



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE

Promoting Consensus and Access to Justice

www.IMImediation.org

Australian Dispute Resolution Centre

IMI Qualifying Assessment Program

Introduction & Background

Our objective is to help individuals, firms, government agencies and community organisations to resolve disputes privately and cost-effectively. We believe that each dispute and conflict deserves a particular, “sui generis” individualised dispute resolution process. ADRC also promotes and supports the professional development of mediators, through mediation training and ongoing, continuing development.

ADRC’s Executive Director, Ms Delcy Lagones de Anglim, is a highly experienced and respected international dispute resolution practitioner. She is a Peruvian lawyer who started her legal career representing indigenous communities in Peru. She then worked as an International Trade Lawyer before relocating to Canberra, Australia, where she currently lives. Delcy has lived and studied in Italy, France, Switzerland and Peru and she worked for the United Nations in Cambodia. Currently she works as a Dispute Resolution consultant with the Compliance Advisor Ombudsman/ World Bank Group.

Delcy has received numerous awards in recognition of her work, most recently the “Resolution Institute Award for her contribution to Dispute Resolution globally and her contribution to the drafting of the Singapore Convention”. In the past eight years, Delcy has travelled extensively promoting the benefits of mediation in Vietnam, Cambodia, India, Hong Kong, Macau, Chile and Peru. As a result of her enthusiasm and encouragement, a number of new mediators have been trained. She trains and inspires young students at the Hong Kong Mediation and ICC competitions every year.

Currently, ADRC does not conduct basic training in Australia. ADRC provides advanced and basic training in the Asia Pacific region and other developing countries.

Delcy trained around 350 mediators in Vietnam and she encouraged the drafting of mediation legislation in Vietnam. She was also instrumental in the developing on Conciliation legislation and training the first conciliators in Peru in 1998.

She believes firmly that mediation needs to be taught in law and business schools, and in primary and secondary schools, so that the new generation has a chance to build a peaceful and respectful society.

Her recent contribution to the negotiation and drafting of the Singapore Convention has been recognised by the Ministry of Law of Singapore when she was chosen as one of the faces of the Singapore Convention. Last week she was awarded by the Resolution Institute in Australia for her contribution to mediation globally and specially for her contribution to the drafting of the Singapore Convention.

ADRC HAS THREE LEVELS OF MEDIATOR ACCREDITATION:

1. ADRC Accreditation.

This level is acquired upon finishing our training and successfully completing the practical exam. Our training program is based on the Australian competencies for mediators, but has been adapted to the cultural and legal needs of developing countries. The exam for the first level of accreditation is conducted through a mock mediation with professional actors playing the part of the parties. In our experience, it is vitally important to use actors instead of accredited mediators for the role-plays in the mock mediations. Sometimes mediators playing the parties try to “help” the new mediators and therefore do not reflect the reality and complexity of a mediation involving real parties.

The newly accredited mediators will automatically form part of the Young Mediators Initiative (YMI) of the International Mediation Institute.

2. National Accreditation or ADRC Certification

This level is achieved after the candidate conducts at least five co-mediations conducted with one of our experienced mediators. The newly accredited mediators are “mentored” by one of our experienced mediators and co-mediate until their skills are developed confidently and sufficiently.

These co-mediations are conducted with cases we receive at our centre or at the candidate’s private practice. This mentoring phase is extremely important in the skills development of newly accredited mediators. In our experience, most training organisations

do not mentor the newly accredited mediators, who are left to their own devices to practise and cement their newly accredited skills. It is for this reason that ADRC makes sure that the new mediator co-mediate with one of our experienced mediators for at least five mediations or more if the new mediator requires it.

3. IMI Certification and ADRC International Certification

This level is for highly experienced mediators. Consequently, a prerequisite is for the mediator to have conducted at least 30 mediations within three years and not less than two years. This level requires satisfactory completion of a written essay and an interview with one of our experienced mediators, in addition to one co-mediation with one of our experienced mediators.

