trainer. She also teaches law at the university in the Faculty of Theology.

- Leo Van Garsse (LV) (Belgium)

He works at Suggnomè, a rather small Flemish umbrella organisation, where he is responsible for the implementation and generalisation of a programme of VOM in serious crimes committed by adults. For mediation in serious crimes there is only one mediator in the different regions, which means that the mediator is also an ambassador at structural level for the programme. Suggnomè is currently working on a proposal of a law on mediation.

The cases are getting more and more serious, so the emotional level is becoming increasingly important.

Suggnomè has experience in following-up mediators, but not that much in training. So getting to know more about the different training methods in other countries will be useful.

- Evelyne Hennis (EH) (Belgium)

EH is a student at the K.U.Leuven, where she is in her second licence. Since 9 December she is doing a field-practice with the European Forum.

- Kaisa Kurikka (KK) (Finland)

She works in the Kotka mediation office. She has been working in the field for 13 years now and has trained volunteers in Kotka and in other cities.

- Terje Eimot (TE) (Norway)

In Norway mediation falls under the umbrella of the Ministry of Justice. The mediation field is currently undergoing a major re-organisation.

TE is currently not training mediators. He is responsible for the mediation service in Ostfold county. There are 24 mediators in the county and they deal with some 500 cases per year.

The training differs from 8 hours to 4 days. In 2003, 150 new mediators were trained.

- Gerd Delattre (GD) (Germany)

He is the leader of the Servicebüro for Victim-Offender Mediation and Conflict Settlement. This is an NGO which receives funding from the German government. Since 13 years he has been training mediators. There are about 1000 people who took the training. He started mediating in 1985 and worked as a mediator for 10 years. After that he was involved in training for 5 years and since 1996 he is active in the Servicebüro.

- Anna Vall (AV) (Spain)

AV lives in Barcelona (Catalonia) and teaches law in the Open University. She followed training as a family mediator at the university and teaches courses about family mediation at the university. Since 1998 she has also been working as a mediator. The mediation programmes for juveniles started in 1990 and the mediation programme for adults in 1998. In Spain there are no specific training programmes.

- Ken Webster (KW) (England)

Until May 2000, KW was a police officer in Thames Valley. Now he is an independent training provider and mediator, and has trained many mediators during the last few years.

In the period 1993-1994 a programme for young people was introduced. Police officers were trained in restorative conferencing. Afterwards restorative cautioning was introduced. The training organised by Thames Valley was a bit basic. The participants were not prepared for the meeting. The training was refined.

In early 2000, Thames Valley was contracted by the Home Office (state department responsible for youth justice) to train members of the Youth Offending Teams.

At the moment, Thames Valley Police depends on Real Justice for its training. It is one of a number of training providers in the UK.

The Home Office recently took the initiative to set up a new body that will look at the training of mediators.

He has trained about 900 people, a lot of whom were police officers. They will mainly deal with young offenders in order to divert them. Until the year 2000, there was no formal training for police officers to do divert cases.

- Regina Delattre (RD) (Germany)

She works for the Servicebüro where she takes care of the international work.

- Jolien Willemsens (JW) (Belgium)

JW is in charge of the Secretariat of the European Forum for Victim-Offender Mediation and Restorative Justice.

3. Work plan

RD proposed to do a quick round of the countries, first to gather information about how training is organised, and then to talk about the contents and the structure of training. Everyone agreed with this procedure.

4. Organisation of the training

❖ *Austria*

The training programme started in the year 1984. Since then, mediators had to follow a four-week introduction during the first year of their work. After these four weeks, all mediators have to follow one week of training each year. They can choose the theme themselves. This can be conflict management, communication styles, etc.

Since five years this has become the regular education system:

The training programme consists of two parts and is organised by Neustart. The duration of the training was two times four weeks, but because of the high cost, the first part was reduced to three weeks. They have to follow the training programme within the first three or four years of their work.

At the end of the training programme they have to make a written work about a mediation case, which they have to present during a two-day evaluation. If the evaluation is positive, they get a certificate.

The training programme is obligatory for all those who want to become mediators in penal matters. They start their training when they start working.

During their first year, they work under the supervision of an experienced mediator. During the first two-three months, they observe other mediators and discuss the process before and after the mediation session. They also have to take the first week of training. After two-three months, they start working in their own cases, or to co-mediate.

Mediators are often social workers, and sometimes also lawyers or psychologists who have experience in social matters. The social experience is very important for the work as a mediator.

Currently there is no national accreditation for mediation in Austria, but that is about to change. A positive point is that Austria has only one training provider. The VOM-employer is a private institution which is mainly funded by the Ministry of Justice.

❖ *Belgium*

In Suggnomè, mediators are trained from the day they start their work. The first week on the job they receive training. After this week, there is quite intensive follow-up. The mediators meet at least once a month, and in the beginning once every three weeks, to exchange experience and to discuss cases.

Every three months Suggnomè publishes a newsletter, and this is combined with a discussion moment ('samenspraak').

Once every year, there is a meeting of three or four days ('think-days') to do the planning of the work, but it also includes reflection.

Suggnomè is now working on a one week formation for experienced mediators. This would take place once a year. The programme for this is ready.

The training is paid for by Suggnomè, so this means that it is paid for by the Ministry of Justice and the Flemish Community.

Mediators for minors and also sometimes penal mediators are invited to take part in the training, so it is not only for the Suggnomè mediators.

There are 15 mediators and Suggnomè tries to stimulate them to follow training elsewhere.

They receive no certificate. The fact that they work for Suggnomè as mediators is proof of their qualification.

Most of them are social workers, psychologists, criminologists and sometimes also lawyers. They are selected before they can start the work and the training.

❖ *Czech Republic*

VOM is a service offered by the Probation and Mediation Service, which is a public organisation. Private organisations can also organise mediation.

The professional staff of the Probation and Mediation Service are officers and assistants. Everybody starts as an assistant and must follow the qualification course. To become an officer, it is necessary to follow 320 hours of training. The training deals with legal aspects and communication skills (about 50-50). Mediation is often organised at the pre-trial stage, so it is necessary to have legal skills.

The system is guaranteed by the Ministry of Justice.

The training is provided by the Justice Academy, which cooperates with an NGO working in the field of the development of social work in criminal justice.

The training course takes one year (10 months) and at the end the participants have to take exams. It is an oral practice-oriented examination that is evaluation by a commission of 5 persons. The contents of the examination are:

1. prepare a portfolio
2. evaluation of interaction with clients, based on a video recording of their communication with some clients
3. analysis of a case study
4. questions from the commission

In case of a good result, the candidate is entitled to both a certificate and an accreditation. KD is not sure whether the accreditation comes from the Ministry of Justice or the Ministry of Education.

❖ *England and Wales*

There is still no structure for the training of mediators. Training is provided on a demand-basis. An exception is the Youth Justice Board. This NGO has significant recourse to training, but they tend to focus the training on the Youth Offending Teams.

Anyone can get training when they can pay for it. Even members of the Youth Offending Teams follow training, provided that they have the money for it.

The training provision is very ad hoc. It is not structured. It is provided by a number of organisations, who train to different standards at well.

It is important to find a good structure and to standardise the training process.

There are also some organisations like Crime Concern, mainly funded by the government, who provide training.

Mediation programmes started in about 1985 when the Home Office provided funding for pilot projects in VOM, mainly run by probation services. In 1994 Thames Valley Police wanted to

deal with young offenders in a completely different way and were looking for a more sensitive and human approach to do this.

For the time being there is no accreditation for trained mediators.

❖ *Finland*

Mediation is available in 167 cities and next to volunteer mediators there are 83 professional mediators in Finland.

A mediation law is planned to be enacted in one or two years. First the law has to be accredited.

The training in Finland lasts for about 30-40 hours. It takes place once a week or during the weekends, and it is designed for volunteers.

The training is organised in local institutes and is open to everyone interested. After the training, the candidates are interviewed. The participants have to pay for their initial training, but those who will finally become mediators will have the amount reimbursed. All participants receive a mediation handbook.

KK is one of the people who decides on who can continue as a mediator. There is no training for professional mediators.

❖ *Germany*

The target group for the training sessions are experts in social education or people with similar qualifications. The course is also designed for professionals. So, the people who take the training are social workers, but there are also some judges and prosecutors who are interested. No lawyers attend the training. The volunteers who take the training also come from the social/psychological field. They hope to be able to find a job with this training.

The training is organised in four workshops and it is spread all over the country. After the first workshop, there is a joint seminar on theoretical topics and at the end of the first workshop one decides whether to continue the training or not. During the year, 4 meetings in smaller groups take place. The mediators discuss their own cases and ask their colleagues for advice. At the end, the participants have to describe two cases in which they worked. The final colloquium is very important because the participants receive feedback on the two written cases and on the cooperation during the year. They receive a certificate after having completed the training and also receive accreditation.

The participants used to have to pay for the training themselves, but this is changing now. Their organisations are starting to pay for them.

The Servicebüro is the only organisation providing training, but others are allowed to do so as well. There are a lot of training centres for mediation in other fields, but only one for VOM.

All employers say that it is useful to take the training, although mediators are not obliged to take part in the training.

❖ *Norway*

In Norway mediation is done by volunteers. There are no professional mediators. Up till today the local municipalities were responsible for the volunteers and the Ministry took care of the funding. Because of the reform, the Ministry of Justice and the Police will become responsible for everything starting from 2004.

Norway has a law that regulates a number of things, amongst others, how many mediators there are, how they are recruited, etc. Every municipality (443) must at least have one mediator. Mediators are recruited through newspapers, advertising. When people apply to become a volunteer mediator, they have to appear before a selection committee that interviews them (composed of a prosecutor, local council member and a representative of the mediation service). If the interview is successful, they can start the training.

They start with a two-days training session, which is followed by a period of practice. The trainee will first observe some mediation sessions and will then do at least one mediation

himself. This is again followed by a two-day training session. The trainee can now decide to continue with mediation or not.

If the candidate follows the course till the end, the same committee as mentioned above is responsible for appointing the mediator. He or she is appointed for four years.

There are regular meetings and discussions during the year. The local service is responsible for supervising the volunteer mediators.

There is a discussion going on about extending the training programme with two more days. This is not yet decided.

The volunteers receive 15 Euro an hour for their mediation work. There are many candidates to become a mediator.

The training is organised by the Ministry. It has trained about 10 people to be trainers. TE mentions that the training of trainers is something that should be discussed in this seminar.

LV mentioned accreditation of mediators or services as another point for discussion in the group.

❖ *Poland*

The goal of training is to maintain a high standard of qualification. Also important are the accountability and quality of mediators.

The mediation procedure is laid down in the new criminal code of penal procedure. The law concerning mediation with adults has come into force on 1 September 2003; it contains no strict regulation about who can be trained as a mediator; it only provides the conditions to be met by persons authorised to conduct a mediation. The mediation procedure for juveniles is very strictly regulated.

EC refers to the paper she prepared for this seminar. On page 6 and 7 you can find information concerning the standards of training. EC and Zbigniew Czwartosz provide training, and the standards were developed according to their training experience.

Mediators are trained according to American standards. Page 2 of the paper provides an overview of the different trends in the education of mediators in Poland.

The certificate the trainees obtain differs from the track they follow and the examinations also differ depending on the university/organisation providing the training. In order to get a certificate, the following documents are required:

- evidence of membership of a professional mediation centre.
- proof of registration with a state sponsored programme funded by the Ministry of Education.
- proof of registration in a roster; this means that you are a qualified mediator and that you are on the list of the courts.

In the beginning the training was mainly sponsored by the Ministry of Justice. Now they stopped the funding. This means that the trainees have to pay for their training.

An idea that has been voiced is to develop a national committee for the qualification of mediators.

❖ *Scotland*

SACRO is an NGO. It is the only VOM provider in Scotland. It had built up a good relationship with the public prosecutors.

SACRO offers a basic training of between 35 and 40 hours. People working for SACRO usually take the training over a period of one week; volunteers will usually do it over a certain period, for example three months.

The training course is validated by a community education body in Scotland. They check every three years that SACRO is following the prescribed course.

The trainers are trained. The course for trainers is also validated by an organisation. They check that SACRO's trainers are doing a good job.

When the basic training is completed, participants are closely supervised on a range of cases over a one-year period. So after the basic training (3 months), there is three months where they will observe an experienced mediator. After this, the experienced mediator will observe the newcomer. A next step is that new mediators will start taking their own cases, but that they will call the experienced mediator after each case. There is follow-up on a two-monthly basis. Volunteers take about a year to go through this process. For staff it will take about three months.

After two years of practice, a staff member will be invited to demonstrate his/her knowledge, theory and practice against the vocational and qualification standards. NK is one of the people who assesses the participants in this process. It takes about one year to gather all the necessary evidence. Candidates need to do a detailed case study. The assessor will watch the candidate practice on at least six occasions. Each time a commentary must be written about what happened, so it is very comprehensive. If, at the end, the assessor finds that the participant meets the standards, he or she will be awarded the SVQ in mediation.

There are five levels to this SVQ. Level four means that you can work with a certain level of autonomy. Level five equals a degree.

It is possible to obtain the SVQ qualification within 2.5 years after the initial training.

SACRO has put a lot of energy and money in training and standards. It was the first accredited organisation to be able to assess people against the SVQ.

The training is paid for by the local services.

SACRO advertises for volunteers in the local press. The candidates are selected on the basis of their application. Then an interview takes place. In the interview the candidates have to demonstrate people skills, and the fact that they have some experience of managing their own conflicts plus that they are interested in criminal justice.

At the end of the training, the volunteers receive a certificate. Then they enter into the closely supervised practice. Before they take on cases of their own, they are assessed.

The abovementioned procedure applies to the context of offending by adults.

For working with juveniles there is an entirely different training track to which only staff are admitted. It is a 35-hour residential training in restorative justice. After the training sessions they have closely supervised practice. After that they have to attend another 35-hour residential training on cognitive/behavioural development of young people.

In Scotland you get no criminal record for crimes committed under the age of 16, unless you commit a murder. Scotland has a 'Children Hearing Panel' which is composed of ordinary people. The key question to answer here is what the children need. The adult system is for people older than 16 years. Under 16 there is a welfare-based system.

All this information can also be found in the brochure about SACRO.

❖ *Spain*

The law that allows mediation with juveniles (-18) dates from 2000. There is however no specific training for mediators. The government normally uses people who have a university degree: social workers, psychologists, etc. There are no specific exams. People who are interested in becoming a mediator are asked for their skills, their experience and their legal knowledge.

The Ministry of Justice prepares training in different fields. There is a very fast training of one or two weeks. After this basic training, mediators can each year follow 40 hours of training which is organised by a legal study centre which falls under the authority of the Ministry of Justice.

There is no law for mediation with adults. But, the penal code from 1995 includes some articles about reparation. In 1998 an experiment was started in Catalonia. The purpose was to show that mediation can lead to reparation. From 1998 till 2000 juvenile mediators did the mediation

work. Then the Ministry of Justice contacted an NGO in order to develop mediation. AV was a teacher in family mediation and she was contacted to lead the work by the Ministry.

For adult mediation, Catalonia only counts 5 mediators for 5.000.000 inhabitants. In 2000 the team only received a small number of cases, but the numbers are increasing now and the team will need new mediators. This means that it is necessary to develop training. The mediators can, each year, follow a 20-25 hours' training abroad.

Every future mediator will need a university degree and some further specialisation. As soon as the mediators are hired, they would receive training.

Lots of people are interested in mediation. The Barcelona University has a Masters programme about conflict resolution which includes 10-20 hours about penal mediation.

Before closing the meeting for the day, everyone was asked to summarise the way training is organised in their country.

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GD suggested to create a kind of matrix in order to visualise what was said in the meeting yesterday. He suggested that the countries could be divided into two pools, namely a group of professionals and a group of volunteers. You can also differentiate between training on the job and training as an external package. He mentioned that the high financial cost of the mediation work might be a reason to move towards using more volunteers. NK said that working with volunteers also means that skills are given back to the community.

It seems that in Europe there are two extremes: training on the job and an external package. There are a lot of arguments to support both.

LV mentioned that it is the same situation if we look at volunteers and professionals. He found it interesting to look at a mixture of both, depending on the case and the professional ambition. He posed the question whether we should not all move towards the middle?

MM mentioned that the question of volunteers is also a more traditional one. In Austria organisations who work with volunteers are not taken serious.

NK mentioned that in Britain the use of volunteers is generally highly regulated. There is also a very important tradition. There are agencies to oversee the management of volunteers.

5. Contents and methods for the training of mediators

❖ Austria

The training for mediators can be divided into two parts: first three weeks which has to be taken in the first year, and a second part of four weeks which has to be taken in the next two or three years.

PART 1:

Week 1: civil and criminal law

Week 2: criminal theories and social work with criminals in Austria

Week 3: basic aspects of mediation, own conflict management, etc.

PART 2:

Week 1: communication styles

Week 2: conflict management

Week 3: HAVARD-concept

Week 4: different settings of high escalated conflicts and deeper mediation skills

The training ends with a two-day evaluation where they have to present a written case.

The seminars always take 5 days and contain a mixture of theory and role-play (almost 50-50). Different cases are discussed and some cases are simulated. Only the seminars about law are more theoretical, although cases are discussed as well.

The courses are normally given by specialists in these matters, but more and more internal people are getting involved in the training since this is cheaper.

❖ *Belgium*

Before starting the mediation work, there is a week of information. The content includes generally some explanation about the history of the organisation, about what RJ is, and why it is there. The instances around the mediation work are introduced: the juridical institutes (prosecutor, judge), but also welfare instances and the police. It is clarified with what kind of view they look at the mediation work, but also what kind of expectations they have. The partnership with these instances are explained.

The next step is to learn about the basic attitudes of a mediator, e.g. empathy, realness, consistency, etc. Quite a lot of time is spent on this. It is being approached in a theoretical way (through lecture of texts), but it is also illustrated with examples out of practice.

At the same level they discuss the principles of mediation, like confidentiality and voluntariness. The limits and problems are discussed as well. From this stage on, the training becomes quite practical, meaning that often cases are used to illustrate what is said.

Once these important topics have been dealt with, the training moves onwards to the method of mediation itself. This is done in little steps and in a very systematic way. The mediators learn how to run the mediation process from the start (contacting the parties) till the writing down of the final agreement. Role plays as well as videos are being used to show how things can function and what can go wrong.

After this week of training, there is this 'intervision'. It is a moment to discuss specific themes that come up (f.ex. mediation with immigrants, mediation in sexual abuse cases, mediation between juveniles and adults, etc.). During this 'intervision' they also talk about concrete cases and problems. This is usually somewhat technical; they look especially for juridical ways to escape some problems, but it can also deal with emotions: how do they feel on the job, and how do the colleagues see this? These 'intervisions' are very important since they work alone in their district and want to escape from their feeling of isolation and insecurity.

In the past the training was given by the people from Suggnomè themselves. But now the mediators take part more often in the training. For specific themes, external people are invited (e.g. lawyers or judges).

A few years ago Suggnomè made its own video which recorded everything that could go wrong in a mediation dossier.

The Ministry of Justice trains the mediators in penal mediation in a formal way. But, they are being trained for different kinds of tasks; they are trained as judicial assistants together with people who will for example do probation.

Especially in Flanders there is a lot of interest in RJ and there is a lot of involvement from the academic world. This opens a whole world of knowledge and experience, and it creates a possibility to interact in a more frequent and open way.

❖ *Czech Republic*

The Probation and Mediation Service (PMS) has 74 officers in the towns where the county courts are situated. The service is divided in 8 regions of about 10 officers each.

The training consists of two parts. First the participants have to follow the qualification training organised by the Ministry of Justice. The further education depends on the needs of the regions. So each region can organise their own seminars.

Only probation and mediation assistants can start the qualification training. They are hired and then start the training.

The training takes 10 months and consists of 10 times a 4 days training.

The first week of the training deals with the philosophy of mediation and probation work. Then communication skills in conflict resolution are dealt with. To get familiar with this matter, a systematic approach is generally used. KD mentions that they want to change this; they would like to have more opportunities to learn something about cognitive behaviour etc.

The second part of the training deals with legal issues (civil and criminal law, etc.). They learn how to set up files and how to write records to report to the state prosecutor. This part of the training also includes detachments to partner organisations, for example the police. This allows them to get acquainted with the field work.

The legal issues are dealt with by judges, state prosecutors, university professors, etc.

The communication skills and the mediation training are provided by the SPJ, which is an NGO.

Additional seminars are organised. They deal with for example working with juveniles, a comparison between social work and probation work. There are about 5 seminars per year and the assistants have to attend these seminars. They are funded by the Ministry of Justice.

The PMS is trying to get money from for example the PHARE project in order to be able to co-operate with colleagues from abroad.

❖ *England and Wales*

The situation in England and Wales is very complex and diverse as far as training is concerned since there is no national trainer provider. There are a number of organisations in the public and the private sector that offer training in mediation.

The longest training period in England is a five-day package. Other training programmes take 2, 3 or 4 days. That is it for formal training.

Most attention goes to training on the job.

Each organisation issues its own certificate.

KW is looking for trainers with a good practical experience and it is assumed that all participants are familiar with legal matters.

As concerns the structure of the training, all information concerning the training course can also be found in the document 'Restorative Conferencing Facilitator Training Course – Timetable':

- Day 1: The trainer tries to create a safe learning environment for the participants. They are split up in three groups and are asked for their needs, concerns and expectations. They discuss the need for a course agreement, although it is not necessary that the course agreement is formally written down. In the afternoon the RJ principles are explained and an overview of the different RJ models is given. A demonstration of a restorative meeting follows. Victims, offenders and their supporters are brought in and the trainer presents a case. In this model, a framework is used, but it is more flexible than a script. At the end of the day there is debriefing.
- Day two deals with the skills and attitudes necessary for a facilitator/mediator. They then go back to the case dealt with on day one and look at the emotions of all people. After this a number of theories are explained. These deal mainly with shame but also relate to the role of mediators (hierarchy of needs, etc.). Then there is an analysis of the significance of some of the questions in the framework. Day two ends with the preparation for their skill practice exercise.
- Day 3 starts with an exploration of their own personal experience and feelings about being a victim, an offender, etc. Then they have an exercise about what the most likely questions are that you can get from offenders and victims. They should come up with suggested responses so that they are prepared for the first contact. They also do some role-play.
- On day 4 and 5 they have skills practice. They take on different roles so that they can develop empathy with all people. On the afternoon of day 5 they review, evaluate the course and they receive their certificate.

This is only the start of the training. Training on the job is very important and KW would like to see it become more formalised.

There are different trainers with different levels of skills.

The funding for the training mainly comes from the Youth Justice Board. Individual Youth Offending Teams get money for training. KW has mostly trained people from statutory agencies, mainly from the police.

There are a lot of differences between the different training models. Some don't give all the participants the possibility to practise their skills and focus a lot on videos. Others do not provide theoretical background.

❖ *Finland*

The mediation situation in Finland is influenced both by the situation in Europe and the different models, principles and the aims of mediation.

Training for volunteers:

1. Explanation about the history and background of mediation in Finland and Europe.
2. Discussion about the volunteer work. They see the volunteers as being the power of mediation. The trainer is a person who organises voluntary work.
3. Introduction into the different steps of mediation. How is mediation organised and who are the partners to co-operate with? How are the mediation cases directed? The trainer for this part is a professional mediator.
4. Police and mediation: the volunteers are informed about the functioning of the police. The definitions of 'crime', 'punishment', etc. are clarified. The trainer is a local policeman.
5. The prosecutor and mediation: the trainer is the local prosecutor and he explains the work of a prosecutor, what the effect is of mediation on an accusation, etc.
6. The trial and the legal transactions: a local judge explains how the legal system works, what the consequences are when a crime is committed, etc.
7. Contact with the parties: a psychologist teaches the volunteers how to deal with people who are in crisis, etc.
8. Skill practice and demonstration of a mediation meeting: a professional mediator illustrates how to lead a mediation meeting and teaches communication skills.

The training only deals with the basics. On top of this basic training there are: special training sessions about for example family violence, local meetings, district meetings and national meetings which are also regarded as training. For professional mediators there are meetings once or twice a year. These meetings are not really training.

The further training seminars are obligatory for all volunteers. The seminars are free of charge. Those who do not participate in these seminars are not allowed to mediate (except of course if they have a very good reason not to attend).

KK referred to the paper she handed out during the meeting.

❖ *Germany*

A good overview of the mediation training course is provided by the paper from the Servicebüro.

For a mediator skills and attitudes are very important. Through the training the Servicebüro wants to create the right attitude and skills.

Germany counts 10 mediation trainers and there are 3 trainers in the Servicebüro. The trainers meet twice a year to discuss how to manage the next training course.

The Servicebüro has a compendium of training sessions, role-plays, etc. The trainers take the materials that they want to use in their own sessions.

The regional one-year course is composed as follows:

- four 3-day workshops
- one 4-day section: professional days
- four 1-day self-organised meetings of the working groups
- final colloquium

During the last session on conflict theory, Luhmann's system-theoretical view of the conflict is looked at in more detail.

First workshop: Most people have a social work background, so they have to learn that mediation is not the same as social work (mediation is not helping people, not telling them what is good for them). It is important not to neglect this aspect because at the end of the first workshop the participants have to decide if they want to continue with the training or not. They have to ask themselves the questions whether they want to be a mediator or not. It is also important to acknowledge the positive aspects of a conflict.

Second workshop: analysis of the attitude of a mediator. A mediator needs to be aware of his own attitude towards conflicts and the way he himself copes with this.

Third workshop: Depending on the group, the third workshop tries to work with different cases and teaches special methods for this deeper mediation.

Fourth workshop: the focus here lies on reflection and feedback.

The training sessions consist for a great deal in role-plays, but the training sessions also give an overview of the legal situation in Germany. Germany has a good law on VOM, but it is not being used. The trainers show the participants in which different cases mediation is appropriate. The trainees need to understand the difference between punitive law and RJ. Another topic is an overview of the different mediation projects in Germany. Germany does not have one generalised system for the whole country. Therefore it is important to keep the mediators informed of the different projects, providers and organisations.

In addition, the main point of the training is victimology. The trainees are given an overview of the position of the victim and also receive information concerning the traumatisation of victims, how to communicate with them, etc.

The trainees must also have a good knowledge of civil law because experience has learned us that victims usually claim compensation for the loss they suffered.

After the first workshop, a seminar on theoretical topics is organised. These topics can be useful for themes that will be dealt with later on in the workshops.

The trainers have a lot of experience in the field of VOM. Most of them are working freelance as trainers in other contexts as well. Candidates who want to become a trainer must follow the training sessions at least once.

The training costs 970 Euro.

The first courses were mainly aimed at training individual people and most of them were paid by agencies. Now the different states send also people (volunteers) to attend the training.

