

IIAM ACCREDITATION SYSTEM FOR NEUTRALS & PROFESSIONALS & QUALIFYING ASSESSMENT PROGRAMS



INDIAN INSTITUTE OF
ARBITRATION & MEDIATION

www.arbitrationindia.org



**IIAM ACCREDITATION SYSTEM FOR NEUTRALS
& PROFESSIONALS
&
QUALIFYING ASSESSMENT PROGRAMS**

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NOTES

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TABLE OF CONTENTS

Section 1	Overview	1
Section 2	Accreditation for Mediators	2
	Categories of Mediators	2
Section 3	Accreditation of Arbitrators	5
	Categories of Arbitrators	5
Section 4	Accreditation of Mediation Advocates	7
Section 5	IIAM Reviewer	8
Section 6	IIAM Qualifying Assessment Programs (QAP)	9
	QAP-1 (Accreditation for IIAM Certified Community Mediator)	9
	QAP-2 (Accreditation for IIAM Accredited Mediator)	10
	QAP-3 (Accreditation for IIAM Certified Mediator)	10
	QAP-4 (Accreditation for IIAM Senior Certified Mediator)	11
	QAP-5 (Accreditation for IIAM Certified Arbitrator)	12
	QAP-6 (Accreditation for IIAM Accredited Arbitrator)	13
	QAP-7 (Accreditation for IIAM Accredited Mediation Advocate)	14
	QAP-8 (Accreditation of Mediator under APCAM Accreditation Rules)	14
	QAP-9 (Accreditation of Arbitrator under APCAM Accreditation Rules)	15
Section 7	General Norms	16
	Guidelines to Assessors for QAP Evaluation	17
Section 8	IIAM Reviewer Guidelines	19

NOTES

SECTION 1
IIAM ACCREDITATION SYSTEM FOR NEUTRALS
& PROFESSIONALS
&
QUALIFYING ASSESSMENT PROGRAMS

Overview

The IIAM Accreditation System is a professional standards process developed by the Indian Institute of Arbitration & Mediation (IIAM) for certifying mediators, arbitrators and ADR professionals dealing with domestic disputes. IIAM being the APCAM Centre for India (Asia Pacific Centre for Arbitration & Mediation – www.apcam.asia), which is a group of institutions having centres in almost all the Asia-Pacific countries, international disputes are governed by the APCAM Rules and the accreditation of neutrals for international disputes are provided as per the APCAM Accreditation Rules.

IIAM maintain a panel of skilled and experienced mediators and arbitrators, based on knowledge and expertise in various sectors, trade and industry. Different grades or categories of accreditation reflect different levels of skill and experience and are given on satisfaction of the criteria set for each grade or category. Normally accreditation is given based on the type of training the neutrals acquire and the experience they have. But in some cases, accreditation is provided under the Experience Qualification Path (EQP) based on the experience and expertise of the neutral.

SECTION 2

ACCREDITATION FOR MEDIATORS

As per the IIAM Mediator Accreditation System, Mediators are graded under different categories. IIAM Accreditation is given as per the stipulations under the relevant Qualifying Assessment Programs (QAP).

As per the empanelment policy of IIAM, only mediators accredited under IIAM-QAP will be appointed as mediators by IIAM for domestic disputes and they will be bound by the IIAM Mediators Code of Conduct and Conduct Assessment Process. For international and cross-border disputes, the mediators should be accredited as per the APCAM Accreditation Rules, and only such mediators will be appointed for international disputes. All empanelled mediators with PeaceGate application (www.peacegate.in), except Community Mediator and Panel Mediator will have individual profile page with all details and biodata.

As per the IIAM-QAP, a Community Mediator, after completing 15 hours of mediation is eligible to be accredited as a “Certified Community Mediator”. Similarly, an Accredited Mediator after completing 30 hours of mediation is eligible to be accredited as a “Certified Mediator” and after 75 hours as a “Senior Certified Mediator”. A mediator, who completes an APCAM certified training program or APCAM approved training program along with Top-up program, is also eligible to apply for accreditation of the Asia Pacific Centre for Arbitration & Mediation (APCAM) as an APCAM Accredited Mediator (AAM). After 30 hours, he is eligible to apply for accreditation as an APCAM Certified Mediator (ACM) and after 150 hours as an APCAM International Certified Mediator (AICM). On APCAM Accreditation, the mediator will be empanelled with all APCAM Centres in the Asia-Pacific region.

Categories of Mediators

Community Mediator:

Candidate who has undergone the basic level mediation training / orientation program consisting of atleast 15 hours of mediation training by IIAM or such other recognised training programs recognised by IIAM, on successful completion of the program will be qualified as “IIAM COMMUNITY MEDIATOR”. A Community Mediator will be eligible to mediate in community mediation matters, which are generally relationship matters, like family, neighbourhood, elder, peer etc and compoundable criminal matters and commercial and contractual matters below the value of Rs. 5 lakhs. A Community Mediator shall act as a sole mediator only after 10 hours of co-mediation or if a co-mediator is not available in the area of practice, the mediator has to do minimum of 10 hours spread over at least 3 mediations under the direct guidance of his Reviewer, who will act as his Mentor. After the 10 hours or 3 mediations, whichever is applicable, the mediators Feedback Digest will be prepared by the Reviewer and only after that he will act as a Sole Mediator. During such time, the mediator will be paid only 50% remuneration and the balance 50% will be paid to the Reviewer.

