

# Resolution Institute Conciliator Accreditation Policy and Framework

August 2022

## **1. Introduction**

1.1 This policy commences on 1<sup>st</sup> September 2022.

1.2 Conciliation is a facilitative dispute resolution process in which the disputing parties are brought together and, with the assistance the conciliator, have discussions with the conciliator jointly or separately about key issues for the purpose of resolving their dispute. The process is conducted under and in accordance with legislation or other binding rule which places obligations on conciliators and the disputing parties to comply with the norms and standards required by that context. Conciliations are non-determinative. If the process does not achieve resolution, the matter typically proceeds to a determinative process, either that legislated or governed by other binding rule.

Conciliators may use their specialist knowledge and experience to evaluate each disputing party's position, to express their own opinions, to offer advice, and to identify and clarify issues with a view to assisting the disputing parties to resolve their dispute.

1.3 Resolution Institute operates the following framework for the accreditation of Conciliators. Resolution Institute recognises that practising conciliators may choose to be accredited mediators under the Australian National Mediator Accreditation System ("NMAS"), the International Mediation Institute ("IMI") and other frameworks that Resolution Institute considers appropriate.

1.4 Resolution Institute accreditation will be given to conciliators who demonstrate that they have achieved and maintain competence consistent with the skills and understandings of the Resolution Institute conciliation framework.

1.5 To obtain and/or retain Resolution Institute Conciliator accreditation, members will be required to be a current financial membership in the categories Professional or Fellow of Resolution Institute.

1.6 The responsibility for setting and maintaining the professional standards for accreditation rests with the Board. The CEO and staff are to give effect to this Policy.

## **2. Conciliation accreditation**

2.1 Accreditation as a conciliator will be given to members who satisfy the Board that they have the knowledge, experience, personal qualities, and qualifications necessary for them to be formally recognised by Resolution Institute as a conciliator.

2.2 Any member applying for accreditation must:

- a) apply in writing to the CEO of Resolution Institute on the prescribed form
- b) provide details of qualifications and experience in the applicant's profession or calling
- c) provide details of training and experience in conciliation
- d) provide details of training and experience in conducting any other facilitative process
- e) pay the non-refundable application fee of \$100

## **3. Recognition of prior experience and learning**

3.1 The Board may exempt a member from compliance with all or any part of section 2.2 where it is satisfied by reason of the member's seniority and conciliation experience that it is appropriate to do so without compromising the principles stated in section 2.1.

3.2 Resolution Institute will particularly consider the needs of applicants who have completed other

training and assessment such as NMAS mediation training and/or accreditation, or who have significant past and current conciliation experience and ongoing education.

- 3.3 Resolution Institute will consider accepting other evidence of competence including references and may recommend further training or assessment, as decided by the Board.

#### **4. Requirements for Resolution Institute conciliator accreditation**

- 4.1 The prerequisites for accreditation as a conciliator are that:

- a) Candidates must hold a certificate of satisfactory completion of the Resolution Institute Conciliation Course (5 day) or the Accelerated Conciliation Course (2 day if NMAS accredited) or such other formal conciliation specific training approved by Resolution Institute as providing an adequate standard of training for conciliator accreditation; and
- b) Successful completion of an assessment, which will require the candidate to demonstrate competency in a reflective assessment OR
- c) Demonstrated prior experience in conciliation practice evidenced by a letter of recommendation from an office of an organisation conducting conciliation

#### **5. Requirements for retention of Resolution Institute accreditation:**

- 5.1 To maintain accreditation as a conciliator a person must maintain a satisfactory level of continuing professional development (CPD).
- 5.2 To retain Resolution Institute accreditation all conciliation practitioners must within each three-year period after initial accreditation, meet the following requirements:
- a) A conciliator must have conducted at least 50 hours of mediation, co-mediation or conciliation, with at least 25 of those hours consisting of conciliation (the practice requirement); and
  - b) A satisfactory level of CPD will be a minimum of 10 CPD points in any year and a minimum of 30 CPD points in any three-year period (the CPD requirement)
  - c) Attend one Resolution Institute conciliation masterclass (the masterclass requirement).
- 5.3 All Resolution Institute accredited practitioners are required to commit in writing to observe and to adhere to the Resolution Institute Code of Ethics, every three-year period.  
(<https://www.resolution.institute/documents/item/7>)
- 5.4 All CPD points shall be recorded in the online Resolution Institute CPD tracker which will be used for accreditation retention purposes, noting that any Resolution Institute CPD events, courses, webinars, masterclasses and webinars will automatically be uploaded to the CPD tracker once completed. Practice hours and any externally completed CPD points or hours should be entered into the online CPD tracker by the accredited member to ensure all accreditation requirements are up to date.
- 5.5 Should the requirements in section 5.2, 5.3 and 5.4 not be met, accreditation may be revoked, or conditions be placed on any recommended retention.