One of the preconditions to take part in the training is that people must have the possibility to mediate during the year in which they take the training.

Germany currently has more than 1000 mediators and only 350 mediators are working in the VOM field. In a certain number of states, the government of that state has decided that one can't work as a mediator without having attended the course.

Germany has a well-developed training model, but training on the job is still lacking. After this one-year training, some seminars on different interesting subjects can be organised. GD said that maybe it is necessary to oblige people to continue training after this initial training programme.

❖ *Norway*

The situation in Norway is very similar to the one in for instance Finland because they both work with volunteers.

The training is organised as a series of workshops. During the first two days of the training, the aim is to create an understanding environment for human reactions in case of conflict and to look at the mediator's own attitude towards conflicts. The training focuses on the needs of both victims and offenders. Another training objective is to teach them communication skills. Through exercises, the trainers demonstrate how mediators react differently to different situations. The mediation method is illustrated step by step.

In Norway not much attention is being paid to the law, to legal aspects.

Structure of the training:

- Two-days workshop. On the second day they receive a mediation manual which they must read.
- Three-months homework period. They have to attend at least two mediations as observers and practice in at least one mediation as a mediator together with an experienced mediator.
- Meeting to discuss the activities in the homework period. They are taught how to write agreements etc.

At the end of the training period, they have to pass an exam and decide whether they want to continue the mediation work. If they do, they are ready to start taking cases. First they will work together with an experienced mediator on a number of cases. After some time they will be able to deal with cases on their own.

There are meetings at least four times a year since socialising is very important. There are also telephone meetings to allow the mediators to discuss unusual cases.

The trainers are selected from among the professional staff of the service. They did not receive any special training. The training is paid for by the Ministry.

The employers of the volunteers who want to take part in the training will usually give them days off to do this. Otherwise they will receive a compensation.

The people who become volunteer mediators mirror society quite well. They can come from any kind of profession: managers, teachers, social workers, etc. They have to be 18 and older. TE explains that the general feeling is however, that mediators should have some life experience and that 18 years is generally too young for being a mediator.

❖ *Poland*

The training is provided by NGOs.

In the early 90s, a lot of Americans came to Poland to train people in mediation. We still use their model now. In 1995, EC and her husband started to provide training. They always work with two trainers: one that teaches the cognitive knowledge, and the other that observes the group. They regularly change roles.

In the beginning EC and her husband were working for the committee to introduce mediation in the Polish law. They were asked to train for them from 1995-2003.

The training is often residential and lasts 6 days. One day is devoted to the legal and organisational matters surrounding mediation, and is given by lawyers, people from the Ministry of Justice and judges from the different courts. The other 5 days they work for 8 hours a day. The minimum number of participants is 12.

The trainees receive a manual with exercises and texts which relate to the different parts of the training. It also includes case-studies. During the 5 days, all the participants have the chance to be active in at least three cases so that everyone has once played the role of the mediator.

The training is organised as practical workshops, but it also deals with theory using an active method. The trainers ask questions, which the trainees have to solve. The trainees then check the handbook, so that they get feedback. The trainers stress the importance of the skills of a mediator. For the role-plays they pick concrete cases in order to show the participants how things occur in the field.

For the specific course of the training, please consult page 3 and 4 of the paper EC prepared. Participants need to pay to attend the training.

After the training, the participants receive a certificate of attendance. If they decide to pass the 'exam', they receive a list of practical and theoretical questions. These are questions about legal matters as well as more practical matters. The questions are placed in such an order that, after having answered all questions, they will have created their own resource book for mediation.

If they want to become a qualified mediator, they have to fulfil a lot of conditions: observe mediation sessions, then co-mediate, then mediate themselves under supervision of an experienced mediator. They must also sign the ethical code of mediators. Every month the two NGOs organise supervision and case-study meetings. One of the centres started providing its own training.

EC and her husband now work as consultants. They can organise second-stage training on request.

❖ *Scotland*

The brochure about SACRO provides a complete overview of the training course.

The training (35-hours for the basic training) lasts about three months for volunteers.

Page 3 provides an overview of the items that are dealt with during the training:

- The role of the mediator/volunteer: all participants have to acquire the knowledge, skills and attitude of a mediator. They also need to understand the various stages of a mediation process (and to work with them in a flexible way) and must be able to assess whether a mediation is appropriate.
- The criminal justice system: a mediator must have a good knowledge of the criminal justice system. So all the participants are informed about the role of the public prosecutor, the impact of a (un)successful mediation on the further criminal process, the referral process and options for reparation, etc.
- Communication skills: they learn how to select an appropriate communication style.
- Self-awareness: The participants learn to be more aware of their own values and attitudes, but it is also important for them to be aware of prejudice and areas of potential conflict. They have to learn how to handle such prejudices in order to go on with the mediation process.

The training is validated by an education body in Scotland. The contents of the training are determined by the Mediation and Reparation Volunteer Modules.

At the end of the basic training, the trainees have to complete a self-assessment form. They receive a series of questions which they have to answer. This exercise can be assessed by the trainer. Then it is decided whether the participants need additional training or not.

The training that is described here is the training for mediation in adult cases.

After two years' of voluntary work, the mediators will be invited to pass the SVQ. This is a work-based competency. If they do their work well, they will pass through the SVQ quickly.

The SVQ have been developed by trainers and teachers in various professional areas, in various working groups. The people who developed the standards for mediation all met and drew up basic standards for the training of mediators.

To get the full SVQ qualification, you need to complete 6 mandatory units. Each of those units is broken down in knowledge and performance evidence. Knowledge contains communication

skills, equal opportunities (manage racist attitudes, etc.), health and safety, etc. Under performance you find for example people skills. Practice would at least be observed 6 times.

It will become mandatory for volunteers to do this SVQ. At the moment they can practice without it, but staff members need to take the SVQ.

❖ *Spain*

When selecting people to become mediators, there are two criteria: they must have a university degree and some experience.

There are a lot of mediators for juveniles (since 1990), but only 5 for adults (since 1998). This means that these 5 mediators will have to train other people. Generally they will ask persons working for the Ministry of Justice for whom the mediation process is completely new.

A new mediator always has to follow an experienced mediator and after each case, meetings would be organised to share their experience. For the juvenile mediators, a supervision meeting takes place every month. Experts such as psychologists, lawyers, etc are also invited to take part in these sessions.

In Spain lessons are learned from the practice. As it is not the aim of mediation to punish people, Spain opts for 'mediation in criminal justice'. Lawyers have discovered mediation as a means to plead extenuating circumstances.

AV has made a draft proposal for a training model and the different skills that a mediator should possess. All mediators must have the right attitude (personal balance) and have to follow appropriate training. The proposed training model can be split up in three blocks: law block, psychological and social block, and mediation block. These are the basic requirements, but according to this draft proposal the mediators should also need some professional experience.

6. Points for discussion (problems, difficulties) concerning the training

RD asked the participants to write down the negative aspects of training and what could be improved.

Problems, questions, opinions:

- A tight, transparent selection process is needed in order to avoid problems later on.
- A training contract stipulating what the parties can expect is required.
- Doubts about the trainee's suitability: Trainees should be on the right track from the start. For example, when volunteers do not respect the rules, their behaviour must be corrected immediately. Fairness and constructive feedback is of key importance during the training.
- A contract after the completion of the training is also required. This contract would stipulate what can be expected of the mediators.
- How do we measure the quality of the mediators during their work?
- It is important to find a balance between providing answers to the trainees' questions and teaching them that some questions cannot be answered.
- During the training the participants must feel comfortable to make mistakes. According to GD, a supportive learning environment should be created, otherwise the trainees cannot progress. LV pointed out that self-development can be obstructed by the certificate.
- A good and comfortable infrastructure for the training sessions.
- Trainings are very expensive and there are not enough trainees to cover the costs.
- Sometimes conflict makes the trainee afraid. They must learn that conflicts can also have something positive.

- Preliminary training or occupation has an influence on the mediation work. For example lawyers see the mediation meeting as a little court, and psychologists see mediation as therapy. They have to take some distance.
- The whole mediation process is important. The final agreement cannot be the only goal.
- A common language is needed. It is important that everyone interprets the different terms in the same way.
- A mediation training could activate a trainee's personal problems; all participants and trainers have to respect that.
- A lack of management awareness could hamper the mediation process.
- How do we train the trainers?
- It is important to opt for different approaches in order to attract different types of mediators. KW argued that the needs of the participants are more important than those of the services. But how do we know these needs? A balance should be found between wishes and reality. KD pointed out that it is important to recognise the feeling that you can prefer one person/party in a mediation process.
- A lack of humour.
- Training must be based on experience in the field. EC mentioned that in Poland you must have two years of experience before you are allowed to train mediators.
- Further training and follow-up are to be improved. Currently there is no balance between training on the job and the external package.

At this moment the participants in the seminar were asked about what they thought the output of these AGIS seminars could be. They were:

- MM wished that a part of the training could be given at European level. She was not in favour of a single training programme for the whole of Europe because it is important that the situation and the background of each country concerning mediation is respected.
- KW wondered to what extent the European Forum could influence Europe.
- TE pointed out that he noticed that there are a lot of common elements in the basic training in all of the countries. He believed that it would be very useful if the different countries would exchange materials concerning their approach to mediation training, etc. (stock exchange).
- GD mentioned that a lot could be done, for example writing a book. A big problem is how to solve the language problem.
- AV wondered whether one day there could be European mediation guidelines.
- LV suggested that a pool of people could be created who would give some training abroad. It would enable the different countries to see how another country tackles the same problem. This is interesting for both trainers and trainees. A group like this one should meet once a year to exchange experiences. He also pointed out that European training would be very expensive and that it is hampered by the language problem.
- RD mentioned that a person in Bulgaria had come up with a new concept, namely to create a summer school. It would be a way to learn about each others' training programmes. All the participants agreed that this summer school is an interesting idea.
- GD suggested that a list of trainers could be compiled. These trainers could be approached to provide training in other countries. The participants argued that it would not be easy to make such a list. On which criteria would the trainers on this list be evaluated? NK preferred to create a group of resource people. A list of trainers should be based on objective criteria.

- GD stated that it is important to exchange experiences. A list could be drawn up within 3 or 4 years. Currently it is impossible to make a list of trainers.

RD ended the day by summarising the different topics that the members of the group wanted to deal with by the end of next seminar, namely:

- make recommendations
- annual expert meeting
- summer school
- pool of resource people
- stock exchange
- training on European level and a course for trainers
- European accreditation for mediators.

It was mentioned that it was encouraging that many people had ideas in common.

Saturday 13 December 2003

The participants quoted the topics that were discussed on Friday as to their importance/utility:

- summer school: 11 points
- expert meeting: 10 points
- training on European level: 7 points
- making recommendations: 5 points
- pool of resource people: 5 points
- stock exchange: 2 points

7. Setting up a summer school on restorative justice

RD distributed a copy of the draft proposal of a summer school on restorative justice which was made by Dobrinka Chankova. She asked the participants to read the document so that it could be discussed.

LV mentioned that there should be a difference between the summer school for mediators and the summer school for experts. It should also be accessible for everyone so it should not cost too much. KW agreed.

AV suggested that some organisation could take care of the funding. It might be necessary to look further than the Ministry of Justice to get funding. Another possibility, according to NK, is to find out whether people on the field would be interested in the initiative.

EC mentioned that the summer school could also be organised by a university, but that it would then have to be strictly regulated. She mentioned that it is necessary to clarify the aims and the objects for the summer school: is it designed for field workers or for experts? Field workers appreciate it when they are recognised.

LV proposed to organise 3 or 4 summer schools in several areas of Europe, making sure that the diversity and culture of each country is respected. Every evening the different summer schools could contact each other and exchange information so that they can establish the agenda for the next day. It could be useful to find out what problems one could be confronted with.

TE mentioned that in the context of this seminar, focus should go to the summer school for trainers.

KD wondered whether the topic for the summer school should not be: mediation or probation?

NK suggested that first a regional summer school could be organised as a trial.

EC mentioned that the European Network for Conflict Resolution in Education (ENCORE) has been organising meetings at universities in different countries. Trainers, mediators, etc. are

coming to that country giving lectures and workshops for practitioners to show the new ideas and approaches in the field. This is another way of organising the summer school.

GD mentioned that people feel responsible if they feel involved with the selected themes. Therefore it is impossible to ask another country to organise a conference on a chosen subject.

LV wondered about the purpose of the summer school. What are the options?: work at the cognitive level, train the needed skills for a mediator, create a group mentality or bring experts together?

KW proposed a draft version of the different aims of the summer school:

exchange and extend the knowledge and practice of RJ and thereby encourage wider use of the concept to reduce conflicts caused by offending behaviour.

LV argued that there should be a difference between the aims of the European Forum and the aims of the summer school. The aims of the summer school should be at a practical level. The key factor should be the training. He also pointed out that 'how to select mediators' should be discussed.

NK wondered about how to evaluate when someone is ready to give training.

LV said that the summer school should not focus on the theoretical side of RJ. The next question is to organise a summer school for mediators/practitioners or for trainers, and to focus on the cognitive level (exchange of methodology) or on the skills level.

GD suggested to focus on the trainers and to discuss their programmes because this is not done yet in Europe.

NK would like to see some structural changes. He wants an input of politicians taking into account that they can change the structure and build a bigger structure for the people. He wondered what the training of mediators is for since they are only trained in a part of Scotland.

GD pointed out that the general public does not know a lot about RJ and VOM. The question is how to find a correct way to give citizens information about these topics.

EC explained that her Masters students had chosen lawyers, prosecutors, etc. as the target group for their questionnaires. But they also sent the questionnaire to members of the general public out of curiosity. This is a way to collect information about the knowledge of people about VOM and RJ.

All agreed to focus on the summer school for trainers. However, LV mentioned that this does not exclude the other option. The agenda of the summer school should be inspired by the practice. AV also suggested that during the summer school work would be done on cases so that the participants can 'live' the cases. EC mentioned that they should exchange their techniques of exercises also on a theoretical level and not only focus on the practical side. AV reacted by saying that theory and practice work together and that the question is to ask 'how to apply the theory in practice?'

LV suggested to look for a creative way to organise the summer school. He proposed to opt for small groups (20 people). The positive side of this is that a group mentality can be created. In order to keep the financial cost as low as possible, participants could themselves be in charge of organising it and they could for example cook together. It is necessary to respect the diversity in economic possibilities of each country. This option has also some negative sides: it will be very informal. They will also lose a lot of time in order to do the practical things.

GD and NK believe that different summer schools over Europe are an interesting idea. It is an option that must be kept in mind.

It is decided to postpone the organisational matters to the next seminar. NK proposes to make a cost-benefit analysis of the summer school idea. For the funding there are different possibilities: a commercial or European organisation could take care of the funding and the European Forum could also be in charge of some part.

It is decided to divide the topics to be discussed during the next seminar among the participants so that they can prepare for next time. The result was that:

A. Summer school

- KW will take care of sponsorship
- All people look for venues in their own country
- All people clarify the goals and the method of composing the agenda for the summer school

Communication will take place via e-mail. Everyone should send the draft to RD and she will send it to the rest. By doing this, the agenda can be composed for next seminar.

The target group for the summer school will be trainers. The question is of course how to select the trainers and how to decide which topics will be dealt with. EC proposed to ask the trainers what they prefer, but GD argued that if you ask 10 people for their preferences you receive 11 answers. A better option is to find an attractive programme and to hope that the trainers want to come. NK agreed; it is preferable to ask key persons.

EC pointed out that the summer schools are a better way to exchange experiences than the expert meetings. GD mentioned that a group needs to manage the initiative. There was some uncertainty about who would be the right person to sit on such 'steering committee'. RD mentioned that people do not necessarily need to represent their country.

GD mentioned that training on a European level is an important goal, but that Europe is not ready for such an initiative yet. The first goal should be to bring trainers together and the creation of a European programme can be a long-term goal.

B. Recommendations

It was also mentioned that it is not self-evident for this group to make recommendations. LV believed that recommendation of this group should not be formal. RG specified that the working plan of the AGIS project included the making of recommendations. GD argued that the recommendations for the training models will be recommendations from this group and not from the European Forum.

EC suggested to list four blocks per country in order to look on which points everyone agrees, namely: ethics, representative skills, knowledge and the practice of mediation (tasks to mediate).

AV took it upon her to analyse the different documents of the countries and to draft a summary of the common points concerning the training of mediators. The participants are asked to send all information to RD who will transfer it to AV. The draft of these recommendations is to be sent to everyone so that it can be analysed before next seminar.

C. A pool of resource people

KW (chair of the Practice and Training Committee of the European Forum) agreed to take on this topic.

D. Stock exchange of materials

TE and KK agreed to take care of this

8. Agenda for the next meeting

It is agreed to look at the differences and similarities of the training models in the next seminar. The needs for training in countries in which VOM is just being developed or does not exist yet will also be looked at. NK mentioned that the pool of resource people could be an interesting

tool for those countries which are starting VOM. The participants in the seminar wondered whether they should make a difference in the recommendations for advanced and starting countries.

GD mentioned that in Albania people turn to VOM because they do not trust the legal system. It is necessary to keep the different background of countries in mind. NK suggested to offer the starting countries just the basics so that they can develop themselves an appropriate programme. They can learn a lot from the differences there are in other countries.

LV pointed out that a lot can be learned from Eastern Europe because of their different culture, history, etc.

RD thanked everyone for their hard work and closed the seminar.

ANNEX 6

Problems, questions, opinions concerning mediation training

- A tight, transparent selection process is needed in order to avoid problems later on.
- A training contract stipulating what the parties can expect is required.
- Doubts about the trainee's suitability: Trainees should be on the right track from the start. For example, when volunteers do not respect the rules, their behaviour must be corrected immediately. Fairness and constructive feedback is of key importance during the training.
- A contract after the completion of the training is also required. This contract would stipulate what can be expected of the mediators.
- How do we measure the quality of the mediators during their work?
- It is important to find a balance between providing answers to the trainees' questions and teaching them that some questions cannot be answered.
- During the training the participants must feel comfortable to make mistakes. A supportive learning environment should be created, otherwise the trainees cannot progress. Self-development can be obstructed by the certificate.
- A good and comfortable infrastructure for the training sessions.
- Trainings are very expensive and there are not enough trainees to cover the costs.
- Sometimes conflict makes the trainee afraid. They must learn that conflicts can also have something positive.
- Preliminary training or occupation has an influence on the mediation work. For example lawyers see the mediation meeting as a little court, and psychologists see mediation as therapy. They have to take some distance.
- The whole mediation process is important. The final agreement cannot be the only goal.
- A common language is needed. It is important that everyone interprets the different terms in the same way.
- A mediation training could activate a trainee's personal problems; all participants and trainers have to respect that.
- A lack of management awareness could hamper the mediation process.
- How do we train the trainers?
- It is important to opt for different approaches in order to attract different types of mediators. The needs of the participants are more important than those of the services. But how do we know these needs? A balance should be found between wishes and reality. It is important to recognise the feeling that you can prefer one person/party in a mediation process.
- A lack of humour.
- Training must be based on experience in the field. In Poland you must have two years of experience before you are allowed to train mediators.
- Further training and follow-up are to be improved. Currently there is no balance between training on the job and the external package.

ANNEX 7



The exchange of training models for mediation practitioners

Thursday, February 5, 2004		
02:00 p.m.	Welcome, 1. working unit	Welcome, new participants
03:30 p.m.	<i>Coffee break</i>	Report last meeting: comments, open questions
04:00 p.m.	2. working unit	Setting the scene: agenda
06:00 p.m.	<i>End of the day</i>	Introduction draft texts Discussion on overview of training models
Friday, February 6, 2004		
09.00 a.m.	3. working unit	Recommendation: Discussion on draft proposal
10.30 a.m.	<i>Coffee break</i>	
11.00 a.m.	4. working unit	
12.30 a.m.	<i>Lunch break: Catering Service</i>	
02:00 p.m.	5. working unit	Discussion on final version of recommendation
03:30 p.m.	<i>Coffee break</i>	
04:00 p.m.	6. working unit	Summer school
06:00 p.m.	<i>End of the day</i>	
Saturday, February 7, 2004		
09.00 a.m.	7. working unit	Expert meeting Pool of resource people Exchange of material
10.30 a.m.	<i>Coffee break</i>	
11.00 a.m.	8. working unit	Outlook future work
01:00 p.m.	<i>End of the seminar</i>	



AGIS 2003

ANNEX 8



**International Seminar:
The exchange of training models for mediation practitioners
Leuven, February 5 – 7, 2004**

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AGIS 2003



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AGIS 2003



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AGIS 2003

ANNEX 9



The exchange of training models for mediation practitioners

Thursday, February 5, 2004		
02:00 p.m.	Welcome, 1. working unit	Welcome, new participants
03:30 p.m.	<i>Coffee break</i>	Report last meeting: comments, open questions
04:00 p.m.	2. working unit	Setting the scene: agenda
06:00 p.m.	<i>End of the day</i>	Introduction draft texts Discussion on overview of training models
Friday, February 6, 2004		
09:00 a.m.	3. working unit	Recommendation: Discussion on draft proposal
10:30 a.m.	<i>Coffee break</i>	
11:00 a.m.	4. working unit	
12:30 a.m.	<i>Lunch break: Catering Service</i>	
02:00 p.m.	5. working unit	Discussion on final version of recommendation
03:30 p.m.	<i>Coffee break</i>	
04:00 p.m.	6. working unit	Summer school
06:00 p.m.	<i>End of the day</i>	
Saturday, February 7, 2004		
09:00 a.m.	7. working unit	Expert meeting Pool of resource people Exchange of material
10:30 a.m.	<i>Coffee break</i>	
11:00 a.m.	8. working unit	Outlook future work
01:00 p.m.	<i>End of the seminar</i>	



AGIS 2003

ANNEX 10

***Report of the international seminar of the European Forum for Victim-Offender
Mediation and Restorative Justice v.z.w.
'The exchange of training models for mediation practitioners'
Leuven, 5-7 February 2004***

Participants:

Ivo Aertsen (Belgium), Danièle Broudeur (France), Elzbieta Czwartosz (Poland), Gerd Delattre (Germany), Regina Delattre (Germany), Katerina Druskova (Czech Republic), Terje Eimot (Norway), Françoise Fontaines (France), Evelyne Hennis (Belgium), Niall Kearney (Scotland), Kaisa Kurikka (Finland), Martina Mössmer (Austria), Anna Vall (Spain), Bram Vandroogenbroeck (Belgium), Leo Van Garsse (Belgium), Ken Webster (England and Wales), Jolien Willemsens (Belgium)

Thursday 5 February 2004

1. Opening of the meeting

Regina Delattre (RD) welcomed the participants to this second seminar. She wondered what the expectations of the participants were in regard to the seminar.

Elzbieta Czwartosz (EC) expected that a deeper relationship would be established between the participants.

Katerina Druskova (KD) hoped that more thought could be given to the summer school.

Anna Vall (AV) wanted to learn a lot from everyone.

Ken Webster (KW) hoped to continue from where we left off last time.

Jolien Willemsens (JW) expected that some progress would be made in connection with the recommendations since members of the Forum are increasingly asking for guidance concerning training.

Niall Kearney (NK) hoped that the group could be practical minded, making decisions and set aims for the future so that the work can be continued.

Gerd Delattre (GD) expected that concrete results would come out of the meetings.

Terje Eimot (TE) wanted to discuss the issue of how to train the trainers a bit further.

Kaisa Kurikka (KK) expected some clear results at the end of the meeting.

Danièle Broudeur (DB) is a psychologist and legal expert from Lyon. Since 12 years she also trains mediators. Her expectation is to reinforce the professionalism of the trainers.

Françoise Fontaines (FF) hoped to learn a lot.

Bram Vandroogenbroeck (BV) has been mediating since 7 years. He has done his internship in Canada where he was trained to train mediators. He expected to learn a lot from each other. He also hoped to find a way to get trained mediators to move around, to learn from other mediators.

Leo Van Garsse (LVG) hoped for concrete results. He mentioned that, on the other hand, the group is struggling with a paradox, namely although there is a lot of diversity in the field there is a need for recommendations. The big challenge is to combine both aspects.

Evelyne Hennis (EH) hoped to learn a lot from the other participants.

Martina Mössmer (MM) referred to the same dilemma as the one mentioned by LVG.

The agenda for the meeting was approved.

Changes to the report of the first seminar will be sent to RD who will incorporate them.

2. Overview of training models

Several changes were made to the overview of training models.

Since France was not represented in the first meeting, DB presented the state of affairs in France. 'Citoyens et Justice' is an association that gathers about 100 NGOs that are working in the social-judicial sector. It trains mediators who do mediation only as part of their job. The initial training is 35 hours (psychology, law, etc. as in the other training models). The specialised training deals with school conflicts and community mediation but not with penal mediation. The NGOs send their employees to the training, meaning that the NGOs are paying for it. Continuous training is not compulsory. There are two levels of accreditation. First the mediation association will give accreditation. To practice mediation, the mediator needs to be accredited by the Magistrates' Assembly of the local jurisdiction.

3. Draft proposal for training

AV presented her draft proposal for training.

At a later time in the meeting it was accepted to rename the law block 'law and theory' because criminology and victimology are not the same as law.

4. Recommendations

LVG presented some suggestions on how to structure the recommendations. He mentioned that his proposal was not in contradiction with the paper AV presented; it is just another approach.

After the last meeting, he had three global thoughts:

1. The group agreed on many things, more precisely on everything that was located in the circle around victim, offender and mediator. There was no discussion about the definition of mediation and about the content of training and the competences of the mediator. The mediator is part of an organisation that has its own tradition, expectations, culture and ways to co-operate with other organisations and instances. Outside this circle, there are rules on mediation and financing (or not). As concerns the victim, there is an own social network, culture, etc. The same goes for the offender, but judicial aspects are added to this. In relation to the process and product of mediation you find the justice system. We are not only dealing with victim-offender mediation, but also with all the things around that. It is too difficult to agree on these broader items.
2. There are different levels at which mediation is being put into practice: with youngsters, mediation at the level of the police, mediation at the level of the prosecutor, at the level of the court, at the level of imprisonment and post sentence. Then globally there is mediation in more minor events and in more serious cases. Even more subjective, there is the way that parties have experienced the event: the subjective perception. Out of all this, you can find the process and product of mediation on an important continuum. In confrontation with all this, we should say that there is a lot of diversity in the practice of mediation because of the factual diversity in the field.
3. We do agree that we should consider three elements in the training of mediators: knowledge (see many items in AV's proposal), skills and the person of the mediator. What is important to know is that in order to transfer knowledge, you can use education. For skills training is required. For the personal development of the mediator what is needed is support, feedback, supervision. When we are talking about training, we should clarify what we are talking about exactly.

