

UWA / AIFLAM National Mediation Accreditation (NMAS) Assessment Policy

1. Assessment philosophy

The assessment philosophy recognises that new trainees will not necessarily have acquired high-level skills but should be able to reflect upon their performance and recognise the further training that they might need to become effective facilitative mediators.

2. Principle assessment criteria

The main criteria for passing the assessment are whether candidates can follow the mediation process model and can conceptualise the fundamental shift in paradigm that facilitative mediation invokes, including supporting parties to self-determine, and envisaging what skill to use, where in the process, when, and why.

3. Assessment of self-reflection

Candidates are assessed on their self-reflection throughout the course, including the role-play assessment and written *critical reflection* components.

Mezirow (1990) describes critical reflection as not simply stopping to think about an experience; rather it is critically questioning the content, process, and premise underlying the experience in an attempt to make meaning or to better understand the experience. Mezirow contends that reflection is a higher order, conscious thought process that enables one to begin to correct assumptions and distorted beliefs that may lead to revised interpretations of one's experiences and ultimately to new behaviours.

Critical reflection involves acknowledging one's own assumptions and emotions associated with behaviour/performance, recognising and providing a strong understanding of their source, and using these as a learning experience. One then begins to show evidence of

modifying assumptions and behaviours based on the reflection. As such, critical reflection is an integral part of being a facilitative dispute resolution practitioner.

In pursuit of achieving excellence in dispute resolution, the UWA RMAB believes that the critically reflective component of the assessment is as important as the skills assessment, and this is reflected in the assessment criteria.

4. “Pass” criteria

4.1 Process and paradigm (pass)

Mediator:

- understands and demonstrates the facilitative mediation process steps
- understands and demonstrates the fundamental importance of interests’ exploration and facilitating parties’ mutual understanding of each other’s interests
- understands and demonstrates an ability to sit with the process/outcome tension (ie., does not push, manage or control the parties towards ‘resolution’ without a full exploration and understanding of interests)
- ensures party self-determination (ie., does not suggest options or ways to resolve, facilitates the development of wise decisions generated by the parties, and ensures party autonomy)
- maintains confidentiality, impartiality, and the principles of procedural justice

4.2 Critical self-reflection (pass)

Mediator:

- reflects well on own work
- makes thoughtful, considered comments about their performance
- starts to show evidence of how assumptions, skill, and delivery of mediation process may change in the next experience

5. “Not Passed” criteria

5.1 Process and paradigm (not passed)

Mediator:

- does not sufficiently understand or demonstrate the facilitative mediation process steps, or does not show an understanding of the importance of each stage

- does not sufficiently understand or demonstrate the fundamental importance of interests':
 - moves to private sessions too early, before a full exploration of interests
 - fails to summarise or acknowledge interests and their affect
 - consideration of options too early, before a full exploration of interests
 - directs the conversation towards own assumptions/conceptions of what decisions the parties should make (ie., interferes with self-determination)
 - suggests options for resolution (ie., options not contributed by the parties)
- focuses on the outcome of the mediation rather than the process
- breaches the principles of confidentiality, impartiality, and/or procedural justice

5.2 Critical self-reflection (not passed)

Mediator:

- did not reflect well
- simply reports or describes performance without comprehending or reflecting on it
- does not refer to own emotions or feelings throughout the experience
- does not consider the potential for learning or change

6. “Not Passed” policy

Opportunity to re-sit assessment

The policy for those who do not pass the assessment is to offer them the opportunity to re-sit the role-play assessment. UWA / AIFLAM envisages that this would take place after the Candidate has sourced extra readings, webinars, resources and/or coaching to assist with the areas that require further improvement to meet the Standards.

A role-play can be provided for the Candidate. The Candidate will then be asked to provide a recording of a role-play in which they are the mediator. A recording on a smartphone will suffice. The Candidate will also complete a pre-flection and reflective debrief on this assessment role-play. These submissions will be reviewed by the Accreditation Committee for assessment.