



# POSITION INFORMATION PACKAGE

Position	Mediator
<b>General Description</b>	CRS is seeking suitably trained mediators to join the CRS's sessional panel of mediators to conduct co-mediation for all types of disputes. Individuals must also be compassionate, empathic, resilient, flexible and creative within the CRS guidelines of mediator practice.
<b>Hours</b>	As needs basis The CRS offers mediation services during working hours, weeknights and on Saturdays.
<b>Remuneration</b>	<p>The CRS is part of the <a href="#">Community Services Multiple Enterprise Agreement (MEA) 2014-2018 (ACT)</a></p> <p>CRS Mediators are categorised as Level 5 under the MEA which determines the general nature of the roles and responsibilities.</p> <p>CRS mediators are paid under two rates; these rates being determined by whether clients are paying for the service (1 July 2016):</p> <ul style="list-style-type: none"> <li>- Commercial Rate is paid when at least one party is paying for the mediation (Level 5.1 - \$40.16)</li> <li>- Community Rate is paid when neither party is paying for the service. (Level 5.3 - \$42.13)</li> </ul> <p>Where CRS is legally obliged:</p> <ul style="list-style-type: none"> <li>- Superannuation 9.5%</li> <li>- Long Service Leave 1.67%</li> </ul> <p><u>Payment Calculation</u></p> <p>Mediators are paid an hourly rate commencing from the scheduled start time of the mediation to the formal termination time when the parties leave. In addition to this time, mediators are paid 3 hours to cover any preparation and debriefing time. (See Section on Position Responsibilities). For example, mediation start time 10am, mediation ends 3pm. Total mediation time is 5 hours + standard 3 hours prep/debrief...Total Pay = 8 hours</p>
<b>Employment Status</b>	CRS Mediators are engaged on a casual 'as needs' basis. CRS does not guarantee any minimum or maximum hours per annum.
<b>Organisational Relationships</b>	<ul style="list-style-type: none"> <li>- Works in collaboration with other mediators as part of the co-mediation model</li> <li>- Works in collaboration with CRS Dispute Assessment Officers</li> <li>- Receives direct supervision from Practice Co-ordinator</li> <li>- Oversight management from the Executive Director</li> </ul>
<b>Position Location</b>	<ul style="list-style-type: none"> <li>- Mediations are primarily conducted at CRS's office in the Griffin Centre, 20 Genge Street Canberra.</li> <li>- Some offsite mediation may be required depending on the nature of the situation.</li> </ul>
<b>Award/ Agreement Provisions</b>	<a href="#">Community Services Multiple Enterprise Agreement (MEA) 2014-2018 (ACT)</a>

## ABOUT THE CONFLICT RESOLUTION SERVICE

The Conflict Resolution Service (CRS) is a not-for-profit community organisation established in 1988. CRS is the leading community service provider of diverse dispute prevention, management and resolution services to the ACT community.

CRS provides many services, including:

- Mediation
- Conflict Coaching
- Facilitation
- Information and Referral
- Education for Self-Advocacy
- Community Education
- Training
- Mediator Professional Development and Accreditation

Types of disputes CRS assists with include (but are not limited to):

- Workplace
- Neighbourhood
- Social
- Business
- Organisations, Committees, Communities
- Family (including young people, wills/estates, guardianship)
- Separated couples including property settlements and parenting arrangements (CRS is a designated provider of Family Dispute Resolution Services under the Family Law Act (Cth))

Services are offered to individuals, government agencies and the private sector. CRS is funded by the ACT Government with additional income being generated through commercial mediation, facilitation and training.