Out of these three thoughts, LVG came to 7 recommendations:

1. Considering the first thought, considering the complexity, out of respect for the candidate mediator, the potential clients and the systems with which we co-operate, we should provide transparency in terms of the training of mediators and the responsibility for it. We should clarify what people can expect from a mediator. NK mentioned that clients can expect basic training, a respectful attitudes, etc. from a mediator. LVG mentioned that it does not only concern this particular kind of training, so deontology,

but also the profile of the mediator. So, this deals with transparency and the need for training.

2. Guarantees for the training. Taking into account the complexity of the field, it should be guaranteed that everyone who is called a mediator has received this kind of training. This is linked to certificates for persons, or for organisations (the organisation then guarantees that their volunteers have been trained properly).
3. In every training knowledge, skills and personal attitudes should be addressed.
4. Diversity. Not everything is needed at the same time everywhere. We should provide in our different trainings for different kinds of mediators and several types of training. He can see at least three types:
 - A) one with a focus on the knowledge. In several areas of the field we need a mediator who knows a lot about the law, methodology, etc., for instance where mediators have to deal with very technical cases, or where the mediator also has to act as an ambassador of mediation. These people should have a lot of knowledge. Here maybe an academic degree is needed in order to guarantee the specific knowledge.
 - B) one with a focus on skills. There are programmes where the focus is on training mediators to do mediation. This is interesting in those areas where mediators have to deal with a lot of files and where there are pressures on the quantity of results and efficiency.
 - C) one with a focus on the person of the mediator. This could be appropriate in two particular areas. First, where mediators are dealing with extremely emotional events (where mediation is almost therapy; these mediators should have continuous supervision for example on how they are dealing with their own emotions). Second, where the group of mediators is very important, where mediators are acting within society, where mediation is a methodology to build on society. This relates to working with volunteers.
5. In dealing with training we should distinguish between the responsibilities of the training instances and the responsibilities of the organisations that employ the mediator. There is a distinction in the responsibility they carry. A training programme can be self-selecting for people, but we should distinguish between the goal of selecting and the goal of training. A training programme should not be established to select mediators. Selection is the responsibility of the organisations that employ the mediators. The training should keep into account the immediate needs, but also the values of restorative justice, etc. So, it should not be too pragmatic. Employers are looking for the right people on the job; training should be broader. The responsibility of the trainer ends at the end of the training. The organisation that employs has a responsibility for the selection of mediators, for developing criteria for how they should work, for everyday control of the work of the mediator. They should also be responsible for training on the job on a daily basis. LVG proposes to make a clear distinction between a training organisation and a working place.
6. Exchange and follow-up. Training should not be one occasion. It should be repeated, it should be a process. Trainers should be stimulated or even obliged to train themselves at least a certain hours per year. Mediators should be stimulated or even obliged to follow training in other countries, at least with participants from other countries than their own and to exchange with mediation in other areas.
7. All these recommendations should be the subject of follow-up by a group of people.

Another recommendation could also be to provide basic training and then to offer advanced training.

NK mentioned that there should be more on how to manage yourself, on how to work with your own prejudices and perspectives.

The recommendations drafted by LVG were discussed one by one.

It was suggested that the recommendations could consist of three levels. The first level would be the recommendation in itself. On the second level, the recommendation could be explained a little bit more. On the third level, examples can be given of how this recommendation is applied in different countries.

Recommendation 1 was reformulated as follows: “There needs to be transparency about what can be expected by all parties from the mediator. Therefore transparent training programmes on mediation should be provided”.

At the second level it could be explained that in its work, the group discovered a lot of similarities as concerns definition and the essence of mediation. However, there was a lot of diversity in relation to the position of mediation in the field. Also, the different moments in the application of mediation require that the content of training is different. Examples can be used to illustrate the diversion and richness in the different countries. However, it is necessary to give security; we should be transparent as far as training is concerned. NK asked how people can demonstrate that they are mediators? He mentioned that people need to be able to see that the mediator is qualified, so it connects to being more professional. It is also about credibility.

Recommendation 2 (which would later be placed in the 4th position) was rewritten as follows: “We should guarantee that all mediators have received this kind of training. In practice this guarantee could be made visible by a training-certificate or by the fact that the mediator is recognised as such by his parent organisation”.

It is clear that some countries provide their mediators with certificates. In other countries organisations are given a certificate; because the mediators work for that organisation, the organisations provide a guarantee for the quality of the work of their mediators. Both systems are acceptable, but we should provide guarantees by providing the proper training. TE mentioned that in taking back these recommendations home, there will need to be a discussion on the length of the training. He expressed his doubts as to whether the group could agree on all things. GD replied by saying that the group could probably agree on a minimum and this was accepted. DB suggested to agree on a minimum of elements and to leave space for special items in the different countries. LVG mentioned that the motives behind training are more important than the numbers. It should be possible that trainees interact, but the group should also be small enough in order to create a certain atmosphere of confidentiality. A suggestion is to recommend a maximum of 12 trainees per trainer. NK agreed that group interaction is crucial. The group process should facilitate self-development, skills training, a safe learning environment and group interaction. LVG mentioned that it should also be manageable; the financial side should not be a barrier. It should be avoided that mediation is only accessible for the people that can pay for the training. EC questioned whether people can be taken serious if they do not have to pay for the training. JW replied that paying for training does only apply to a part of the mediators-to be; the mediators that are trained on the job, so after they have been employed by the mediation organisation, will not have to pay for their training. It was agreed that the cost of the training should not be an instrument to exclude certain people, but that we, on the other hand, also have to be aware of the fact that in practice this will be the case for certain people. No agreement was reached on the minimum hours for the basic training. This was considered too dangerous since longer training programmes could see their hours diminished because of it. JW suggested to formulate the recommendation in broader terms: As concerns the basic training, we recommend what the contents could be; then there should be training on the job, for which different methods are recommended (first observe an experienced mediator, then co-mediate with an experienced mediator, and afterwards the experienced mediator will observe the new mediator). This is what is needed in order to be able to practice as a mediator. This was agreed upon.

Recommendation 3 was changed as follows: “In every training knowledge, skills and personal qualities should be addressed”.

Here reference should be made to the triangle drawing that illustrates the importance of these three aspects. NK mentioned that any mediation course should contain themes on conflict, law, psychosocial and social process and something specific about applied mediation. RD mentioned that the idea of ‘mediator as a person’ should be explained. LVG mentioned that something should also be said about the skills of the mediator. Reference should be made to the method of role-play, the use of concrete examples, etc. NK proposed to formulate it as follows: In our experience, following qualities and attributes are useful for a mediator to possess. LVG mentioned that one example could be that trainees need to know their own values in life. NK added that he/she should be relatively open to discussing his/her own values in life. MM added that it should be someone who can stand back and think about what they saw; a reflective practitioner who can reflect on their own experience of conflict. EC mentioned that there are five big roles: to be impartial, to be neutral, to be acceptable in their role, to keep the process confidential, and to be able to make the process voluntary. This is what distinguishes mediation from arbitration etc. MM replied that these are things that can be learned, but that you cannot learn to be reflective. She also mentioned that empathy is another quality. LVG said that the mediator as a person is rather a selection criteria than a theme of training. It makes the training a very normative thing. Maybe we should try to formulate it more in terms of personal growth, the capacity to grow as a person. One big aim in training should then be to open trainees up for this capacity and to explore to what extent they have this capacity. Also the capacity to be vulnerable is important. JW added that what is also important is the way to manage oneself as an individual in the role of a mediator. Training should help people to think about their own preconceptions, etc. and to understand how these can have an impact on the mediation process. NK mentioned that what he is looking for in mediators is the capacity to be open to learn, to be able to reflect, and for some experience in having managed conflict. LVG mentioned that supervision and feedback are important in this regard, otherwise it is difficult to learn. There is also the capacity to accept criticism.

Recommendation 4 was reformulated as follows: “We should actively provide a diverse range of training models. There should be no hierarchical relationship between the models of training. In each of these, the three pillars in R 2 should be addressed”.

Here reference would be made to the drawing of the complex field in which mediators have to operate. NK mentioned that by involving volunteers, we are training ‘ordinary’ people. They will not only work for the mediation organisation, but they are also able to teach the community. KK mentioned that mediation training changes people. NK, KK and TJ proposed to include the following at the second level: In some countries, volunteers are trained as mediators. This has been found to be an effective way to safeguard communities. In effect, there are no significant differences between using volunteer mediators and professional mediators regarding training and supervised practice.

Recommendation 5 should explain that the main purpose of the training is not to select suitable mediators. However, sometimes this is needed. It was reformulated as follows: “We should distinguish between the responsibilities of the trainers and the responsibilities of the organisations that employ the mediators.

- a) However self-selecting, the main purpose of training should not be selection of mediators.
- b) However oriented to practice, training should not be too much determined by practical needs.
- c) However focused on long term effects, the responsibility of the trainer ends when the training is completed.

The employer of the mediators is responsible for the selection of mediators, for developing and monitoring criteria on efficiency, case-load, etc. for day-to-day control on the quality of their work, and day-to-day training on the job”.

It was suggested to include something about the length, trainers, trainees, funding, methods, contents of the training programme at the second level. LVG suggested to refer at the second

level to the fact that in certain countries training is provided by specific organisations, and that in others it is done by the mediation organisations themselves. It is obvious that the mixture between pragmatism (for example only one mediator to be trained) could be in competition with the aims of having a mediator. It is out of this concern that the distinction grows. It is an observation. The risk is that training will only be used as a selection mechanism, that training will not be determined by the capacity of the mediator but rather by the needs at a certain moment. On the other hand, this obliges us to determine and describe more in depth the nature and duties of the organisations that employ mediators. NK mentioned that the recommendation is an ideal. The reality is different. He suggested to mention that this recommendation is an ideal, but that we are aware of the fact that the reality is different due to limited resources. LVG replied that it is good to put this recommendation at an international level because we could help each other a lot on this. Maybe people from other countries could be invited to provide and stimulate training. MM mentioned that the first step in this direction could be the summer school. GD wanted to stress the importance of this recommendation because there is a tendency to move into another direction. Mediation services want to train mediators in a very pragmatic way. So, he recommends not to make the recommendation too soft. LVG suggested to mention at the second level that there are two situations: organisations that organise training themselves but that feel that this creates some problems, and on the other hand places where there are specific training organisations but where they are worried that training will be integrated into practice. In order to know more, the reader should then turn to the third level. KD proposed to mention that there are some risks if the division of responsibilities is not made. LVG mentioned the risk of only having a few mediators to train and to, therefore, postpone the training and to let the people start in practice already. There is also the risk that the content of the training will be reduced to only very practical issues, that there will be a more limited exchange, etc.

Recommendation 6 was reformulated as follows: “Training should be an ongoing process. Mediators should be expected to continue their professional development on a yearly basis. Trainees should be encouraged to follow training of other models (see R 3)”.

GD mentioned that here it should be stated that working as a mediator is a never ending story. They have to continue their training. There is a permanent challenge to develop one's capacity to do mediation. NK added that it is a lifelong learning process, it is about continuous professional development. LVG said that at the second level we could be stronger about it, so it is possible to state that most of us are pleading for a specific amount of hours for which you are obliged to continue training. It could also be mentioned that the identity of the mediator implies personal change, and that personal change implies support. The training is not something from the outside that is imposed on the mediator.

TJ wondered where exactly something should be mentioned about the training for the trainers? LVG mentioned that trainers should be people capable of transferring a certain kind of information (experts). But, we have said also that the practice of mediation should be the key. Therefore, the people who organise the training should know the practice of mediation through and through. So a very experienced mediator should be responsible for the training as a whole. It was suggested to make a new recommendation, linked to the idea of a summer school for trainers. This challenges the group to clarify what is meant by a trainer. LVG suggested to distinguish between the transfer of knowledge and the more synthetic aspect. The person responsible for the training should be able to make a synthesis of all the different types of information provided in the training. GD suggested to mention that the person responsible for the training should know thoroughly what mediation is and that it is better to work in a team. LVG added that we must be aware of the fact that mediation can be used for a lot of goals. This means that in establishing a training programme, there are a lot of choices to be made. So, training should not be determined by one or two of these goals, but rather by the mediation practice as a whole. The rationale behind setting up training should be the practice of mediation. The principles that lead the trainer all the time is experience and knowledge coming out of the practice of mediation. There is a hierarchy in leading principles. This leaves the possibility that some very experienced educationalists can take the responsibility for training if he or she is capable to listen to a whole group of mediators to learn about what is happening in the field. GD added that there are a lot of profiles for good trainers. There is no need to develop a profile for this. We need to discuss what we have to add for mediation.

Finally it was agreed that **recommendation 7** should read: “In addition to a proven ability or experience in delivering training, every training programme, even if not necessarily provided completely by experienced mediators, should be based on an in-depth knowledge and experience of the mediation process. As far as is reasonably practicable, the responsibility for the training programme would be that of a multi-disciplinary team”.

The last recommendation, **recommendation 8**, was formulated as follows: “All those recommendations should be subject of review and follow-up by a group of experienced practitioners, trainers and other experts.

LVG mentioned that one theme to be clarified is the reasons why we should distinguish training in VOM from training in mediation in other fields. This will be asked by people working in those other fields.

Finally it was discussed how to go on with the recommendations. One suggestion was to put the recommendations before the General Meeting of the European Forum for Victim-Offender Mediation and Restorative Justice, and to suggest that it endorses the recommendations. IA replied that this would result in a big discussion and that the endorsement would be a long process. He considered it to be more realistic to distribute the recommendations via the practice and training committee, and to ask for comments and reflections from the committee members. In a second step, the document could be presented during a Board meeting and the Board could endorse it.

LVG mentioned that there is an important difference between the approval of the document and the way we work. By presenting the result to the Board, we inform them about the state of affairs and we ask their approval of the way we are working.

IA added that it is not the task of the Board to approve the result of the project. The Board could not only be informed, but could also express its appreciation and acceptance. This is indeed not the same as to approve the document. Another possibility is of course to present the document to the General Meeting and to organise a workshop during the next conference.

The conclusions were that the recommendations:

- would be distributed via the practice and training committee.
- would be presented to the Board of the Forum who could express their support.
- would be presented to the General Meeting in order to inform the membership of the Forum about the document.
- would be presented during the next conference of the Forum.

IA mentioned that the next question is whether this group will continue its work.

5. Summer school

KW informed the group that he had contacted different banks for funding. The result was that they could support the idea in principle. He is awaiting responses from three banks, but the first contacts were quite positive. IA wondered whether funding was really necessary. Could the participants not contribute to the costs? NK replied that it should not be exclusive. We should help people to attend the summer school. KW mentioned that the inevitable question if people have to pay for it is what is in it for them. IA mentioned the example of the Dubrovnik summer school on victimology. This is more academic. The students pay their costs and it is therefore self-supporting. They receive certificates and it is recognised by the World Society of Victimology. Also, if funding is sought, we will be dependent on funding every year. Maybe it is more feasible to look for scholarships. NK proposed to explore the contents further to determine what would be in it for people. It must be worthwhile to attend the summer school. MM suggested that it should be about the exchange of the practice of training, the exchange of methods, etc.

What are the objectives of the summer school? NK thought that one objective is to provide training for trainers, to provide something accredited and recognisable. He was thinking of

places where training still needs to be started. IA mentioned that another objective is to make progress in good practice. To learn more about mediation in specific cases is to advance the practice. The common denominator could be advancing practice. Another objective is to bring trainers together. LVG mentioned that the programme could consist of a series of specific themes. For example, one day on the exchange of experiences on mediating with people from abroad, another day on mediating in sex offences, etc. JW mentioned that these themes are for mediators, and not for trainers. She suggested that it might be useful to have the two groups attend the summer school.

TE questioned whether this group was the right place to discuss the creation of the summer school. He wondered whether we could not make a recommendation to the practice and training committee to take up the matter? MM suggested to meet during one week with this group and to bring materials. At first the group could focus on the exchange of training and see what comes out of it. JW agrees that it would be a good idea to come together once, to evaluate the experience to see whether it is worthwhile. NK suggested to look at dates in the summer of 2005.

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KD mentioned that to think about organising the summer school in Bulgaria is a good idea because it might be easier to find funding for it. Bulgaria just started with restorative justice so there might be possibilities to get funding from the Soros foundation. It could then be organised for experienced trainers, but also for potential trainers from Bulgaria. She also presented some possibilities for organising the summer school in Czech Republic. Her organisation could help in organising the summer school, so to find a suitable place, to ensure the transport from the airport, provide equipment, etc. It was agreed that IA and JW should first talk to Dobrinka Chankova from Bulgaria. If she would like to organise it in Bulgaria that would be fine. Otherwise the offer from the Czech Republic would be explored further.

LVG said that if the group could find a concrete place and could find the participants, this would be a good starting point to fill in the programme. GD proposed to mix the idea of summer with the ideas of exchange, getting to know each other and to exchange materials. The group could meet during the Budapest conference of the Forum to decide on the contents. This was agreed upon.

Early June 2005 was accepted as a provisional time. It would run for five days, starting on Saturday afternoon. A maximum of 30 people could attend.

As concerns funding, it is important to know what it would cost. In principle, the participants would pay for themselves, but KW will continue to look for scholarships. By the Budapest conference, the location and date must be clear. KW would be informed of this as soon as possible.

6. Expert meeting – pool of resource people

KW mentioned that this is covered by the summer school. NK replied that there is also the idea to create a pool of resource people. LVG said that in that case there is already a concrete outcome of the summer school. So, one of the goals could be to work out further the recommendations at the second level and to afterwards sharpen the recommendations. AV mentioned that this will also depend on who attends the summer school. LVG replied that the agenda of the summer school will be selecting the participants.

IA suggested not to put everything together. The pool of resource people is broader than just training. The Forum receives questions from governments not only for training but also on the implementation of mediation etc. So there is a need in this respect. GD replied that the Forum needs a kind of database of resource people. This could be a small project to get funding for. An idea is to have everyone present themselves and to use a star to indicate who the Forum recommends. LVG added that the star could indicate that we know the person. IA added that this could be a way to make some money for the Forum. JW agreed with the idea, but mentioned that first of all a technical structure should be in place to manage the information. IA

replied that if the Forum makes the offer to governments, there is a need to already have a minimal pool of resources. LVG suggested to collect some resources, a list of experiences during the Budapest conference.

It was agreed that a group composed of NK, KW, GD and MM would work together to work out the idea a bit more in detail and then to present something to the Board of the Forum.

7. Exchange of materials

TE suggested to add a letter to the invitation for the Budapest conference to ask people to bring training materials and to discuss these during a workshop in the conference. They could bring the materials in their own language, but they would have to explain it. We should also ask them whether they would be willing to give the materials out. This was agreed.

8. Closing

RD thanked all participants for their active contribution to this project.

ANNEX 11

Overview: Exchange of Training Models: Austria, Belgium, Czech Republic, England/Wales, Finland

	Austria	Belgium	Czech Republic	England and Wales	Finland
<i>Structure of the training</i>	Training starts on the first workday and consists of two parts: 3 weeks (first year) and 4 weeks (during next 2 or 3 years). Each seminar takes 5 days.	Training starts on the first workday and consists of one week training, followed by intervision (discussion moments).	Starts when they are hired. 320 hours of training; 10 months, 10 times 4 days. The training consists of two parts. One part focuses on the mediation, the other part on the legal issues.	On demand-basis; longest training is a 5-day package.	Training (30-40 hours) is given during one week or during the weekends. It is meant for volunteers.
<i>Contents of the training</i>	Mixture of theory and role-play.	Mixture of theory and role-play.	Mixture of theory and role-play.	Mixture of theory and role-play.	Mixture of theory and role-play.
<i>Trainers</i>	Normally specialists, now increasingly internal people (cheaper).	People of Suggnomè, now also mediators themselves.	For the legal aspects: judges, state prosecutors and university professors. For the communication skills: SPJ.	Ken Webster looks for trainers with good practical experience. Other training providers have their own rationale for selection.	Different trainers for each topic dealt with during the training: for example, for the mediation a professional mediator, also policemen, prosecutors, etc
<i>Trainees</i>	Mediators are often social workers, lawyers or psychologists.	Mediators are often social workers, psychologists, criminologists and lawyers.	Mediation and probation assistants.	Everyone who pays for it can follow the training.	Volunteers who pay for the training themselves.
<i>Evaluation after training</i>	The trainees present written work during a two-day evaluation.	After the training they start working as a mediator, so no real evaluation.	Practice oriented exam		Interview after the training
<i>Training on the job</i>	100 cases under supervision of a mediator	A good follow-up; they meet every month and once a year they have their 'think-days'.	5 seminars per year are organised and assistants have to attend them.	Most attention goes to training on the job. There is no specific organisation for this.	Volunteers are obliged to take part in the seminars organised during the year. Professional mediators have meetings twice a year.

	<i>Austria</i>	<i>Belgium</i>	<i>Czech Republic</i>	<i>England and Wales</i>	<i>Finland</i>
<i>Certification and accreditation</i>	Positive evaluation is followed by a certificate. No national accreditation at the moment (is changing).	No. The fact that mediators work for Suggnomè is a proof of their qualification.	A positive evaluation results in both a certificate and accreditation.	Each organisation delivers its own certificate; no standardised accreditation.	
<i>Provider</i>	Neustart; only VOM-provider.	Suggnomè.	The justice academy. The training is offered by the probation and mediation service. Private organisation can also organise training.	No national training provider, a number of organisations can organise training.	The local institutes and the mediation offices
<i>Funding</i>	Ministry of Justice.	Suggnomè, paid for by the Ministry of Justice and the Flemish Community.	Ministry of Justice.	Youth Justice Board Children's Funds Local Crime and Disorder Partnerships	Participants have to pay themselves for the training, but they will be reimbursed once they become a mediator.
<i>Mediation Law</i>	Yes. For juveniles: 1988 Juvenile Law. For adults: legal basis since 2000 in the Code of Criminal Procedure.	Only for penal mediation.	Yes. 2000: the Probation and Mediation Act	Not for adults; new regime for juveniles introduced by The Crime and Disorder Act 1998 and the Youth Justice and Evidence Act 1999'. (legal provision for adults will be provided)	A mediation law should be enacted in one or two years.

Overview: Exchange of Training Models, Germany, Norway, Poland, Scotland, Spain

	Germany	Norway	Poland	Scotland	Spain
<i>Structure of the training</i>	Four 3-day workshops; one 4-day section: professional days; four 1-day self organised meetings; final colloquium. A precondition to start the training is that the trainees must have the possibility to mediate during the year.	Two-day training session; practice period: 3 months; two-day session: discuss activities. The training starts after a successful interview with the evaluation committee.	The training is often residential and lasts 6 days. It is organised as practical workshops, one day is devoted to legal and organisational matters surrounding mediation.	35 – 40 hours; the training for professionals lasts 1 week; for volunteers generally 3 months.	No specific training for mediators. The Ministry of Justice prepares training in different fields: basic training; 1 or 2 weeks.
<i>Contents of the training</i>	Mixture of theory and role-play.	Mixture of theory and role-play.	Mixture of theory, skill training and role-play.	Mixture of theory and role-play.	
<i>Trainers</i>	Mediators who have a lot of experience; The country counts 10 mediation trainers, they meet twice a year to discuss how to manage the next training course.	They are selected among the professional staff of the service, they receive no special training.	For the legal aspects: people of the Ministry of Justice, for the practical workshops: professional trainers. They always work with two trainers in an interactive method.	Trainers are trained for giving the training. The course is validated by an organisation.	Experienced mediators themselves.
<i>Trainees</i>	Persons within the social, psychological field; namely for experts in social education.	The mirror of society, from any kind of profession.	All persons -who are not employed in a institution dealing with administration of justice -over 26 years old - with life experience - the ability to resolve conflicts.	Sacro advertises for volunteers in the local press; all persons who pass the selection interview can take part at the training.	Normally people who have a university degree and some experience.
<i>Evaluation after training</i>	Final colloquium: feedback on the two written cases and the co-operation during the year.	After the training the trainees pass an exam, the same committee (for the selection of the training) is responsible for this evaluation.	Depends on the track you follow. 'exam': a list of practical and theoretical questions, for the creation of their own resource book.	The trainees have to complete a self-assessment form. Then trainers can decide if they need additional training or not.	No specific exams.

	<i>Germany</i>	<i>Norway</i>	<i>Poland</i>	<i>Scotland</i>	<i>Spain</i>
<i>Training on the job</i>	Lacking.	Regular meetings and discussions during the year.	Every two months: supervision and case-study meetings are organised by the two NGOs.	After two years of practice mediators are invited to pass the SVQ qualification.	Each year mediators can follow a 20-25 hours training abroad, and also a 40 hours training organised by a legal study centre.
<i>Certification and accreditation</i>	Yes, after completing the training.		Certification depends on the track you follow.	At the end of the training the trainees receive a certificate.	
<i>Provider</i>	Servicebüro, the only one for VOM.	Ministry of Justice.	Different NGOs University of Warsaw Advanced School of Social Psychology	Sacro, largest provider in the voluntary sector and only VOM provider.	Ministry of Justice.
<i>Funding</i>	A training: 970 euro, participants pay themselves, but it is changing.	From 2004: Ministry of Justice.	In the beginning the Ministry of Justice, but now the trainees have to pay themselves.	Training is paid by the local services.	Ministry of Justice.
<i>Mediation Law</i>	Has a good law, but it is not being used.	Has a law which regulates a number of things: amount of mediators, recruitment, etc.	The mediation procedure and the conditions to conduct a mediation are laid down in the new criminal code of penal procedure.		A law that allows mediation with juveniles, no law for mediation with adults.

