

**Evaluation Report on Mediator Mentorship Scheme for Capacity-building and
Enhancing Competitiveness of Hong Kong Mediators
for the period from 15 October 2018 to 14 February 2020**

1. Background

The Joint Mediation Helpline Office (“JMHO”) has been funded under the Professional Services Advancement Support Scheme (“PASS”) to implement a project entitled “Mediator Mentorship Scheme for Capacity-building and Enhancing Competitiveness of Hong Kong Mediators” (the Project) for the period from 15 October 2018 to 14 February 2020.

The Project aims to enhance the overall professional standards of the mediation industry in Hong Kong through offering practice opportunities and trainings to junior mediators so as to expand the pool of experienced mediators in Hong Kong and hence promote the competitiveness of the entire mediation industry in Hong Kong. Under the Project, the Mediator Mentorship Scheme (“MMS”) and 3 Refreshing Workshops (the Workshop) were organised.

2. The Project

2.1 The MMS

The MMS aims to offer opportunities for mediators, especially the newly-accredited ones, to learn from the senior mediators in conducting real cases and handle actual mediation cases and to offer more opportunities for mediators to exchange with their fellows.

Under the MMS, a List of Mediators (the List), consisting of 3 categories of mediators (i.e. Mentor Mediator, Mediator and Mentee Mediator), is maintained by the JMHO. As of the completion of the Project on 14 February 2020, there were, in total, 76 Mentor Mediators, 50 Mediators and 185 Mentee Mediators being admitted to the List.

Actual mediation cases would be assigned to them on a rotation system randomly generated by computer. For cases which a Mentor Mediator is nominated, up to 3 Mentee Mediators would also be nominated as the observers. For cases which a Mediator is nominated, a Mediation Consultant of the JMHO would be appointed as his/ her supervisor.

2.2 The Workshop

The Workshop aims to refresh and enhance mediators' skills and knowledge in mediation and negotiation, which would be conducted in the formats of lecture with active interaction and adequate practice, such as discussion, role plays and exercises.

In order to enhance the skills of junior mediators and give opportunities to them to exchange with their fellows, priority seats were given to Mentee Mediators and Mediators of the MMS.

3. The Outcome and Feedback

3.1 The MMS

As at 14 February 2020, there were, in total, 135 mediation cases arranged, involving 84 Mentor Mediators, 51 Mediators and 132 Mentee Mediators. 154 evaluation forms were received from them. Feedbacks are summarized as follows:

a) Mentor Mediators, Mentee Mediators and Mediators have positive feedback among the MMS

Over 90% of the Mentee Mediators and Mediators gave a high score (i.e. "helpful" or "very helpful") that participating in the MMS helps them enhance their mediation skill and that the guidance and knowledge, exchange of ideas and experience of learning and growth during the process are valuable.

Nearly 90 % of the Mentors Mediators held positive attitude toward Mentee Mediators' performance under the MMS. In addition to demonstrating mediation skills, Mentor Mediators also observed the learning attitude, preparation work and the ability of asking good questions of Mentee Mediators throughout the mediation process. It is an important way for the Mentee Mediators to refine their skills with those tailor-made suggestions or guidance provided by Mentor Mediators.



The mediations provided a major platform for them to exchange practical experiences. All the participants agreed that they would recommend the MMS to others, especially the newly accredited mediators.

b) The MMS offers the Mentee Mediators and Mediators opportunities to gain practical experience and refine their skills

Mentee Mediators and Mediators commented that the experience gained from the MMS is of greatest benefit to them. During the process, they could gain practical experience on facilitating parties to settle the disputes by different mediation skills, such as reframing parties' negative comments, tackling their emotions and creating best suited options to parties, such real case experience on mediation is beyond textbook case or mediation training. The real case demonstrations, embodiment of skills in real conflict enhanced their knowledge in application of skills and this was a very significant element to build up competency in real mediation.

