

# Workshop Materials

## 3. What will we be doing?

NMAS REVIEW 2020-21

# Acknowledgment of Country

We would like to acknowledge the Traditional Owners and Custodians of the land on which we are gathered, and pay our respects to their Elders past, present and emerging





# Conceptualising Standards

NMAS REVIEW 2020-21



# Overview

Challenges

Other Professions

Our Profession

Next Steps



# Challenges

# Striking the balance



## TOO NARROW

- Reductive
- Limit responsiveness
- Stifle innovation



## TOO GENERIC

- Vague
- Meaningless
- Flimsy





## MEDIATOR PROFESSION



## MEDIATOR PROFESSION



disciplined group



ethical standards



special knowledge and skills



widely recognised body of learning derived from research, education and training



recognised by the public



apply this knowledge and exercise these skills in the interest of others





# Other Professions

What they do



How well they do  
it



# Sponge Bob Cake





Best



Better



Good



effective

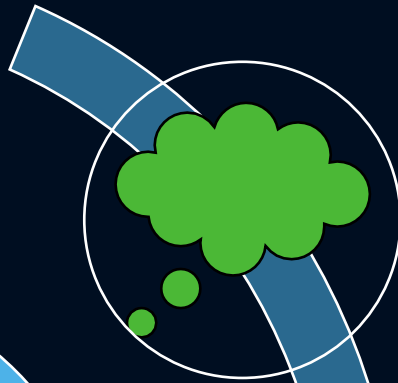


appropriate



inappropriate





## Knowledge

- Complexity
- Make connections



## Skills

- Novice-Expert
- Routine-Novel



## Attitudes

- Rejecting-  
Championing
- Valuing vs Doing



# Our Profession

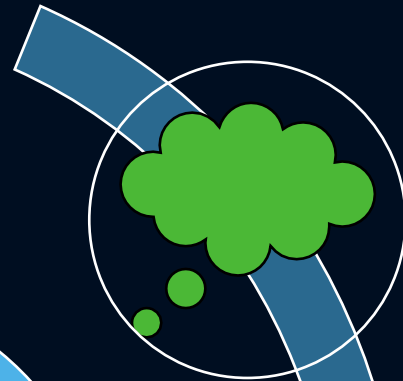


What we do



How well we do it





## Knowledge

- Complexity
- Make connections



## Skills

- Novice-Expert
- Routine-Novel



## Attitudes

- Rejecting-  
Championing
- Valuing vs Doing

## DEVELOPMENTAL SCALES FOR MEDIATION

### Overview

The following tables provide a snapshot of knowledge, skills and attitudes as they typically develop in mediators. Not every mediator starts in the same place, and development is not strictly linear. However, these tables can provide an indication of the typical behaviours that mediators may display at different stages of their professional development. These tables can be used as a general guide or can inform the development of quality assurance frameworks for specific dispute resolution programs or mediation models.

### General Use

Use these tables to identify the knowledge, skills and attitudes that you currently demonstrate in relation to mediation. To do this, highlight each of the behaviours that best represent your usual or everyday practice. Look for the stage(s) within each table that contains the most behaviours – this will indicate your general level within each of the scales. You can use this information as a baseline against which you can set goals and monitor progress over time. Create a routine where one or twice a year you repeat this process. By doing this you will be able to reflect on the extent to which your practice has grown. It is important to be aware that some disputes or circumstances will not require you to demonstrate the knowledge, skills or engagement described at the highest stages. Within this context, you are encouraged to highlight only the knowledge, skills and attitudes that you have had the opportunity to demonstrate.

### Stages of knowledge, skills and attitudes

#### STAGES OF UNDERSTANDING AND COMPLEXITY OF THINKING

The *stages of understanding and complexity of thinking* relate to the differing levels of complexity with which a mediator grasps and applies the knowledge, concepts and theories associated with mediation. The scale draws upon the model first developed by Biggs and Collis<sup>1</sup>.

Table 1: Biggs & Collis and Mediation

Stage of development	Description
Prestructural	At this stage mediators perceive issues or conflicts that do not exist or, alternatively, fail to recognise conflict or issues in dispute. They avoid questions from parties or about mediation generally, re-asking questions or information already provided, or seek closure through a 'guess' or 'imagination' rather than a process or outcome.

<sup>1</sup> Biggs, I. B., & Collis, J. (1982). *Assessing the quality of learning: the LOI taxonomy (structure of the observed learning outcome)*. New York: Praeger.



# Knowledge

# Skills

# Attitudes



The background is a dark blue gradient with a subtle grid pattern. A white circle outline is centered on the page, framing the text.

Next Steps

## National Mediator Accreditation System (NMAS)

### Contents

- Part I Introduction
- Part II Approval Standards
- Part III Practice Standards
- Part IV Recognised Mediator Accreditation Bodies
- Part V Register of Nationally Accredited Mediators
- Part VI Mediator Standards Board

# National Mediator Accreditation System (NMAS) Document

## DEVELOPMENTAL SCALES FOR MEDIATION

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Table 1: Biggs & Collis and Mediation

Stage of development	Description
Prestructural	At this stage mediators perceive issues or conflicts that do not exist or, alternatively, fail to recognise conflict or issues in dispute. They avoid questions from parties or about mediation generally, repeating questions or information already provided, or seek closure based on a 'guesstimate' about a mediation theory, process or outcome.

# Developmental Scales for Mediation



Diverse Practitioners

- First Nations
- CALD
- LGBTQIA+
- Age
- Non-accredited

Different Processes

- Mediation
- Conciliation
- FDRP
- Hybrid
- RJ

Different Fields

- Legal
- HR
- Education
- Land





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more information



Next Video

4. Guidelines for describing quality