EUROPEAN MEDIATION TRAINING MODELS

COUNTRY	PERSON/ ORGANISATION	WHO GIVES TRAINING	INITIAL TRAINING*	WHO PAYS *	CONTINUOUS TRAINING	PEOPLE IN THE TRAINING
AUSTRIA	Martina Mössmer "Neustart"	Neustart. Each time more internal people are getting involved (is cheaper)	-40 h. -Specialisation total process 286h	Neustart	1 week a year + 2 supervisions	Social workers, psychologists and lawyers
BELGIUM	Leo Van Garsse "Suggnomè"	Trainers: people inside the group, and judges or lawyers	1 week		Each 3 weeks discussion of practical experiences. + 1/2 days reflection a year	Social workers, criminologists, sociologists, some lawyers
CZECH REPUBLIC	Katerina Druskova "Probation and Mediation Service"	Judges, prosecutors, university teachers, teachers SBG, NGO	320 h. Cours: 12 m. + oral exam.			
ENGLAND	Ken Webster "Consultancy and Training."	No national trainer Various private/public organisations	Ranges from 2 to 5 days	Agencies, organisations	Training on the job	Police officers, staff youth justice teams, open to others
FINLAND	Kaisa Kurikka "Mediation Office of Kotka"	Professional mediators, policemen, prosecutors, judges, psychologists	30/40 h.	Free		Volunteer mediators
FRANCE	Daniele Broudeur, "Citoyens & Justice"	"Professional" mediators, lawyers, psychologists	Basic training 35 h Advanced training 120 h	Associations	Recommended but not compulsory	Social workers, lawyers, psychologists, volunteers
GERMANY	Gerd & Regina Delattre "Servicebureau for VOM and Conflict Settlement"	Private- Trainers freelance and practitioners	workshop 3 d 5 days all year	Participants or agencies or Länder	Further training Additional seminars supervision	Social workers, judges, prosecutors, volunteers
NORWAY	Terje Eimot "Konfliktrådet I Østfold"	Ministry of Justice / Sekretariatet for konfliktrådene (from 01.01.04)	workshop of 4 days	Free – paid by the Government	Supervision, meetings on regular basis 2 times a year	
POLAND	Elzbieta Czwartosz "University of Warsaw, Faculty of Psychology"	1. Organisations: PMC/LSMC 2. Universities. Trainers from several countries	1. 5 or 6 d. tra. 48 h 2. 360 h. UW IASS 150 h. UW fp 120 h. ASSP	1. The people pay 2. part of curriculum		
SCOTLAND	Niall Kearney "Sacro" Mediation and Reparation Service"	"Sacro" (Is a local Service)	30/40 h.	Local services	Supervision internal and external experts	Volunteers/ Professionals
SPAIN/ CATALONIA	Anna Vall Rius "Servei de Mediació JP"	Justice Ministry Internal expert people	15 h. (for staff)	Free	20 h. a year	Social workers, psychologists, lawyers

COUNTRY	PERSON/ORGANISATION	TRAINING GOALS	PRACTICAL EXPERIENCE	OFFICIAL ACREDITATION	OBLIGATION
AUSTRIA	Martina Mössmer "Neustart"	Develop connection between basic education and advanced training in a systematic way		-No. Only training course -Certificate if they take the 3 modules + pass assessment	
BELGIUM	Leo Van Garsse "Suggnomè"		In the same organisation	No	
CZECH REPUBLIC	Katerina Druskova	Legal skills / Knowledge of Probation and Mediation	Time with prosecutor or an NGO	Ministry of Justice Diploma	
ENGLAND WALES	Ken Webster "Consultancy and Training"	Offer a balanced impartial overview of restorative process	Developed within own working environment	Certificate issued by trainer	
FINLAND	Kaisa Kurikka	To prepare volunteers to mediate			
FRANCE	Daniele Broudeur, "Citoyens & Justice"	To enable mediators to help people to manage their conflicts	In the same organisation	National accreditation by the Magistrates Assembly of the local jurisdiction	Basic training is compulsory
GERMANY	Gerd & Regina Delattre "Servicebureau for VOM and Conflict Settlement"	To develop self-confidence in the role of mediator To improve abilities and techniques of the mediation		Certification	Not necessary to follow the training to mediate, but the services do not hire people that did not follow the course
NORWAY	Terje Eimot "Konfliktrådet i Østfold"	To act like a mediator, having all the appropriate skills	Minimum one case as an observer and one case a mediator (together with an experienced mediator)	Formal appointment	
POLAND	Elzbieta Czwartosz "University of Warsaw, Faculty of Psychology"	Offer a workshop, very practical	Each student must participate in at least 3 cases	Certificate of attendance exam=enrolled PMC, LSMC	
SCOTLAND	Niall Kearney "Sacro" Mediation and Reparation Service"	Understand the role of the volunteers in SACRO; knowledge about mediation and the role of the mediator	Combination theory and practice. Close supervision in the beginning	Training Certificate (Basic) SVQ award after 2 years of practice (equivalent to diploma)	
SPAIN/ CATALONIA	Anna Vall Rius "Servei de Mediació a la JP"	Training for mediation practice	Supervised cases	No	Attendance is compulsory

TRAINING MATTERS

AUSTRIA Theory/Practice	BELGIUM Theory/Practice	CZECH REP. Theory/Practice	ENGLAND Theory/Practice	FINLAND Theory/Practice	GERMANY Theory/Practice	NORWAY Theory/Practice	POLAND Theory/Practice	SCOTLAND Theory/Practice	SPAIN, CATALONIA Theory/Practice
<p>-LAW: "Law knowledge of Conflict Regulation" Civil/Penal Civil Rights</p> <p>-SOCIAL WORK</p> <p>-MEDIATION ASPECTS Communication Conflict management (Harvard negotiation concept) Economy system</p>	<p>1st.Week: -Juridical instances -Clarify partnership -Basic mediator aptitudes (Empathy, emotions) -Mediation principles -Limits and problems -How to contact parties -Agreement</p> <p>-SPECIFIC Mediation with people from different cultures</p>	<p>-1st. Philosophy communication skills Conflict resolution -2nd.LAW Civil/Penal To fill out forms</p>	<p>-Principles and models of RJ -Skills practice -Restorative Conference, preparation & planning -Skills of a facilitator -Conference emotions -Theories RJ underpinning -Empathy -Perceptions and aptitudes -Hierarchy of needs. -Feelings and actions -Learn from mistakes</p>	<p>-Different models&aims for mediation -Voluntary work -Steps of mediation -Police and mediation -Prosecutor work/accusing -Legal system -Social work -The mediation meeting. The skills of the mediator -The role of the mediator -How to make the mediation contract</p>	<p>-Aptitude & skills -Positive conflict aspects. Mediation is different than social work Victimology, Civil law, Cooperation with Justice Changes in the course according to the needs</p>	<p>Understanding -Of human reactions in conflict -Focus on the victim and offender needs - communication training The mediation method step by step Practical exercises through role play Formalities Agreement</p>	<p>-Background of mediation -RJ and retributive justice -Legal basis of mediation In penal & family law -Anatomy of conflict -Basic knowledge of mediation Mediator's skills -Students make a book of basic mediation elements</p>	<p>SACRO -Introduction to Criminal Justice System Communication skills -The conflict -Handling people -Mediation -Mediator: role responsibilities -Practical application of skills -Procurator Fiscal -Referral process and reparation</p>	<p>-Restorative J. principles -Basic mediation skills</p>
	<p>-Role Play -Video practical cases how to learn from mistakes</p>	<p>Co-operation with colleagues from Austria and England</p>	<p>-Role Play -Video Spont.Dialogue -Demonstrat. Mediation meeting</p>	<p>Handbook of mediation</p>	<p>Must have the chance to practice mediation during the course</p>	<p>Importance of life experience .Handbook of Mediation</p>	<p>Intuition& experience Not evaluating Only discussing</p>	<p>At the end of the course Students do their own assessment</p>	<p>Video</p>

COUNTRY	OTHER TRAINING OFFERS
AUSTRIA	
BELGIUM	Gent University
CZECH REPUBLIC	
ENGLAND	
FINLAND	
GERMANY	
NORWAY	University of Oslo, Institute of Criminology
POLAND	Warsaw University-Institute of Applied Social Scienced(IASS) Warsaw University- Faculty of Psychology ASSP University of Silesia Advanced School of Social Psychology
SCOTLAND	
SPAIN/ CATALONIA	

ANNEX 12

Common themes in the training of mediators in criminal matters

Level I: Preliminary academic education

Level II: Specific training in mediation in criminal matters

1) Conflict theme	2) Law and theory theme	3) Psychological and social theme	4) Specific mediation theme
<p>Topic I: Knowledge about the conflict</p> <ul style="list-style-type: none"> ▪ Theory of conflict ▪ Conflict typology ▪ Escalation stages of conflicts ▪ Conflict causes, effects ▪ Ability to identify main sources of conflicts ▪ Diagnosis and treatment of conflicts ▪ Differences between conflict and crime 	<p>Topic I: Theoretical basis</p> <ul style="list-style-type: none"> ▪ Restorative and retributive justice ▪ Restorative justice <ul style="list-style-type: none"> ○ Background ○ Principles ○ Tools ○ Philosophy 	<p>Topic I: Psychological skills</p> <ul style="list-style-type: none"> ▪ Verbal and nonverbal communication ▪ Handling the conflict ▪ Active listening skills ▪ How to create empathy ▪ How to meet people in crisis ▪ How to work with different parties' perspectives ▪ Work with emotions and needs ▪ Handling impasses, emotional outbursts and emotionally charged situations 	<p>Topic I: Mediation and the mediator</p> <ul style="list-style-type: none"> ▪ Mediation models, principles and aims ▪ Mediator: His/her role and responsibilities
<p>Topic II: Conflict, law and criminology</p> <ul style="list-style-type: none"> ▪ Basic knowledge about criminology and victimology ▪ What is a crime? ▪ Who is a criminal and criminal profiles ▪ Punishments ▪ Who is responsible for damages? 	<p>Topic II: Legal framework</p> <ul style="list-style-type: none"> ▪ National and international framework ▪ Criminal law and crime policies ▪ Conflict regulation in civil and family law ▪ Juristic rules and institutions connected with mediation 	<p>Topic II: The social resources</p> <ul style="list-style-type: none"> ▪ Social resources and services ▪ How to find them and to get their intervention ▪ Voluntary work 	<p>Topic II: The mediation process</p> <ul style="list-style-type: none"> ▪ Phases of the mediation process ▪ Methodology ▪ The mediation session ▪ Organisation and control of the process ▪ Specific techniques for each phase ▪ The agreement ▪ Concrete and appropriate tools according to the situation ▪ Practical experience with expert mediators

1) Conflict theme	2) Law and theory theme	3) Psychological and social theme	4) Specific mediation theme
	<p>Topic III: The judicial procedure and mediation</p> <ul style="list-style-type: none"> ▪ Victim's and offender's rights (presumption of innocence) ▪ Role of prosecutor and judge ▪ The trial and the legal transaction ▪ Legal consequences of the mediation process (agreement) 		<p>Topic III: Mediator's skills, the importance of an appropriate communication</p> <ul style="list-style-type: none"> ▪ Different skills ▪ Active listening ▪ Selection of an appropriate communication style ▪ Ability to express oneself ▪ Use of assertive language
	<p>Topic V: Organisation of mediation centres</p> <ul style="list-style-type: none"> ▪ Rules of launching and establishing mediation centres ▪ Co-operation with the judicial institutions and the police 		<p>Topic IV: The parties and the mediator</p> <ul style="list-style-type: none"> ▪ Negotiation strategies ▪ How to convoke people to the mediation session ▪ How to meet people in mediation ▪ Empowerment of the parties

ANNEX 13

COMBINING THE TRAINING TOPICS FOR VICTIM-OFFENDER MEDIATORS FROM 10 EUROPEAN COUNTRIES

FOREWORD

In order to be able to work as a mediator, some factors are of special importance:

- A. Particular attitude and personal skills. It is especially important to have the ability to communicate, an easiness to create empathy and to have a certain personal balance.
- B. An appropriate and complete mediation training curriculum that provides the individual with sufficient knowledge to enable a correct intervention in the mediation process.
- C. In addition to these basic requirements, it could be appropriate to include some amount of professional experience, even in a different field, that gives the mediator practical experience. Some victim-offender mediation programmes consider it important that mediators have some life experience. An additional requirement is to have a certain age (e.g. 25 years or more).

THE TRAINING FOR MEDIATORS

With regard to the training process (B) we must distinguish two levels:

- 1) Level I: Preliminary academic education, i.e. a university degree (graduate or certificate programme).

In the mediation programmes that work with volunteers, this university degree can be considered as unnecessary.

- 2) Level II: Specific training in mediation that gives the mediator the tools needed to develop his/her job in a satisfactory manner, taking into account the concrete circumstances of the case, the psychological and emotional elements, and the judicial environment in which the mediator is acting.

1) With regard to level I - preliminary academic education: It seems reasonable not to limit, in a restrictive way, the area of university studies. Most degree programmes can facilitate a subsequent access to professional work in a mediation function.

However, if a preference is given, it would be best to consider all studies with focus on any area regarding the humanities. All the humanities studies can be appropriate and offer a satisfactory basis to later access to the specific mediation training. (psychology, sociology, law, social work, pedagogy, anthropology etc.)

2) Level II - specific training in mediation:

The specific training and studies provide the knowledge and the skills necessary to practice mediation.

This specific training could be structured or split in four learning blocks:

1) CONFLICT BLOCK

In this block the students analyse the conflict from the theoretical and practical perspectives. A good knowledge of conflict, its roots, its evolution and how to achieve a satisfactory resolution helps to deal with conflicts in an efficient way.

TOPIC I: KNOWLEDGE ABOUT CONFLICTS

- ✓ Theory of conflict
- ✓ Conflict typology
- ✓ Escalation stages of the conflict
- ✓ Understanding the causes of conflict, its effects and uses
- ✓ The ability to identify the main sources of the conflict
- ✓ Diagnosis and treatment of the conflict
- ✓ Differences between conflict and crime

2) LAW AND THEORY BLOCK

The basic objective of this block is to teach the legal, national and international, framework for developing victim-offender mediation in a given region or some other place of work. Special attention must be given to the rules and judicial institutions that have a direct or indirect relationship with it and influence it.

Another important objective of this block is to teach the possible judicial and personal consequences of the mediation process and the judicial consequences of the mediation agreements.

A complementary goal would be to provide the students a general overview of the process of mediation in countries with a similar legal culture and its particular legal recognition.

In addition to knowledge about the traditional justice system it is necessary to introduce the principles, background, tools and philosophy of restorative justice.

Another suggestion is to introduce some elements of criminology that could be considered useful for the mediators.

TOPIC I: THEORETICAL BASIS

- ✓ Restorative and retributive justice
- ✓ Restorative justice
 - i. Background
 - ii. Principles
 - iii. Tools
 - iv. Philosophy

TOPIC II: LEGAL FRAMEWORK

- ✓ National and international framework of mediation
- ✓ Criminal law and criminal policies
- ✓ Knowledge about conflict regulation in civil and family law
- ✓ Judicial rules and institutions connected with mediation

TOPIC III: THE JUDICIAL PROCEDURE AND MEDIATION

- ✓ The rights of the victim and the offender (presumption of innocence)
- ✓ The role of the prosecutor and the role of the judge
- ✓ The trial and the legal transaction
- ✓ Judicial consequences of the mediation process (in particular the agreement)

TOPIC IV: CONFLICT, LAW AND CRIMINOLOGY

- ✓ Basic knowledge about criminology and victimology
- ✓ What is a crime
- ✓ Who is a criminal and criminal profiles
- ✓ What is the punishment
- ✓ Who is responsible for damages

TOPIC V: THE ORGANISATION OF MEDIATION CENTRES

- ✓ Rules of launching and functioning mediation centres.
- ✓ The cooperation of these centres with the judicial institutions.

3) PSYCHOLOGICAL AND SOCIAL BLOCK

The prime objective of this block is to provide students with a very good knowledge of the basic psychological resources available and applicable in the mediation process to accomplish a satisfactory intervention. This would especially include good communication and listening skills, handling objections and conflict resolution.

In this block it is important to learn how to treat victims appropriately, in particular victims of serious crimes, taking into account the kind of offence. In the same way it would be interesting to have basic knowledge about criminological profiles and to know if there are some common lines in their behaviour (conduct) and how the mediator can act or communicate suitably with them, to facilitate the mediation.

This knowledge will enable the mediator to have a better control of the process. It will help him to understand the situation better and will give him the skills to react appropriately in difficult or unexpected situations, minimizing the risk of inappropriate or even contraindicated interventions.

Additionally, within this same block the students will learn about the resources and social services that exist and are available to the citizens, and which could be an adequate support for the mediation process. If the mediator considers it necessary during the mediation process, he can inform the parties about these services and even, taking into account the particular circumstances of the case, the mediator could appreciate the needs or the suitability to utilize them, sending the people to these services if they agree.

The overall knowledge gained in this block will provide the mediator with working tools and with the necessary information about social services that could be suitable during any mediation process.

The main objective is to ensure that students have a good command of the basic psychological skills to apply them effectively and efficiently in any mediation process.

TOPIC I: PSYCHOLOGICAL SKILLS

- ✓ Verbal and non verbal communication
- ✓ Handling the conflict
- ✓ Active listening skills
- ✓ How to create empathy
- ✓ How to meet people in crisis
- ✓ How to work with the different parties' perspectives
- ✓ Work with emotions and needs
- ✓ Handling blockades, emotional eruptions and difficult situations

TOPIC II: THE SOCIAL RESOURCES

- ✓ Knowledge about the social resources and services
- ✓ How to find these social services and to request their intervention
- ✓ Voluntary work

4) SPECIFIC MEDIATION BLOCK

Within this block, the future mediators learn about the phases of the victim offender mediation process along with the specific resources, tools, terms, mediation models and techniques necessary to successfully implement and utilise the process.

It is indispensable to include practical exercises for the future mediators, using role plays, simulating real situations or better, if it's possible, analysing and watching real cases through a mirror or directly participating, taking notes, in a real mediation together with an expert mediator.

TOPIC I: THE MEDIATION AND THE MEDIATOR

- ✓ The mediation models, principles and aims
- ✓ The mediator: his role and responsibilities of the role

TOPIC II: THE MEDIATION PROCESS

- ✓ Phases of the mediation process
- ✓ Methodology

- ✓ The mediation session
- ✓ Organisation & control of the process
- ✓ Specific techniques in each phase of the mediation process
- ✓ The agreement
- ✓ Concrete and appropriate tools according to the moment and situation needs
- ✓ Practical experience with expert mediators

TOPIC III: MEDIATOR'S SKILLS, THE IMPORTANCE OF AN APPROPRIATE COMMUNICATION

- ✓ Different mediator skills
- ✓ Active listening in mediation
- ✓ To be able to select an appropriate communication style
- ✓ Improve the ability to express oneself
- ✓ Use of assertive language

TOPIC IV: THE PARTIES AND THE MEDIATOR

- ✓ Negotiation strategies
- ✓ How to convoke people to the mediation session
- ✓ How to meet people in mediation
- ✓ Parties empowerment

ALTERNATIVE OPTION

One can consider to turn the mediation training into a university degree level programme whereby the same rigorous process is applied with a range of supporting topics to provide the student with a broad and complete knowledge of the topic.

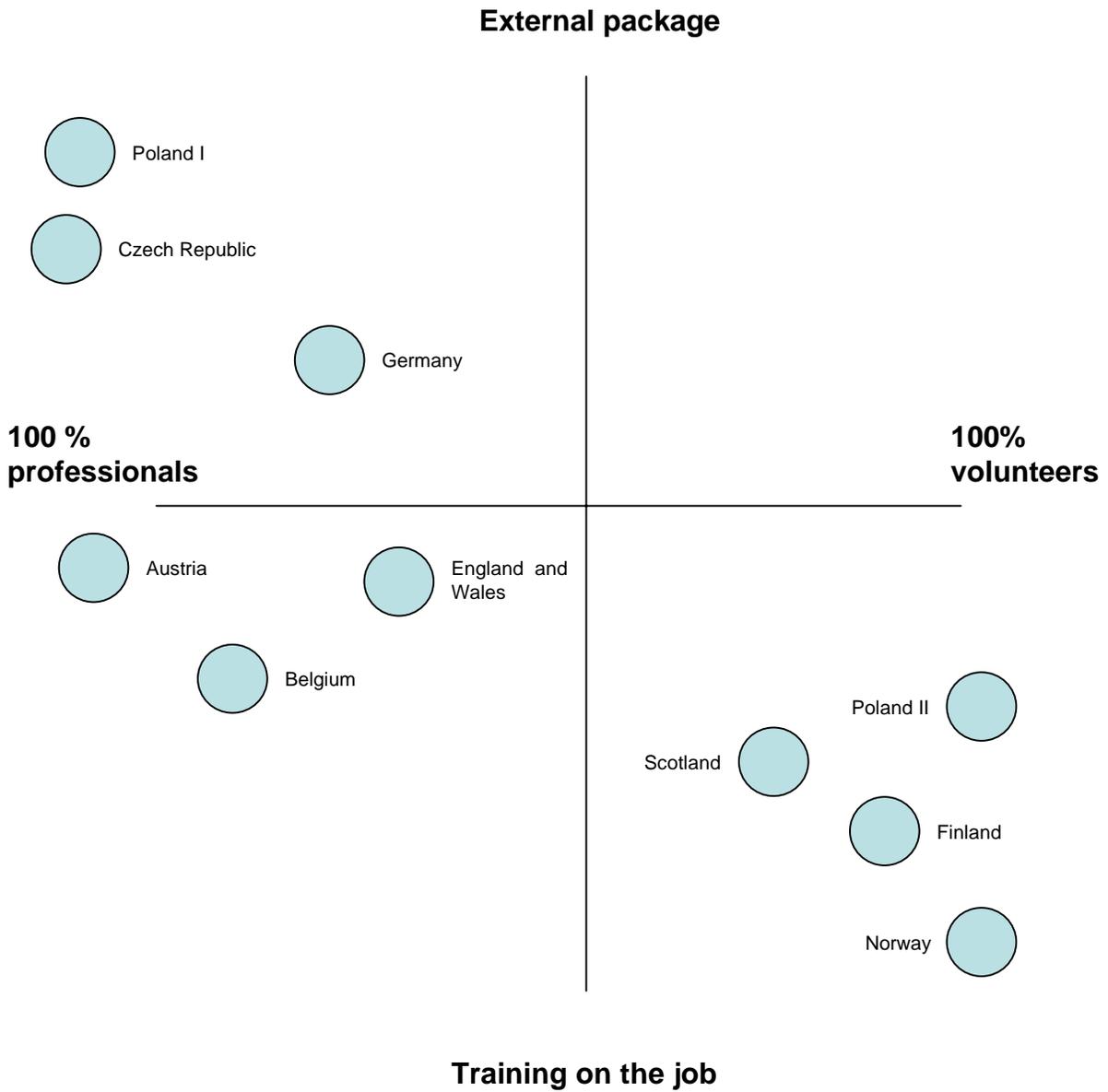
In this option the two levels previously mentioned (basic and specific) would be combined into a single programme. Common curricula would be established for the initial and generic subject matter, later followed by areas of specialisation, such as family mediation, community mediation, business mediation, victim-offender mediation etc.

ANNEX 14

Training for mediators in Europe:

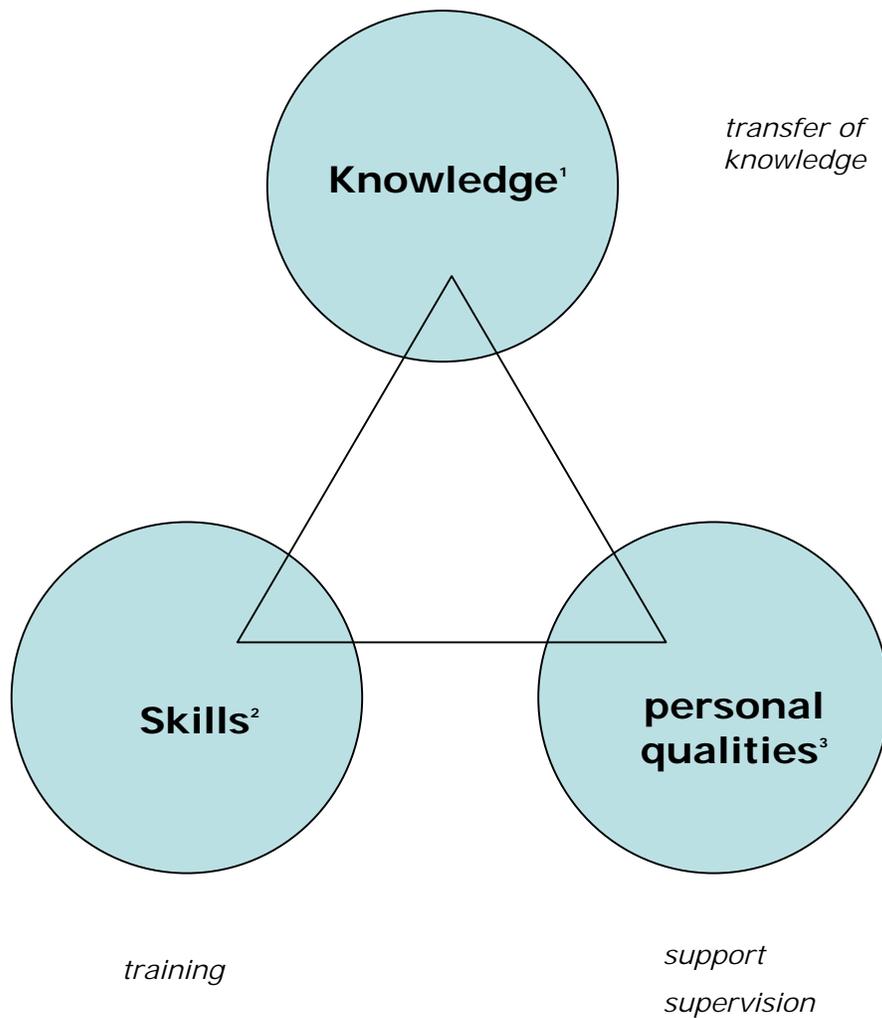
Training on the job vs. external package

Professionals vs. volunteers



ANNEX 15

The Triangle



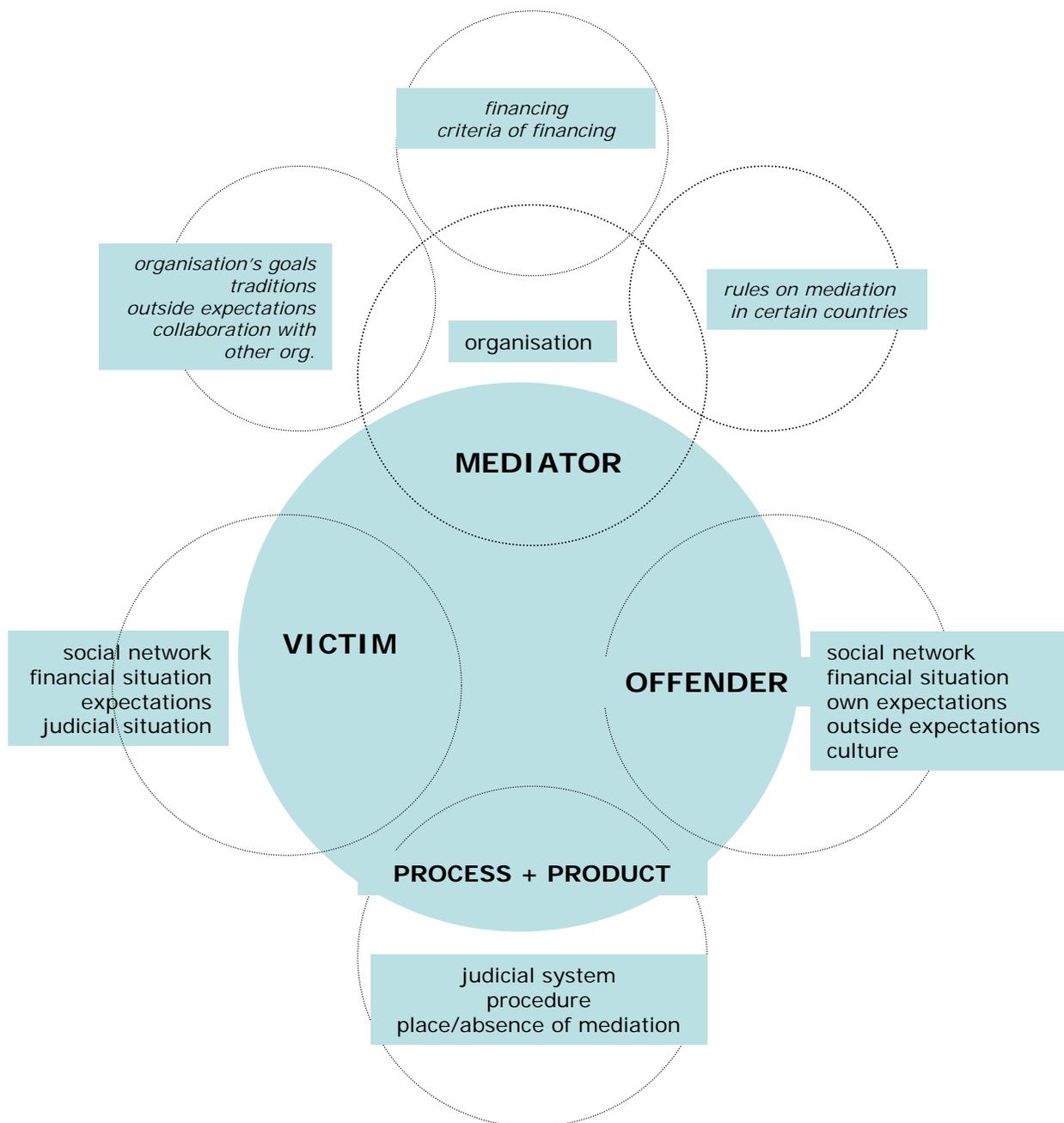
1 Knowledge includes e.g. law, conflict management, theory of restorative justice etc.