The guideline and briefing from Mentor Mediators or Mediation Consultants were appreciated. The participants agreed that the senior mediators helped them build up a better understanding on the role of a mediator and the sharing, e.g. briefing and debriefing offered by senior mediators, was very touching and valuable. The junior mediators (i.e. Mentee Mediators and Mediators) reflected that the arrangements under MMS facilitated their skills and knowledge improvement as they were provided a platform to discuss and seek advice from Mentor Mediators or Mediation Consultants.

Details of the evaluation summary, please refer to **Annex I: Evaluation Summary on Mediator Mentorship Scheme**.

3.2 The Workshop

3 Refreshing Workshops were held to enhance the mediation skills of the Mentee Mediators and Mediators of the MMS in June, July and August 2019, attracting, in total, 117 participants. 84 evaluation forms were received from the participants. Feedbacks are summarized as follows:



a) Positive rates were received from participants

All the participants had a positive feedback among the Workshop. Around 80% of the participants rated “Excellent” whereas the rest rated “Good” to the Workshop in general and to the mediation skills (e.g. Time-limited mediation, drafting of settlement agreement and case study, etc.) demonstrated on the Workshop.

b) Participants acknowledged that the Workshop refreshed their knowledge and enhanced their mediation skills

Participants took the view that the content of the Workshop was very informative and tailored for them. They reflected that a clear picture of mediation practice was provided to them and the experience sharing session and Q&A session were excellent. They were positive and certain that the Workshop helped them refresh their knowledge and skills in mediation which were beyond their expectation.

Details of the evaluation summary, please refer to **Annex II: Evaluation Summary on 3 Refreshing Workshops**.

4. Analysis and Recommendations

The positive feedback shows that the MMS and the Workshop could help enhancing the skills and knowledge of the junior mediators and provided a platform for them to share real case experiences. The MMS has become a source of mediation cases and created practice opportunities for mediators, especially those newly-accredited. Mentee Mediators gained valuable experiences through being observers to assist experienced mediators in mediations whereas Mediators mediated disputes on their own with the backup from mediation supervisors (i.e. Mediation Consultants). It provided real practice opportunities for the mediators to refine their mediation skills and the guidance and advices from Mentor Mediators and Mediation Consultant are the elements for mediators’ capacity building and continuous development. It is believed that the Project could enhance the overall professional standards of the Hong Kong mediators in the long run.

Although the Civil Justice Reform in 2009 has already introduced mediation as a voluntary dispute resolution process and the Court could make adverse costs orders against a party who unreasonably refuse to mediate, the demand for mediation service remains low. Most of the parties still choose the Court as the only way to resolve disputes. With the low demand for mediation service, extra challenges are imposed to newly-accredited mediators in looking for cases. And without practical experience, their mediation skills cannot be refined through continuous practice. Even if they participate in skills enhancement workshops available in the market from time to time, they might not be chosen by parties to mediate cases because of their lack of practical experience. Therefore, the Project, especially the MMS, is the important way for them to accumulate practical experiences.

Riding on the above success, the following recommendations are made for the development and improvement for the future of the Project, if appropriate:

4.1 More input should be given to increase the case load so as to provide more or even continuous opportunities to junior mediators

The number of cases received under MMS would influence the outcome of the Project, i.e. the more cases received under MMS, mediators would have more practice opportunities and hence the MMS would be more effective in enhancing the professional standards of mediators in Hong Kong. To raise public awareness and give mediation a chance, continuous promotion activities should be adopted to promote mediation. The JMHO may also expand the criteria (i.e. the dispute amount)/ the nature of eligible cases so as to increase the number of eligible cases and create more real case opportunities to junior mediators.

4.2 More training should be provided to junior mediators so as to enhance the professional standards of Hong Kong mediators

The MMS and the Workshop created great opportunities for mediators to share real case experiences with their fellows, which also help refine the skills and knowledge of mediators and offer good practicing opportunities for mediators to uphold the standard. It is suggested more workshops should be provided for training the skills of mediators. Also, it is suggested that sharing session hosted by the appointed mediators should be arranged for sharing their new experience on conducting real cases with other participating junior mediators.