Certified Community Mediator:

As per IIAM QAP-1, a Community Mediator, after completing 15 hours spread over at least 3 mediation is eligible to be accredited as “IIAM CERTIFIED COMMUNITY MEDIATOR” and as per IIAM norms he will be entitled to act as a Community Mediator.

Panel / Accredited Mediator:

Candidate who has undergone the IIAM Mediator Training Program, which consists of a minimum of 40 hours, will be qualified as “IIAM PANEL MEDIATOR” and as per IIAM QAP-2 will be accredited as “IIAM ACCREDITED MEDIATOR”. An Accredited Mediator will be eligible to mediate in all community, family, commercial and contractual matters. Panel Mediator will be appointed only as a trainee mediator along with another mediator, till he successfully undergo QAP-2. Accredited Mediator shall act as a sole mediator only after 10 hours of co-mediation (including as trainee mediator) or if a co-mediator is not available in the area of practice, the mediator has to do minimum of 10 hours spread over at least 3 mediations under the direct guidance of his Reviewer, who will act as his Mentor. After the 10 hours or 3 mediations, whichever is applicable, the mediators Feedback Digest will be prepared by the Reviewer and only after that he will act as a Sole Mediator. During such time, the mediator will be paid only 50% remuneration and the balance 50% will be paid to the Reviewer.

Certified Mediator & Senior Certified Mediator:

As per IIAM QAP-3, an Accredited Mediator, after completing 30 hours spread over at least 5 mediations is eligible to be accredited as “IIAM CERTIFIED MEDIATOR”

and as per IIAM QAP-4, after completing 75 hours spread over at least 10 mediations, is eligible to be accredited as “IIAM SENIOR CERTIFIED MEDIATOR”. Certified and Senior Certified Mediators will be eligible to mediate all types of disputes.

APCAM Accredited Mediator (AAM):

This is the entry level accreditation provided by the Asia Pacific Centre for Arbitration & Mediation (APCAM) and will be empanelled with APCAM centres all over the Asia-Pacific countries. A candidate who has undergone an APCAM certified Mediator Training Program or approved Mediator Training Program along with APCAM Top-up program, within the two-year period, starting from the date immediately preceding the date of application is entitled to apply under QAP-1 of the APCAM Accreditation Rules, as an “APCAM ACCREDITED MEDIATOR” (AAM). An AAM shall not be entitled to act as a sole mediator, but shall act as a co-mediator with an APCAM Certified Mediator or APCAM International Certified Mediator, and has a monetary limit of disputes not exceeding 1 million US\$.

APCAM Certified Mediator (ACM):

A Mediator, who has completed an APCAM certified Mediator Training Program or approved Mediator Training Program along with APCAM Top-up program, and further upon completing 30 hours of mediation spread over at least 5 mediations becomes eligible to apply for accreditation as “APCAM CERTIFIED MEDIATOR” (ACM), under QAP-2 of the APCAM Accreditation Rules. APCAM Certified Mediator will be eligible to mediate all types of disputes and has no monetary limit in dispute amount.

APCAM International Certified Mediator (AICM):

A Mediator, who has completed an APCAM certified Mediator Training Program or approved Mediator Training Program along with APCAM Top-up program, and further upon completing 150 hours of mediation spread over at least 20 mediations becomes eligible to apply for accreditation as “APCAM INTERNATIONAL CERTIFIED MEDIATOR” (AICM), under QAP-3 of the APCAM Accreditation Rules. APCAM International Certified Mediator will be eligible to mediate all types of disputes and has no monetary limit in dispute amount.



SECTION 3

ACCREDITATION FOR ARBITRATORS

As per the IIAM Arbitrator Accreditation System, Arbitrators are graded under different categories. IIAM Accreditation is given based on the relevant Qualifying Assessment Programs (QAP).

As per the empanelment policy of IIAM, only arbitrators accredited under IIAM-QAP will be appointed as arbitrators by IIAM for domestic disputes. For international and cross-border disputes, the arbitrators should be accredited as per the APCAM Accreditation Rules, and only such arbitrators will be appointed for international disputes. All empanelled arbitrators with PeaceGate application (www.peacegate.in), except Panel Arbitrator will have individual profile page with all details and biodata.

As per IIAM-QAP, a Certified Arbitrator shall act as a sole arbitrator only after 3 arbitrations as a co-arbitrator. An arbitrator who completes the APCAM certified training program or approved training program along with Top-up program, is also eligible to apply for accreditation of the Asia Pacific Centre for Arbitration & Mediation (APCAM) as an APCAM Accredited Arbitrator (AAA). After completing fifteen arbitrations as a co-arbitrator, he is eligible to apply for accreditation of APCAM as an APCAM Certified Arbitrator (ACA) and after completing thirty-five arbitrations as a co-arbitrator or sole-arbitrator, as an APCAM International Certified Arbitrator (AICA). On APCAM Accreditation, the arbitrator will be empanelled with all APCAM Centres in the Asia-Pacific region.