2 Skills include e.g. showing empathy, communication etc.

3 Personal qualities include e.g. capacity of showing vulnerability, own dealing with conflicts etc.

ANNEX 16

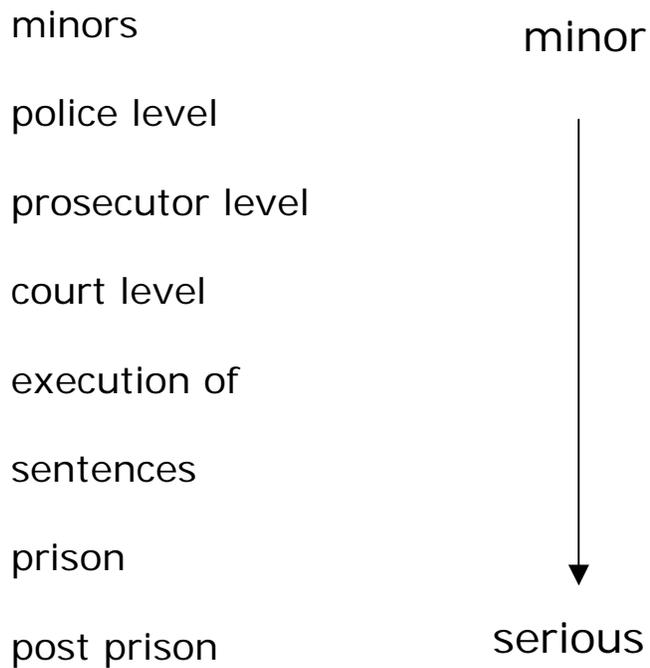
The complex field



ANNEX 17

Application of mediation

objectivity \longrightarrow subjectivity



product oriented \longrightarrow process oriented

ANNEX 18

Training details per country

AUSTRIA

AUSTRIA: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Neustart (former name VBSA= association of probation and social work) which is also the employer	
For whom	Social workers, lawyers and psychologists with practical experience	
Frequency	The first part (4 weeks) and the second part (also 4 weeks) + 2 days evaluation and written case description, supervision	
Funding	Neustart	
Accreditation	Training is accredited by the Austrian Organisation of Mediators	
Structure and contents		
1st year	1 week - civil- and criminal law 1 week - methods of mediation 1 st part (neutrality, steps of mediation, own conflict behaviour) 1 week - organisation, criminal-theories, social work with criminals (together with other social workers)	
2nd step	1 week - conflict management (escalation, different solution models) 1 week - mediation 2 nd part (different settings, difficult cases, high escalated conflicts) 1 week - communication (different styles, necessary skills for mediation) 1 week - Harvard concept 1 week - civil law 2 nd part (difficult questions about the cases)	
Methods		
<p>- All seminars are mixed – theory inputs, role play on difficult cases, reflections, discussions, video,...</p> <p>- At the beginning (1st mediation seminar), in the middle (mediation 2nd part) and in the end (evaluation) the people have the possibility to speak about this training, problems with seminars, etc. because I lead this training and take part in it – I also have the possibility to stay in contact with all the people and follow their success.</p>		

Organisation of training

The training programme started in the year 1984. Since then, mediators had to follow a four-week introductory course during the first year of their work. After these four weeks, all mediators have to follow one week of training each year. They can choose the theme themselves. This can be conflict management, communication styles, etc.

Since five years this has become the regular training system:

The training programme consists of two parts and is organised by Neustart. The duration of the training was two times four weeks, but because of the high cost, the first part was reduced to three weeks. The trainees have to follow the training programme within the first three or four years of their work.

At the end of the training programme they have to prepare a written report about a mediation case, which they have to present during a two-day evaluation session. If the evaluation is positive, they get a certificate. The training programme is obligatory for all those who want to become mediators in penal matters. They start their training when they start working.

During their first year, they work under the supervision of an experienced mediator. During the first two-three months, they observe other mediators and discuss the process before and after the mediation session. They also have to take part in the first week of training. After two-three months, they start working in their own cases, or to co-mediate.

Mediators are often social workers, and sometimes also lawyers or psychologists who have experience in social matters. The social experience is very important for the work as a mediator.

Currently there is no national accreditation for mediation in Austria, but that is about to change. A positive point is that Austria has only one training provider. The VOM-employer is a private institution which is mainly funded by the Ministry of Justice.

Contents and methods:

The training for mediators can be divided into two parts: the first three weeks which have to be taken in the first year, and the second part of four weeks which has to be taken in the next two or three years.

PART 1:

Week 1: civil and criminal law

Week 2: criminal theories and social work with criminals in Austria

Week 3: basic aspects of mediation, own conflict management, etc.

PART 2:

Week 1: communication styles

Week 2: conflict management

Week 3: HAVARD-concept

Week 4: different settings of high escalated conflicts and deeper mediation skills

The training ends with a two-day evaluation where they have to present a written case.

The seminars always take 5 days and contain a mixture of theory and role-play (almost 50-50). Different cases are discussed and some cases are simulated. Only the seminars about law are more theoretical, although cases are discussed as well.

The courses are normally given by specialists in these matters, but more and more internal people are getting involved in the training since this is cheaper.

ZUSATZQUALIFIKATION

VBSA-LEHRGANG: Mediation im Strafrecht - Methoden der Konfliktregelung

Anlaß und Ziel:

Seit 1985 hat der „Verein für Bewährungshilfe und Soziale Arbeit“ (VBSA) das Arbeitsfeld der Konfliktregelung (Mediation bei strafrechtlich relevanten Konflikten Jugendlicher bzw. Erwachsener) in seinem Fachbereich „Außergerichtlicher Tatausgleich“ (ATA) kontinuierlich bundesweit aufgebaut und in ständiger Theorie-Praxis-Reflexion - mittels Fallbesprechungsteam, Supervision, Aus- und Fortbildung, Fachtagungen und wissenschaftlicher Begleitung und Evaluierung - fachliche Standards dafür entwickelt; ein bestimmendes Merkmal dieser sozialarbeiterischen Berufstätigkeit ist die institutionelle Einbindung.

Beim organisationsinternen Lehrgang „Mediation im Strafrecht - Methoden der Konfliktregelung“ handelt es sich um eine strukturierte, pointierte Zusammenfassung des aus diesem langjährigen Entwicklungsprozeß resultierenden fachlichen Knowhows, so wie es in der Vergangenheit den Fachkräften des ATA im Rahmen der organisationsinternen Fortbildung in Einzelseminaren vermittelt wurde. Der Lehrgang knüpft an die VBSA-Einschulung¹ an; er erweitert und vertieft die dort vermittelten Grundlagenkenntnisse. Mit der Formulierung dieses Lehrgangs als Zusatzqualifikation wird eine Verbindung zwischen Einschulung und Fortbildung in systematischer Weise hergestellt, die Verbindlichkeit der Qualifizierung im Fachbereich ATA gestärkt sowie der fachliche Diskurs gefördert und unterstützt.

Lehrgangsstruktur:

Der Lehrgang ist modular aufgebaut, die Module können in beliebiger Reihenfolge absolviert werden.

➤ **Zwei Pflichtmodule:**

„Rechtskenntnisse für die Konfliktregelung“ / „Mediation bei strafrechtlich relevanten Konflikten“

➤ **Drei Wahlmodule:**

„Kommunikationstechniken“ / „Konfliktmanagement“ / „Verhandlungstraining“

Die Lehrgangsmodule umfassen je 16 Arbeitseinheiten (AE) (= 32 Stunden) und bestehen aus dem jeweiligen *Themenblock* (14 AE) und einem *„Roten-Faden-Termin“* (2 AE) (Leitung: Lehrgangsbegleiterin, Ziel der Roten-Faden-Termine: Auswertung des jeweiligen Moduls (Praxistransfer) und individuelle Standortbestimmung bezüglich des Lehrgangs).

➤ **Selbststudium:**

Ergänzend zu den Lehrgangsmodulen ist zur Erreichung der Lernziele Selbststudium mittels Leseliste und schriftlicher Begleitmaterialien erforderlich.

➤ **Evaluierungsveranstaltung:**

Sie bildet den Abschluß des Lehrgangs (Voraussetzung und Rahmen für die abschließende Zertifizierung); Umfang: 4 AE (= 8 Stunden).

➤ **Dauer:**

Der Lehrgang ist innerhalb von maximal drei Jahren zu absolvieren. Das Fortbildungsprogramm des VBSA enthält jährlich zwei bis vier der Lehrgangsmodule.

Der Lehrgang „Mediation im Strafrecht - Methoden der Konfliktregelung“ entspricht den vom „Österreichischen Bundesverband für Mediator/innen“ formulierten Ausbildungsstandards.

Zielgruppen und Teilnahmevoraussetzungen:

➤ **Fachkräfte des Fachbereichs ATA (Konfliktregler/innen):**

Voraussetzungen: abgeschlossene VBSA-Einschulung; Nachweis von Konfliktregelungspraxis (mindestens 10 eigenverantwortlich durchgeführte Fallbearbeitungen).

Lehrgangsumfang: Teilnahme an den 2 Pflichtmodulen und an 2 der 3 Wahlmodule sowie an der Evaluierungsveranstaltung (Gesamtumfang inklusive Einschulung: 143 AE = 286 Stunden).

➤ **Andere Fachkräfte:**

Fachkräfte anderer Fachbereiche des VBSA² oder einschlägig tätige externe Fachkräfte³ können im Falle freibleibender Plätze für die Teilnahme am Lehrgang zugelassen werden.

Voraussetzungen: schriftliche Anmeldung, persönliches Aufnahmegespräch, Nachweis

¹ Bei der VBSA-Einschulung handelt es sich um ein duales System von zentral durchgeführten Einschulungsseminaren (Umfang: 150 Stunden) und praxisbegleitenden Maßnahmen in der jeweils zuständigen Geschäftsstelle für ATA (fachspezifische Information und Reflexion der eigenen Konfliktregelungspraxis im Rahmen von Praxisanleitung, Supervision und Fachteam).

² Frühestens nach Abschluß der gesamten Einschulung.

³ Interessent/innen, die eine Berufspraxis im Bereich der Konfliktregelung in Strafsachen nachweisen können (z.B. einschlägig sozialarbeiterisch Tätige in Nachbarstaaten).

einschlägiger beruflicher Erfahrung⁴ sowie von mindestens 10 Stunden praxisbegleitender Fallsupervision (Schwerpunkt Mediation) sowie Teilnahme am VBSA-Grundlagenseminar „Methoden der Mediation im ATA“⁵ (16 AE = 32 Stunden).

Lehrgangsumfang: Teilnahme an allen 5 Modulen des Lehrgangs (Gesamtumfang: 100 AE = 200 Stunden).

Einzelseminarteilnahme:

Sozialarbeiterische/sozialpädagogische Fachkräfte des VBSA und anderer sozialer Organisationen sowie Mediator/innen können im Falle freibleibender Plätze die Module des Lehrgangs auch jeweils als einzelnes Fortbildungsseminar besuchen (d.h. Teilnahme am Themenblock von Montag bis Donnerstag).

Die Lehrgangsmodule:

Pflichtmodul: „Spezielle Rechtskenntnisse für die Konfliktregelung - Vertiefung“ (R)

Inhalte: Vertiefung von Rechtskenntnissen und Reflexion der Rechtsanwendung im Berufsalltag * Schadensersatzrecht * Erarbeitung des Familienrechts * Grundzüge des Zivilprozessrechts: insbesondere pflegschaftsbehördliche Genehmigung, Vergleich und Anerkenntnis

Pflichtmodul: „Methoden der Mediation bei strafrechtlich relevanten Konflikten - Vertiefung“ (M)

Inhalte: Spezifische Anwendungen von Theorien und Methoden der Mediation im Rahmen des Außergerichtlichen Tatausgleichs * Übungen dazu mittels Rollenspiel und Fallanalyse.

Wahlmodul: „Kommunikationstechniken für Konfliktregler/innen“ (KT)

Inhalte: Kommunikationsebenen * spezifische Interventionstechniken in den verschiedenen Phasen einer Konfliktregelung/Mediation * Umgang mit schwierigen Situationen, Blockaden, emotionalen Eruptionen * Anwendung hypnotherapeutischer Elemente, Zwei-Ebenen-Kommunikation, Einsatz von Metaphern und Geschichten etc. sowie gezielter Einsatz von Humor und provokativem Stil

Wahlmodul: „Konfliktmanagement für Konfliktregler/innen“ (KM)

Inhalte: Methodenkanon der Konfliktdiagnose und Konfliktbearbeitung * Konflikttypologie * Eskalationsstufen der Konflikte * Fallstudien * Erprobung unkonventioneller Methoden der Konfliktbearbeitung.

Wahlmodul: „Verhandlungstraining für Konfliktregler/innen“ (V)

Inhalte: Weiterentwicklung von Know-how und Fähigkeiten zur Vorbereitung, Planung und Durchführung von Verhandlungen * Analyse der eigenen Verhandlungsstrategien, -stärken und -schwächen sowie der entwicklungsfähigen Bereiche * Training in der Handhabung schwieriger Verhandlungen, insbesondere solcher, in denen sich die Verhandlungspartner als nicht kooperativ erweisen.

Seminarleiter/innen und Lehrgangsbegleitung:

Seminarleiter/innen:

Die Seminare werden von erfahrenen organisationsexternen bzw. -internen Fachkräften geleitet, die bereits mehrfach erfolgreich Bildungsveranstaltungen zu den jeweiligen Themen durchgeführt haben.

Lehrgangsbegleitung:

Mit der Betreuung des Lehrgangs wurde **Martina Mössmer** (Leiterin der Aussenstelle Hollandstraße der ATA - Geschäftsstelle Wien) von der Geschäftsführung des VBSA betraut.

Aufgaben der Lehrgangsbegleitung:

- Auskünfte für Interessent/innen bezüglich aller Fragen des Lehrgangs
- Beratung der Leitung des Fachbereichs ATA und der Leitung des Referats für Aus- und Fortbildung in Angelegenheiten des Lehrgangs und der Teilnehmer/innen
- Lehrgangsbetreuung: Auswertung der Module mit der Seminarleitung, Reflexion; Evaluierung mit den Lehrgangsteilnehmer/innen im Rahmen des Roten-Faden-Termins; Mitwirkung bei Teilnehmer/innenauswahl für den Lehrgang bzw. die einzelnen Module; Mitwirkung bei der Planung der lehrgangsbezogenen Veranstaltungen

⁴ Für VBSA-Fachkräfte anderer Fachbereiche besteht die Möglichkeit, die erforderliche Erfahrung in praktischer Fallbearbeitung in Rahmen eines Praktikums in Geschäftsstellen des Fachbereichs ATA zu erwerben.

⁵ Das Grundlagenseminar wird je nach Bedarf angeboten.

- Vorbereitung und Durchführung der Evaluierungsveranstaltung unter Mitwirkung der Teilnehmer/innen.

Abschlußzertifikat:

Die erfolgreiche Teilnahme an der gesamten Zusatzqualifikation wird durch ein Zertifikat des VBSA bescheinigt, in dem die Inhalte der absolvierten Lehrgangsmodule (mit Angabe der Zeiteinheiten) so-wie für Konfliktregler/innen die Standards der VBSA-Einschulung dargestellt sind. Voraussetzung für die Zertifizierung sind: aktive Teilnahme an den vorgeschriebenen Lehrgangsmodulen und an der abschließenden Evaluierungsveranstaltung, bei der die erfolgreiche Implementierung des im Lehr-gang Gelernten in die Praxis mittels Fallpräsentation beispielhaft nachzuweisen ist.⁶

⁶ Übergangsbestimmungen für Fachkräfte des Fachbereichs ATA:

Nachgewiesene Teilnahmen an Fortbildungsveranstaltungen, die hinsichtlich der Inhalte, dem zeitlichen Umfang sowie der Qualifikation der Leitung den Lehrgangsmodulen gleichwertig sind, können für die Zertifizierung angerechnet werden; die Teilnahme an der - für solche Lehrgangabsolvent/innen erweiterten – Evaluierungsveranstaltung ist jedoch obligatorisch.

BELGIUM

BELGIUM: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Private initiatives for juveniles Public initiatives for penal mediation	
For whom	Social workers or degree in human sciences	
Frequency	+/- once a year	
Funding	- Ministry of Justice - Ministry of Flemish Community	
Accreditation	No, but mediators are checked and employed by NGOs which are other officially recognised organisations	
Structure and contents		
<p>One week of training:</p> <ul style="list-style-type: none"> - history and nature of restorative justice - judicial instances and their expectations - legal position of mediation - basic attitudes of mediation, etc. and their limits - basic principles of mediation and limits and examples out of practice - the mediation process: step by step and role-play 		
Methods		
<p>After this week:</p> <ul style="list-style-type: none"> - intervision every 3 or 4 weeks - elaboration of specific themes and problems - external experts can be visited - mediators can contribute actively - 4x/year: Newsletter on a specific theme and discussion-meeting with other mediators and other professionals <p>Training is provided by Suggnomè, and for the penal mediation by the Ministry of Justice.</p>		

Victim-offender mediation training in Belgium

Introduction

This overview is limited and speaks only for Flanders (the Dutch speaking community of Belgium)

Belgium is a federal state, which consist of communities and regions. Everything related to the juveniles is part of the competence of the communities. The communities exercise their competence independently. Therefore the victim-offender mediation for juveniles falls under the competence of the communities.

The mediation for adults falls under the competence of the federal government.

There are four kinds of victim-offender mediation for adults: mediation in penal affairs, mediation for redress, mediation at the level of the police and mediation at the level of the prison (with imprisonment offenders).

1. The mediation in penal affairs or also named penal mediation can be situated inside the department of justice and has as a result the extinction of the penal claim and has a legal base.
2. The mediation for redress can be situated outside the department of justice, hasn't as a result the extinction of the penal claim and hasn't yet a legal base, and works mainly in more sever cases then the penal mediation.
3. The mediation at the level of the police is strongly focused on material compensation in minor offences.
4. The mediation at the level of the prison offers a communication process to victims and imprisonment offenders involved in serious penal offences such as rape and murder.

Training in victim-offender mediation

General

The most victim-offenders mediators get their training 'intern and on the job' and are in this regard supported and trained by different 'umbrella-organisations'.

- The victim-offender mediators for juveniles are supported and trained by the 'Support Special Youth Care Organisation'. This organisation offers different kinds of training programs:
 - A initiation course of four days for the beginning mediators
 - Intervision
 - Theme-days
 - Workgroups

There is no accreditation.

- The victim-offender mediators for penal mediation are supported by the adjunct-adviser mediation in penal affairs. The adjunct-adviser penal mediation is trying to offer a uniform training. The offer consists of:
 - Specific training days and/or thinking days for the beginning mediator and the more advanced mediators
 - Supervision
 - Intervision
 - Workgroups

There is no accreditation.

- The victim-offender mediators for redress are supported and trained by 'Suggnomè'. Suggnomè offers:
 - A one week training for the beginning mediators
 - Intervision
 - Specific theme-trainings days
 - Thinking days
 - 4 times a year a Newsletter on a specific theme and discussion meeting with other mediators and professionals

There is no accreditation.

- The victim-offender mediators at the level of the prison are also supported and trained by 'Suggnomè'. They are offered the same as the mediators for redress above. There is no accreditation

- The victim-offender mediators at the level of the police are not supported and trained by a specific (umbrella) organisation. They often take part, on personal initiative, in other trainings.

Other trainings

- There is also a mediation-training course of nine days organised by a Social High School in Leuven. This training course is focused on the mediation method in general (not victim-offender mediation). The group of participants is very heterogeneous (= participants from different mediation fields such as: divorce, family, school, community, neighbourhood, labour, police, commercial, counselling, etc.) which makes the discussions and the learning dynamics very interesting and relevant. This course has been attended by most of the victim-offender mediators on a voluntary base. The participants in this course receive a certificate.
- At the moment there is also a workgroup 'training and formation' within the organisation Suggnomè. All the victim-offender mediation groups (= juveniles, penal mediation, mediation for redress, mediation at the level of police and mediation at the level of the prison) are participants in this workgroup. One of the projects that is organised and starts in March 2004 is a training-course of seven days for advanced victim-offender mediators. The goal is to organise this 'advanced training course' two times a year. 15 mediators, from every victim-offender mediation group a certain number, can attend this course. This is also an interesting concept because of the mix of various (advanced) victim-offender mediators. There is no accreditation.

FOCUS ON THE TRAINING EFFORTS BY THE NGO 'SUGGNOME':

Organisation of training:

In Suggnomè, mediators are trained from the day they start their work. The first week on the job they receive training. After this week, there is quite intensive follow-up. The mediators meet at least once a month, and in the beginning once every three weeks, to exchange experience and to discuss cases.

Every three months Suggnomè publishes a newsletter, and this is combined with a discussion moment ('samenspraak').

Once a year, there is a meeting of three or four days ('think-days') to do the planning of the work, but it also includes reflection.

Suggnomè is now working on a one week formation for experienced mediators. This would take place once a year. The programme for this is ready.

The training is paid for by Suggnomè, which means that it is paid for by the Ministry of Justice and the Flemish Community.

Mediators for minors and also sometimes penal mediators are invited to take part in the training, so it is not only for the Suggnomè mediators.

There are 15 mediators and Suggnomè tries to stimulate them to follow training elsewhere.

They receive no certificate. The fact that they work for Suggnomè as mediators is proof of their qualification.

Most of them are social workers, psychologists, criminologists and sometimes also lawyers. They are selected before they can start the work and the training.

Contents and methods:

Before starting the mediation work, there is an information week. It generally includes some explanation about the history of the organisation, about what RJ is, and why it is there. The instances around the mediation work are introduced: the juridical institutes (prosecutor, judge), but also welfare instances and the police. It is clarified how they look at mediation work, and what kind of expectations they have. The partnership with these instances is explained.

The next step is to learn about the basic attitudes of a mediator, e.g. empathy, realness, consistency, etc. Quite a lot of time is spent on this. It is being approached in a theoretical way (through lecture of texts), but it is also illustrated with examples out of practice.

At the same level they discuss the principles of mediation, like confidentiality and voluntariness. The limits and problems are discussed as well. From this stage on, the training becomes quite practical, meaning that often cases are used to illustrate what is said.

Once these important topics have been dealt with, the training moves onwards to the method of mediation itself. This is done in little steps and in a very systematic way. The mediators learn how to run the mediation process from the start (contacting the parties) till the writing down of the final agreement. Role plays as well as videos are being used to show how things can function and what can go wrong.

After this week of training, there is this 'intervision'. It is a moment to discuss specific themes that come up (f.ex. mediation with immigrants, mediation in sexual abuse cases, mediation between juveniles and adults, etc.). During this 'intervision' they also talk about concrete cases and problems. This is usually somewhat technical; they look especially for juridical ways to escape some problems, but it can also deal with emotions: how do they feel on the job, and how do the colleagues see this? These 'intervisions' are very important since they work alone in their district and want to escape from their feeling of isolation and insecurity.

In the past the training was given by the people from Suggnomè themselves. But now the mediators take part more often in the training. For specific themes, external people are invited (e.g. lawyers or judges).

A few years ago Suggnomè made its own video which recorded everything that could go wrong in a mediation dossier.

The Ministry of Justice trains the mediators in penal mediation in a formal way. But, they are being trained for different kinds of tasks; they are trained as judicial assistants together with people who will for example do probation.

Especially in Flanders there is a lot of interest in RJ and there is a lot of involvement from the academic world. This opens a whole world of knowledge and experience, and it creates a possibility to interact in a more frequent and open way.

CZECH REPUBLIC

CZECH REPUBLIC: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Co-operation between Ministry of Justice and the Association for the Development of Social Work in Criminal Justice (SPJ)	
For whom	University degree in social sciences	
Frequency	practice (10 months), short time attachments (5 days), 320 hours of the qualification on job training course focused on both legal and communication aspects of probation and mediation (ten 4 days meetings) and regional supervision meetings (5 days).	
Funding	Ministry of Justice	
Accreditation	Yes: Ministry of Justice	
Structure and contents		
<p>1) qualification training = probation and mediation - communication - law (criminal + civil) - organised by the Ministry of Justice</p> <p>2) further education - organised in 1 half by the Ministry of Justice in 2 half by the regions (regional office) - new laws - actual problems</p>		
Methods		
<ul style="list-style-type: none"> - interactive - case studies - video - detachments in the partner organisation - training organised by the Ministry of Justice in the Justice Academy - "back to school" - work in small groups (ca. 6 people) - solving problems people have in their practice - training on the job 		

Organisation of training:

VOM is a service offered by the Probation and Mediation Service, which is a public organisation. Private organisations can also organise mediation, but only civil or family mediation.