4.3 More participation opportunities for Mentee Mediators to enhance the learning process

Mentee Mediators could learn from Mentor Mediators by observing he/ she to conduct real mediation cases. Yet, it is believed that learning outcome could be improved if the Mentee Mediators could have more involvement in the cases, e.g. lead the pre-meeting or even giving chance to conduct a mediation under the supervision or guidance of the Mentor Mediator. To enhance the learning of Mentee Mediators, the JMHO may also include the briefing sessions and debriefing session as compulsory to be conducted by Mentor Mediators or Mediation Consultants.

4.4 The Mentorship could be adjusted to a long term one instead of just for one case

As per the current format, Mentee Mediators are assigned to Mentor Mediators on rotation system randomly generated by computer per case. Yet, some Mentee Mediators suggested that the Mentor Mediator and Mentee Mediators should be pair up for a period of time to conduct mediation cases, so that they could build trust and know each other's work style and eventually, broaden the knowledge of Mentee Mediators and allow he/ she to conduct the trial or practice on other steps in a real mediation, e.g. delivering the opening statement instead of observation only.

4.5 The Project should be developed as a regular project

The Project provides an opportunity for junior mediators to develop their career as a mediator and provides guidance for them on becoming professional ones. The guidance and inspiration on the mediation process and demonstration of the role as a mediator from senior mediators to junior mediators are valuable that could help them have a better development in the field.

5. Conclusion

Mediation, a form of alternative dispute resolution, is a way for resolving disputes between parties. Mediator, as a neutral third party, is involved to structure the meetings, and, by applying different mediation, communication and negotiation skills, is to help the parties come to a final decision. A person only needs to undergo a 40-hour training and complete 2 tests to become a mediator. Yet, to take root in the field and become a professional mediator that recognized by the industry and the commercial world, it may take years.

The Project offers mediators, especially those newly accredited, a platform for capacity building and continuous development. Participants of the Project could have the opportunities to observe the senior mediators in conducting mediation cases and to handle cases on their own. As of the completion of the Project, 183 and 117 junior mediators have benefited from the MMS and the Workshop respectively. All the participants expressed the view that the Project helps improved their skills and professional development. It is certain that the Project achieved its aim on enhancing the overall professional standards of the Hong Kong mediators.

To prolong the effect or result of the Project, it would be important for the JMHO to keep on operating the Project or other similar project continuously, so as to offer more opportunities to junior mediators and uphold the professional and high standards of Hong Kong mediation industry and Hong Kong mediators. And in the long run, improve and enhance the overall competitiveness of the industry for competing with the counterparts internationally.

Annex I: Evaluation Summary on Mediator Mentorship Scheme

115 evaluation forms were received from Mediators and Mentee Mediators from 15 October 2018 to 14 February 2020. Details summarised as follows:

1. How do you rate the level of disputing parties' understanding of Mediation?	Level of Understanding ("1"= no concept; "5"= very clear concept)				
	1	2	3	4	5
Nature of mediation	1%	5%	19%	37%	37%
Role of mediator	1%	5%	17%	30%	46%
Mediation process	2%	7%	19%	37%	35%

2. How do you rate your understanding of JMHO and its service under MMS?	Level of Understanding ("1"= no concept; "5"= very clear concept)				
	1	2	3	4	5
Background of JMHO and MMS	0%	0%	5%	30%	65%
The goals and objectives of MMS	0%	0%	4%	26%	70%
Process of nominating and appointing Mediator	1%	4%	9%	30%	56%
Application and Mediation Rules of MMS	0%	0%	4%	31%	64%

3. As a Mediator/ Mentee Mediator, how do you rate the level of helpfulness after participating in MMS?	Level of Helpfulness ("1"= not helpful; "5"= very helpful)				
	1	2	3	4	5
Enhancement in mediation skills	0%	0%	7%	21%	71%
Guidance and knowledge from the Mentor Mediator/ Mediation Consultant	1%	1%	7%	19%	72%
Exchange of ideas with the mentor/ consultant	1%	2%	3%	23%	72%
Experience of learning and growth during the process	0%	1%	7%	16%	77%

4a Do you think there are sufficient guidelines/ support to you?

