

# **Nationally Accredited Mediator Training Program and National Mediation Assessment**

## Course Manual

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## Introduction

This document, together with the online enrolment form and the Terms and Conditions, governs the administration of the Nationally Accredited Mediator Training Program and the National Mediation Assessment.

## Program Structure

The College of Law is a registered training provider of mediator training programs, compliant with the current Australian Mediator and Dispute Resolution Accreditation System (AMDRAS). The College offers the Nationally Accredited Mediator Training Program and the National Mediation Assessment. Both the Nationally Accredited Mediator Training Program and National Mediation Assessment must be successfully completed to seek accreditation under AMDRAS.

There are 4 steps to becoming a mediator under AMDRAS. Completing the College training program and achieving a competent grading in the College assessment satisfies steps 1 and 2. Step 3 requires a candidate to apply to a Recognised Accreditation Provider (RAP) and Step 4 is the inclusion of the candidate's name on the national register. For more information about becoming an accredited AMDRAS mediator, please see the section below, 'AMDRAS Accreditation.'

The structure of the Nationally Accredited Mediator Training Program and the National Mediation Assessment is 'online blended', consisting of online learning components via College's Learning Portal, written activities for the Training Program and a written assessment for the Assessment, and online live stream workshops. The College reserves the right to vary all workshop dates and/or other course dates or cancel advertised courses.

### Online Learning Components

Access to the course materials is via the Learning Portal. You will be given access to the Learning Portal one week prior to the start date. Access to the Learning Portal expires 3 months after the course end date. Please note, that you are required to complete the course and any necessary submissions or activities within the timeframes specified for the course that you are enrolled in and the College reserves the right to remove your access to the Learning Portal at any time if you do not comply with the timeframes specified for the submission or resubmission of work, or otherwise do not comply with the reasonable directions of the course facilitator.

### Nationally Accredited Mediator Training Program

To satisfy the AMDRAS requirements, a mediator training course must be a minimum of 45 hours in duration. The Nationally Accredited Mediator Training Program meets this requirement and is comprised of five days of intensive workshop, a postworkshop webinar, all conducted via video conferencing (Zoom), together with online preparatory reading, discussion questions and interactive activities, (which must be completed before being allowed to attend the workshop days) on the Learning Portal. The estimated completion time of the online preparatory work is approximately 6 hours. The workshop and postworkshop webinar dates are advertised on the College website.

The five-day online live workshop consists of required reading, full attendance at the workshop and postworkshop webinar, and the completion of written activities on the Learning Portal, post workshop. All the above must be satisfactorily completed to successfully complete the program.

You can complete the Mediator Training Program on its own, or in conjunction with the National Mediation Assessment. If you want to become a Nationally Accredited Mediator under the AMDRAS standards, you will need to complete the National Mediation Assessment (within 12

months of completing the Nationally Accredited Mediator Training Program) before applying to a RAP for accreditation. It is highly recommended that you complete the National Mediation Assessment within three (3) months of completing the Training Program.

## National Mediation Assessment

The National Mediation Assessment is comprised of two components as set forth below:

- A. The first is a one and a half day program comprised of a half-day of review of mediation theory and models, followed by a full day of role-play assessment, conducted live online via Zoom video conferencing. The assessment on day 2 encompasses a mediation simulation of two hours duration covering all stages of the mediation process (from mediator's opening statement through to conclusion (agreement or next steps) and a demonstration of the required skills, the interventions, and mediational attitude in the conduct of a facilitative mediation.
- B. The second component is a written assessment reflecting on the mediation simulation you conducted and the application of the theory and your understanding of the material from the training course. You will be required to submit and upload your written assessment to the relevant CANVAS site ***no later than 10 days after the date of your mediation simulation***. The written assessment is a short answer paper that reflects upon your mediation simulation and draws upon your learning in the training course and any extra readings you may have done. The paper should be 1200 words in length, with the answer to each question being 400 words. Any recognised form of referencing is acceptable but needs to be noted in the paper.

## Prerequisite for the National Mediation Assessment

Applicants must have successfully completed a Nationally Accredited Mediator Training Program or an approved equivalent course, under AMDRAS standards, within 12 months prior to the date of the assessment to enrol in the National Mediation Assessment. It is highly recommended that you complete the National Mediation Assessment within three (3) months of completing the Training Program.

Within the College of Law, the equivalent course is the post-graduate subject DRP4 -Mediation.