The professional staff of the Probation and Mediation Service are officers and assistants. Everybody starts as an assistant and must follow the qualification course. To become an officer, it is necessary to follow 320 hours of training. The training deals with legal aspects and communication skills (about 50-50). Mediation is often organised at the pre-trial stage, so it is necessary to have legal skills.

The system is guaranteed by the Ministry of Justice.

The training is provided by the Justice Academy, which cooperates with an NGO working in the field of the development of social work in criminal justice.

The training course takes one year (10 months) and at the end the participants have to take exams. It is an oral practice-oriented examination that is evaluated by a commission of 5 persons. The contents of the examination is:

1. preparation of a portfolio
2. evaluation of interaction with clients, based on a video recording of their communication with some clients
3. analysis of a case study
4. questions from the commission

In case of a good result, the candidate obtains a certificate by the accredited Justice Academy. KD is not sure whether the accreditation comes from the Ministry of Justice or the Ministry of Education.

Contents and methods:

The Probation and Mediation Service (PMS) has 74 officers in the towns where the county courts are situated. The service is divided in 8 regions of about 10 officers each.

The training consists of two parts. First, the participants have to follow the qualification training organised by the Ministry of Justice. The further education depends on the needs of the regions. So each region can organise its own seminars.

Only probation and mediation assistants can start the qualification training. They are hired and then start the training. The training takes 10 months and consists of 10 times a 4 day training.

The first week of the training deals with the philosophy of mediation and probation work. Then communication skills in conflict resolution are dealt with. To get familiar with this matter, a systematic approach is generally used. KD mentions that they want to change this; they would like to have more opportunities to learn something about cognitive behaviour etc.

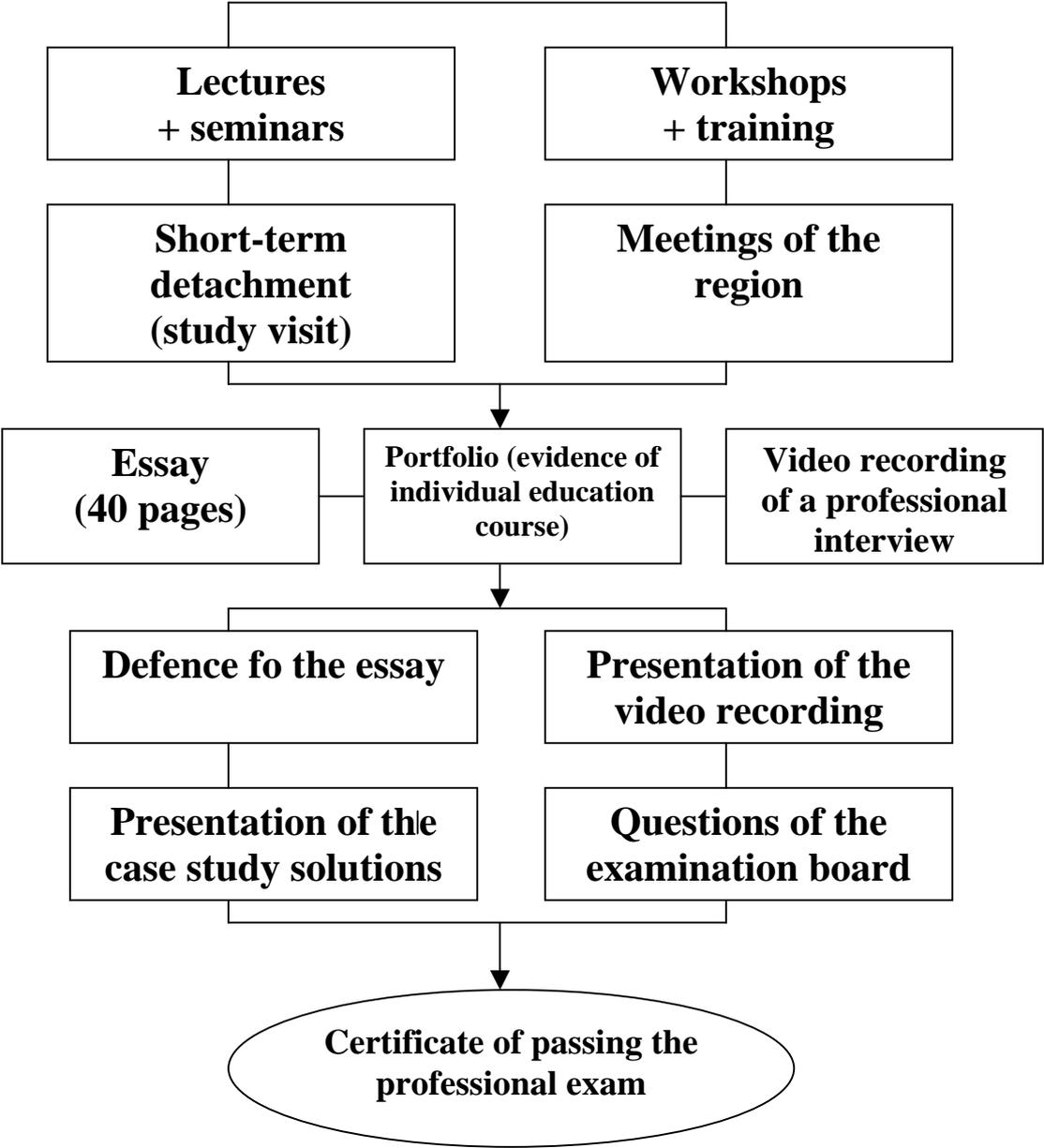
The second part of the training deals with legal issues (civil and criminal law, etc.). They learn how to set up files and how to write records to report to the state prosecutor. This part of the training also includes detachments to partner organisations, for example the police. This allows them to get acquainted with the field work.

The legal issues are presented by judges, state prosecutors, university professors, etc.

Communication skills and mediation training are provided by the SPJ, which is an NGO.

Additional seminars are organised. They deal with, for example, working with juveniles or a comparison between social work and probation work. There are about 5 seminars per year and the assistants have to attend these seminars. They are funded by the Ministry of Justice. The PMS is trying to get money from, for example, the PHARE project in order to be able to co-operate with colleagues from abroad.

The Structure of the qualification training course for PMS officers



Czech Republic:
The system of increasing the PMS officers' skills

3 levels of education for PMS officers

1. The basic level is compulsory by law No. 257/2000. An officer of the PMS must hold a university master's degree in social science.
2. The second level
 - a qualification course, which combines theoretical knowledge about law and about probation and mediation duties with practical training in communication techniques used in so called helping professions
 - the qualification course is a preparation for a proficiency exam
3. The third level
 - a lifelong education, which reflects topical changes of the criminal code and modern methods in probation and mediation
 - part of this level are also supervision meetings to discuss case studies

The PMS officers' qualification course

1. Aims:

- the aim of the qualification course is to obtain theoretical as well as practical skills for working as a PMS officer
- the achieved knowledge and skills are verified by the proficiency exam, which will ensure the minimal PMS officers' quality standard

2. The main principles of the qualification course:

- interdisciplinary character – the qualification course combines a balanced part of theoretical knowledge (criminal, civil, labor, family and business law) with modern approaches and methods used in the field of social science (so called helping professions – mainly social work, communication, psychology and negotiation)
- the interactive way of classes – theoretical knowledge of law, communication, social work and probation and mediation activities are interconnected with practical exercises of probation and mediation procedures
- the continuity of the education process – the conception of the education process is prepared by an interdisciplinary team of lecturers, who are responsible for achieving the aims of the course
- the efficiency of the classes – the team of lectures use the latest didactic methods including the use of audio visual techniques

The Description of the Qualification Course:

The qualification course consists of:

- lectures and seminars
- workshops and trainings
- study visits (short- term detachment)
- meetings of the region

The qualification course takes 1 year.

Lectures and Seminars

Lectures and seminars include the introduction to the Criminal justice system, the ground theory of probation, mediation, social work and institutions working in the field of justice. It includes also legal framework of alternative sanctions and procedures as well as the comparison with international systems.

Workshops, Trainings

The lectures are accompanied by the training. The workshops are interactive. The aim is to combine practical and theoretical knowledge and there is enough time for reflection and feedback.

Study Visits

Study visits aim to experience the way of work of co-operating institutions and organizations.

3 day visits are organized to:

- a. Court - criminal department
- b. State prosecution
- c. Police
- d. Community centers, drug centers, local authority...
- e. Prison

Six 3 day study visits

Regional Meeting

Regional meetings take place in regional centers. The goal of these meetings is to detect current problems and topics and try to solve them. (For example: ethnic problems, work with juveniles ...)

6 regional meetings

Contents of the proficiency examination:

Portfolio

Portfolio includes the complete documentation about the minimal job requirements (curriculum vitae, regional meetings reports, study visits reports, written reflection of the video recording of communication with the client)

The second part of portfolio is a written essay

Essay

The theme of the essay should be chosen from the key areas of PMS's work (probation, mediation, parole.....)

The form of the composition can be an essay or a project or some interesting case study.

The minimal extent of the composition is 15 pages.

Video recording

Video recording should show the officer's way of work with the client. It should be a conversation with a real client of PMS. The minimal length is 20 minutes.

After making the recording an officer has to rewrite the conversation and add his own notes and comments. He can also explain the sense of his sentences (why he asked in this way, what was the aim of such a question.....)

It's imperative that the portfolio with the video recording are handed over at least 1 month before the term of the exam.

Proficiency exam

It is needed to pass the exam at least 3 months after the completion of the course. The exam is commissional. 5 members of the commission are appointed by the Ministry of Justice (lawyers, judges, mediators,...)

The first part of the exam are questions by the commission, the second part is the presentation of the video recording, the third part is the evaluation of the composition and the last part is the analysis of a case study.

Evaluation of the exam

The successfulness of the exam is evaluated by the commission. In case of bad result the candidate can repeat the exam only one more time.

In case of good results the candidate obtains the certificate and his employment contract is prolonged.

Forms and Aims of Further Education

Innovative seminars and exercises

Innovative seminars and exercises present the a-periodic meetings of the PMS officers to the topical legislative changes, new information and experience in the area of mediation and probation

work. The seminars are prepared according to the nature of the problem either as panel discussions, workshops or lectures and also as model exercises aimed to the practical verifying and perfection of new skills or the experience exchange.

In according to the priority of the conception of the Probation and mediation service development, some seminars are planned to be co-operative with state prosecutors, judges, police departments and members of the Czech prison service, the interest of which is harmonizing the activities and methods during the pre-trial process and realization of the alternative method or punishment and also with the representatives of social workers and curators.

Supervision

Supervision presents an important part of the professional development of PMS workers in the form of practical casuistic meetings of the officers with the aim to strengthen and broaden their professional skills. The meetings are to be devoted to case analysis, they give space for work with one's own professionalism, the so called failing client, the so called difficult cases and for improving the skills of team co-operation. The supervision seminars are to be in progress at least once in 6-8 weeks and to contain 15 persons in one group as maximum.

Priority themes and groups for further education

1/ The PMS workers. The subject aiming on the development of their professional abilities in mediation and conflict resolution, their probation output and learning methods which unite the practice of the centers with the aim of standardization of all PMS activities.

2/ The PMS workers, state prosecutors, criminal judges, police. The subject aiming on the co-operation and harmony of the PMS practice, state prosecutors, judges and police during the application and preparation of the realization of alternative methods in criminal proceeding and alternative punishment.

3/The PMS workers, judges, pedagogical workers in prison devices. The subject aiming on uniting methods and practice within the bounds of the realization of parole with the probation supervision.

4/ The PMS workers, social service representatives in criminal justice. The subject aiming on creation of functional models of social services and programmes within bounds of alternative punishments and uniting the practice.

ENGLAND AND WALES

ENGLAND AND WALES: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	There are now a number of training providers, each offering a variety of training	
For whom	Mainly for those working in all aspects of the criminal justice system but also now including those dealing with conflicts in school and other community environment	
Frequency	As required	
Funding	The „mainstream“ funding is from the Youth Justice Board although other funding sources are now being explored.	
Accreditation	There is now some form of accreditation at National Vocational Qualification (NVQ) level. The whole system of accreditation is currently being reviewed by a Home Office (Government) working party.	
Structure and contents		
<p>Both, structures and content, varies dependent upon the training provider and there is no formal over the provision of training.</p> <p>Some training providers focus on curses of fairly short duration and may not provide sufficient input or opportunities for each trainee to practice his/her skills. Others may not provide any input on underpinning theories whilst others provide a theoretical input that reflects their own knowledge or that is based on theories with which they are more familiar or comfortable.</p> <p>Some of the training providers adapt the course to meet the needs of the client whilst others may provide an “off the shelf” training package.</p>		
Methods		
<p>Methods include workshops, mini workshops, presentations, board blasting exercises, discussion groups or forums, skills practice exercises, use of rides.</p>		

Organisation of training:

There is still no structure for the training of mediators. Training is provided on a demand-basis. An exception is the Youth Justice Board. This NGO has significant recourse to training, but they tend to focus the training on the Youth Offending Teams.

Anyone can get training when they can pay for it. Even members of the Youth Offending Teams follow training, provided that they have the money for it.

The training provision is very ad hoc. It is not structured. It is provided by a number of organisations, who train to different standards at well.

It is important to find a good structure and to standardise the training process.

There are also some organisations like Crime Concern, mainly funded by the government, who provide training.

Mediation programmes started in about 1985 when the Home Office provided funding for pilot projects in VOM, mainly run by probation services. In 1994 Thames Valley Police wanted to deal with young offenders in a completely different way and were looking for a more sensitive and human approach to do this.

For the time being there is no accreditation for trained mediators.

Contents and methods:

The situation in England and Wales is very complex and diverse as far as training is concerned since there is no national trainer provider. There are a number of organisations in the public and the private sector that offer training in mediation.

The longest training period in England is a five-day package. Other training programmes take 2, 3 or 4 days. That is it for formal training.

Most attention goes to training on the job.

Each organisation issues its own certificate.

KW is looking for trainers with a good practical experience and it is assumed that all participants are familiar with legal matters.

As concerns the structure of the training, all information concerning the training course can also be found in the document 'Restorative Conferencing Facilitator Training Course – Timetable':

- Day 1: The trainer tries to create a safe learning environment for the participants. They are split up in three groups and are asked for their needs, concerns and expectations. They discuss the need for a course agreement, although it is not necessary that the course agreement is formally written down. In the afternoon the RJ principles are explained and an overview of the different RJ models is given. A demonstration of a restorative meeting follows. Victims, offenders and their supporters are brought in and the trainer presents a case. In this model, a framework is used, but it is more flexible than a script. At the end of the day there is debriefing.
- Day two deals with the skills and attitudes necessary for a facilitator/mediator. They then go back to the case dealt with on day one and look at the emotions of all people. After this a number of theories are explained. These deal mainly with shame but also relate to the role of mediators (hierarchy of needs, etc.). Then there is an analysis of the significance of some of the questions in the framework. Day two ends with the preparation for their skill practice exercise.
- Day 3 starts with an exploration of their own personal experience and feelings about being a victim, an offender, etc. Then they have an exercise about what the most likely questions are that you can get from offenders and victims. They should come up with suggested responses so that they are prepared for the first contact. They also do some role-play.
- On day 4 and 5 they have skills practice. They take on different roles so that they can develop empathy with all people. On the afternoon of day 5 they review, evaluate the course and they receive their certificate.

This is only the start of the training. Training on the job is very important and Ken Webster would like to see it become more formalised.

There are different trainers with different levels of skills.

The funding for the training mainly comes from the Youth Justice Board. Individual Youth Offending Teams get money for training. Ken Webster has mostly trained people from statutory agencies, mainly from the police.

There are a lot of differences between the different training models. Some don't give all the participants the possibility to practise their skills and focus a lot on videos. Others do not provide theoretical background.

What does the Training involve?

*Restorative conferencing training is provided for a **minimum** of 8 students in order that each can obtain the maximum benefit from the course and others' experience, with a maximum of 24. The training is normally at a location chosen and arranged by the client and is of 5 days' duration. However, arrangements can be made to provide modular training for clients who are unable to set aside a block of 5 days at any one time. Awareness training and restorative reprimand and final warning training can be arranged for at least 6 participants.*

When selecting a training provider, service managers may need to look closely at the duration and content of the course as some of the **other training providers may not provide sufficient time for all students to practice the skills of a facilitator in a safe learning environment.** Another important aspect of the 5-day training is that, by way of skills practice exercises, it provides students with an understanding of the issues as they affect all potential restorative conference participants. This, again, may not be provided on courses of shorter duration provided by other trainers.

How much does the training cost?

The cost of training depends on the type of course required. The price quoted to individual clients includes trainers' travelling expenses to and from the training venue but excludes the cost of trainers' accommodation and subsistence when required and any costs associated with the provision of a training venue.

What training facilities are required?

For a full course of 16 students, one large training room equipped with dry-wipe boards, flip chart easel and pads, overhead projector and screen is required. Additionally, a syndicate room with seating for 9 people is required for the latter half of the training when the students are separated into 2 groups of eight, each working with one trainer.

How do I arrange training?

To discuss your training needs or obtain more details of the training available please contact Ken on:

Tel. (Mobile) 07801 455102

Fax 01280 821982

E-mail

Kenneth_T_Webster@btoopenworld.com

**Restorative Processes
Training**

By



KW

Consultancy

& Training Ltd.

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Who is Ken Webster?

Ken was a police officer for 30 years and retired from Thames Valley Police in May 2000 in the rank of Inspector.

Prior to his retirement, Ken assisted in the management and delivery of highly acclaimed training in Restorative Conferencing to almost 1,000 members of the Youth Offending Teams (YOTs) established under the terms of the Crime and Disorder Act 1998 in England and Wales. He has continued to provide the same high quality training in Northern Ireland to support the Criminal Justice Review and restructuring of the police service in the Province following the Patten Review. He has also provided training for police officers and staff from youth justice teams in Scotland as well as continuing to provide training for YOTs in England and Wales.

Ken is a trained facilitator of Restorative Conferencing and Victim/Offender Mediation for crimes of severe violence.

What training do he and his team of trainers provide?

Ken uses highly skilled and motivated trainers from the public and voluntary sectors to act as co-trainers to ensure that the training provides a balanced, impartial

overview of Restorative Justice which is appropriate for all students working in the criminal justice context. The training does not show favour to any restorative justice method but, instead, encourages students, when trained, to fit the services provided to the needs of the client(s).

Training courses available.

In addition to offering the full 5-day restorative conferencing facilitator training, other training courses include a 1-day restorative justice awareness course for managers whose staff are carrying out the role of restorative justice facilitator in order that those managers are aware of the implications for them, their respective organisations and their staff.

A 3-day course is available specifically for those members of staff whose duties include administering a restorative police warning, reprimand or final warning for cases such as shop theft involving a surrogate victim or possession of a controlled substance. It should be borne in mind that those members of your staff who participate in the 3-day training would not be considered sufficiently competent to facilitate a full restorative conference attended by those who have been victims of

crime involving personal possessions, assault, robbery etc.

Is the training provided any good?

Ken has been an independent trainer since May 2000 in the United Kingdom. In excess of 98% of those trained have rated the trainers as either very good or excellent whilst over 97% have rated the course content as either very good or excellent. A report on police-based restorative cautioning pilots in Northern Ireland and recently published by the Northern Ireland Office, commented on the training as follows: "Evaluations of the training were, without exception, highly positive. The trainers came from outside the police and this helped students to speak freely about their anxieties".

Who should attend the training sessions?

The training is appropriate for anyone in the voluntary, public and private sectors working with people affected by, or involved in, offending behaviour whether or not that offending behaviour is within the context of the criminal justice system.

3 Day Facilitator Training Course Timetable

	Morning	Afternoon	Homework
Monday	Welcome, introductions and administration Course aims and objectives Needs, concerns and expectations Course agreement	Introduction to restorative justice and legislative basis Overview of restorative justice models, how and when they work, direct and indirect contacts Demonstration of restorative conference	
Tuesday	Review of day 1 Skills required to facilitate a conference Types of reparation, degrees of rehabilitation Theories underpinning restorative justice	Introduction to the restorative conference 'framework' Practical considerations Participant preparation including risk assessment	Prepare and plan for conference skills practice
Wednesday	Review of day 2 'Victim' and 'offender' awareness, sensitivity towards race, religious, sex or other bias, acknowledgement of and valuing diversity	Skills practice session 1 including full debrief Skills practice session 2 including full debrief	Prepare and plan for conference skills practice
Thursday	Review of day 3 Skills practice session 3 including full debrief Skills practice session 4 including full debrief	Skills practice session 5 including full debrief Skills practice session 6 including full debrief	Prepare and plan for conference skills practice
Friday	Review of day 4 Skills practice session 7 including full debrief Skills practice session 8 including full debrief	Planning and problem solving Review of the course, evaluation and closure	

FINLAND

FINLAND: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Adult Education Centres, courses for certain occupational groups	
For whom	Variety in occupations and degrees	
Frequency	10 3-hours units in the evenings	
Funding	Adult Education Centre get start aid and a small training amount (refund)	
Accreditation		
Structure and contents		
<ul style="list-style-type: none"> - The points of departure for mediation in Finland - The voluntary work - The steps on mediation - The police and mediation - The prosecutor and mediation - The trial and the legal transaction - The social security work - Meeting parties in mediation - The skills of mediation - The demonstration of mediation 		
Methods		
<ul style="list-style-type: none"> - Lectures - Discussions - Demonstrations - Role playing - Workshops 		

Organisation of training:

Mediation is available in 167 cities and next to volunteer mediators there are 83 professional mediators in Finland.

A mediation law is planned to be enacted in one or two years. First the law has to be accredited.

The training in Finland lasts for about 30-40 hours. It takes place once a week or during the weekends, and it is designed for volunteers.

The training is organised in local institutes and is open to everyone interested. After the training, the candidates are interviewed. The participants have to pay for their initial training, but those who will finally become mediators will have the amount reimbursed. All participants receive a mediation handbook.

KK is one of the people who decides on who can continue as a mediator. There is no training for professional mediators.

Contents and methods:

The mediation situation in Finland is influenced both by the situation in Europe and the different models, principles and the aims of mediation.

Training for volunteers:

1. Explanation about the history and background of mediation in Finland and Europe.
2. Discussion about the volunteer work. They see the volunteers as being the power of mediation. The trainer is a person who organises voluntary work.
3. Introduction into the different steps of mediation. How is mediation organised and who are the partners to co-operate with? How are the mediation cases directed? The trainer for this part is a professional mediator.
4. Police and mediation: the volunteers are informed about the functioning of the police. The definitions of 'crime', 'punishment', etc. are clarified. The trainer is a local policeman.
5. The prosecutor and mediation: the trainer is the local prosecutor and he explains the work of a prosecutor, what the effect is of mediation on an accusation, etc.
6. The trial and the legal transactions: a local judge explains how the legal system works, what the consequences are when a crime is committed, etc.
7. Contact with the parties: a psychologist teaches the volunteers how to deal with people who are in crisis, etc.
8. Skill practice and demonstration of a mediation meeting: a professional mediator illustrates how to lead a mediation meeting and teaches communication skills.

The training only deals with the basics. On top of this basic training there are: special training sessions about for example family violence, local meetings, district meetings and national meetings which are also regarded as training. For professional mediators there are meetings once or twice a year. These meetings are not really training.

The further training seminars are obligatory for all volunteers. The seminars are free of charge. Those who do not participate in these seminars are not allowed to mediate (except of course if they have a very good reason not to attend).

THE MODEL OF BASIC TRAINING FOR VOLUNTEER MEDIATORS

The points of departure for mediation in Finland.

The situation in Europe, different models and principles and aims for mediation

Training as a professional mediator

Voluntary work

The volunteers as the power of mediation.
The nature and forms of voluntary work.

Trainer as a person who organises voluntary work

The steps of mediation

The organisation of mediation and the partners to cooperate with.
How the mediation cases are directed and the breadth of mediation.

Training as a professional mediator

The police and mediation

What is a crime, who is a criminal, what are the punishments, who is responsible for damages...
How does the police work.

Training as a local policeman

To accuse and not to accuse

How does the prosecutor works, when to accuse and when not.
What is the effect of mediation on an accusation.

Training as local prosecutor

The trial and the legal transaction

How does the legal system works, what is the protection under the law, what are the consequences of crimes.

Training as a local judge

The social security work

The social security work of the authorities and of the voluntary organisations.

Trainer as the local social worker and the representatives of NO organisations.

The meeting of the parties in mediation

How to meet peoples who are in crisis, the different viewpoints between the parties .

Training as psychologist

The skills of mediation

The progresses of mediation, the skills of relations and communications in mediation.
How to do mediation two by two.
How to make the mediation contract.
The role and status of the voluntary mediator.

Training as professional mediator

The demonstration of mediation

The mediation practice, training how to meet people in mediation.
What it is to be the mediator?

Training as professional mediator and/or senior voluntary mediator

The training takes about 30-40 hours, once (3 hours) a week or during the weekend. Mostly the trainings are organised in local adult institutes in cooperation with the local mediation office and they are open to everyone. Usually there is a small training payment and often it will return to those who will stay mediators. After training there are interviews among those who want to be mediators.

The mediators receive the so-called 'folder of mediation' that includes a lot information about mediation. There is also a handbook of mediation.

France

FRANCE: VICTIM/OFFENDER MEDIATION

Organisation		
By whom	Decision: public prosecutor's department Execution: penal mediators	
For whom	Victims & offenders implicated in an offence after victim's report to the prosecuting authorities	
Frequency	For professional mediator, about 400/year	
Funding	Fixed appointments in an implementing decree + Justice Ministry subsidies for a no-profit-making association	Fixed appointments for an association depends on the realisation <1 month= 76.20 € 1-3 months=152.45 € > 3 months= 304.90 € For a freelance mediator: 38.87 €
Accreditation	General Assembly of Court members	
Structure and contents		
<ul style="list-style-type: none"> ➤ No profit-making association under Justice Ministry control in which mediators are salaried ➤ Or freelance mediators who work for the Prosecutor Department 		
Methods		
<p style="text-align: center;">Direct mediation</p> <ul style="list-style-type: none"> ➤ To begin, we generally organise a meeting with the victims and the offenders. The mediator can meet them separately too. Each meeting lasts from 45 to 90 minutes. Usually 3 meetings are necessary to reach an agreement ➤ The subject of offence and ways to resolve the conflict are discussed. The mediator guides the debate, controls that each party respects the other. He recalls the law if necessary and writes a summary record with exit strategies. Each person commits himself to respect the resolution, signs the document and keeps a copy ➤ Sometimes a post-mediation meeting is proposed to assess the results ➤ If engagements are respected there is no further action by the public prosecutor's <p>People can accept, refuse and stop the mediation at any time A lawyer assistance can be obtained if required The mediation is free for the parties</p>		

**EXPLANATION NOTE FOR VICTIM/OFFENDER MEDIATION
HOUSES OF JUSTICE AND LAW
France/Rhone Department/Lyon & suburbs**

Juridical base

The Penal Code- article 41-1-5°- gives the public prosecutor the possibility to initiate a mediation, if he has a case and if both parties agree:

- To end the disturbance arising out of the offence
- To be satisfied that the damage is repaired
- To help the person having caused the damage

Objective of penal mediation

The objective is to find, with the help of the mediator, a freely negotiated answer to a dispute caused by a breach of the law. The "disputing" persons can meet with the help and the support of a mediator. All parties are invited to the first meeting except where otherwise stated. The mediator makes sure all the parties agree to participate in a mediation. A written document is issued to establish if an agreement has been reached or to outline the grounds for a disagreement or refusal of agreement. These documents are written in the presence of all the parties and everyone keeps a copy.