Further information about CRS can be found at [www.crs.org.au](http://www.crs.org.au)

## POSITION OVERVIEW

Provide Mediation and related services in accordance with:

- National Mediator Accreditation Standards
- Family Law (Family Dispute Resolution Practitioners) Regulations 2008
- CRS Policies, Procedures and Guidelines

Minimum Requirements

- Accredited under the National Mediator Accreditation Standards (NMAS)<sup>1</sup>
- Working with Vulnerable People Check (ACT)<sup>2</sup>
- Member of the CRS Incorporated<sup>3</sup>

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<sup>1</sup> CRS is a Recognised Mediator Accreditation Body and is able to Nationally Accredite mediators where they have already undertaken mediation training and or practice which meets the NMAS 'Approval Standards'

<sup>2</sup> For further information

[http://www.ors.act.gov.au/community/working\\_with\\_vulnerable\\_people\\_wwvp/forms\\_and\\_fees](http://www.ors.act.gov.au/community/working_with_vulnerable_people_wwvp/forms_and_fees)

<sup>3</sup> Individuals can join the CRS once they have been accepted to the panel

## POSITION RESPONSIBILITIES

The following process is a general outline of how mediations are organised and the involvement of mediators.

### 1. Intake

The Dispute Assessment Office (DAO) undertakes all initial intake, screening, assessment and conflict coaching. The DAO also arranges the mediation with the parties, prepares the mediation file, engages mediators and provides all follow-up with parties post the mediation.

### 2. Setting Date for Mediation

Once the case has been assessed as suitable to proceed to mediation, the DAO will negotiate a date for mediation with the parties. Ideally, mediation dates are determined 3 – 4 weeks in advance, however in some circumstances they are organised only 1 week prior to the actual session.

### 3. Organising Mediator/s

The DAO will determine whether to 'target' mediators or 'general' invitation to the mediator panel.

- If 'targeting' a mediator then it may be based on specialty area, gender, age balancing co-mediation arrangement. The DAO will specifically contact the mediator/s (either via email or phone) to gauge if the mediator is available.
- If 'general' invitation, then the DAO will send out an email to the whole CRS panel inviting EOI for availability for the mediation date and time. Mediators are expected to respond to the email if they are available to do the mediation.
- In some cases, where a mediator/s have been determined by the DAO as best suited to mediate a case, the date for the mediation will be set with the mediators first, and then the parties advised of the pre-determined date. This scenario is only in exceptional circumstances.

### 4. Confirming Mediator/s

Once the mediators have been confirmed for the mediation, they will receive general information over the phone as to the basics of the dispute, including:

- Dispute type
- Names of parties (conflict of interest check)
- General brief of the dispute
- Special Circumstances (eg DV, Orders, Disabilities, time limits etc)
- Scheduled start time confirmed

### 5. Mediation Session - Preparation

Mediators are expected to arrive for the mediation at least 1 hour before the scheduled start time of the session, in order to prepare for the mediation.

Preparation includes, but is not limited to:

- Setting up the mediation room/s, waiting rooms
- Reading brief of case, intake notes, background, special needs
- Discussing dynamics of dispute with co-mediator, particularly any special provisions.
- Establishing co-mediator roles
- Preparing outcome template on computer

## **6. Mediation Session – Conduct Session**

When parties arrive the mediators follow the standard Steps of CRS Mediation Process as follows:

- i. Welcome parties in separate waiting areas
- ii. Pre-Mediation Private Session with each party
- iii. Bring parties together for formal Mediator Introductions
- iv. Party Opening Statements
- v. Mediator reads back Party Statements
- vi. List of Issues
- vii. Exploration
- viii. Private Session
- ix. Negotiation
- x. Outcome
- xi. Closing (including Feedback Forms)

CRS does not deviate from the above process (eg Private Sessions are not optional, they are compulsory)

## **7. Mediation Session – Debrief**

Once the mediation has ended and the parties have departed, the mediators commence the formal debrief process utilising the CRS Debrief Form. The Debrief process assists with mediator welfare and wellbeing, identifies areas of positive practice, identifies areas for mediator improvement, and provides quality assurance information for the CRS.

This part of the process normally lasts 45min – 1 hour.

Mediators are required to debrief immediately after every session; delaying debriefing only occurs in exceptional circumstances (eg mediation ends late at night)

## **8. CRS and Client Feedback**

CRS will follow-up with the mediator/s post the mediation session to provide service and client feedback.

