



International Mediation Institute

PROFESSIONAL MEDIATION WORLDWIDE  
Promoting Consensus and Access to Justice  
[www.IMImediation.org](http://www.IMImediation.org)

## **Australasian Disputes Resolution Centre (ADRC)**

*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, part of the World Bank Group.

Delcy has received numerous awards in recognition of her work, most recently the inaugural Australian Dispute Centre “Best International Mediator 2016”. In the past four 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 competition 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 recently finished training 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.

**ADRC HAS THREE LEVELS OF MEDIATOR ACCREDITATION:**

*1. 1st Level is 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. 2nd Level is 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 mediator’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. 3rd Level is the 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.

## 1. 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 and 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 mediations conducted.

## 2. 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.*

The candidate must fulfil the following requirements:

1. The candidate must submit a written essay about her/his experience in conducting mediations, including the challenges of the profession.
2. The candidate must sit an interview with one of our experienced mediators to discuss mediation theory.
3. The candidate must co-mediate a real mediation with one of our experienced mediators.

ADRC has developed this methodology considering the cultural and legal needs of developing countries.

## 3. 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.*

The applicant must demonstrate her/his knowledge of mediation theory through an interview with an experienced mediator.

The applicant must co-mediate one mediation with one of our experienced mediators in a live assessment. This assessment will be done using a checklist based on Australian national mediation competencies and evaluation by the experienced mediator.

#### *4. 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](http://www.IMImediation.org) and will include a direct link to the credentialing organizations' websites.*

*The benchmarks and criteria will be published on ADRC's website. [www.adrcentre.com.au](http://www.adrcentre.com.au)*

#### 5. 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.*

The assessors conducting assessment for IMI are mediators of at least ten years in the practice of mediation and completely independent from ADRC. They are contracted 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.

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, the candidate will be invited to review the assessor's comments and to continue the practical "mentoring" until the assessor is satisfied that the candidate has attained competence. In this case, the second assessor will be different from the first assessor.

This assessment will be conducted as per the ADRC's 3rd level of accreditation. If necessary, the candidate can sit for the 2nd level of accreditation and then progress to the 3rd level.

We do not require professional indemnity insurance for mediators since this practice is not yet required in developing countries.

## 6. Ongoing Monitoring of Program

*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.*

ADRC's assessors are identified for their assessing and training skills rather than their mediation expertise. However, most of our assessors are IMI Certified mediators and required to comply with 12 hours per year professional development in order to maintain their accreditation.

In the event that the assessor is not an IMI Certified Mediator then ADRC will request the assessor to present their professional development history (past twelve months)

ADRC will organize professional development events for assessors and mediators.

## 7. Commitment to Diversity

*The QAP must be 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 free workshops and specific training to members of Chambers of Commerce and Bar Associations.

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, eg. a Vietnamese person may have lived and trained overseas, and cultures are heterogeneous.