Applications

Mediation is confidential and free. If you require the help or the advice of a lawyer, you will have to pay his fees if your private means are too high to profit from the judicial act (for most of the aid : 830 €)

Mediation is adapted to the offences implicating complainants and persons responsible who know each other and will have to live together or near each other (family, neighbourhood and working places)

Mediation requires several meetings. This allows to find a solid and realistic solution to the dispute. It aims at lowering the intensity of the dispute and to find a long term solutions.

It is fair as it searches for solutions which satisfy all the parties.

The mediator attends to the process. If necessary he can see that engagements are carried out for 6 months maximum.

Everybody is free to accept or refuse a mediation.

- If the parties reach an agreement, a statement is signed. The prosecutor's office will not take further action on.
- If no agreement can be reached, a statement mentioning the propositions of all the parties will be signed. The prosecutor's office or the parties can prosecute.
- If you do not attend summons, you must write a letter to explain your reasons. An official report of failure to attend and your letter will be sent to the prosecutor's office. The file is sent back to the prosecutor's office for a new inspection.

GERMANY

GERMANY: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Servicebureau for Victim-Offender Mediation and Conflict Settlement	
For whom	No official requirements, but usually social workers or similar profession and interested volunteers with the opportunity to make cases	
Frequency	3 workshops focused on practical training, 1 seminar (5 days) focused on theory. Furthermore, participants form small working groups where they discuss their cases and give advice to each other.	
Funding	Participants pay themselves or their employers	
Accreditation	Certificate from the TOA-Servicebüro and BAG-TOA (German National Association of Mediators in Penal Matter)	
Structure and contents		
Section 1: Workshop:	solving conflicts – contract (18 lessons)	
Section 2: Joint seminar:	fundamental principles of conflict counselling (24 lessons)	
Section 3: Workshop:	the right way to discuss during the mediation of conflicts Personality and role of the mediator (18 lessons)	
Section 4: Workshop:	Special methods / difficult case constellations (24 lessons)	
Section 5: Workshop:	Deepening / evaluation and final colloquium (18 lessons)	
Methods		
<ul style="list-style-type: none"> • workshops: role plays, perception exercises (exercises for individuals, couples and small groups), interactive games, having a critical look at one's own behaviour in case of a conflict (one's own strong and weak sides), plenum / working in small groups on selected topics, case studies. • joint seminar on theoretical topics with working groups on the following topics: conflict theory, victimology, civil law, VOM in Germany, VOM and criminal policy, project organisation, mediation • consultation by colleagues in the working groups • presentation of practical experience in writing • evaluation of individual learning processes • deepening of this theory by studying literature 		

Organisation of training:

The target group for the training sessions are experts in social education or people with similar qualifications. The course is also designed for professionals. So, the people who take the training are social workers, but there are also some judges and prosecutors who are interested. No lawyers attend the training. The volunteers who take the training also come from the social/psychological field. They hope to be able to find a job with this training.

The training is organised in four workshops and it is spread all over the country. After the first workshop, there is a joint seminar on theoretical topics and at the end of the first workshop one decides whether to continue the training or not. During the year, 4 meetings in smaller groups take place. The mediators discuss their own cases and ask their colleagues for advice. At the end, the participants have to describe two cases in which they worked. The final colloquium is very important because the participants receive feedback on the two written cases and on the co-operation during the year. They receive a certificate after having completed the training and also receive accreditation.

The participants used to have to pay for the training themselves, but this is changing now. Their organisations are starting to pay for them.

The Servicebüro is the only organisation providing training, but others are allowed to do so as well. There are a lot of training centres for mediation in other fields, but only one for VOM.

All employers say that it is useful to take the training, although mediators are not obliged to take part in the training.

Contents and methods:

A good overview of the mediation training course is provided by the paper from the Servicebüro.

For a mediator skills and attitudes are very important. Through the training the Servicebüro wants to create the right attitude and skills.

Germany counts 10 mediation trainers and there are 3 trainers in the Servicebüro. The trainers meet twice a year to discuss how to manage the next training course.

The Servicebüro has a compendium of training sessions, role-plays, etc. The trainers take the materials that they want to use in their own sessions.

The regional one-year course is composed as follows:

- four 3-day workshops
- one 4-day section: professional days
- four 1-day self-organised meetings of the working groups
- final colloquium

During the last session on conflict theory, Luhmann's system-theoretical view of the conflict is looked at in more detail.

First workshop: Most people have a social work background, so they have to learn that mediation is not the same as social work (mediation is not helping people, not telling them what is good for them). It is important not to neglect this aspect because at the end of the first workshop the participants have to decide if they want to continue with the training or not. They have to ask themselves the questions whether they want to be a mediator or not. It is also important to acknowledge the positive aspects of a conflict.

Second workshop: analysis of the attitude of a mediator. A mediator needs to be aware of his own attitude towards conflicts and the way he himself copes with this.

Third workshop: Depending on the group, the third workshop tries to work with different cases and teaches special methods for this deeper mediation.

Fourth workshop: the focus here lies on reflection and feedback.

The training sessions consist for a great deal in role-plays, but the training sessions also give an overview of the legal situation in Germany. Germany has a good law on VOM, but it is not being used. The trainers show the participants in which different cases mediation is appropriate. The trainees need to understand the difference between punitive law and RJ. Another topic is an overview of the different mediation projects in Germany. Germany does not have one generalised

system for the whole country. Therefore it is important to keep the mediators informed of the different projects, providers and organisations.

In addition, the main point of the training is victimology. The trainees are given an overview of the position of the victim and also receive information concerning the traumatising of victims, how to communicate with them, etc.

The trainees must also have a good knowledge of civil law because experience has learned us that victims usually claim compensation for the loss they suffered.

After the first workshop, a seminar on theoretical topics is organised. These topics can be useful for themes that will be dealt with later on in the workshops.

The trainers have a lot of experience in the field of VOM. Most of them are working freelance as trainers in other contexts as well. Candidates who want to become a trainer must follow the training sessions at least once.

The training costs 970 Euro.

The first courses were mainly aimed at training individual people and most of them were paid by agencies. Now the different states send also people (volunteers) to attend the training.

One of the preconditions to take part in the training is that people must have the possibility to mediate during the year in which they take the training.

Germany currently has more than 1000 mediators and only 350 mediators are working in the VOM field. In a certain number of states, the government of that state has decided that one can't work as a mediator without having attended the course.

Germany has a well-developed training model, but training on the job is still lacking. After this one-year training, some seminars on different interesting subjects can be organised. Gerd Delattre said that maybe it is necessary to oblige people to continue training after this initial training programme.



Training course for mediators

The field of activity „Education“ of the Service Bureau is enjoying steady growth. This year, the 12th course was held with the record number of 100 participants. Another pleasant point is the growing international interest in this vocational training and the growing number of foreign participants.

13th course for mediators in the field victim-offender mediation 2003/2004

Solving a conflict – not only in penal matters – means mediation between different personal experiences in everyday life, mediation between rigid positions, hidden fears, prejudices, hidden or open repulsion on the one hand and the desire for satisfaction / pacification on the other hand.

Mediators do not only mediate between the parties involved (interpersonal), but also between inner conflicts, interests and needs (intrapersonal).

The professional objective of this further education is the further development of the way you see yourself, an attitude as a mediator and the ability to work in a methodical and qualified way with offenders and victims, to communicate and co-operate with those involved in the proceedings in the complex field of victim-offender mediation.

Learning objectives

The one-year in-service training course serves for acquiring the following qualifications:

- To develop self-confidence in the role of a mediator for all parties
- To perceive the influence of one's own personal circumstances as well as institutional conditions on (the efficiency of) the activities of conflict counsellors
- To assess conflict structures
- To improve the perception of communication processes
- To improve one's ability to express oneself
- To use techniques of mediation and discussion techniques
- To co-operate with those involved in the proceedings such as the Public Prosecutor's Office and the police

Forms of learning and course contents

These qualifications are acquired by:

- workshops: role plays, perception exercises (exercises for individuals, couples and small groups), interactive games, having a critical look at one's own behaviour in case of a conflict (one's own strong and weak sides), plenum / working in small groups on selected topics, case studies.
- joint seminar on theoretical topics with working groups on the following topics: conflict theory, victimology, civil law, victim-offender mediation in the Federal Republic of Germany, victim-offender mediation and criminal policy, project organisation, mediation
- consultation by colleagues in the working groups
- presentation of practical experience in writing
- evaluation of individual learning processes
- deepening of this theory by studying works of literature

Organisers

The organisers of the course are the Adult Qualification Agency of the DBH and the Service Bureau for Victim-Offender Mediation and Conflict Settlement. In case of any further questions, please contact Mr Delattre or Mrs Hofer-Marks, telephone number: 0221/94 86 51 22.

Addressees

The course is designed for experts in social education or people with similar qualifications who already practise or would like to practise victim-offender mediation. Moreover, it is addressed to people who have, because of their professional and / or life situation, experience in dealing with people and would like to carry out victim-offender mediation in perspective.

Organisation of the course

The one-year in-service course is carried out in regional course groups (18 participants at most). It comprises four 3-day sections (workshops) and one 4-day section (professional days), as well as four 1-day, self-organised meetings of the working groups. The final colloquium is integrated into the 5th section.

Scope

Section 1	18 lessons
Section 2 (joint seminar)	24 lessons
Section 3	18 lessons
Section 4	18 lessons
4 meetings of the working groups (6 hours)	24 lessons
Section 5	18 lessons
Total	120 lessons

Sections

Section 1: Workshop:	solving conflicts – contract
Section 2: joint seminar:	fundamental principles of conflict counselling
Section 3: Workshop:	the right way to discuss during the mediation of conflicts Personality and role of the mediator
Section 4: Workshop:	Special methods / difficult case constellations
Section 5: Workshop:	Deepening / evaluation and final colloquium

Meeting of the working groups

Four meetings of the working groups, organised by the small groups themselves, will take place between Sections 2 and 4. They serve for giving advice (on cases) to colleagues and are to be documented.

Final paper

The participants write a final paper. Apart from the evaluation of individual learning processes and two case documentations with the corresponding minutes of consultation, this final paper also contains in the annex the individual concepts for victim-offender mediation or a report on the development of the project.

Final colloquium

The most important topics resulting from the final papers are subject of the colloquium, together with a feedback on the one-year co-operation on the part of the respective heads of the course groups, addressed to each participant.

Award of certificates

The following points are prerequisites for being awarded a certificate:

- attendance of the sections
- participation in the working group meetings
- completion of a final paper
- participation in the final colloquium
- full payment of the course fees
- consent of the working group's head

Heads of the working groups

The working group heads are qualified educationalists, qualified social educators or have a similar education. They are conflict counsellors experienced in the activities involved in victim-offender mediation and, as a rule, usually dispose of several years' experience in the leadership of course groups.

NORWAY

NORWAY: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	Government through an "education board"	
For whom	Volunteers after application	
Frequency	4 days with a "home period" in between day 1 + 2 and 3 + 4	
Funding	By government	
Accreditation	Mediators just have to pass the course	
Structure and contents		
Training program DAY/-3 DAY 4: Focus on - formalities - administration - agreement writing etc.	<ul style="list-style-type: none"> - create an understanding for human reactions in conflicts and the mediators own attitude to conflicts - the training and approaches are focused on the offender and victim needs - through different kind of exercises illustrate how people (trainees) react in different situations like anger, fear - communication training, active listening - the mediation method, mediation step by step - practical exercises as a mediator through role playing - we don't pay much attention to different laws and so on because the mediators are not judges 	
Methods		
As a workshop - with roleplay - Training as a mediator Between day 2 and 3 we have a "Homework" period where the trainees have to join at least 2 mediations as an observer and at least mediate one themselves. They also have to be familiar with the guidelines in the "Mediator's Handbook".		

Organisation of training:

In Norway mediation is done by volunteers. There are no professional mediators. Up till today the local municipalities were responsible for the volunteers and the Ministry took care of the funding. Because of the reform, the Ministry of Justice and the Police will become responsible for everything starting from 2004.

Norway has a law that regulates a number of things, amongst others, how many mediators there are, how they are recruited, etc. Every municipality (443) must at least have one mediator. Mediators are recruited through newspapers, advertising. When people apply to become a volunteer mediator, they have to appear before a selection committee that interviews them (composed of a prosecutor, local council member and a representative of the mediation service). If the interview is successful, they can start the training.

They start with a two-days training session, which is followed by a period of practice. The trainee will first observe some mediation sessions and will then do at least one mediation himself. This is again followed by a two-day training session. The trainee can now decide to continue with mediation or not.

If the candidate follows the course till the end, the same committee as mentioned above is responsible for appointing the mediator. He or she is appointed for four years.

There are regular meetings and discussions during the year. The local service is responsible for supervising the volunteer mediators.

There is a discussion going on about extending the training programme with two more days. This is not yet decided.

The volunteers receive 15 Euro an hour for their mediation work. There are many candidates to become a mediator.

The training is organised by the Ministry. It has trained about 10 people to be trainers. Terje Eimot mentions that the training of trainers is something that should be discussed in this seminar.

Contents and methods:

The situation in Norway is very similar to the one in for instance Finland because they both work with volunteers.

The training is organised as a series of workshops. During the first two days of the training, the aim is to create an understanding environment for human reactions in case of conflict and to look at the mediator's own attitude towards conflicts. The training focuses on the needs of both victims and offenders. Another training objective is to teach them communication skills. Through exercises, the trainers demonstrate how mediators react differently to different situations. The mediation method is illustrated step by step.

In Norway not much attention is being paid to the law, to legal aspects.

Structure of the training:

- Two-days workshop. On the second day they receive a mediation manual which they must read.
- Three-months homework period. They have to attend at least two mediations as observers and practice in at least one mediation as a mediator together with an experienced mediator.
- Meeting to discuss the activities in the homework period. They are taught how to write agreements etc.

At the end of the training period, they have to pass an exam and decide whether they want to continue the mediation work. If they do, they are ready to start taking cases. First they will work together with an experienced mediator on a number of cases. After some time they will be able to deal with cases on their own.

There are meetings at least four times a year since socialising is very important. There are also telephone meetings to allow the mediators to discuss unusual cases.

The trainers are selected from among the professional staff of the service. They did not receive any special training. The training is paid for by the Ministry.

The employers of the volunteers who want to take part in the training will usually give them days off to do this. Otherwise they will receive a compensation.

The people who become volunteer mediators mirror society quite well. They can come from any kind of profession: managers, teachers, social workers, etc. They have to be 18 and older. TE explains that the general feeling is however, that mediators should have some life experience and that 18 years is generally too young for being a mediator.

AN OVERVIEW OF THE NORWEGIAN TRAINING MODEL

- **Recruiting** ⇒ Advertising in local newspapers
- **Interview and selection** ⇒ By a three members selection committee
 - prosecutor
 - a member from the local council
 - representative from the mediation service
- **Training** ⇒ Ministry of justice (responsible)
Through an education board with members from the mediation service, ministry of justice and an external adviser
- **2x2 Days** ⇒ Two trainers and approximately 15 trainees
- **Appointment/approval** ⇒ Selection committee
- **Guiding/supervising** ⇒ County mediation service

TRAINING (4 DAYS) DAY 1-3:

- Create an understanding for human reactions in conflicts and the mediators own attitude to conflicts
- The training and approaches are focused on the offender and victims needs
- Through different kind of exercises illustrate how people (trainees) react in different situations like anger, fear etc.
- Communication training, active listening
- The mediation method, mediation step by step
- Practical exercises as an mediator trough role playing

BETWEEN PERIOD ONE AND TWO

The trainees will join a minimum of two mediations as an observer and they have to practice as a mediator in at least one case. There is always an experienced mediator attending the meeting as a co-mediator.

DAY 4

The focus is very much concentrated on administration. Agreement writing and all the formalities and requirements they have to face as mediators.

AFTER THE TRAINING

Meetings on regularly basis for all mediators within respective mediation Service. Telephone meetings, and discussions if there are "untypical" cases.

WHO ARE THE TRAINERS

The trainers are selected among the professional staff in the service. They have not been given any specific training so far.

OUR EXPERIENCES SO FAR

This concept for training has been in progress for only one year and so far we can conclude like this:

- Good feed-back from the trainees
- The selection process is reported to be good (from the trainers to selection committee)
- A high number of well suited applicants throughout the whole country
- Important with training both trough role play and together with "seniors"
- The education board is discussing to extend the training with two more days and if so they will focus more on the same subjects as in days 1-3
- We are in need of more trainers
- We are looking into how to train the trainers

POLAND

POLAND: TRAINING VICTIM-OFENDER MEDIATION

Organisation		
By whom	1) NGO – professional organisations (PCM, LSMC) 2) Universities (specialisation courses)	
For whom	1) for volunteers who pass the selection process (prospective mediators) 2) for regular students (in service mediators)	
Frequency	1) 6 day training (48 hours), written exam, supervision, case studies 2) according to university standards	
Funding	1) now paid by participants or sponsored by Foundation	
Accreditation	1) membership list a professional organisation (according to Ministry of Justice standards) 2) MA with specialisation in negotiation and mediation	
Structure and contents		
<ul style="list-style-type: none"> ▪ 5 days residential training (led in 18-21 persons group) ▪ additional 6th day of training is dedicated to law aspects and about rules of launching and functioning mediation centres and their cooperation with jurisdiction institutions ▪ trainees receive a manual (handbook) including exercises as well as case studies of V-O conflicts <p>STRUCTURE AND MAIN TOPICS OF THE TRAINING:</p> <ol style="list-style-type: none"> 1. History and philosophical background of mediation 2. Restorative justice vs. retributive 3. "Anatomy of the conflict" – cognitive tools for analysis and diagnosis CONFLICT AS A PROCESS 4. Basic knowledge of mediation <ul style="list-style-type: none"> - 5 ground rules for mediation - mediation as a support for problem negotiation 5. Foundation etc. of effective mediation 6. Basic mediator's skills (according they different role during the process) 7. Practice in mediation for adult and juvenile offender from perspective of polish mediators 8. Training of mediation skills – simulation of V-O mediation process 		
Methods		
<p>All kind of active teaching methods: with exercises for practising their skills needed for all stages of mediation, simulation case studies (It's an interactive workshop)</p>		

Organisation of training:

The goal of training is to maintain a high standard of qualification. Also important are the accountability and quality of mediators.

The mediation procedure is laid down in the new criminal code of penal procedure. The law concerning mediation with adults has come into force on 1 September 2003; it contains no strict regulation about who can be trained as a mediator; it only provides the conditions to be met by persons authorised to conduct a mediation. The mediation procedure for juveniles is very strictly regulated.

EC refers to the paper she prepared for this seminar. On page 6 and 7 you can find information concerning the standards of training. EC and Zbigniew Czwartosz provide training, and the standards were developed according to their training experience.

Mediators are trained according to American standards. Page 2 of the paper provides an overview of the different trends in the education of mediators in Poland.

The certificate the trainees obtain differs from the track they follow and the examinations also differ depending on the university/organisation providing the training. In order to get a certificate, the following documents are required:

- evidence of membership of a professional mediation centre.
- proof of registration with a state sponsored programme funded by the Ministry of Education.
- proof of registration in a roster; this means that you are a qualified mediator and that you are on the list of the courts.

In the beginning the training was mainly sponsored by the Ministry of Justice. Now they stopped the funding. This means that the trainees have to pay for their training.

An idea that has been voiced is to develop a national committee for the qualification of mediators.

Contents and methods:

The training is provided by NGOs.

In the early 90s, a lot of Americans came to Poland to train people in mediation. We still use their model now. In 1995, EC and her husband started to provide training. They always work with two trainers: one that teaches the cognitive knowledge, and the other that observes the group. They regularly change roles.

In the beginning EC and her husband were working for the committee to introduce mediation in the Polish law. They were asked to train for them from 1995-2003.

The training is often residential and lasts 6 days. One day is devoted to the legal and organisational matters surrounding mediation, and is given by lawyers, people from the Ministry of Justice and judges from the different courts. The other 5 days they work for 8 hours a day. The minimum number of participants is 12.

The trainees receive a manual with exercises and texts which relate to the different parts of the training. It also includes case-studies. During the 5 days, all the participants have the chance to be active in at least three cases so that everyone has once played the role of the mediator.

The training is organised as practical workshops, but it also deals with theory using an active method. The trainers ask questions, which the trainees have to solve. The trainees then check the handbook, so that they get feedback. The trainers stress the importance of the skills of a mediator. For the role-plays they pick concrete cases in order to show the participants how things occur in the field.

For the specific course of the training, please consult page 3 and 4 of the paper EC prepared. Participants need to pay to attend the training.

After the training, the participants receive a certificate of attendance. If they decide to pass the 'exam', they receive a list of practical and theoretical questions. These are questions about legal matters as well as more practical matters. The questions are placed in such an order that, after having answered all questions, they will have created their own resource book for mediation.

If they want to become a qualified mediator, they have to fulfil a lot of conditions: observe mediation sessions, then co-mediate, then mediate themselves under supervision of an experienced mediator. They must also sign the ethical code of mediators. Every month the two NGOs organise supervision and case-study meetings. One of the centres started providing its own training.

EC and her husband now work as consultants. They can organise second-stage training on request.

QUALIFICATION OF MEDIATORS BETWEEN VICTIMS AND OFFENDERS IN POLAND

I. Education standards of Victim-Offender Mediators (according to law requirements).

The mediation procedure to the new criminal code and code of penal procedure was approved by the Parliament in 1997. The new law came into force on September 1st, 1998. It stipulated that a case could be referred to mediation at the stage of preparatory procedure (by the prosecutor) or in court proceedings at courts of the first instance but only prior to the start of the trial (by the judge). Cases of offences which under the criminal code are punishable with no more than the 5 years can be referred to mediation. If mediation ends with an agreement, and if the commitments of the parties are fulfilled, the settlement is presented to the prosecutor or judge who decides on the further course of the case. A person who is not employed in an institution dealing with administration of justice, is over 26, is „trustworthy“ and has life experience and the ability to „eliminate conflicts can become a mediator“² There are no references not to knowledge neither skills of mediator in this regulation. The new ordinance of Minister of Justice on the penal acts of juveniles, released on May the 18th, 2001, seems to be much more complete.

In this ordinance, international standards and basic rules that determine the idea of mediation are respected.

1. The family court makes the decisions about bringing a case of juvenile to mediation, as well as the assessment of mediation results during giving a verdict. Its role, according to the law, is to dominate through whole mediation procedure.
2. Only cases, that circumstances remain unquestionable are referred to mediation. There is no obligation to confess of being guilty.
3. Mediation procedure is conducted by institutions of public trust (i.e. PMC, LMC) and individuals (qualified mediators without connections with court). The ordinance regulates who may become a mediator. Mediation is conducted out of jurisdiction (in order to ensure its confidentiality and impartiality). It is worth to mention, the discussed ordinance consists of standards of obligatory training for mediators which define the range of program and requirements for the mediation trainers.

II. Mediator's education in Poland

There are two strategies of acting one might consider when building the system of implementing mediation procedures:

1. Elaboration of pilot program. Training mediators for the program use. Realisation and evaluation. Positive assessment of the program creates an opportunity for its implementing on a large scale.
2. Mediators' training and simultaneous work on implementation of the legislative changes that enable the usage of mediation procedures. It is the engagement of the trainees that influence the formation of pilot programmes and organisation of the mediation centres. The initiative of taking up the action is being left to the trained people.

Both of the strategies have been in use in Poland. The first of them has been present especially in NGO's activities, meanwhile the second one has found its use in academic courses.

The table below presents characteristic trends in mediators' education in Poland.

² Ordinance of Justice Minister of August 14, 1998. Par.2.1.4

Who?	Organisations conducting mediators' programs – running mediation	Universities – master degree specialisation	Universities – postgraduate studies
How?	Training	lectures, seminars , workshops	lectures, seminars , workshops
Final result	Certificate according to of Ministry of Justice standards	depends on the university	postgraduate diploma
Internship opportunity	Internship – supervision	Internships	Internships
Authentication	Enrolment on the list of mediator's of an organisation	Depends on individual activity	Depends on individual activity
What organisations or institution educate	Polish Mediation Centre 6-day training– 48 h (since 1995) Lower-Silesian Mediation Centre (since 1998) 6-day training – 48 h	Warsaw University ISNS Specialisation course of 360 h (since 1991 r). Warsaw University Faculty of Psychology (od1998) Specialisation course ASSP (since 1998) Specialisation course 150 h University of Silesia Special courses (?)	ASSP (since 1996) specialisation studies 120 h + thesis
Specialisation	Victim-offender mediation	Various forms of mediation and facilitation (incl. VOM)	Various forms of mediation and facilitation (incl. VOM)
Number of trainees	710	ISNS UW – 500 WP UW – 75 SWPS – 840	140

III. Model of mediation training in Polish Mediation Centre and Lower-Silesia Mediation Centre

In 1995 year the Committee for Inducing Mediation in Poland started experimental programme of mediation between juvenile offenders and victims. The first training session was led by G. Delattre (Germany). Next trainings were led by E&Z Czwartosz (from 1996 up to 2003).

Polish Mediation Centre – Warszawa: Chairman Dr. Janina Waluk

In 2000, the Polish Mediation Centre was established as a non-governmental organisation, which continued the tradition of Committee action. Presently, PMC is represented in 19 local mediation and information centres.

During training sessions organized by Committee (and afterwards by PMC), about 550 mediators were trained. 234 of them have become members of PMC (these training sessions were led by E&Z Czwartosz). PMC, as a public trust organisation, is entitled to process mediations delegated by courts. Since 1996, PMC has been regularly publishing journal "Mediator", which serves as a discussion forum for mediators-practitioners. On the initiative of PMC, the „Code of mediator's ethics" has been worked out and published as a book. In 2003, PCM began to lead its own training programme.