Categories of Arbitrators

Panel / Certified Arbitrator:

Candidate who has undergone the IIAM Arbitration Training Program, which consists of a minimum of 24 hours, will be qualified as “IIAM PANEL ARBITRATOR” and as per IIAM QAP-5 will be accredited as “IIAM CERTIFIED ARBITRATOR”. A Certified Arbitrator shall act as a sole arbitrator only after 3 arbitrations as a co-arbitrator.

Accredited Arbitrator:

As per IIAM QAP-6, a person who has sufficient expertise and experience in arbitration and having specified subject expertise can also be qualified under the Experience Qualification Path (EQP) as an alternative path towards empanelment as an “IIAM ACCREDITED ARBITRATOR”. Through this system, IIAM recognizes the experience that is corresponding to the knowledge and proficiency required under the QAP.

APCAM Accredited Arbitrator (AAA):

This is the entry level accreditation provided by the Asia Pacific Centre for Arbitration & Mediation (APCAM) and will be empanelled with APCAM centres all over the Asia-Pacific countries. A candidate who has undergone an APCAM certified Arbitration Training Program or approved Arbitrator Training Program along with APCAM Top-up program, within the two-year period, starting from the date immediately preceding the date of application is entitled to apply under QAP-1 of the APCAM Accreditation Rules, as an “APCAM ACCREDITED ARBITRATOR” (AAA). An AAA shall not be entitled to act as a Sole-arbitrator or Presiding-Arbitrator and has a monetary limit of disputes not exceeding 1 million US\$.

APCAM Certified Arbitrator (ACA):

An Arbitrator, who has completed an APCAM certified Arbitrator Training Program or approved Arbitrator Training Program along with APCAM Top-up program, after completing fifteen arbitrations as a co-arbitrator is eligible to apply for accreditation as “APCAM CERTIFIED ARBITRATOR” (ACA) under QAP-2 of the APCAM Accreditation Rules. An ACA will be eligible to act as Sole-Arbitrator or Co-Arbitrator and has no monetary limit in dispute amount.

APCAM International Certified Arbitrator (AICA):

An Arbitrator, who has completed an APCAM certified Arbitrator Training Program or approved Arbitrator Training Program along with APCAM Top-up program, after completing thirty-five arbitrations as a co-arbitrator or sole-arbitrator is eligible to apply for accreditation as “APCAM INTERNATIONAL CERTIFIED ARBITRATOR” (AICA), under QAP-3 of the APCAM Accreditation Rules. An AICA will be eligible to act as Presiding Arbitrator, Sole-Arbitrator or Co-Arbitrator and has no monetary limit in dispute amount.



SECTION 4

ACCREDITATION FOR MEDIATION ADVOCATES

Mediation is most successful when the parties' advocates are knowledgeable and skilled in the principles of the mediation process and negotiation theories. Mediations can fail when party representatives behave as if they were in a courtroom rather than in a negotiation.

Mediation presents unique problem-solving opportunities in which advocates can assist their clients to reach faster, less expensive and better outcomes with the assistance of a mediator. They can help their clients achieve outcomes that may be unattainable in a courtroom or arbitration tribunal. The lawyer can play an active and useful role, by assisting the client throughout the process, by a problem-solving approach, usually in a collaborative and constructive manner. The focus needs be towards consensus-building and obtaining a favourable and value-added outcome. But to do that, they need to be equipped with a different skill set and knowledge.

As per the IIAM Accreditation System, a trained mediation advocate, can apply for accreditation as "IIAM ACCREDITED MEDIATION ADVOCATE" as per QAP-7. On successful accreditation, the candidate is eligible to be enlisted in the PeaceGate App as IIAM Accredited Mediation Advocate, so that disputing parties can identify the appropriate advocate to advise and represent them in mediations.



SECTION 5 IIAM REVIEWER

IIAM Reviewer for mediators shall be a Certified Mediator, Senior Certified Mediator, IMI Certified Mediator, APCAM Certified Mediator or APCAM International Certified Mediator. Every IIAM Mediator empanelled under the PeaceGate App, has to mandatorily select a Reviewer of his choice from the list of Reviewers available. The Reviewer selected by a mediator should be above the Grade of the mediator and must not be a member of the family, or someone who is subordinate to the mediator in a professional relationship. In case of the top-most accreditation, the Reviewer can be a mediator of same grade.

The Reviewer shall be responsible for preparing the Feedback Digest of the Mediator as per the IIAM Guidelines. The identity of the Reviewer will be mentioned in the Mediator Feedback Digest. The Reviewer will also receive future Feedbacks for updating the Mediator's Feedback Digest as required to maintain the Certification and for upgradation under the IIAM-QAP. The Reviewer will also guide junior mediators during the first 3 mediations done by the Mediator as a Mentor and shall also guide them on any professional or ethical dilemmas. The Reviewer may also be appointed as Assessors under the respective QAPs. The members of the IIAM Mediator Disciplinary Committee to process the IIAM Mediators' Conduct Assessment will also be selected from the IIAM Reviewers.

- Guidelines to IIAM Reviewers are provided in Section 8.