### **a. Client Feedback:**

As part of the 'Closing' stage of mediation, mediators will give each party a feedback form to complete and return to the CRS. The feedback form allows the opportunity for each party to provide quantitative and qualitative feedback on their experience with the CRS. Once the CRS receives this feedback form, CRS will email the respective mediators the party's assessment of their experience.

### **b. CRS Feedback:**

Each mediation session is reviewed by the Practice Co-ordinator (PC) for congruence with intake and assessment, session quality, mediator performance and outcomes. The PC will email the respective mediators feedback from this review. This communication may also include commentary on the client feedback. The PC may identify areas which require mediators to provide additional information about the mediation, in which case mediators are expected to provide a response to the PC's queries.

## WHO MAKES A CRS MEDIATOR?

Primarily, the diversity of CRS services and clients directly influences the nature of CRS's panel of mediators, and can generally be summarised as follows:

<i>Criteria</i>	<i>Example</i>
Gender	As CRS utilises a co-mediation model, in most instances a female and a male make up the co-mediation partnership. Additionally, the gender balance also assist balance any dispute and party dynamics. Therefore, CRS's panel needs have an equal ration of female/male mediators.
Age	Some CRS programs are targeted at specific age demographics, such as the Family Tree House program which works with young people aged 15 – 20 years; as such CRS will appoint at least one younger mediator to be part of the co-mediation process for these cases.
Cultural Background	CRS's clients come from a range of cultural backgrounds, as such the CRS endeavours to create a panel reflective of this cultural diversity so that clients feel more comfortable engaging with the CRS.
Life Experience	CRS clients come from all walks of life; as such CRS's mediation panel needs to reflect CRS clients. The CRS endeavours to create a panel with an eclectic mix of mediators who have different life experiences outside of the traditional education/employment model. Life experiences might include family background, volunteering, travel and other personal experiences.
Specialist Accreditation/Registration	The legal nature of some disputes requires mediators to hold specific accreditation/registration in order to mediate cases. For example Family Dispute Resolution Practitioners to mediate Family Law cases.
Specialist Professional Development & Training	The nature of CRS cases are becoming more complex in regards to the issues clients are presenting with, outside of the actual dispute. For example substance abuse, domestic violence mental health, trauma etc. CRS mediators need to have a deeper understanding of how to implement mediation practice within the context of potential complex needs.
Availability	CRS delivers its mediation services during work hours, week nights and Saturdays, as such panel members need to be available at various times and not be limited to just working hours, or just afterhours. See CRS Policy on Maintaining Mediator Employment.
Future Needs	As a business, the CRS is not only focussed on current needs and trends, but future planning. As such one of CRS's priorities is to ensure its mediation panel has the capacity, skills and knowledge to deliver future programs.

## **1. Principles**

CRS is committed to providing the highest quality mediation services to the ACT community. A key component of this aspiration is attracting and retaining the best mediators. CRS is mindful of the increasing professionalisation of the mediator industry, and resulting cost and administrative overheads this imposes on mediators. CRS will maintain systems to ensure that accreditations, professional development and administration are conducted in a manner beneficial to Panel Mediators by providing the following:

- remuneration of Panel Mediators in accordance with 'best practice' and/or Industrial Agreements
- a high level of professional supervision and mentoring in accordance with the CRS Continuing Professional Development (CPD), Supervision, Mentoring and Appraisal Programs;
- high quality and accessible training and professional development opportunities, including activities specifically relevant for Family Dispute Resolution continuing accreditation;
- relevant internal professional services to allow mediators to gain and maintain National Accreditation at minimal or no cost and with the minimal administrative overhead;
- maintaining accurate record keeping of mediations conducted and professional development activities attended to allow Panel Mediators to seamlessly ensure ongoing registrations and accreditations; and

CRS also recognises that the opportunities CRS provides for mediators to practice mediation and the free professional development available to mediators, assists them in other their areas of employment and registrations/accreditations.