Lower Silesia Mediation Centre - Wroclaw: Chairman Dr. Elzbieta Dobiejewska

In 1998, by the Wroclaw Association of Prisoner Care, Lower Silesia Mediation Centre was launched. It covered two regions – Lower Silesia and region of Opole. Today, DOM has got two local mediation centres. The following 4 centres are being organised. DOM started to conduct post-

verdict mediations. About 160 participants has gone through training programs since 1998. Most of them act in the field of mediation nowadays.

Structure of the training programs for PMC and LSMC members

Program elaborated and led (with certain modifications) since 1995 by E&Z Czwartosz. Trainees receive a manual including exercises and case studies of victim-offender conflicts. It is 5-days, residential training, led in 18-21 persons group (minimal number of participants - 12) Additional, 6th day of training is dedicated to law aspects of mediation and is led by lawyers. Finally, participants receive a certificate of attendance and completion of the course. If they decide to pass the exam, they are given a list of questions and deliver answers in form of essays in 3 months period. Essays are marked – if the note is positive, trainee can be enrolled to the list of PMC/DOM mediators. It entitles the person to participate in authentic mediation cases and afterwards, to conduct mediation process under supervision of experienced members of organisation.

Program:

1. History and philosophical background of mediation

2. Restorative justice and retributive justice

3. Legal basis of mediation pre- and post verdict in polish penal and family law.

4. Rules of launching and functioning mediation centres and their cooperation with jurisdiction institutions

5. „Anatomy of conflict“- cognitive tools for analysis and diagnosis

- conflict as a process
- cycle of conflict
- factors of escalation – resolution
- procedures of conflict resolution (negotiations, mediation, arbitration, court – advantages and disadvantages)

6. Basic knowledge of mediation

- features of mediation process (impartiality, neutrality, voluntary, acceptability, confidentiality)
- mediation as a support for problem negotiation
- basic ideas of problem strategy
- phases of mediation process
- specific features of victim-offender mediation

7. Foundation of effective mediation

- mediator's monolog
- Aims and reasons for private sessions
- Construction and testing of hypothesis
- Building final agreement

8. Basic mediator's skills

- Mediator's role during the process: process organiser, active listener, conflict resolution "teacher" , procedure controller, controller of the feasibility of agreement
- specific features of active listening in mediation
- the use of paraphrase in mediation
- reflection of emotion and empowerment
- role of questions in mediation
- categories of mediator's questions

9. Practice in mediation victim-offender - juvenile an adult offender. Experience of Polish mediators.

10. Training of mediation skills – simulation of Victim-Offender Mediation

IV. Academic courses in mediation

University of Warsaw, Institute of Applied Social Sciences (IASS).

In 1990, in the IASS structure, Centre of Negotiation and Conflict Resolution was established, headed by Dr. Zbigniew Czwartosz. One of its major tasks is to provide trainings for students in „negotiation, mediation and conflict resolution” specialisation, in the frame of master degree studies in sociology. Graduation of this specialisation module is authenticated with a special certificate which the graduate receives along with M.A diploma. The main goal of the specialisation is to prepare its students to work in the field of mediation – as practitioners or researchers, negotiators, mediators and facilitators. Practical skills are especially stressed in the program. Obligatory courses in frame of this specialisation enclose 360 h in 3 years time. From 1990 to 2003, there were 500 graduates of this specialisation.

Program

1. Psychology of conflict (theoretical basis of specialisation) – 60 h
2. Decision making – theory and practice (seminar and workshops) – 60 h
3. Interpersonal communication – seminars and skills training -60 h
4. Negotiation – seminar and skills training -60 h
5. Structure and dynamics of group – seminar and workshops – 60 h
6. Mediation and facilitation – seminar and skills training – 60h

Significant number of M.A. thesis are prepared by students of the specialisation.

University of Warsaw, Faculty of Psychology

Mediation workshops make a significant part of specialisation courses in subject of social, organizational psychology and pedagogy.

University of Silesia, Faculty of Psychology. Katowice

Since January 2000, in the cooperation with Ministry of Justice, 2-year , experiential programme of family mediation has been implemented. Its author is Dr. Hanna Przybyla-Basista. During the program, 26 mediators were trained. Problems of mediation is also present in many academic courses.

Advanced School of Social Psychology, Warsaw – (private university) M.A. studies

Negotiation and mediations are the subjects of one of the alternative, practical, specialisation courses offered in ASSP. Program consists of 150 h and has been led under E&Z Czwartosz supervision. In the period of 1998-2003, 830 students completed it.

Program:

- Selected problems of organizational psychology – 30h
- Basic theory of conflict resolution – 15 h of lecture
- Workshop with practitioners of conflict resolution – 15h
- Training of negotiation and mediation skills – 90 h

Advanced School of Social Psychology, Warsaw. – postgraduate studies

Centre of Practical Education, functioning in ASP offers postgraduate studies. One of the specialisation is devoted to negotiations and mediation. Program includes 150h and is led under supervision of E&Z Czwartosz. In the period of 1997-2003, 140 students graduated form this program.

Program:

- Selected problems of social psychology (24h, lecture)
- Conflict – methods of analysis and resolution (32 h, seminar)
- Workshops with practitioners of conflict resolution (16 h)
- Training in negotiation and mediation skills (48 h)

Finally, participants deliver their thesis which refer to application of acquired knowledge and skills into their professional work. Having passed the exams, graduates receive a postgraduate diploma in the field of negotiations and mediation.

Next year, we plan to run II grade course for graduates of present postgraduate studies and graduate students from Warsaw University and ASSP, who completed specialisation courses in mediation and negotiation VOM studies are to be run, as well as family mediation and crisis intervention courses.

SCOTLAND

SCOTLAND

Organisation		
By whom	SACRO	
For whom	Those who pass interview, selection on issues about people's skills, personal conflict, interest in justice	
Frequency	As required by local SACRO service. Basic training and close supervised practice and case discussion. After 2 years practice under supervision they are invited to do SVQ in mediation.	
Funding	SACRO	
Accreditation	Basic training accredited by CEVE – a community education body in Scotland. SVQ accredited by Scottish Qualification Authority.	
Structure and contents		
<p>A) Adult Basic Training: 7 modules divided into 17 smaller units covering 4 main areas:</p> <ol style="list-style-type: none"> 1. Role of mediators 2. Criminal Justice System 3. Communication 4. Selfawareness <p>B) Mediator's SVQ: 6 mandatory units plus 3 optional units comprising 9 units when completed.</p> <p>Mandatory units include:</p> <ol style="list-style-type: none"> a. Establish contact with client and enable them to identify the potential of the service. b. Develop and maintain interactions with clients. c. Evaluate and develop own work. d. Prepare and set up mediation. e. Stage to mediation process. f. Manage the mediation process. 		
Methods		
<p>A) Adult Basic Training: groupwork, input, roleplay, games, exercises, evaluations and feedback, self-assessment and trainer's assessment, handouts, reading material, shadowing experienced mediators.</p> <p>B) SVQ Qualification: SVQ candidate produces evidence in terms of work products, e.g. case studies, evaluative commentaries, witness testimonies, written or oral questions, observed practices. These pieces of evidence are then assessed according to nationally agreed standards.</p>		

Organisation of training:

SACRO is an NGO. It is the only VOM provider in Scotland. It had built up a good relationship with the public prosecutors.

SACRO offers a basic training of between 35 and 40 hours. People working for SACRO usually take the training over a period of one week; volunteers will usually do it over a certain period, for example three months.

The training course is validated by a community education body in Scotland. They check every three years that SACRO is following the prescribed course.

The trainers are trained. The course for trainers is also validated by an organisation. They check that SACRO's trainers are doing a good job.

When the basic training is completed, participants are closely supervised on a range of cases over a one-year period. So after the basic training (3 months), there is three months where they will observe an experienced mediator. After this, the experienced mediator will observe the newcomer. A next step is that new mediators will start taking their own cases, but that they will call the experienced mediator after each case. There is follow-up on a two-monthly basis. Volunteers take about a year to go through this process. For staff it will take about three months.

After two years of practice, a staff member will be invited to demonstrate his/her knowledge, theory and practice against the vocational and qualification standards. NK is one of the people who assesses the participants in this process. It takes about one year to gather all the necessary evidence. Candidates need to do a detailed case study. The assessor will watch the candidate practice on at least six occasions. Each time a commentary must be written about what happened, so it is very comprehensive. If, at the end, the assessor finds that the participant meets the standards, he or she will be awarded the SVQ in mediation.

There are five levels to this SVQ. Level four means that you can work with a certain level of autonomy. Level five equals a degree.

It is possible to obtain the SVQ qualification within 2.5 years after the initial training.

SACRO has put a lot of energy and money in training and standards. It was the first accredited organisation to be able to assess people against the SVQ.

The training is paid for by the local services.

SACRO advertises for volunteers in the local press. The candidates are selected on the basis of their application. Then an interview takes place. In the interview the candidates have to demonstrate people skills, and the fact that they have some experience of managing their own conflicts plus that they are interested in criminal justice.

At the end of the training, the volunteers receive a certificate. Then they enter into the closely supervised practice. Before they take on cases of their own, they are assessed.

The abovementioned procedure applies to the context of offending by adults.

For working with juveniles there is an entirely different training track to which only staff are admitted. It is a 35-hour residential training in restorative justice. After the training sessions they have closely supervised practice. After that they have to attend another 35-hour residential training on cognitive/behavioural development of young people.

In Scotland you get no criminal record for crimes committed under the age of 16, unless you commit a murder. Scotland has a 'Children Hearing Panel' which is composed of ordinary people. The key question to answer here is what the children need. The adult system is for people older than 16 years. Under 16 there is a welfare-based system.

All this information can also be found in the brochure about SACRO.

Contents and methods:

The brochure about SACRO provides a complete overview of the training course.

The training (35-hours for the basic training) lasts about three months for volunteers.

Page 3 provides an overview of the items that are dealt with during the training:

- The role of the mediator/volunteer: all participants have to acquire the knowledge, skills and attitude of a mediator. They also need to understand the various stages of a mediation process

(and to work with them in a flexible way) and must be able to assess whether a mediation is appropriate.

- The criminal justice system: a mediator must have a good knowledge of the criminal justice system. So all the participants are informed about the role of the public prosecutor, the impact of a (un)successful mediation on the further criminal process, the referral process and options for reparation, etc.
- Communication skills: they learn how to select an appropriate communication style.
- Self-awareness: The participants learn to be more aware of their own values and attitudes, but it is also important for them to be aware of prejudice and areas of potential conflict. They have to learn how to handle such prejudices in order to go on with the mediation process.

The training is validated by an education body in Scotland. The contents of the training are determined by the Mediation and Reparation Volunteer Modules.

At the end of the basic training, the trainees have to complete a self-assessment form. They receive a series of questions which they have to answer. This exercise can be assessed by the trainer. Then it is decided whether the participants need additional training or not.

The training that is described here is the training for mediation in adult cases.

After two years' of voluntary work, the mediators will be invited to pass the SVQ. This is a work-based competency. If they do their work well, they will pass through the SVQ quickly.

The SVQ have been developed by trainers and teachers in various professional areas, in various working groups. The people who developed the standards for mediation all met and drew up basic standards for the training of mediators.

To get the full SVQ qualification, you need to complete 6 mandatory units. Each of those units is broken down in knowledge and performance evidence. Knowledge contains communication skills, equal opportunities (manage racist attitudes, etc.), health and safety, etc. Under performance you find for example people skills. Practice would at least be observed 6 times.

It will become mandatory for volunteers to do this SVQ. At the moment they can practice without it, but staff members need to take the SVQ.

Course Overview

The course will provide volunteers with the opportunity to:

- Discuss and understand the different aspects of volunteering and the role of a mediator
- Enhance personal communication skills and styles
- Build an understanding of conflict and conflict resolution
- Raise awareness of self, values and attitudes and how these can affect self and others
- Recognise and challenge personal prejudices and assumptions
- Explore the value of mediation, how and when mediation is effective

Course Outcomes

By the end of the course Volunteers will:

- Having a working knowledge about the role of a mediator
- Have the relevant knowledge to demonstrate whether mediation is appropriate as a method of conflict resolution
- Have a workable knowledge of the sources of conflict
- Be able to conduct a case from referral

Know how to control the mediation process and steps in overcoming the blocks to mediation



SACRO as an organisation appreciates feedback about the training and services provided. If at any point you have any complaints or praise that you feel should be shared please do not hesitate to make contact; in the first instance through the trainer(s) leading the course. Should this be difficult or unacceptable for any reason, please contact their line manager or the Staff Development Manager

***Sacro Staff Development manager
Can be contacted at***

***27 York Place, Edinburgh EH1
3HP
0131 624 9210***

**Staff
Development
Manager**



Training Course For Mediation and Reparation Volunteers

This Programme covers knowledge and skills required for the volunteer role. Using a wide range of materials to give balance between theory, practice and reflection

Thank you for volunteering to work for SACRO

What you can expect from SACRO

As a volunteer in **SACRO**, you are seen as a valuable member of the organisation and will be treated accordingly, working in partnership with staff. You will receive initial and ongoing training, as well as support through supervision and team meetings. You will have a task description that clearly states the expectations placed on you in your role as a volunteer, with a choice whether you undertake additional tasks, and be consulted on any matters that directly or indirectly relate to your work. If you are unable to fulfil the tasks, you can expect to be told the reasons and your future opportunities. If you move we would wish that, you continue volunteering and arrangements can be made to work with a different SACRO service

SACROs Expectation of Volunteers

In return **SACRO** expects that you will fulfil the agreed tasks in accordance with **SACRO** policies and procedures and standards of work. You will be expected to participate fully in supervision, training, and appraisal and volunteer team meetings on a regular basis. The number and regularity depend on the service, amount of tasks undertaken by you and the complexity of work you undertake. You are accountable for your own actions and are expected to ask for support when you need it, and not undertake any tasks you are not confident and competent to undertake. If your circumstances change you are expected to let **SACRO** know of the changes, if you are not in contact with **SACRO**, staff will remove you from the volunteer list after approximately twelve months, unless you have negotiated locally with the service.

Volunteer Training within SACRO

The volunteer training within **SACRO** is endorsed by CeVe. Community Education (Community Education Validation and Endorsement – Who are responsible for setting and maintaining standards of all levels of community training in Scotland). Therefore is recognised within the Community Education field. There are four areas of Volunteer training that **SACRO** offer; Family group services, Befriended Services, Mediation and Reparation for adults and / or youth and Community Mediation. Some of the modules relate to all of these areas and should you move roles within **SACRO** these would be recognised as prior learning if successfully achieved. Courses are delivered by experienced practitioners and trainers. The trainers are also likely to be your supervisors while working in the service.

Training for Mediation and reparation volunteers

The Training is provided that builds on your additional knowledge and skills, providing opportunities to discuss issues around mediation as a method of conflict resolution. The initial programme will last between 36 and 40 hours and spread over a number of weeks that is determined in consultation with each group of volunteers. This enables a range of volunteers to take an active part in training. The course is module based and each module lasts approximately three hours. Modules may be delivered individually, together or in any order. This course will be delivered by trainers using the experimental learning style. Experimental learning encourages participants to experiment with new ideas relating to their own experiences. It is about

allowing individuals to be in control of their own learning. The course design offers a variety of different exercises balanced with theory and time for reflection. This style has been proven in the training field as the preferred way for adult learners

Mediation and Reparation Volunteer Modules

Module 1.1	Getting started A look at volunteering with SACRO
Module 1.2	SACRO and the Criminal Justice System An introduction to the Criminal Justice System
Module 2.1	Communication 1 Verbal and Non Verbal Communication
Module 2.2	Communication 2 Listening and Rapport
Module 2.4	Communication 4 External Agencies
Module 2.5	Communication 5 Administration
Module 3.1	Self Awareness Who are you?
Module 3.2	Conflict What causes conflict?
Module 5.3	Individuals within a group Handling people
Module 6.1	Mediation What is mediation?
Module 6.2	The Mediator Role and responsibilities of the role
Module 6.3	The mediation process The way it works
Module 6.4	The mediation session Practical application of skills
Module 7.5	Procurator Fiscal The role of the person and office
Module 7.6	Referral process and reparation What is it and how it works
Module 8.1	The next step Review of the course
Module 8.2	Further training What further training do I need?

COURSE PROGRAMME - MEDIATION AND REPARATION

Date + Time	Venue	Core Modules	Topic
		1.1	Getting started - a look at volunteering with Sacro
		1.2	Sacro and the Criminal Justice system
		2.1	Communication 1 - verbal and non-verbal
		2.2	Communication 2 - listening and rapport
		2.4	Communication 4 - external agencies
		2.5	Communication 5 - administration
		3.1	Self awareness
		3.2	Conflict - what causes conflict?
		5.3	Individuals within a group - handling people
		6.1	Mediation - what is mediation?
		6.2	The mediator - role and responsibilities of the job
		6.3	The mediation process - the way it works
		6.4	The mediation session - practical application of skills
		7.5	Procurator Fiscal - the role of person and office
		7.6	Referral Process and Reparation - what it is and how it works
		8.1	The next step - review of course
		8.2	Self assessment - what further training do I need?

Med and Rep Course Objective

The course will provide volunteers with the opportunity to: Discuss and understand the different aspects of volunteering and the role of a mediator.

Enhance personal communication skills and styles
Build an understanding of conflict and conflict resolution.
Raise awareness of self, values and attitudes, and how these can affect self and others.

Recognise and challenge personal prejudices and assumptions

Explore the value of mediation, how and when mediation is effective.

Med and Rep Course Outcomes

By the end of the course Volunteer mediators will:

Have a working knowledge about the role of a mediator.

Have the relevant knowledge to demonstrate whether mediation is appropriate method of conflict resolution.

Have a workable knowledge of the sources of conflict.

Be able to conduct a case from referral.

Know how to control the mediation process and steps in overcoming the blocks to mediation.

SCOTTISH PARLIAMENT

SCOTTISH EXECUTIVE

JUSTICE

PUBLIC SECTOR

PRIVATE SECTOR

STATUTORY

Police

Procurator Fiscal

Children's Reporter

Courts

Criminal Justice Social Work

Children & Families Social Work

Scottish Prison Service

Kilmarnock

VOLUNTARY

SACRO
(Safeguarding Communities Reducing Offending)

Apex

Barnardos

etc.

SACRO **(Safeguarding Communities Reducing Offending)**

- Largest voluntary sector provider of criminal justice services
- Bail accommodation, through care, intensive supervision
(in main urban centres in Scotland)
- Community Mediation (before crime is committed)
(in at least 12 local authority areas)
- Mediation and Restorative Justice Services (after crime committed)
 - ⑩ Diversion from prosecution
(3 services since 1997 plus...)
 - ⑩ Pre sentence victim offender mediation
(pilot early 2004)
 - ⑩ Post sentence victim offender mediation for serious crime
(pilot late 2004)
 - ⑩ Youth Justice Restorative Justice
(in at least 12 local authority areas)

YOUTH RESTORATIVE JUSTICE TRAINING

- ◆ 35 Hour Intensive residential basic training (SACRO staff)
- ◆ fundamentals of restorative justice approaches to victims and young people who commit crime (theory & role play, conferencing & face-to-face & indirect/shuttle mediation)
- ◆ 35 hour intensive residential training in cognitive behavioural programmes for young people who commit crime (SACRO staff)
- ◆ regular supervised practice, case reviews & support & supervision
- ◆ ongoing training provided as needs are identified

ADULT VICTIM OFFENDER MEDIATION & RESTORATIVE JUSTICE TRAINING

- 35 hour basic training on victim offender mediation within diversion
(over 3 month period for volunteers)
- Course above validated by Community Education Validation Endorsement
(CeVe – a training validation body affiliated to the
Scottish Council for Voluntary Organisations -SCVO)
- Close supervised practice during first year over a range of cases
- Regular support & supervision, case reviews, co-working on cases
- Volunteer training needs identified and addressed locally
- Scottish Vocational Qualification (SVQ) in mediation
(after at least two years supervised practice)
- SVQ candidates are expected to demonstrate competence according to nationally agreed standards by written work (knowledge & theory) and are assessed through

observed practices (3 individual clients plus 3 face-to-face meetings)

- above or equivalent plus 35 hour intensive training on theory & practice of victim offender mediation in cases of severe violence (candidates expected to be mature enough to attend in a healthy way to their own psychological processes with ongoing support and supervision)

HOPES & EXPECTATIONS FOR TRAINING

- to design and deliver a restorative justice (RJ) module as part of SVQ
- to design and deliver a university based introduction to RJ for professionals
- to design and deliver a training programme for working in a safe way with victims and those responsible for crimes of severe violence in Scotland
- to develop and maintain links with the wider RJ world of practice and training particularly through the European Forum on Restorative Justice

Volunteer Training Assessment Checklist: Mediation and Reparation Services

Role of Mediator

Learning Outcomes	Assessment Method	Completed: sign/date	Comments
Understand the role of a volunteer within SACRO, including policies for example: health and safety; confidentiality.	- quiz sheet - questions		
Be able to relate the work of their specific project to SACRO's overall organisational aims.	- quiz sheet		
Understand the development of mediation as a method of dispute resolution.	- quiz sheet		
Understand the causes, effect and uses of conflict and be able to identify the main sources of conflict.	- written worksheet		
Understand the knowledge, skills and attitude required of a mediator, the role and responsibilities of a mediator and the limits of the role.	- quiz sheet - role play - observation - self-appraisal		
Be able to demonstrate an understanding of the stages of the mediation process.	- quiz sheet - role play - observation - self-appraisal		
Be able to assess whether mediation is appropriate.	- role play - observation		
Have conducted a case from referral to agreement, including composing case notes and agreement, demonstrating ability to control the mediation process effectively.	- observation - recordings - discussion		

Criminal Justice System

Learning Outcomes	Assessment Method	Completed: sign/date	Comments
Understand the role of a Procurator Fiscal / the Children's Reporter.	- quiz		
Understand the next steps should mediation and reparation be successful or not successful.	- questions / answers		
Understand the referral process and options for reparation.	- quiz - role play		
Have knowledge about the principles and guidelines for the service.	- quiz - homework: opening statement - questions / answers		

Communication

Learning Outcomes	Assessment Method	Completed: sign/date	Comments
Have enhanced their verbal and non-verbal communication skills and be able to select an appropriate communication style in a simulated mediation situation.	- role play - observation		
Have enhanced their skills in conflict management.	- role play - observation		
Have enhanced their active listening skills, use of assertive language and ability to build rapport.	- role play - observation		

Self Awareness

Learning Outcomes	Assessment Method	Completed: sign/date	Comments
Be more aware of their own values and attitudes, the roots of these and the effect on themselves and others.	- discussion / feedback - diary recordings / individual learning log		
Be more aware of prejudice and areas of potential conflict.	- role play - word reaction / association sheet		



SACRO VOLUNTEER TRAINING Evaluation Form

Volunteer Course Title:

Trainer:

Service:

Name:

Date:

What were the overall aims and objectives of this course?

What benefits did you gain from attending this event?

**How would you rate the following? 1 = Very poor 2 =Poor 3 =Good 4=Very Good
5=Excellent**

Please Rate the following	1	2	3	4	5
Met the course objectives					
Fulfilled development need					
Methods adopted, pace of course Facilitator style etc.					
Course content					
Overall value in relation to your present post.					

How do you plan to implement what you have learnt?(list action points)

Did the course match your training needs with regard to fulfilling your role within SACRO?

Y/N. What else would you have liked included in the training

Other Comments

SPAIN

SPAIN

Organisation		
By whom	Universitat de Barcelona, Department of Justice	
For whom	a diploma or university degree (social work, social pedagogy, psychology, sociology, law)	
Frequency	- Juvenile VOM: 40 hours a year - Adults VOM: 20 hours a year	
Funding		
Accreditation	Ministry of Justice: no accreditation, only assistance certificate Barcelona University: VOM mediation is only a small part of the conflict resolution master certificate	
Structure and contents		
<p>University of Barcelona and other external centres: Only 10 or 15 hours of teaching about VOM, usually about the experiences in Catalonia (mediation in the criminal justice system programme) and in foreign countries. This training includes lectures and training about some of the necessary skills for mediation and the process. The short victim/offender mediation training is included in the framework of some masters or postgraduate programme about mediation and conflict resolution.</p>		
Methods		
<p>Ministry of Justice: The method is the practice. At the beginning the new mediators can have some few teaching hours about mediation and especially the principles of the mediation but the more important part is to learn through the practice. Doing mediations, in the beginning together with an expert, and having each week a meeting with the other mediators putting in common his/her cases. Each month the mediators have an external supervision.</p>		

Organisation of training:

The law that allows mediation with juveniles (-18) dates from 2000. There is however no specific training for mediators. The government normally uses people who have a university degree: social workers, psychologists, etc. There are no specific exams. People who are interested in becoming a mediator are asked for their skills, their experience and their legal knowledge.

The Ministry of Justice prepares training in different fields. There is a very fast training of one or two weeks. After this basic training, mediators can each year follow 40 hours of training which is organised by a legal study centre which falls under the authority of the Ministry of Justice.

There is no law for mediation with adults. But, the penal code from 1995 includes some articles about reparation. In 1998 an experiment was started in Catalonia. The purpose was to show that mediation can lead to reparation. From 1998 till 2000 juvenile mediators did the mediation work. Then the Ministry of Justice contacted an NGO in order to develop mediation. AV was a teacher in family mediation and she was contacted to lead the work by the Ministry.

For adult mediation, Catalonia only counts 5 mediators for 5.000.000 inhabitants. In 2000 the team only received a small number of cases, but the numbers are increasing now and the team will need new mediators. This means that it is necessary to develop training. The mediators can, each year, follow a 20-25 hours' training abroad.

Every future mediator will need a university degree and some further specialisation. As soon as the mediators are hired, they would receive training.

Lots of people are interested in mediation. The Barcelona University has a Masters programme about conflict resolution which includes 10-20 hours about penal mediation.

Contents and methods:

When selecting people to become mediators, there are two criteria: they must have a university degree and some experience.

There are a lot of mediators for juveniles (since 1990), but only 5 for adults (since 1998). This means that these 5 mediators will have to train other people. Generally they will ask persons working for the Ministry of Justice for whom the mediation process is completely new.

A new mediator always has to follow an experienced mediator and after each case, meetings would be organised to share their experience. For the juvenile mediators, a supervision meeting takes place every month. Experts such as psychologists, lawyers, etc are also invited to take part in these sessions.

In Spain lessons are learned from the practice. As it is not the aim of mediation to punish people, Spain opts for 'mediation in criminal justice'. Lawyers have discovered mediation as a means to plead extenuating circumstances.

AV has made a draft proposal for a training model and the different skills that a mediator should possess. All mediators must have the right attitude (personal balance) and have to follow appropriate training. The proposed training model can be split up in three blocks: law block, psychological and social block, and mediation block. These are the basic requirements, but according to this draft proposal the mediators should also need some professional experience.