SECTION 6

IIAM QUALIFYING ASSESSMENT PROGRAMS (QAP)

QAP-1 (Accreditation for IIAM CERTIFIED COMMUNITY MEDIATOR)

QAP-1 is applicable to IIAM Community Mediator, or a Mediator who has successfully completed similar mediation training from other recognized institutions or organizations accepted by IIAM, who completes 15 hours spread over at least 3 mediations and who would like to be accredited as “IIAM CERTIFIED COMMUNITY MEDIATOR”. Applicant shall provide documentary evidence to show the level of experience as a mediator. This could be approved logbooks specifying the experience as a mediator, including dates and duration of mediations, capacity (eg. sole or co-mediator) or supporting evidence such as references, feedback forms etc.

The Applicant will be entitled to avail the benefit of attendance in recognized programs, like mediation/conciliation workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of hours of mediation, provided only a maximum of 3 hours (1 hour for each program) will be accepted. Any article or presentation given by the Applicant on Mediation will be given an equivalent of 2 hours (1 hour for each article/presentation).

Evaluation of Mediation Knowledge: As per QAP-1, the applicant shall provide proof of having completed at least 15 hours of training in mediation and will have to demonstrate mediation knowledge by submitting an assignment given to him/her which would cover topics on mediation theory, mediation rules, professional code and ethical standards. On evaluation of the assignment, the applicant should get a minimum of 55% score. On failure to get the minimum grade, the applicant will be able to apply again, only after a period of 3 months.

Evaluation of Mediation Skill: The evaluation of Mediation skill will be based on assessment of Feedback forms of at least 3 mediations conducted by the applicant. The applicant should have at least a minimum of 60% “3” rating or above in the Feedback forms.

On successful evaluation, the Feedbacks could become a base for the Feedback Digest which would be included in the Mediator Profile.

Assessor & Fee: The Assessor for QAP-1 would be a selected IIAM Certified Mediator or above. Fee for QAP-1: Rs. 3000/- + 18% GST

- Guidelines to Assessors for Mediation Knowledge and Skills evaluation, Documents to be produced for proving hours of mediation and CPD points etc. are provided in the General Norms in Section 7.

QAP-2 (Accreditation for IIAM ACCREDITED MEDIATOR)

QAP-2 is applicable to a candidate who has successfully completed IIAM Mediator Training Program, which consists of a minimum of 40 hours, who would like to be accredited as “IIAM ACCREDITED MEDIATOR”. An Accredited Mediator shall act as a sole mediator only after 10 hours of co-mediation.

Evaluation of Mediation Skill: The evaluation of mediation skill will be based on assessment of a Mediated Settlement Agreement submitted by the applicant, based on an assignment given by IIAM. On evaluation of the assignment, the applicant should get a minimum of 55% score. On failure to get the minimum score, the applicant will be able to apply under QAP-2 again, only after a period of 3 months.

Assessor & Fee: The Assessor for QAP-2 would be a selected IIAM Certified Mediator or above. Fee for QAP-2: Rs. 3500/- + 18% GST | In case the applicant is submitting the same as part of IIAM Mediator Training program – Nil

- Guidelines to Assessors for Mediation Skills evaluation is provided in the General Norms in Section 7.

QAP-3 (Accreditation for IIAM CERTIFIED MEDIATOR)

QAP-3 is applicable to an IIAM Accredited Mediator or a Mediator who has successfully completed similar mediation training from other recognized institutions or organizations accepted by IIAM, who completes 30 hours of mediation, spread over at least 5 mediations and who would like to be accredited as “IIAM CERTIFIED MEDIATOR”. Applicant shall provide documentary evidence to show the level of

experience as a mediator. This could be approved logbooks specifying the experience as a mediator, including dates and duration of mediations, capacity (eg. sole or co-mediator) or supporting evidence such as references, feedback forms etc.

The Applicant will be entitled to avail the benefit of attendance in recognized programs, like mediation/conciliation workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of hours of mediation, provided only a maximum of 5 hours (1 hour for each program) will be accepted. Any article or presentation given by the Applicant on Mediation will be given an equivalent of 3 hours (1 hour for each article/presentation).

Evaluation of Mediation Knowledge: As per QAP-3, the applicant shall provide proof of having completed at least 40 hours of training in mediation and will have to demonstrate mediation knowledge by submitting an assignment given to him/her which would cover topics on mediation theory, mediation rules, professional code and ethical standards. On evaluation of the assignment, the applicant should get a minimum of 55% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of 3 months.

Evaluation of Mediation Skill: The evaluation of Mediation skill will be based on assessment of Feedback forms of at least 5 mediations conducted by the applicant. The applicant should have at least a minimum of 60% “3” rating or above in the Feedback forms.

On successful evaluation, the Feedbacks could become a base for the Feedback Digest which would be included in the Mediator Profile.

Assessor & Fee: The Assessor for QAP-3 would be a selected IIAM Certified Mediator or above. Fee for QAP-3: Rs. 5000/- + 18% GST.

- Guidelines to Assessors for Mediation Knowledge and Skills evaluation, Documents to be produced for proving hours of mediation and CPD points etc. are provided in the General Norms in Section 7.