About the Organisation

Organisation's full legal name	Australasian Dispute Resolution Centre
Year formed, and under which jurisdiction	2014 in Australia
Organisation's contact details	17 Torrens Street, Braddon, ACT 2612, Australia. Phone +6142340418, delcy.lagones@adrcentre.com.au. Website: www.adrcentre.com.au
Application type	IMI Certified Mediator (QAP assessing mediators)
Submission type	For auditing purposes
Feedback Digest support	No
Locations and Languages	Australia, Vietnam, Cambodia, Singapore, Chile and Peru. We work in these jurisdictions and apply the same standards across all of them. We monitor quality standards with regular visits to these areas and

	in Vietnam with our ADRC Representative Ms Nguyen Kim Dzung. We work in the languages of these countries. Languages used are: English, Vietnamese, Khmer and Spanish.
Existing CMTP	No

QAP Application

Program assesses experienced mediators who have completed at least 20 mediations/200 hours of mediation	Yes
Optional comment	We require that the applicants must have conducted at least 30 mediations within three years but not less than two years, In our experience most mediations average eight hours, including two hours pre-mediation, plus two hours preparation.

Mediator Experience

The Qualifying Assessment Program (QAP) must include a methodology for ensuring that Applicants have demonstrated to the satisfaction of the Program's Assessors a substantial level of experience as a mediator. The QAP must include clearly identified criteria on this requirement.

A prerequisite is for the mediator to have conducted at least 30 mediations within three years but not less than two years. The applicants will have to demonstrate their experience through a registry or logbook that will contain non-confidential details of the 30 mediations conducted. The information needs to contain as minimum date, place, type of dispute, number of parties, mediation style used, number of hours and outcome.

Mediation Knowledge

The QAP must include a methodology for determining that Applicants have demonstrated a strong understanding of general mediation theory and practice which may be based on written tests, essays, reports, theses interviews and/or other testing platforms.

In addition to the minimum 30 mediations conducted, the candidate must fulfil the following requirements:

1. The candidate must submit a written essay of minimum 1,500 words about her/his experience in conducting mediations, including the challenges of the profession. ADRC will provide a case for this essay.
2. The candidate must sit an interview with one of our experienced assessors to discuss mediation theory.
3. The candidate must co-mediate a real mediation with one of our experienced assessors.

Explanation:

ADRC has developed this methodology considering the cultural and legal needs of developing countries. This methodology is more practical and oriented to assess the real experience of the applicants.

The applicant must write an essay of 1,500 words in relation to a case provided by the centre and addressing their general understanding of mediation theory and practice. This essay should demonstrate the particular mediation practices in each jurisdiction, where the applicant comes from, taking into account the cultural and legal systems.

Additionally the applicant must seat for an interview with one of our assessors. In this interview we seek to confirm the applicant's understanding of mediation theory and practice.

Lastly the applicant must co-mediate a real life mediation with one of our assessors. This step is one of the most important parts of our methodology where we can truly assess the skills and experience of the applicant in a real life mediation.

Mediator Skills

The QAP must include a methodology for the evaluation of candidates' performance in terms of the occurrence and effectiveness of mediation process and mediation techniques, against high competency benchmarks. The Evaluations/Assessments may be based on roleplay or live action assessments, and may include videotaped and online assessments such as web

dramas, self-assessments, interviews, peer reviews, user feedback and other in-practice skill evaluations.

In our methodology we seek to assess the applicants skills and experience as a mediator in a real live co-mediation. We evaluate the performance of the applicants against the Australian National Competencies for the accreditation of Mediators.

The assessor will mark each of the competencies and tick as competent or in development. If the applicant fails three competency standards (in development) he or she will be debriefed as to the reasons why their application was not successful. The applicant can sit for another assessment in six months time with another assessor or the same assessor if the applicant agrees.

Our centre will offer mentoring to the applicant to improve in the areas recognised as “in development”.

Program Transparency

The benchmarks and criteria applied by the QAP must be published and be openly accessible on the organization’s website. Details of all approved programs will be listed on the IMI web portal www.IMImediation.org and will include a direct link to the credentialing organizations’ websites. Responses call for the link (if available), or the reasoning why it is not included and the timeframe for publishing.

