

Will COVID-19 see mediation-focused professionals opt in to accreditation?

When anyone can call themselves a mediator, how can you ensure a quality approach?

◆◆◆
SOME PRACTISING members of the legal profession may dismiss the process of mediation as an “add-on” to the process of litigation; however, there is little doubt it has been increasingly endorsed by courts, government departments, statutory and institutional bodies, and, more importantly, clients – be they corporations or individuals – who have all embraced it as an essential part of dispute resolution, in many cases, before legal proceedings have even been instituted.

The restrictions imposed by the COVID-19 pandemic have impacted the norms for handling disputes and have certainly changed our ways.

“Online mediation has now, by necessity, proven to be almost as

effective and successful as what was once the in-person norm”.

Douglas Murphy QC of the Mediator Standards Board adds, “not only have there been benefits in the resolution process itself but, in many cases, there have been cost savings that would otherwise have been incurred in travel expenses for lawyers and parties, and venue hire”.

Who knows? Maybe there is good reason to suggest that, once COVID-19 restrictions have become a memory, online platforms once criticised by the purists may continue to be a “go-to” means of negotiation.

The important feature, according to the Mediator Standards Board, will be using a professionally trained and accredited mediator.

Irrespective of the manner in which mediation takes place and the absence of any legislation to enforce compulsory standards governing mediation practitioners, ensuring that a chosen mediator has the requisite qualities can be problematic.

Regardless of any shift from traditional to online services, the fact remains that mediators need to possess the skillsets and experience required to deliver a quality mediation whether they are delivering “face-to-face” or “online” services - and, clients will be increasingly looking for indicators of quality.

Leaving aside the notions of any essential legal or industry-based expertise, the best way to ensure the right choice of mediator is to look for one

who is accredited under the National Mediator Accreditation System (NMAS). It is the only system in Australia that requires consistent adherence to a multi-industry-backed set of standards, ensuring mediators deliver:

Competence

All National Mediator Accreditation System (NMAS) mediators are trained and assessed in accordance with a comprehensive set of processes, skills and ethical requirements.

Credibility

NMAS mediators commit to best practice standards, including independence and impartiality, which may assist with convincing parties to opt in to the process.

Experience

To maintain accreditation, NMAS mediators are required to meet stringent training and practical experience requirements during each accreditation period.

Accountability

An established, effective complaints mechanism is in place for all NMAS mediators. Accreditation bodies can independently receive any complaints and discipline where appropriate.

Indemnity

Like the practicing certificate requirements for lawyers, barristers and solicitors, adequate professional indemnity insurance and evidence of good character are also requirements for NMAS mediators.

So...

- **ASK** if your mediator is accredited
- **BECOME** accredited yourself, or
- **CHECK** for a National Mediator Accreditation System logo or search the national register at msb.org.au/mediators ◆

Find out more at www.msb.org.au/is-your-mediator-nmas-accredited

Is your Mediator nationally accredited?

Mediation matters - accreditation counts



National Mediator
Accreditation System

Find out here - National Register of Accredited Mediators

www.msb.org.au/is-your-mediator-nmas-accredited