QAP-4 (Accreditation for IIAM SENIOR CERTIFIED MEDIATOR)

QAP-4 is applicable to IIAM Accredited or Certified Mediator or a Mediator who has successfully completed similar mediation training from other recognized institutions or organizations accepted by IIAM, who completes 75 hours of mediation, spread over at least 10 mediations and who would like to be accredited as “IIAM SENIOR CERTIFIED MEDIATOR”. Applicant shall provide documentary evidence to show the level of experience as a mediator. This could be approved logbooks specifying

the experience as a mediator, including dates and duration of mediations, capacity (eg. sole or co-mediator) or supporting evidence such as references, feedback forms etc.

The Applicant will be entitled to avail the benefit of attendance in recognized programs, like mediation/conciliation workshops, seminars, conferences, training programs, courses etc. Such programs can be taken in lieu of hours of mediation, provided only a maximum of 7 hours (1 hour for each program) will be accepted. Any article or presentation given by the Applicant on Mediation will be given an equivalent of 3 hours (1 hour for each article/presentation).

Evaluation of Mediation Knowledge: As per QAP-4, the applicant shall provide proof of having completed at least 40 hours of training in mediation and will have to demonstrate mediation knowledge by submitting an assignment given to him/her which would cover topics on mediation theory, mediation rules, professional code and ethical standards. On evaluation of the assignment, the applicant should get a minimum of 55% score. On failure to get the minimum score, the applicant will be able to apply again, only after a period of 3 months.

Evaluation of Mediation Skill: The evaluation of Mediation skill will be based on assessment of Feedback forms of at least 5 mediations conducted by the applicant and assessment of Mediator Skills Evaluation form collected from 3 individuals who have witnessed the applicant acting as a mediator (e.g. parties, counsel, or co-mediator). The applicant should have at least a minimum of 60% “3” rating or above in the Feedback and Evaluation forms.

On successful evaluation, the Feedbacks and Evaluation Forms could become a base for the Feedback Digest which would be included in the Mediator Profile.

Assessor & Fee: The Assessor for QAP-4 would be a selected IIAM Senior Certified Mediator or above. Fee for QAP-4: Rs. 10,000/- + 18% GST.

- Guidelines to Assessors for Mediation Knowledge and Skills evaluation, Documents to be produced for proving hours of mediation and CPD points etc. are provided in the General Norms in Section 7.

QAP-5 (Accreditation for IIAM CERTIFIED ARBITRATOR)

QAP-5 is applicable to a candidate who has successfully completed IIAM Arbitration Training or a similar arbitration training from other recognized institutions or organizations accepted by IIAM, who would like to be accredited as “IIAM CERTIFIED ARBITRATOR”. A Certified Arbitrator shall act as a sole arbitrator only after 3 arbitrations as a co-arbitrator.

Evaluation of Arbitration Knowledge: As per QAP-5, the applicant shall provide proof of having completed at least 24 hours of training in arbitration.

Evaluation of Arbitration Skill: The evaluation of Arbitration skill will be based on assessment of an arbitral award submitted by the applicant, based on an assignment given by IIAM. On evaluation of the assignment, the applicant should get a minimum of 55% score. On failure to get the minimum score, the applicant will be able to apply under QAP-5 again, only after a period of 3 months.

Assessor & Fee: The Assessor for QAP-5 would be a selected IIAM or APCAM Certified Arbitrator or above. Fee for QAP-5: Rs. 7500/- + 18% GST | In case the applicant is submitting the same as part of IIAM Arbitration Training program – Nil

- Guidelines to Assessors for Arbitration Skills evaluation is provided in the General Norms in Section 7.

QAP-6 (Accreditation for IIAM ACCREDITED ARBITRATOR)

QAP-6 is applicable to a candidate who has sufficient expertise and experience in arbitration and having specified subject expertise. A candidate can either apply with IIAM under the Experience Qualification Path (EQP) or IIAM can suo-moto invite such persons under this route for empanelment as “IIAM ACCREDITED ARBITRATOR”. Through this system, IIAM recognizes the experience that is corresponding to the knowledge and proficiency required under the QAP.

Evaluation of Arbitration Knowledge & Skill: A person who applies under this category shall provide proof of his level of experience and expertise as an arbitrator. This could be approved logbooks specifying the experience as an arbitrator, arbitral awards made by him or supporting evidence such as reference letters from administering institutions. Alternatively, IIAM may qualify individual arbitrators through an interview between the Applicant and Assessor or by other means of assessing an applicant’s competency in arbitration, as approved by IIAM.

Assessor & Fee: The Assessor for QAP-6 would be a selected IIAM or APCAM Certified Arbitrator or above. Fee for QAP-6: Rs. 7500/- + 18% GST | In case of invitation by IIAM – Nil.

- Guidelines to Assessors for Arbitration Skills evaluation is provided in the General Norms in Section 7.

QAP-7 (Accreditation for IIAM ACCREDITED MEDIATION ADVOCATE)

QAP-7 is applicable to a candidate who has successfully completed IIAM Mediation Advocacy Training or a similar training from other recognized institutions or organizations accepted by IIAM, who would like to be accredited as “IIAM ACCREDITED MEDIATION ADVOCATE”.

Evaluation of Mediation Advocacy Knowledge: As per QAP-7, the applicant shall provide proof of having completed training in mediation advocacy.