For applicants undertaking the National Mediation Assessment only, evidence of successful completion (a Certificate of Completion) of a Nationally Accredited Mediator Training Program with another AMDRAS training organisation must be provided before your enrolment will be approved.

## Attendance and participation

Attendance and participation in all workshop, postworkshop webinar and assessment sessions is mandatory. If you are unable to participate in any part of the workshop, postworkshop webinar or assessment for any reason, please notify the Customer and Student Engagement Team at [cpd@collaw.edu.au](mailto:cpd@collaw.edu.au), or on 02 9965 7111 as soon as possible.

If you are enrolled in a course with an online workshop and webinar, you are required to participate in the live-streamed presentations with fully functional audio and your camera turned on (pointed at your face) and to pay attention and participate in the workshop. You are to be at a table or desk, directly in front of your camera and not on the other side of the room. You are not to be in transit during the workshop. You should use a desktop or laptop computer if possible. Mobile devices are not encouraged for the camera and/or audio feed. You should check your video and audio quality ahead of the workshop. You are not permitted to conduct phone calls and other business while attending the live workshop sessions.

As part of the Training Course workshop, all participants must take part in at least nine (9) simulated role-play mediations and perform the role of mediator in at least three (3) of those simulated mediations. If you miss any role-play session within the workshop during the Mediator Training

Program, you will not complete the course. Upon request, you may be permitted by the Senior Practice Leader to make up that role play session on a later date, to complete the course. If you miss or are likely to miss a role play, please raise this with your course facilitator at the earliest possible opportunity and notify us by email at [cpd@collaw.edu.au](mailto:cpd@collaw.edu.au)

If you miss the postworkshop webinar during the Mediator Training Program, you will not complete the course. Upon request, you may be permitted by the Senior Practice Leader to make up the postworkshop webinar on a later date, to complete the course.

If you miss any session of the Mediation Assessment, you are required to transfer to the next available Assessment course and fees will apply. Make-up sessions will not be granted in relation to the Assessment. Please refer to 'Transfer/Withdrawal Courses' for more information.

### **Satisfactory Completion and Result Notification**

#### ***Nationally Accredited Mediator Training Program***

You **must complete** interactive online activities **before** being allowed to attend the workshop days. Estimated completion time (4-6 hours). The online activities are as follows:

- Recorded webinar
- Reflective paper on mediator qualities to be completed online
- Ethical dilemmas case study and short answers that need to be completed and uploaded
- Pre workshop readings and resources

If you do not demonstrate the required standard of competence in relation to the online activities, you will be contacted via the Learning Portal to resubmit your answer(s).

Attendance and satisfactory participation are compulsory for the five-day online live workshop and postworkshop webinar. You will receive feedback at the end of each role-play day from your allocated coaches.

Participants are notified of their course result through the Learning Portal within 3-5 business days following the completion of the workshop and required written activities. All course requirements will be marked as competent/not competent. If you are found not competent of any written material, then you can resubmit your answer and/or redo the activity until competency is achieved.

A Certificate of Completion is provided to successful participants. If you successfully complete the course, you should expect to receive your certificate within 2-3 weeks after completion.

Participants wishing to become an AMDRAS Accredited Mediator, must also successfully complete the National Mediation Assessment within 12 months of completing the Nationally Accredited Mediator Training Program (or equivalent courses, where applicable).

If you fail to meet the course requirements, you will receive an incomplete status. Any outstanding course requirements must be completed within three (3) months of the last day of the workshop. If you do not complete the outstanding requirements within three (3) months, you may be required to pay an additional administration fee of \$250.00. If you have not completed the outstanding requirements within twelve (12) months of the last day of the workshop, you will be required to re-enrol in the course and pay the full course fee.

#### ***National Mediation Assessment***

The National Mediation Assessment is comprised of two components as set forth below:

The first is a one and a half day program comprised of a half-day of review of mediation theory and models, followed by a full day of role-play assessment conducted live online via Zoom video conferencing. The assessment on day 2 encompasses a mediation simulation of two hours

duration covering all stages of the mediation process (from mediator's opening statement through to conclusion (agreement or next steps) and a demonstration of the required skills, the interventions, and mediational attitude in the conduct of a facilitative mediation. You will be assessed on your ability to mediate a common dispute in a role-play assessment by the assessor allocated to evaluate your performance and against the AMDRAS competencies. The assessment criteria reflect the AMDRAS Approval Standards (click [here](#) – see Appendix 1, paragraphs 15-29). A copy of the AMDRAS Approval Standards is located on the AMDRAS Board website, [here](#). Attendance and satisfactory participation for all sessions in the workshop component are compulsory.

