



## **The importance of accredited mediators**

Disputes are rarely welcome events for participants. Those who take the step to engage a mediator do so because they recognise a situation has progressed to a point that requires intervention. The parties may not have entered the mediation process happily, or even willingly. Rarely are parties at their best during dispute proceedings.

The mediator's job is to navigate clients through a difficult process when their ability to do so is often clouded by the subjectivity of their experience and a heightened psychological state. The mediator is engaged to facilitate an environment for participants to exchange information in a constructive way and empower disputants to explore and select their own solution, whatever that may be.

People often misjudge how professionally skilful a mediator needs to be. Professional mediators draw on a range of skills, tools and insights from rigorous training and practice to develop a high degree of proficiency. Mediation is as much an art form as it is a science.

It is possible that there are individuals within the profession who are not adequately equipped – either through a lack of ability or training – to effectively manage what can be a complex, drawn-out, and emotional process. The outcomes of a poorly mediated dispute are potentially devastating for individuals and businesses. The impacts can be financial, emotional, reputational and damage to relationship.

So what assurances are out there for clients looking to engage a mediator to deliver the best outcome for them? Regulation of the profession is critical to ensure that the duty of care to clients remains first and foremost the priority for practitioners and the industry.

The National Mediator Accreditation System (NMAS), through the Mediator Standards Board (MSB), was established to ensure consistent, high-quality professional mediation services across Australia.

The NMAS provides practice standards to ensure mediators have requisite training and meet the required level of professional competency across a range of indicators. To maintain accreditation, mediators are required to keep their skills knowledge current through a biennial audit that includes minimum hours of mediation practice, continual Professional Development (CPD), maintain good character and have professional indemnity insurance.

From a clients' perspective, accreditation by the NMAS provides assurance that mediators have met practice standards, and continually engaged in developing their practice and eligibility.

The provision of professional indemnity insurance for all accredited mediators, and a centralised complaints' process, provide further consumer confidence.

Through its centralised database of accredited mediators across the country, the NMAS register provides potential clients access to a range of more than 3,200 qualified, specialist mediators across the country.

As a mediator, the NMAS provides me with the confidence to expand my client base and develop areas of specialty. The ongoing requirements of the CPD enable me to focus on the development of skills as well as refining my practice. Along with resources to supplement my learning, the accreditation process ensures that my knowledge remains current in the constantly changing dispute resolution landscape.

In my capacity as a regular coach for Resolution Institute (a Recognised Mediation Accreditation Body or RMAB) mediation training courses, I see course participants initially grapple with the complexities of the dispute resolution process.

The training program is part theory and part practice, primarily delivered through hypothetical scenarios: role-play. The participants rotate through roles as both mediator and client. In the role of mediator participants bring together the range of their learnings in a safe environment. Roleplays provide that additional insight into the various stages of mediation, highlighting the purpose and application of particular skills. Playing the role of the client is an equally valuable part of the exercise, allowing participants to experience the client's perspective. Doing so can often highlight the impact of a mediator's use of tone, body language, and framing; all of which can significantly influence the dispute outcome.

Mediation is a confidential process, so there are limited opportunities to observe peers with real clients. The RMAB mediation training is designed to specifically address that need, providing specialised opportunities to learn from experienced mediators.

At a time of uncertainty and stress for clients, engaging an NMAS mediator provides an assurance of a high-quality professional service, backed by a nationally recognised accreditation program.

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