
MSB NEWSLETTER – MARCH 2021

This newsletter is circulated to our member organisations, current and former MSB Directors, and to NMAS trainers/coaches/assessors who have expressed an interest in receiving them. The newsletter is also uploaded onto the MSB website.

We recommend that member organisations share this with their administrative and training teams. Organisations are also welcome to include a link to this newsletter in their own communications with mediators.

This particular newsletter will focus on the NMAS review and on educative resources for the dispute resolution community and stakeholders.

NMAS REVIEW - AN UPDATE

The Mediator Standards Board (MSB) has engaged the services of Resolution Resources (RR) to conduct a review of the National Mediator Accreditation System (NMAS). This review is well underway.

It is important to the MSB that this is an independent review. The Board will receive recommendations, based on a sound methodology and data analysis, for consideration in the second half of this year. These recommendations will be the result of participation from the dispute resolution community, rather than be influenced by us. The MSB will then engage an independent facilitator to assist us in working through the recommendations.

The review is designed in a way that creates multiple opportunities for input by practitioners and organisations, culminating in the development of a main survey that will include both multiple choice and open-ended questions. The steps towards this main survey include:

- **Reference Groups** to identify areas for possible amendment to the NMAS, covering considerations such as diversity and inclusion, First Nations perspectives, non-NMAS dispute resolution processes and blended processes, member organisation perspectives, and non-member organisations with an interest in the NMAS. This step was achieved (by invitation and in consultation with member organisations) during December and January and involved 29 members of the DR community. The work with First Nations peacemakers remains ongoing.
- **Workshops** designed to capture the expertise and thinking of the DR community. These workshops, which were conducted in February, considered the key areas of the NMAS Approval and Practice Standards under the headings of knowledge, skills, engagement, ethics and responsibilities of mediators. Each workshop had a slightly different focus. These workshops were intensive, requiring two hours preparation (reading and videos), followed by a full day of structured groupwork that challenged participants to consider the evolution of both practice and process. Member

organisations were invited to nominate participants, and expressions of interest were sought from the DR community. All people nominated or who expressed interest were invited to register, with 50 people ultimately attending across the 4 workshops.

- **Initial Effectiveness Survey** designed to capture key information about the effectiveness of the current NMAS and to build interest and engagement with the review process. Over 600 people responded to this survey which will provide valuable information on the perceived helpfulness of the NMAS in relation to training and accreditation, promoting/developing mediator services, guiding practice, CPD, promoting mediator credibility, and supporting the professionalisation of mediators.
- **Pilot Survey** which will assist in refining the main survey. This will be launched after Easter to those who have expressed interest in participating. If you are interested in being part of the pilot, you can [register your interest here](#).

The MSB would like to sincerely thank the 600 + individuals who have been part of the review process so far. Your participation, and in the case of reference groups and workshops, your very hard work, is incredibly generous and highly valuable. Please note that the MSB considers participation in reference groups and workshops as hours that contribute to CPD requirements for renewal of accreditation.

We are part of a community of dedicated and passionate professionals, and the thinking required to fulfil a methodology that will give us evidence-based recommendations can be very challenging. We recognise this and are incredibly grateful for the time you have invested so far.

For our part, while we are very mindful not to influence the outcomes of the review, we remain committed to ensuring that the review pathway is based on the current NMAS and that it works towards our goals of a review process that is highly inclusive and results in evidence-based recommendations and information that will support the development of mediators and their work. We want a result that many hands and minds have been part of. Please be assured that we are in regular consultation with Resolution Resources to ensure that the review process achieves these goals for us all. We are especially focused on a well and multi-informed main survey that you can all participate in, and that provides scope for you to contribute your well-considered comments.

This main survey will be launched mid-year. In the meantime, we encourage you to ENGAGE with the review process. You can do so by visiting www.nmasreview.com.au where you can subscribe for updates, register your interest in the various stages of the review process, and provide any feedback regarding the process to Resolution Resources. This website is designed to be transparent and inclusive, to the extent that you can access the workshop materials and information, even if you did not participate in a workshop.

We hope that you continue to find this a valuable and informative process.

EDUCATIVE RESOURCES

The MSB uses the FAQ section of our website www.msb.org.au and our recently launched LinkedIn profile to educate the DR community and stakeholders, and to address key questions that arise. We encourage you to familiarise yourself with the FAQ section and to engage with us on LinkedIn.

Included in recent LinkedIn activity is a reminder about what needs to occur **before you are able to hold yourself out as a NMAS accredited mediator**. It is important that both new and experienced mediators are reminded of this, to ensure the integrity of the NMAS and consumer protection.

The steps that must be achieved before a mediator can market themselves as being NMAS accredited are:

1. Completion of a mediation training program that meets the training threshold requirements articulated in the NMAS Approval Standards.
2. A “Competent” result following participation in an assessment that meets the assessment criteria articulated in the NMAS Approval Standards.
3. Application to a Recognised Mediator Accreditation Body, including evidence of the above, as well as evidence of current professional indemnity insurance and good character.
4. Appearing on the National Register following acceptance of an application by an RMAB (Note – the RMAB will upload accredited mediators onto the Register)

Only then can you hold yourself out as a NMAS Accredited Mediator.

It is a mediator’s responsibility to meet practice and professional development requirements in each 2-year accreditation period to renew accreditation. It is also the responsibility of the mediator to maintain professional indemnity insurance and provide evidence of good character with each renewal application.

The MSB is also focused on educating non-NMAS members with an interest in mediation services, such as Courts, Tribunals, and Legislators. We routinely reach out to stakeholders to provide information, guidance, and to answer questions, so that these important structures are part of supporting and promoting the use of NMAS accredited mediators.

HAVE YOU GOT A QUESTION?

Have you or one of your members got a question for us?

You may well find the answer in the [FAQ section](#) of our website. We continue to develop this so that it is a helpful resource for all.

Be sure to take a look, and feel free to share this link with your members:

<https://msb.org.au/resources/faqs>

If you can’t find what you need, please don’t hesitate to contact our Secretariat, Jenny Watson at coordinator@msb.org.au or start a conversation with any of our directors:

Bianca Keys – NSW
Andrew Bickerdike – VIC
Doug Murphy QC - QLD
Linda Kochanski - QLD
Peter Condliffe PhD – VIC
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Stephen Dickinson - SA
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