Evaluation of Mediation Advocacy Skill: In case the candidate has undergone a training program other than IIAM Training program, the candidate will have to demonstrate mediation advocacy skill by submitting an assignment given to him, or based on online assessment, interviews or such other in-practice skill evaluations, as decided by IIAM. The applicant should get a minimum of 55% score. On failure to get the minimum score, the applicant will be able to apply under QAP-7 again, only after a period of 3 months.

Assessor & Fee: The Assessor for QAP-7 would be a selected IIAM Certified Mediator or above. Fee for QAP-7: Rs. 7500/- + 18% GST | In case the applicant is submitting the same as part of IIAM Training program – Nil

QAP-8 (Accreditation of Mediator under APCAM Accreditation Rules)

QAP-8 is included as an index for referring to accreditation under the APCAM Mediator Accreditation Rules, prescribed by the Asia Pacific Centre for Arbitration & Mediation (APCAM). IIAM Mediators are eligible to become Mediators with the APCAM, as per the APCAM Accreditation Rules.

The APCAM Accreditation system follows a multi-level approach by which mediators with diverse mediation skills and experience are recognised. It aims at giving exposure and growth options for professional mediators, honing their knowledge, skills and multi-cultural awareness, apart from giving options for users to select different grades of mediators based on their requirement. This ladder-step approach helps young and new professionals to get more work through greater exposure and step-up their accreditation based on experience. As per APCAM Accreditation system, there are three levels of accreditation – APCAM Accredited Mediator (AAM), APCAM Certified Mediator (ACM) and APCAM International Certified Mediator (AICM).

Only APCAM Certified Mediators will be empanelled as mediators with all APCAM centres in the Asia-Pacific region of approximately ten countries, and featured in the APCAM website, enabling visibility in all these countries. Enlistment in APCAM website gives the mediators greater exposure and growth options as international professional mediators.

For details about APCAM Mediator Accreditation Rules, see <https://apcam.asia/mediator-accreditation>

QAP-9 (Accreditation of Arbitrator under APCAM Accreditation Rules)

QAP-9 is included as an index for referring to accreditation under the APCAM Arbitrator Accreditation Rules, prescribed by the Asia Pacific Centre for Arbitration & Mediation (APCAM). IIAM Arbitrators are eligible to become Arbitrators with APCAM, as per the APCAM Accreditation Rules.

The APCAM Accreditation system follows a multi-level approach by which arbitrators with diverse proficiency and experience are recognised, giving exposure and growth options for professional arbitrators and giving options for users to select different grades of arbitrators based on their requirement. This ladder-step approach helps young and new professionals to get more work through greater exposure and step-up their accreditation based on experience. As per APCAM Accreditation system, there are three levels of accreditation – APCAM Accredited Arbitrator (AAA), APCAM Certified Arbitrator (ACA) and APCAM International Certified Arbitrator (AICA).

Only APCAM Certified Arbitrators will be empanelled as arbitrators with all APCAM centres in the Asia-Pacific region of approximately ten countries, and featured in the APCAM website, enabling visibility in all these countries. Enlistment in APCAM website gives the arbitrators greater exposure and growth options as international professional arbitrators.

For details about APCAM Arbitrator Accreditation Rules, see <https://apcam.asia/arbitrator-accreditation>



SECTION 7 GENERAL NORMS

COMMITMENT TO DIVERSITY

The IIAM Accreditation and Qualifying Assessment Programs will be accessible on equal basis to all mediators, arbitrators and mediation advocates regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization. The Accreditation will be purely based on evaluation under the respective QAP's. Training or Orientation programs received by candidates, on equal rating with IIAM programs as recognised by IIAM, will entitle the candidate to apply under IIAM QAP's.

RECORDS FOR ACCREDITATION

1. The credit for hours of mediation or arbitration done by the applicant will be recorded in accordance with the format maintained by IIAM or any other authentic record revealing the hours of experience.
2. Evaluation forms are separate from the Feedback forms. Same individual shall not provide both Evaluation and Feedback forms. Persons giving Evaluation forms must have direct experience with the mediation process. Applicant shall provide the contact information of these individuals to enable IIAM to send them the Evaluation Form and Guidelines.
3. The applicant shall be entitled to avail the benefit of attendance in recognized CPD programs, like mediation/ conciliation/ arbitration workshops, seminars, conferences, training programs, courses. The self-attested certificates of such programs and self-attested copies of articles written by the applicant shall be produced for availing this.

PROCEDURE FOR CONSISTENT QAP EVALUATION

For evaluating the mediators, arbitrator or mediation advocates under QAP, the Assessors will be given guidelines for evaluating mediation/ arbitration knowledge and skills. This is to ensure that the QAP Assessors evaluate the applicants on a consistent application of high-quality standards. The adherence to the guidelines also confirms that the standard of evaluation and outcome is the same for all Assessors, in identical situations, thereby ensuring the consistency of appraisal ratings. Assessors will assess applicants based on the written documentation and role play as per the Guidelines given to them. IIAM will monitor that the Assessors evaluate the applicants based on the guidelines. IIAM shall also monitor the performance and practice of the Assessors based on their (i) responsiveness, (ii) timeliness, (iii) meticulousness, and (iv) impartiality. Assessors will be invited to assist IIAM to improve the QAP and to develop the high standards.