92% of the respondents confirmed that there are sufficient guidelines/ support. A few suggested the case documents could be provided to Mentee Mediators before the mediation session.

4b Do you think there are sufficient case documents provided to you (if applicable)?

78% of the respondents confirmed that there are sufficient case documents provided to them. A few suggested that more information, e.g. details of the case, could be provided to Mentee Mediators before the mediation session for preparation.

5 What is the greatest benefit you received from this experience?

Gain practical experience

- Gain the practical experience on facilitating the parties to settle the disputes by questioning and other mediation skills
- How to not drill into details but come to a settlement
- How to handle a big group and potential emotional status
- To gain more professional mediation experience and skills
- Gain valuable experience on conducting a mediation case
- To experience the real case and how Mentor Mediators demonstrated his skill in the whole process
- Real life experience in mediation and embodiment of skill in real conflict
- Exposure to real life parties' interaction
- A real life experience on mediation rather than textbook case, it is a good experience to enhance knowledge and skills
- Learn how to handle real case
- Gain practical experience on leading the discussion to go on
- Gain experience on handling multi-parties disputes
- How to compromise conflicts between parties
- How to handle parties' understanding

Refine skills

- Enhance mediation skills, e.g. reframe the parties negative comments, reality test, create options which best suited by parties
- Have a better understanding among the essential on asking follow up questions among the proposed options
- Understand the essential of eye-contact with anxious parties
- The approach to tackle the parties' differences and what sort of issues to stress to the disputing parties
- Learning the difficulties in narrowing the gap
- Enhance the knowledge in application of skills and the significant element to build up competency in real mediation
- More familiar with the process, know how to line up both parties to discuss and communicate
- Able to deal with parties with strong attitude
- Enhance the skills in handling the disputes and manage the meeting
- Enhance the skills to close the final gap of parties
- Gain of knowledge from mediation, e.g. handling of parties' emotion and concern

Understand the flow of a real mediation case

- Learn the skills and mediation procedure
- Go through the whole mediation process and observe the micro skills application
- The process underpinned by a real case
- Understand the real setting of mediation
- Experience the process of mediation in real situation, learn how to mediate to achieve result
- Able to observe the real case situation and have a change to go through the whole process, including pre-mediation meeting and debriefing by experienced mediator
- Understand the flexibility on process and skills of a real mediation, e.g. with or without caucus meeting and the application of risk analysis and doubt creation, etc.

Great guidance and advices from Mentor Mediator/ Mediation Consultant

- Having an experienced Mentor Mediator to provide guidelines and suggestions is valuable
- Understand the flexibility of the role of mediator
- A real case demonstration and guidance from experienced mediator
- The mediation process arranged by the Mentor and each briefing after the private session conducted by the mentor
- Experience sharing by the Mentor Mediator in the real case
- The Mentor Mediators is very professional and well led the parties to overcome their challenges.
- The debriefing is very touching and valuable
- Great sharing on skills in handling mediation case was provided

Assistance provided by the JMHO

- The assistance provided by the JMHO is very helpful and necessary

6. Will you recommend the MMS to others?

All the respondents confirmed that they would recommend the MMS to others.