Yes, website: www.adrcentre.com.au

We will update the information as soon as we get confirmation from IMI

Program Integrity

Each Assessor must have substantial experience of assessing the performance of mediators. At least one of the Assessors on each Program must be independent of the QAP. Responses call for the criteria applied in appointing Assessors, any independence requirements, and how independence is determined.

The assessors conducting assessment for IMI are mediators of at least ten years in the practice of mediation. They are requested to perform the individual assessments as required. Most importantly the assessors have extensive experience in assessment and training.

Before engaging these assessors, ADRC conducts an interview and briefing to ascertain the skills the assessors should possess in how to make an assessment.

At least one of our assessors is independent of our centre, it means he does not work in or centre or has any financial or contractual relationship with our centre. The assessment conducted by them is “ad honorem”.

Once an applicant sends an application for IMI assessment, the following steps are performed:

1. ADRC confirms that the applicant has received basic and advanced training from a recognised organisation (applicant supplies certificates, diplomas, etc.).
2. ADRC appoints an assessor who has no conflict of interest (for example, the assessor has not taught or been a coach to the candidate).
3. If a candidate is found not yet competent (fails three competency standards), the candidate may review the assessor’s comments and accept the offer of practical “mentoring” by our centre. Once the candidate believes to have attained competence, and at least six months later, he or she can apply for a second time. In this case, the second assessor will be different from the first assessor.

Ongoing Monitoring of Programs

The QAP must include a process for the ongoing monitoring of the performance and practice of the Assessors. IMI will liaise closely with all recognised program organizers to maintain a sustainable quality control system.

We choose the assessor from a pool of highly experienced mediators and request their accreditations, national and international, to be current, mainly IMI mediators.

We request the applicants to provide a feedback about their assessment process and the assessor. This feedback will be passed on to the assessor and if the feedback is consistently negative the assessor will cease to perform any assessment for us.

We agree to provide all necessary information and accept monitoring from IMI.

Commitment to Diversity

The QAP must be made accessible on an equal basis to experienced mediators regardless of their professional affiliations, gender, race, ethnicity, age, religion, sexual orientation or other personal characterization.

ADRC has been working in developing countries, especially in the Asia Pacific region, promoting mediation. This promotion has been done through workshops and specific training to members of Chambers of Commerce and Bar Associations, all these trainings have been free of charge.

ADRC has worked with, and is committed to continue working with, people from different cultures, religions, gender and professional and occupational backgrounds.

We have promoted ADR, and Mediation in particular, in India, Macau, Vietnam, Hong Kong, China, Peru and Chile. We have actively encouraged and successfully secured the participation of women, young mediators, minorities and business people.

Our training includes cross-cultural training and our assessment includes practical guidance on how to approach cross-cultural mediations: how to prepare, what questions to ask, body language, etc. We are aware also that individuals may not behave in accordance with cultural stereotypes, e.g. a Vietnamese person may have lived and trained overseas, and cultures are heterogeneous.

We welcome any mediator without questioning gender, race, ethnicity, age, religion, sexual orientation or other personal characteristic. We encourage mediation training and mentoring of women, minorities and first nations people.

Quality Assurance

Program registered in accordance with jurisdiction requirements	Yes
Trainers, coaches and assessors registered as mediators (if required by the jurisdiction)	Yes
Clarification of passing criteria	The applicant has to prove in practical terms, conducting a co-mediation, his/her knowledge and experience in mediation. The theory is not a clear indication, for us the conduction of a

	<p>mediation proves in practice their knowledge.</p> <p>In summary, the applicant fails if he/she does not pass three competencies in the real life mediation (according to the Australian National Mediation Standards)</p>
<p>Process where participant fails assessment</p>	<p>The applicant is encouraged to debrief with the assessor and identify the areas which require more development. The applicant will be offered a practical mentoring period with one of our experienced mediators. After at least six months the applicant can apply again and this time a different assessor will be appointed (unless the applicant agrees to the same assessor)</p>
<p>Privacy</p>	<p>We do not publish any information supplied or obtained from the applicant in regards to the QAP . We comply with Australian privacy legislation which is extended to other jurisdictions we might work with.</p>
<p>Supporting documents</p>	<p><i>List of attachments:</i></p> <p>Competency framework for assessments, Complaints/appeals policy</p>