The Assessors who are empanelled as Neutrals with IIAM, are independent of the Institution and have no administrative connection with the Institution. Those Assessors who are members of the Institution or members of the Governing Council of the Institution will be put in as Assessors along with another Assessor who is independent of the Institution, for Mediators who are connected with the administration of the Institution.

GUIDELINES TO ASSESSORS FOR QAP EVALUATION

Accreditation for Mediators

Mediation Knowledge Evaluation:

• Knowledge of negotiation / mediation theory:	20%
• Knowledge of mediation rules:	15%
• Knowledge of mediation ethics & code:	15%
• Fairly & accurately presenting the matter:	15%
• Structure and layout of MSA:	15%
• Reflection of experience as a Mediator:	10%
• Confirming with time schedule and number of words:	10%

Mediation Skill Evaluation:

• Ingenuity and ability to communicate and facilitate dialogues:	20%
• Style, Poise, Courtesy & Demeanour:	10%
• Understanding of mediation theory & practice:	10%
• Covering the topics pertaining to the dispute:	20%
• Reflection of experience as a Mediator	10%

• Time Management & Organization:	10%
• Structuring the mediation process (including plenary & caucus sessions) in a logical manner:	20%

Accreditation for Arbitrators

Arbitration Skills Evaluation:

• Mentioning type of arbitration, disclosure, appointment, commencement, notice, filing schedule of pleadings etc.	10%
• Narration of facts of claimant and respondent:	10%
• Framing of Issues, covering the topics pertaining to the dispute	15%
• Understanding of arbitration theory & practice and knowledge of arbitration Act/Rules:	15%
• Fairly & accurately presenting the matter & assessment of the issues:	20%
• Structure and layout of Award (Facts, description of pleadings and evidence, issues, answering issues, costs, final result, appendix):	10%
• Reflection of experience as an Arbitrator:	10%
• Conforming with time schedule and number of words:	10%

Accreditation for Mediation Advocates

Mediation Knowledge Evaluation:

• Knowledge of negotiation / mediation advocacy theory:	25%
• Knowledge of mediation rules:	20%
• Knowledge of mediation ethics & code:	20%
• Fairly & accurately presenting the matter & assessment of the issue:	25%
• Confirming with time schedule and number of words:	10%

Mediation Skill Evaluation:

• Ingenuity and ability to communicate and facilitate dialogues:	20%
• Style, Poise, Courtesy & Demeanour:	10%
• Understanding of mediation advocacy theory & practice:	10%
• Covering the topics pertaining to the dispute:	20%
• Reflection of experience as a Mediator Advocate	10%
• Time Management & Organization:	10%
• Structuring the mediation process (including plenary & caucus sessions) in a logical manner:	20%

SECTION 8

IIAM REVIEWER GUIDELINES

IIAM Feedback Digest:

IIAM Feedback Digest is prepared based on the comments made by the disputants in the Feedback Form and the comments given by lawyers and co-mediators in the Skill Evaluation Form.

The IIAM Feedback Form and the Skill Evaluation Form are designed to bring out the parties' satisfaction in relation to the Mediator's competency and style as a mediator and to generate specific observations that may be useful to the Mediator and to future users wishing to work with the Mediator. Mediators value feedback from users to help them improve their professional practice as mediators. Similarly, disputants are equally interested in the feedback offered by parties who have previously engaged the mediator because this can have a bearing on their choice of the mediator.

IIAM Reviewer:

Every IIAM Mediator empanelled with Indian Institute of Arbitration & Mediation (IIAM) and under the PeaceGate App, has to mandatorily select a Reviewer of his choice from the list of Reviewers available. The Reviewer selected by a Mediator should be above the Grade of the Mediator and must not be a member of the family, or someone who is subordinate to the Mediator in a professional relationship. In case of the top-most accreditation, the Reviewer can be a mediator of same grade. The identity of the Reviewer will be mentioned in the Feedback Digest.

- The IIAM Reviewer is responsible for preparing the Feedback Digest of the Mediator. The Reviewer shall be a Certified Mediator, Senior Certified Mediator, APCAM Certified Mediator, IMI Certified Mediator or APCAM International Certified Mediator.

- The Reviewer will also receive future Feedbacks for updating the Mediator's Feedback Digest as required to maintain the Certification and for upgradation under the IIAM QAP or APCAM QAP.
- The Reviewer will also guide junior mediators during the first 3 mediations done by the Mediator as a Mentor and shall also guide them on any professional or ethical dilemmas.
- The Reviewer may be appointed as Assessors under the respective QAPs.
- The members of the IIAM Mediator Disciplinary Committee to process the IIAM Mediators' Conduct Assessment will also be selected from the IIAM Reviewers.
- The Reviewer can withdraw as a Mediator's Reviewer at any time, after informing the Mediator and IIAM. Similarly, the Mediator can also change the Reviewer at any time, after informing the Reviewer and IIAM.

Importance of Review:

As mediation invariably takes place in private, it is difficult to judge a mediator's actual competency in the absence of extensive prior experience with that mediator. Feedback, if independently and responsibly prepared, and if made available to prospective users, is a good indicator of competency and can also provide guidance to users in relation to style and suitability. Negative feedback needs to be handled with particular care to address the legitimate and natural concerns of mediators while also maintaining objectivity, relevance and reliability from a user perspective. The main problem with making feedback available publicly concerns unfavourable comments. It is known that some disputants who are dissatisfied with their own performance in mediation will occasionally express their frustration through negative feedback on the mediator's performance and it would be unfair on a mediator, and not useful to a prospective user, to make public such subjective negative remarks taken out of context.