## **2. Scope**

Continuing membership as a Panel Mediator is reassessed each calendar year as part of CRS's Performance Management processes of employees. At this time, Panel Mediators are assessed to ensure that the employee meets the following requirements:

- a. Compliance with CRS minimum Practice and Professional Development Standards *and*
- b. Meeting the continuing accreditation requirements of the National Mediator Accreditation System; *and*
- c. CRS Membership or 'Permanent Status' staff position with the CRS

Additionally,

- d. For Panel Mediators who are Family Dispute Resolution Practitioners, the provision of documentary evidence or an affirmation that the practitioner continues to be included on the Family Dispute Resolution Register (Individual).

### **2.1 Compliance with CRS minimum Practice and Professional Development Standards**

Panel Mediators are required to meet the following Annual criteria:

#### **a) Mediation Practice**

- Minimum of 5 mediations with the CRS, if employment status with CRS is *only* as a mediator.
- Minimum of 3 mediations with the CRS, if employment status with CRS is as a mediator *and* a permanent staff member.

## **b) Mediator Availability**

The majority of CRS mediations occur during working hours and in order to meet client needs for scheduling of sessions, CRS requires:

- Mediators to be available both during regular working hours (Monday – Friday 9am to 5pm) and after hours Monday to Friday 5pm to 10pm and Saturdays) to provide mediation services.
- CRS appreciates that some mediators have other full time employment, therefore
  - CRS will give at least 2 weeks’ notice prior to mediations occurring in order for mediators to arrange time off from other employment
  - Mediators will only be expected to provide daytime mediation, that is during working hours, or which commences during working hours, for only 3 out of the 5 sessions per year.
- CRS will, in the majority of cases, offer mediation sessions to the entire CRS mediation panel to ensure that mediators have parity of opportunity and lead time for accepting mediation sessions. Exceptions to this rule include
  - returning sessions where it is preferable to appoint the same mediators for continuity of service delivery
  - specialist mediators who have experience working with a particular client group such as people with disabilities, culturally and linguistically diverse and Aboriginal & Torres Strait Islander.
- CRS will keep records of mediators who have accepted and declined mediation in order to assist with ongoing compliance requirements.

## **c) Professional Development:** Minimum 12 hours made up of the following:

- Participating in CRS training seminars;
- Providing coaching as part of mediation training (maximum 4 hours);
- Providing voluntary training for CRS in mediation or conflict resolution (maximum 4 hours);
- Undertaking other training in areas relevant to mediation. External courses require prior approval from either the EO or Practice and Compliance Officer (maximum 4 hours).

## **d) Supervision** (minimum 9 hours per year)

- Attending a minimum of 3 supervision sessions each calendar year
- Ideally, attendance at sessions should be approximately every 3 months.

## **e) Appraisal**

Mediators may be required to attend an Annual Performance Appraisal interview with the CRS Practice and Compliance Officer or delegate. The 30 minute interview will follow a standard model of employee performance appraisal including:

- Self appraisal
- 360° feedback (clients, peers, management)
- Goal setting
- Feedback to CRS
- Panel Membership Compliance

## **2.1 Continuing Accreditation or Re-accreditation Requirements under the NMAS**

Ongoing National Accreditation as a mediator requires the mediator to meet the practice standards and competencies described in the Practice Standards and seek re-approval in accordance with the Approval Standards every two years. When seeking reaccreditation, a mediator must satisfy the RMAB6 that they continue to meet the approval requirements.

This policy has been designed for mediators to be able to comply with continuing accreditation requirements of the NMAS. By meeting the CRS Program requirements, in December of each year, mediators will be entered in the CRS 'Register of Mediators

Accredited under the NMAS' as either 'a mediator accredited under the NMAS' or 'a mediator whose accreditation has been renewed under the NMAS', as applicable.

