

National Mediator Accreditation Committee

NADRAC Advice on Working Groups

At the National Mediator Accreditation Committee (NMAC) meeting in Canberra on 5 March 2008, participants agreed that the NMAC should establish working groups to progress NMAC's work. Four working groups were suggested:

1. Purpose, constitution and structure
2. Practice and compliance (transitional and beyond)
3. Complaints handling, and
4. Resources

In view of the limited time available to consider the structure and functions of the proposed working groups, NMAC agreed that NADRAC should consider the issue in more depth and provide advice on it. NADRAC agreed to undertake this task. This paper contains NADRAC's advice.

The NMAC also agreed that a NADRAC Member should be on each working group to promote continuity and that only one representative from an organisation could be on any one working group.

Participants were asked to express interest in joining working groups on the back of their name tags or business cards and give them to Professor Alexander or to send an email to NADRAC within seven days of the meeting. However, it was noted that this would be difficult to do until NADRAC's final advice on the structure and functions of the working groups was received. For this reason, it is proposed that the deadline for expressing interest be extended until seven days after NADRAC's advice is distributed.

Proposal One

The deadline for expressing interest in joining NMAC working groups is extended until seven days after NADRAC's advice on working group structure and functions is distributed to members.

Working Group Structure

After considering the issue, NADRAC considers that the working group structure should be amended slightly. It still proposes four working groups with the following responsibilities:

1. National Mediator Accreditation Committee
2. National Mediator Standards Body
3. Practice and compliance
4. Complaints handling

NADRAC's rationale for recommending this change is twofold. First, participants at the NMAC meeting were interested in operational issues relating to both the NMAC itself (eg voting guidelines, whether there should be an overarching steering

committee etc) and the proposed National Mediator Standards body. Two separate working groups will better address these issues. Second, the issue of available resources is intimately connected to the capacity of both bodies to undertake functions. The smaller their available resources the less each body will be able to do. The structure of both bodies may also impact on their capacity to obtain funding. For example, it may be possible for NMAC to apply for a government grant to progress its work but that may not be possible if it is just a loosely structured committee rather than an established organisation. It would be appropriate for a working group to consider this issue.

Proposal Two

That NMAC establish the following four working groups:

1. National Mediator Accreditation Committee
2. National Mediator Standards Body
3. Practice and Compliance
4. Complaints Handling

Working group functions

Following consideration of the burning questions/issues raised at the NMAC meeting, NADRAC proposes that the working groups have the following functions.

National Mediator Accreditation Committee (NMAC)

The NMAC Working Group will consider and advise NMAC on:

1. NMAC work plan and deadlines
2. the membership of NMAC as outlined in the Report and any desirable changes to the membership criteria including any necessary transitional periods and deadlines for qualification
3. NMAC meeting procedures including manner of decision making and voting rights if voting is used
4. NMAC working group structure
5. communication protocol between meetings
6. the resources necessary to support NMAC and its working groups to implement the work plan, potential sources of funding or support and mechanisms to pursue additional funding or support
7. the need, if any, for a formal charter to cover NMAC's operations (particularly any implications that NMAC's structure may have for obtaining funding to assist NMAC to fulfil its functions), and
8. preparation of information about NMAC's progress for interested stakeholders, including Australian governments, users of mediation services and the general public.

National Mediator Standards Body

The National Mediator Standards Body Working Group will consider and advise NMAC on:

1. the purpose and proposed functions of the National Mediator Standards body
2. an appropriate constitution/structure for the National Mediator Standards body including decision making protocols and voting rights if applicable
3. membership criteria of the National Mediator Standards body
4. options for obtaining ongoing resources to support the operation of the new National Mediator Standards body
5. a timeframe for establishing the new National Mediator Standards body, with interim deadlines, and
6. steps necessary to support the National Mediator Accreditation System, and the importance of the proposed National Mediator Standards body to that System, as a way of increasing membership and resources for the new body.

Practice and compliance

The Practice and Compliance Working Group will consider and advise NMAC on practice and compliance issues both prior to the establishment of the National Mediator Standards Body and beyond including:

1. practice issues for Recognised Mediator Accreditation Bodies (RMABs) in implementing the Approval and Practice Standards (National Mediator Standards), including the continuing professional development (CPD) requirements and the development of common forms and guidelines
2. procedures for the pooling or sharing of resources by RMABs to ensure national consistency in the implementation of the National Mediator Standards
3. practice issues faced by education and training providers in meeting the requirements of the National Mediator Standards
4. the integrity of the National Mediator Accreditation System and mechanisms to foster compliance by RMABs , mediators and training and education providers including any disciplinary mechanisms
5. the development of protocols between RMABs relating to the implementation of National Mediator Accreditation System including, for example, protocols regarding the recognition of accredited training providers and/or the accreditation of mediators that have already been accredited under the System by other organisations
6. minimisation of compliance costs
7. the relationship between the National Mediator Accreditation System and other accreditation schemes such as the proposed accreditation scheme for family dispute resolution practitioners, and
8. any other practice or compliance issues related to the implementation of the National Mediator Accreditation System.

Complaints Handling

The Complaints Handling Working Group will consider and advise NMAC on:

1. the role of NMAC in relation to complaints policy
2. the expectations of RMABs, accredited mediators and training and education providers in relation to complaints
3. the benchmarks expected for complaints schemes, and
4. in consultation with the National Mediator Standards Body Working Group, the role that the National Mediator Standards Body will have in relation to complaints.

Proposal Three

That NMAC agree to the functions of the four working groups outlined above.

Working Group composition

NADRAC proposes that each working group have a membership of seven including the NADRAC member or members. To ensure continuity of NADRAC's participation, that is to cover periods of leave and so on, it may be necessary for NADRAC to appoint two members to a working group. The NADRAC member, or members jointly, will act as the convenor of the working group (see discussion below). The membership should also comprise at least three proposed RMABs¹, preferably representing different service models eg private/government agency/courts and tribunals and at least one training and education provider. In general no organisation, other than NADRAC, should have more than one member on any particular working group.

NADRAC will have the discretion to settle the membership of each working group. In doing so, it may consider the skills and abilities of those nominated, their capacity to contribute to the functions of the working group and the need to ensure that overall working group representation is equitably distributed amongst member organisations. Where there is particularly strong interest in one working group, NADRAC may decide to increase the size of that working group if it considers that to be equitable and efficient.

Proposal Four

NADRAC will have the discretion to settle working group membership according to the criteria set out above.

¹ Until 1 August 2008 the reference to an RMAB refers to any organisation that has declared its intention to be an RMAB –after that date the organisation will need to have done everything necessary to establish itself as a fully functioning RMAB.

Working group operations

A NADRAC member or members will fulfil the role of convenor for each working group and will liaise with the NADRAC Secretariat in relation to the use of NADRAC resources. Working group meetings will in general be organised by the NADRAC Secretariat. Where practicable some meetings, particularly initial meetings, will be convened physically at appropriate locations. Other meetings will be convened by teleconference. Subject to resource constraints and NADRAC's other priorities, NADRAC will seek to make available a member of the NADRAC Secretariat to prepare an agenda, in consultation with the convenor, and take a record of meeting. As resources permit, the NADRAC Secretariat may be able to provide limited additional support in terms of preparation of any other necessary documentation.

Proposal Five

That a NADRAC member or members will fulfil the role of convenor for each working group and will liaise with the NADRAC Secretariat on the support to be provided including, subject to NADRAC's resources, organisation of meetings, preparation of agendas, records of meeting and other necessary documentation.