7. Are there any other recommendations to improve the MMS?

Continue to provide opportunities to junior mediators

- More promotion should be conducted so that to increase the number of cases
- Continue to provide opportunities to mediators to conduct mediation
- Could expand the criteria/ nature of eligible cases so as to increase the number of cases
- More cases to join and share
- Could let Mentee Mediators to take care some part during the mediation so as to enhance the learning outcome
- Could get involve in mediation session more frequently
- Mentee Mediators could have more opportunities to join the case as observer to enhance mediation skills

More training should be provided to junior mediators

- Could provide more section to Mentee Mediators, e.g. briefing sessions, debriefing sessions and/ or other ways for Mentee Mediators to handle a real case independently
- More training to Mentee Mediators, e.g. CPD trainings event
- Could let the Mentee Mediators to take part on the pre-mediation meeting
- Could hold Mentor Mediators sharing sessions even when there is no actual case available
- Could arrange the appointed Mediators to share their experience with those not yet have the chance

Suggestion on the Mentorship

- Could pair up Mentor Mediator and Mentee Mediators to conduct several cases so as to build trust and know each other's work style, in such way, the Mentee Mediators could participate effectively in the mediation process
- Mentee Mediators should be fixed to follow particular same Mentor Mediator in order to broaden the knowledge of Mentee Mediators and can have trial/ practice on other steps in mediation, e.g. deliver opening statement instead of observation only
- Should let the Mentee Mediators having chance to lead the case

More support are required

- Could provide clerical support during the mediation
- Could assist the distribution of cases documents from Mentor Mediators to Mentee Mediators
- If parties can have pre-order lunch would be better
- Provision of bottled water to the parties
- Provide typewriter/ software for preparation of settlement agreement. Hence, the parties could insert all settlement terms and printed out the finalized settlement agreement
- Provide light refreshment, such as biscuits will help parties endure prolonged mediation process

Suggestion on the mediation venue

- Suggest to have a curtain along the door that the parties could not be seen by staffs/ visitors
- Install curtain at glass door/ window to avoid direct sunlight getting into the room

8. Are there any other comments to improve mediation outcome?

The mediation session could be longer

- Time may not sufficient for the entire mediation process
- More caucus meeting is required
- Not sufficient time for complicated case
- More time for the process would be better

More should be done to adjust parties' attitude

- How to enhance parties understanding among the different perspectives
- Commitment of parties is important
- More caucus session with parties separately could help release more negative feelings for the parties

9. Other Comment

- This is a very wonderful program and I surely will share the MMS to other who newly join the field. The Mentor Mediators provided an valuable guidance and inspiration on the mediation process to me, who demonstrated a role model on the purpose of mediation.
- The scheme should in depth be build up and run for several years. It is an excellent experience to be a Mentee Mediator in order to have better development in the field.
- It is already as good as it should be.
- High standard of Mentor Mediators can help Mentee Mediators enhance skill and learn from observation.

39 evaluation forms were received from Mentor Mediators from 15 October 2018 to 14 February 2020. Details summarised as follows:

1. How do you rate the level of disputing parties' understanding of Mediation?	Level of Understanding ("1"= no concept; "5"= very clear concept)				
	1	2	3	4	5
Nature of mediation	5%	3%	18%	41%	33%
Role of mediator	5%	0%	18%	36%	41%
Mediation process	5%	5%	13%	38%	38%

2. How do you rate your understanding of JMHO and its service under MMS?	Level of Understanding ("1"= no concept; "5"= very clear concept)				
	1	2	3	4	5
Background of JMHO and MMS	3%	0%	8%	13%	77%
The goals and objectives of MMS	3%	0%	5%	13%	79%
Process of nominating and appointing Mediator	3%	0%	5%	23%	69%
Application and Mediation Rules of MMS	3%	0%	3%	18%	76%

3. As a Mentor Mediator, how do you rate the level of Mentee Mediators' performance under MMS?	Level of Helpfulness ("1"= not helpful; "5"= very helpful)				
	1	2	3	4	5
Learning attitude	3%	0%	0%	16%	82%
Preparation before the mediation	3%	0%	3%	26%	68%
Able to ask good questions	3%	0%	8%	26%	63%

4a Do you think there are sufficient guidelines/ support to you?

97% of the respondents confirmed that there are sufficient guidelines/ support. One suggested that a briefing seminar should be held for Mentor Mediators, Mediators and Mentee Mediators.