### **2.3 CRS Membership or 'Permanent Status' staff position with the CRS**

Mediators who are not permanent employees of CRS are required to be members of the organisation under either of the following 2 categories

- Professional
- Lifelong/Honorary

Mediators who are also permanent staff members are not required to be members of CRS.

### **2.4 Continuing Inclusion on the Family Dispute Resolution Register**

Obtaining and maintaining accreditation as a family dispute resolution provider under the *Family Law Act 1975* is an individual mediator's responsibility. Accordingly, all registered family dispute resolution practitioners have an individual responsibility to meet the ongoing professional development requirements of the FDRP system in order to continue their registration.

The ongoing requirement for registered family dispute resolution practitioners is that they must undertake at least 24 hours of education, training or professional development in family dispute resolution in every two year period from the date of registration. The requisite 24 hours may include supervised family dispute resolution.

There is an annual requirement for Panel Mediators (Family Law) to provide documentary evidence or an affirmation that the member continues to be included on the Family Dispute Resolution Register (Individual).

## **SELECTION PROCESS**

As part of the 'Selection' process to join the CRS Panel of Mediators, shortlisted mediators will be required to undertake a probationary process.

The process will require the mediator to undertake 3 mentored mediations with an experienced CRS mediator. For each mentored mediation, CRS has a framework which the mentor and mentoree complete together: prior to the commencement of the mediation and at the end of the mediation.

These three probationary sessions are not paid.

The purpose of the probationary process is threefold, and with the assistance of a Mentor the Mentoree will:

- i. Become familiar with the CRS mediation model of practice
- ii. Become familiar with CRS administrative requirements of mediation
- iii. Identify strengths and gaps in mediation practice

From these 3 mentored sessions, the CRS will determine if final appointment to the CRS Mediation Panel will be awarded, whereby the applicant mediator will become a full member of the CRS mediator panel.

Should an applicant be unsuccessful for final appointment, they can seek feedback from the CRS.



## ADDITIONAL ROLES

Depending on the experience of a CRS mediator, they may be eligible to undertake other roles within the CRS.

i. Mediation Training – Coach

Coaching refers to assistance provided to participants of CRS's Nationally Accredited Mediation Training course. Coaching is an active adult learning process. It may involve demonstrating, suggesting, facilitating, supporting, encouraging, analysing and developing skills for mediation role plays.

ii. Mediation Training – Assessor

As part of CRS Mediation Training course, Assessors are required for the final simulated role play assessments. Assessors are required to be highly experienced in mediation practice to be selected to conduct assessments.

iii. Mentor

Mentors are appointed to assist new mediators who are in the process of joining CRS's Mediation Panel. (See information in 'Selection Process')

Mentors are also utilised for current CRS mediators who need support to improve their mediation skills and practice. This process occurs when mediators have received ongoing poor feedback from co-mediators and parties.

iv. Workplace Consultant

Mediators who are experienced in workplace disputes, conflict coaching and assessment are utilised by the CRS as part of the Workplace Resolution Consultancy (WoRC) program. This requires the mediator to work closely with the identified people in the workplace and undertake assessment for suitability, provide conflict coaching, referrals, determine parties for mediation, prepare parties for mediation, provide ongoing support to parties post any mediation.

v. Facilitator

Occasionally, CRS provides facilitation services for groups which range from workplace disputes, planning and development, community consultations etc. CRS utilises a co-facilitator model similar to the co-mediation model.

vi. Trainer

CRS delivers various types of training courses including in-house and standard courses. To ensure the quality of CRS's training (and meet industry standards), a minimum number of years of training experience and proficiency in the discourse of conflict resolution and related fields, are required.

## APPLICATION PROCESS

1. Complete the CRS Mediator Application.  
(For some newly trained mediators not all questions will be relevant)
2. Email the Application to [admin@crs.org.au](mailto:admin@crs.org.au)
3. For further information about the application and process contact CRS Practice Coordinator, Lyn Walker, Email [lyn@crs.org.au](mailto:lyn@crs.org.au), Ph: 6180 1800