The second component is a written assessment reflecting on the mediation simulation you conducted and the application of the theory and your understanding of the material from the training course. You will be required to submit and upload your written assessment to the relevant CANVAS site **no later than 10 days after the date of your mediation simulation**. The written assessment is a short answer paper that reflects upon your mediation simulation and draws upon your learning in the training course and any extra readings you may have done. The paper should 1200 words long, with the answer to each question being 400 words. Any recognised form of referencing is acceptable but needs to be noted in the paper.

Results for the National Mediation Assessment are usually advised by email 10 days after the due date of the written assessment (**written assessment due 10 days after the role play assessment**). Applicants are provided with a copy of their completed Assessment Feedback Form from the allocated assessor. The results will then be released in the Learning Portal.

A Certificate of Completion is provided to successful candidates within 2-3 weeks after completion of National Mediation Assessment.

Please refer to 'AMDRAS Accreditation' section for more information if you want to become an Accredited Mediator.

### **Voluntary Role Play Practice Group before the National Mediation Assessment**

If you would like to keep in touch with your training group so that you can practice and prepare for your National Mediation Assessment, you must give consent for your contact details (email address) to be shared within those other participants who also wish to keep in touch for this purpose. During the training program, an announcement regarding this voluntary group will be posted in the learning portal and an email sent to all participants. Responses will then be collated, and a contact list distributed to those who wish to be included.

You can read the College's Privacy Policy [here](#).

### **AMDRAS Accreditation**

To seek AMDRAS accreditation in becoming an Accredited Mediator, you must:

***Step 1: Complete one of our Nationally Accredited Mediator Training Programs***

You must complete a nationally recognised mediation training program, prior to completing your mediation assessment.

***Step 2: Successfully complete the National Mediation Assessment***

You must complete a National Mediation Assessment and attain a competent grading within 12 months from the date of your accredited mediator training course. We recommend completing the National Mediation Assessment within three (3) months of your training program.

To successfully pass the assessment, you must meet the assessment requirements of the Australian Mediator and Dispute Resolution Accreditation System (AMDRAS), by demonstrating competency with respect to all

aspects of the AMDRAS process and the necessary skills required to lead parties through the process. Please refer to the section 'Satisfactory Completion and Result Notification' above for further information.

**Step 3: Apply to a Recognised Accreditation Provider (RAP)**

Once you have received your Assessment completion certificate and documents from the College of Law, you can then select a Recognised Accreditation Provider (RAP) for accreditation within six (6) months of completion. A full list of RAP's can be found at [here](#).

Solicitor members of The Law Society of New South Wales who have successfully completed the assessment are eligible to apply for mediator accreditation under the Lawyer Mediator Accreditation Scheme (LMA Scheme). Please click on this [link](#) for further information.

Further information regarding becoming an Accredited Mediator under the Australian Mediator and Dispute Resolution Accreditation System (AMDRAS) can be found on the AMDRAS Board website [here](#).

**Step 4: Your RAP will add your name to the [Register of Nationally Accredited Mediators](#).**

**National Mediation Assessment – failure to achieve competent grading**

Candidates who sit the National Mediation Assessment and do not achieve a competent grading against the AMDRAS approval standards may:

Option 1: Request a review of your result within 7 days of receiving notification of an unsuccessful result. Please refer to the section below, 'Review Process for National Mediation Assessment' for further information about requesting a review.

Option 2: Enrol to re-sit the Assessment. If you choose to re-sit the Assessment with the College, you are required to pay 80% of the course enrolment fee. Please contact our Customer and Student Engagement Team on 02 9965 7111 or [cpd@collaw.edu.au](mailto:cpd@collaw.edu.au) to arrange enrolment at this reduced cost.

Upon request, re-sitting candidates will be offered an additional coaching session of up to 2 hours with the Senior Practice Leader, at no additional cost and at a mutually suitable time. Please ensure that you give at least two weeks' notice of your re-sit date when requesting to schedule the additional coaching session.

Please note that candidates who have failed to achieve a competent grading in the National Mediation Assessment on two (2) previous occasions and wish to sit for the Assessment a third time must:

1. Take up the offer of additional coaching with the Senior Practice Leader; and
2. carefully consider the feedback and recommendations provided by the Senior Practice Leader in deciding whether to proceed with the third attempt at sitting the Assessment in the circumstances and at the proposed time.