To address the need of users for insight into prior users' experiences with a mediator, while simultaneously protecting the mediator's reputation against unjustified criticism, Feedback Digest has to be prepared and updated by the Reviewer as per the Guidelines given in this document. The Feedback Digest is a vital part of the IIAM Mediator's Profile.

Guidelines for preparing Feedback Digest:

Reviewers are expected to provide an honest and objective summary of feedback about their Mediator's performance based on the information on Feedback Forms received from Users and Skill Evaluation Form from Lawyers/Co-mediators, who have worked with the Mediator.

1. Prepare each Feedback Digest from the perspective of a future user, trying to objectively summarize accumulated feedback to date as accurately as possible. It is important that the Digest is honest and is credible to future users. Feedback shall be summarized onto one page, indicating the number of cases and parties from which the feedback has been sourced, and the name of the Reviewer compiling the Feedback Digest.
2. Emphasize any special strengths and characteristics repeatedly mentioned. Focus on perceived skills and styles, illustrating briefly where appropriate. If there are no reportable negative feedback, the Digest should say so.
3. Avoid merely offering a selection of quoted extracts from Feedback Forms, especially if these may be misleading when taken out of context. Avoid the Feedback Digest being stylistically perceived as a marketing endorsement, which could compromise credibility.
4. Please include in the Feedback Digest any specific negative feedback, only if:
 - Substantially the same unfavourable or negative comment has been made by more than three feedback providers in different cases in the previous 12 months, the Reviewer shall contact the Mediator and inform him about the same and advise him accordingly. But if the same unfavourable or negative comment is given in a further two feedbacks, the Reviewer shall record it in the Feedback Digest. The Reviewer has an option to personally interview such providers of that feedback, and also to the Mediator, to understand the circumstances in each case and believe the feedback to be relevant to future users;
5. Favourable or unfavourable feedback more than 24 months old will be discarded from Feedback Digests.
6. Please remember that all information regarding a mediation, including the fact that it took place, the names of the parties and what happened during the process are generally confidential and you are expected to protect the confidentiality of all such information when preparing Feedback Digests.

Preparation of Feedback Digests:

A Community Mediator or Mediator, shall submit the Feedback Forms to the Reviewer for preparing the Feedback Digest.

The Reviewer shall also make the Feedback Digest during Assessment under the respective QAP's, when a Mediator so applies.

The Mediator can also request the Reviewer for updating the Feedback Digest, by providing latest Feedback Forms and Skill Evaluation Forms. Under normal circumstances, the Feedback Digest should be kept updated every 12 months, with a minimum of Feedbacks from at least 5 mediations conducted by the Mediator over the previous 12 months.

Guidelines for Assessment under IIAM QAP:

- The credit for hours of mediation done by the applicant will be recorded in accordance with the Mediation Record format maintained by IIAM or any other authentic record revealing the hours of mediation done by the mediator.
- Feedback Forms and Evaluation forms are separate. Same individual shall not provide both Evaluation and Feedback forms. Persons giving Evaluation forms must have direct experience with the mediation process.
- The Assessor shall use the guidelines given in Section-7, for evaluating the mediator's mediation knowledge and skill.

Fee for Reviewer:

For preparing the Feedback Digest and for guiding the junior mediator for the first 3 mediations, the Reviewer is entitled for 50% of the Mediator fee of the said 3 mediation.

For preparing the Feedback Digest and acting as Assessor under the IIAM QAP's, the Reviewer is entitled to 50% of the relevant QAP fee.

For preparing updated Feedback Digest, the Reviewer is entitled for a fee of Rs. 2000/-

Example of a typical Feedback Digest:

Mediator: Ms. Sharma
Reviewer: Mr. Thomas
 thomas2019@imail.com
Last Update: October 1, 2020

This Feedback Digest has been updated to include 7 Feedbacks since October 1, 2019.

Ms Sharma was rated by users highly as having a professional and relief-oriented approach and many commented on her behaviour and genuine approach. A very

high percentage of users have put her at level 5 in using her again as Mediator and recommending her to others.

Those who experienced Ms. Sharma's skills in setting up, explaining and preparing for the mediation regularly reported that she has treated all sides fairly and impartially, was efficient and attended to organizational details promptly. Several parties commented that she patiently explained aspects of the mediation when asked, and clearly negotiated and laid out the ground rules both before the mediation began and at the start of the process.

A high proportion of Ms. Sharma's mediations resulted in a resolution. She was especially congratulated for being a steadying influence when tensions among the parties increased and for keeping negotiators focused on key issues and future interests. She was reported as having a genuinely caring attitude, and for being a good listener.

A wide range of mediation skills have emerged from Feedbacks received in Ms. Sharma's case. No reportable negative comments have arisen in the past two calendar years.



Accreditation & QAP for IIAM Neutrals of the
Indian Institute of Arbitration & Mediation

For more details:

Email: info@arbitrationindia.com

www.arbitrationindia.org | www.peacegate.in