

Summary of Recommendations related to ADRIA's training program

Arbitration Training

Recap of Findings

Our Task Force found that ADRIA's current use of the National Arbitration Training course is not sufficient to foster competency in students to be able to practice solo at the end of the training. The current course does not teach all areas of competency to effectively conduct an arbitration hearing. It also offers the same curriculum to all students, regardless of their background. We found that those with a law degree have extensive training in some areas needed for arbitration, such as contract law and evidence, and that those without that background would need more training.

Summary of Recommendations

1. ADRIA invite ADRIC to work with them to revise the National Arbitration Training program to cover all areas of competency in arbitration

Details of Recommendations

1. **ADRIA invite ADRIC to work with them to revise the National Arbitration Training program to cover all areas of competency in arbitration**
 - a. ADRIA share findings with ADRIC and offer to work with them to revise their current National Arbitration Training program
 - i) ADRIA share our findings to open discussion about the effect the National Introductory Arbitration course is having on competency in our province, and the risk to the public and the profession of setting this as the standard for training across the country.
 - ii) ADRIA propose revising the National Introductory Arbitration training
 - iii) the new arbitration program would have the following outcomes for students:
 - comprehensive understanding of:
 - procedural fairness
 - rules of natural justice
 - the Arbitration Act
 - ability to effectively conduct a hearing,
 - clear and accurate award writing, and
 - ethical practice.
 - iv) the program would have two streams, one for lawyers and one for non-lawyers. Those without a law degree would take pre-requisites in the legal aspects of arbitration, including procedural law and evidence; those with a law degree would not need to take the pre-requisites. Both streams would take the core arbitration courses together.
 - b. if ADRIC is not ready or able to redevelop the National Introductory Arbitration Training, ADRIA should proceed with creating an arbitration training program to ensure competency of students trained at ADRIA. ADRIA should work with its arbitration instructors to decide how to best approach revising the program. This work may also provide a foundation for ADRIC, if they are interested.

Mediation Training

Recap of Findings

As requested, our Task Force reviewed ADRIA's training program. We found that ADRIA's current 80-hour basic mediation training is not fostering enough competency in the students to be able to practice solo at the end of the training. Because this 80-hour training encompasses both the Communications in ADR and National Introductory Mediation courses, it can only be concluded that the 40-hour National Introductory Mediation course is not enough to create competence either.

We found that most students who want to pursue mediation through ADRIA's training are now taking the two 40-hour courses (Communications in ADR and National Introductory Mediation) that meet the requirements for the Qualified Mediator designation and, consequently, that interest in the 180-hour Program Certificate in Conflict Leadership has waned. Students who want to mediate know that 80 hours of training is required for a Qualified Mediator designation and are lead to believe (via designation information on both ADRIA's and ADRIC's websites) that this is enough to practice mediation. It should also be noted that only a portion of ADRIA's students wish to be mediators and most do not continue beyond Communications in ADR.

From the comments on our ADRIA trainer survey, there are two primary concerns regarding the expectation that mediation students practice on their own to integrate the skills. It is not an effective expectation if students are not solid in their philosophical, ethical, or theoretical understanding before they start practicing on their own, or if students do not have a realistic picture of their current skill level or the level of skill required to practice competently.

The data collected from our larger survey of ADR practitioners and users highlights that employers are seeing a lack of competency in role-play demonstrations from job applicants. Additionally, ADRIA instructors are seeing students struggle with higher level courses, such as Separation and Divorce, where students are still working on mastering a basic role-play and are not ready to handle more complexity in the role-plays expected as part of the course. This includes a demonstrated lack of competency and/or understanding of basic skills, model and integration.

We also understand there may be resistance to increasing training standards. Our ADR survey found that the less training a practitioner had, the less likely they were to think more training was necessary. As noted above, this conclusion makes sense when the students don't know what they don't know. We also realize that other programs and organizations also offer mediation training that can be even shorter and have different expectations for competency.

As an organization we are responsible for setting a standard for the province. Supporting the belief that people only need two courses to get a designation and be a mediator does not acknowledge the complexity of this work. We heard clearly from practitioners that mediation requires specialized training and skills and stands alone from other professions.

Given your request to review the current training offered, we are emphatically and whole-heartedly asking ADRIA to make creating competency in students and future practitioners its primary consideration when reviewing the training. In doing so, ADRIA will strive to protect the reputation of mediation and the safety of the public.

Summary of recommendations:

1. ADRIA revise its training to better ensure the competency of new mediators,
2. ADRIA change its messaging around the training
3. ADRIA share our findings with ADRIC and work for change nationally

Details of recommendations:

1. ADRIA revise its training to better ensure the competency of new mediators

- a. ADRIA hire an expert to work in consultation with ADRIA's trainers to create a conflict resolution training program. The program could offer more than one path for students based on their goals. Those who want to learn conflict management courses for their personal and professional skill set can take the first few courses and some of the options, those who wish to mediate or work with others in conflict could take the full program.
- b. The new mediation program would have the following outcomes for students:
 - i) have a philosophical foundation for good practice by being grounded in the key principles of mediation, including client self-determination, confidentiality, impartiality, balance, safety of participants, and "do no harm"
 - ii) understand the theory of the interest-based model and the skills needed to conduct an interest-based mediation
 - iii) integrate the skills they are learning, demonstrate they can fluently guide two clients through the interest-based mediation model and into solutions, and handle a moderate level of intense emotion
 - iv) commit to practicing the skills they are learning in the classroom outside the classroom with enough guidance to ensure good practice
 - v) have a realistic and clear understanding of where they are in their integration of the concepts and skills, and understand how much their skill levels need to improve before they can pass an assessment or practice solo
 - vi) believe that the training and skills are worth the time and money they invest
 - vii) understand the full practice of mediation including how to conduct pre-mediation sessions, write an agreement, and follow up with clients
 - viii) understand and adopt the ethics of good mediation practice
 - ix) understand specialty training is needed to work in specialized areas (for example, family or workplace) and demonstrate a fluency in basic mediation scenario before moving on to specialized skills training and higher conflict scenarios
- c. The new mediation program would:
 - i) offer skills-based training,
 - ii) structure the foundational training in a way that gives learners time and opportunity to integrate the skills and model before moving to the next course,
 - iii) weave the principles of good practice (client self-determination, confidentiality, impartiality, balance, safety of participants, etc.) through every course,
 - iv) include self-assessment and trainer assessment to track skill level throughout (For example, use a matrix of "unconsciously incompetent, consciously incompetent...." or "developing, awakening, capable, integrated" for self-assessment and trainer feedback),

- v) require periods of practice outside the classroom and include coaching. Consider how to support students to create practice groups and give students support throughout the training to encourage them to continue to practice after the training,
- vi) require an assessment, recognizing that practicing for an assessment has been the biggest incentive and process for students in previous versions of AAMS/ADRIA's training to practice and integrate concepts and skills. This assessment role-play could also be eligible for a requirement of a revised Qualified Mediator designation (please see recommendations for Qualified Mediator for details.)
- vii) require an assessment or some other means of indicating a student has integrated the skills and concepts to conduct a basic mediation before they can enrol in any of the specialized courses which require them to role-play in more complex and higher conflict situations,
- viii) include an ethics course,
- ix) add more information on complete mediation practice (pre-mediation, brainstorming options, writing agreements etc),
- x) add more specialty courses, such as workplace mediation,
- xi) review and revise the current evaluation system at the end of each course,
- xii) emphasize the need for practice and coaching throughout the program (consideration could be given to requiring mandatory practice periods throughout the program, or building practice and coaching into the structure of the program),
- xiii) potential program structure could include:

a) Core Courses:

1. Communication Skills (understanding conflict, active listening skills)
2. Negotiation
3. Introductory Mediation
4. 1st Role-play practice period (out of classroom with some coaching)
5. Ethics course
6. Advanced Mediation
7. 2nd role-play practice period
8. Assessment (for completion of mediation program/also eligible for Q.Med)
9. Designation application (optional)

b) Options that can be taken without a pre-requisite

- Consensus Decision Making (existing)
- Restorative Practices (existing)
- Conflict Coaching (existing)

c) Options that can be taken after Introductory Mediation:

- Case Management (pre-mediation, agreements to mediate, writing agreements, follow up, etc.)
- How to set up an ADR Business (existing)

d) Options that can be taken after student can demonstrate integration of skills (perhaps after assessment):

- Separation and Divorce Mediation modules (existing)
- Workplace Mediation

- xii) review standards for feedback with coaches and instructors. Students need to be clear what level of feedback they are getting - eg. good for a beginner, but not good enough to mediate, and
- xiii) continue to look for mentoring opportunities, including hybrid on-the-job learning. Many students plan to offer services for their organizations, is there a way to partner with their organization to provide coaching and co-mediation in-house?

2. ADRIA change its messaging around the training

- a. promote mediation as a valuable service offered by skilled professionals who can help clients address conflict and find solutions in a new way
- b. recognize and promote mediation as a stand-alone profession and differentiate in the promotion of the training between adding to professional and personal toolkit, and training and practicing to become a mediator. Promote that ADRIA offers both options.
- c. market the Communication and Negotiation courses separately to those who want to improve their professional or personal skill set
- d. reinforce the reality that it takes time and practice throughout the training program to learn and integrate the skills needed to mediate competently. Promote the value in the long run of having this kind of in-depth, skills-based, practical training to base a career on
- e. change course descriptions and promotion to make clear what each course offers and what the student will be able to do at the end of the course or program, emphasize the benefits of practice and integrating skills and reflect realistic timelines
- f. promote ADRIA's training as standing out for providing a solid foundation of skills-based, practical training for this specialized and challenging work from professionals in the field. Stand out from other programs with the inclusion on on-going coaching to enhance skill development throughout the program.

3. ADRIA share our findings with ADRIC and work for change nationally

- a. ADRIA share our findings to open discussion about the effect the National Introductory Mediation course is having on competency in our province, and the risk to the public and the profession of setting this as the standard for training across the country.
- b. ADRIA propose to expand the work already being done to review the National Introductory Mediation course to include an expanded Mediation training program that could be used nationally. Consider offering a program developed by ADRIA as recommended above for national use.
- c. Reinforce the importance of working on the training standards and designation standards together. If the training requirements for the Qualified Mediator designation do not change with the expansion of a mediation training program, people will continue to pursue the minimum requirement of two 40-hour courses.