The College of Law reserves the right to refuse enrolment in the Assessment Course to any candidate who in the opinion of the Senior Practice Leader has no reasonable prospects of achieving a competent grading in the Assessment.

**Review Process for National Mediation Assessment (Unsuccessful Candidates Only)**

If after carefully considering the assessment feedback provided, you think that a mistake was made in relation to your assessment result or that some other factor or thing was not considered and that unfairly affected your result, you may ask for your result to be reviewed.

Any such request should be made in writing to [cpd@collaw.edu.au](mailto:cpd@collaw.edu.au) within 7 days of receiving notification of your result. If you have any comments or submissions in relation to the feedback or any other matter of relevance to your result, you should provide a concise written summary of these points within a further 7 days, to the same email address.

Following the receipt of a request, the Senior Practice Leader will:

- a. review your assessment feedback and grading;
- b. consult with the assessor regarding the feedback and grading;
- c. consult with the facilitator of your assessment and training courses;
- d. review your written correspondence following the assessment, including any written submissions; and
- e. may request that you attend a Zoom meeting, if the Senior Practice Leader has further questions or matters they wish to clarify with you.

Following this, the Senior Practice Leader will make a determination as to whether your result should be confirmed or overturned, and the same will be communicated to you by email. If your unsuccessful result is overturned, you will be issued with a Certificate of Successful Completion. If your unsuccessful result is confirmed, you may enrol to re-sit the assessment as outlined above.

If you are dissatisfied with the determination of the Senior Practice Leader you may appeal the decision in accordance with the College of Law's overarching Postgraduate Program Assessment rules, sections 6.1-10.5. Click [here](#) for assessment rules.

The College of Law reserves the right to make any adjustments to the review process as required from time to time, to ensure the timely and effective administration of the course.

#### **Postgraduate Specialisation DRP4**

If you have already completed the post graduate subject DRP4-Mediation as part of the Postgraduate Specialisation within the College of Law, you may apply for advanced standing with respect to the Nationally Accredited Mediator Training Program. If you are granted advanced standing, you may proceed to sit the National Mediation Assessment, and you will require a successful result to apply to a RAP for accreditation as an AMDRAS mediator.

#### **Competency and Proficiency**

By enrolling in this course, you acknowledge that you have a sufficient level of computer literacy and English language proficiency to satisfactorily participate in the course and complete the course requirements.

#### **Course withdrawal or transfer**

Requesting to transfer between intakes of the Nationally Accredited Mediator Training Programs or between intakes of the National Mediation Assessment may attract a fee in accordance with our standard Terms and Conditions that you accepted at the time of enrolment and which are available [here](#).

You are eligible for a full refund of the course fee if you withdraw no later than 7 days prior to the course start date.

A cancellation/transfer fee of \$400 will apply for any withdrawals or transfers between course intakes (if available) within 7 days of the course start date (including GST).

No refunds are available on or after the course start date. No refunds are available after an enrolment is transferred as set out below.

If you are unable to attend the course in which you have enrolled and you wish to transfer your enrolment to a future intake of the course (if available), you are permitted to do so on one occasion. The cancellation/transfer fee will apply if such a request is made within 7 days of the course start date. Any further course transfer requests will be at the discretion of the College of Law and only granted in cases of serious illness or misadventure, supported by documentary evidence.

Once an enrolment is transferred, you forfeit any right to a refund of the course fees. If you cannot commit to the course dates of a future intake, we recommend that you opt for a refund instead of a transfer. You may repurchase at any time via our website.

You are not permitted to transfer your course enrolment/s to another person.

### **Plagiarism and Misconduct**

The College takes plagiarism and academic misconduct seriously and expects a high standard of work from all students. We also understand that it is often a part of the learning experience to discuss what you are learning with your peers. However, any work you submit must be your own and, when you submit work through the Learning Portal, you must certify that the work is your own. Making a false representation as to the originality of your work may result in a finding of academic misconduct.

At all times before, during and after the completion of this course you are required to conduct yourself in a polite and respectful manner. Aggression, rudeness, use of obscene language, harassment and/or other examples of unprofessional behaviour will not be tolerated. If you do not meet these minimum conduct standards in the view of the course facilitator, you may be withdrawn from the course without notice, and you will not be entitled to a refund of the course fee.