4b Do you think there are sufficient case documents provided to you (if applicable)?

97% of the respondents confirmed that there are sufficient case documents provided to them. No other suggestion received.

6. Will you recommend the MMS to others?

All the respondents confirmed that they would recommend the MMS to others.

7. Are there any other recommendations to improve the MMS?

More promotion is required to increase the number of cases

- Through more channels to promote the JMHO and MMS to the public
- Host seminar and workshop for some non-mediation trained staff

More support are required

- Standardize the Settlement Agreement Form. It seems there are different versions
- Better to remind the Mediators with emergency button prior to the mediation
- Could provide mediation venue on Saturday/ public holiday
- The case info was sent as “zip” file, suggest to consider using other means if the mediator couldn’t access to zip
- If the case documents could be released to mediator at an early time would be better
- May try to reduce the number of documents sent to the mediator

Suggestion on the mediation venue

- To eliminate unnecessary interruption, it may worthwhile in considering installation of curtain
- A bigger table is required
- The lighting is a bit weak
- It would be nice to have a curtain in the mediation room as the sun light was very bright at 4pm and it is hard to look at the documents under such intense sun light

More time should be allowed for mediation

- To finish mediation within 4 hours is not sufficient. This case started at 9am and ended at 4pm. There was no time for lunch for everyone as all parties are keen to work hard on this case
- The mediator should have the option to choose to arrange for an additional-hour session for the parties

8. Are there any other comments to improve mediation outcome?

More should be done to adjust parties’ attitude

- A pre-mediation briefing session for the parties is recommended to create more open atmosphere

Timing for mediation could be earlier

- It would be more ideal to conduct mediation before the parties process to litigation

More briefing should be provided to mediator

- Host briefing seminar for mediator about the logistic of Small Claims Tribunal

Annex II: Evaluation Summary on 3 Refreshing Workshops

3 Refreshing Workshop were conducted in June, July and August 2019 to 117 participants. 84 evaluation forms were received, details summarised as follows:

- 1 General Evaluation: How would you rate the workshop?**
79.5% participants rated “Excellent” whereas 20.5% rated “Good”.
- 2A Procedures (incl. “Introduction of MMS”, “Small Claims Tribunal Procedure”)
Information**
61% rated the information as “Excellent” whereas 39% rated “Good”; 59.2% rated the organisation as “Excellent” whereas 40.8% rated “Good”; and 63.2% rated the delivery as “Excellent” whereas 36.8% rated “Good”.
- 2B Mediation Skills (incl. “Time-limited Mediation”, “Drafting of Settlement Agreement”, “Case Study”)**
80.7% rated the information as “Excellent” whereas 19.3% rated “Good”; 80.5% rated the organisation as “Excellent” whereas 19.5% rated “Good”; and 85.7% rated the delivery as “Excellent” whereas 14.3% rated “Good”.
- 3 Contents: Did the content meet your needs/ expectations? Please explain.**
Positive feedback was received. Participants reflected that the content was very informative and tailored for the Small Claims cases. Participants loved the excellent experience sharing session and the Q&A session. Participants agreed that the content helped them refresh their knowledge and skills in mediation and that the contents and presentation were beyond their expectation and provided a clear picture of mediation practice.
- 4. Presentation: How could the style of presentation be changed to meet your needs?**
Participants reflected that the presentation style was perfect and well organized. The presentation was easy to understand and humorous. Participants enjoyed the workshop especially on the topic of Settlement Agreement and it was agreed that the visual aids have made it easier for participants to understand.
- 5. Materials: How would you like to see the workshop materials improved?**
Participants suggested that more Chinese settlement agreement example be included in the materials. It was preferable that the materials could be received before or during the workshops for notes taking.
- 6. Miscellaneous: Please give us your suggestions for other workshops you would like the JMHO to present.**
Participants look forward to having more real cases/ small claims cases sharing in the workshop.