## **6. Education and Training**

- 6.1 A conciliation accreditation training program (the Program) is to be held at least once a year (online or in person) in Australia and New Zealand for training for persons planning to seek accreditation provided sufficient enrolments are obtained.
- 6.2 The training program includes
- (a) the conciliation accreditation course (5 day) or the
  - (b) Accelerated conciliation course (2 day) which is available to members who are NMAS accredited, or experienced conciliation practitioners with relevant secondary professional training and/or experience.
  - (c) Such other workshop approved by Resolution Institute as providing an adequate standard of training for conciliator accreditation.
- 6.3 Successful completion of an assessment, requiring candidates to demonstrate competency in a reflective assessment will provide candidates with feedback that includes
- (a) The outcome of the assessment (in terms of competent or not yet competent); and
  - (b) Relevant strengths and how they were evidenced
  - (c) Relevant weaknesses and how they were evidenced
  - (d) Relevant recommendations for further training and skills development
- 6.4 Assessors must assess the application using a standard assessment form, reflecting the assessment criteria
- (a) For the avoidance of doubt, the completion of the conciliation accreditation course or accelerated conciliation course do not on their own entitle accreditation
- 6.5 Resolution Institute will consult with conciliation entities through the Resolution Institute Conciliation Sub-Committee members to ensure the approach to conciliation training and accreditation that delivers consistency across and meets the needs of service providers.

## **7. The Board and the CEO in relation to accreditation**

- 7.1 The Board may, of its own motion, determine that the accreditation of a member should be removed or reviewed at any time, if the circumstances require, including if a complaint has been made. Prior to making a removal determination, the member is to be provided with sufficient information about the circumstances to enable the member to make a written submission. Reasons are not required to be supplied to the member on the making of a determination under this section.
- 7.2 The Board will consider any submissions and make such decisions or resolutions as it sees fit. Reasons are not required to be supplied to the member on the making of a decision or resolution by the Board under this section.
- 7.3 As soon as reasonably practicable after any decision or resolution by the Board relevant to a member in relation to their accreditation, the CEO shall advise the member of that decision or resolution.

- 7.4 A member's accreditation is to be revoked if:
- (a) Any of the requirements are not met and Resolution Institute has not exercised its discretion to modify or waive such requirements. The conciliator may re-apply for accreditation, upon demonstrating compliance with the requirements of the framework.
  - (b) The Board of its own motion has so determined under section 7.1; or

7.5 The Board in its sole discretion may withdraw the accreditation of a Resolution Institute accredited conciliator and will provide the conciliator with reasons for the withdrawal of the accreditation.

## **8. Appeal Panel Procedures**

8.1 Any member the subject of an adverse decision by the Board under sections 7.4(b) or 7.5 may lodge an appeal in writing with the CEO, setting out fully the grounds of the appeal. The member's identity is to be treated as confidential.

8.2 The CEO shall convene an appeal panel comprising of three senior accredited members (the Appeal Panel). If possible one panel member shall reside in a state different to the appealing member's state of residence

8.3 Appeal Panels should conduct themselves in accordance with the principles of natural justice including:

- (a) Providing the appellant with all written assessments, reports or determinations in relation to the appellants application and circumstances;
- (b) Providing an opportunity to make submissions and be heard by video conferencing by the Panel; and
- (c) The appellant and the Resolution Institute shall bear their own costs of the Appeal

8.4 At the conclusion of an appeal the Appeal Panel shall produce a formal determination that must be provided to the Appellant and the Board.

8.5 So far as possible, regardless of the outcome of any appeal, the Board, the CEO and each member of the Appeal Panel are to keep confidential the deliberations of the Appeal Panel and the outcome and circumstances of any appeal, unless the Board, acting reasonably, determines the contrary.

## **9. Board Decision Final**

9.1 Subject to section 8, the decisions of the Board on any matter under this Policy is final and binding, and the Board is not required to give a reason or reasons for any such decision.

## **10. Approval and Review Process**

<b>Approval and Review</b>	<b>Details</b>
Approval Authority	Resolution Institute Board
Committee to Endorse	Conciliation Sub Committee
Responsible Person	CEO
Original Approval Date	
Amendment and Review Date	

Scheduled Review Date	
Version	2.2