EFFECTIVENESS SURVEY

NMAS REVIEW 2020–21

Part 1: Participants

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INTRODUCTION

The Effectiveness Survey was conducted as part of the review of the National Mediator Accreditation System (NMAS). This report is part 1 of a series of findings from the Effectiveness Survey.

BACKGROUND

This Report

- Results and Analysis —

  Part 1: Participants

Goals

- Perceived Effectiveness of NMAS
- Baseline for variety of practices in Australia

Respondents

- Mediators
- MSB Member Orgs

NMAS EFFECTIVENESS SURVEY

From February 1 to April 1, 2021, a select group of stakeholders was invited to complete the Effectiveness Survey as part of the review of the National Mediator Accreditation System (NMAS). Over 600 people participated in the survey. Once the data was *cleaned* (tidied up to remove duplicates, incomplete submission, etc.), there were 512 survey responses suitable for analysis.

For more information about the review, visit NMAS Review 2020–21..

PURPOSE

The Effectiveness Survey was designed to collect preliminary information to establish a baseline of the perceived effectiveness of the NMAS. For the purpose of the survey, *effectiveness* was defined as the extent to which respondents perceived the NMAS Standards as helpful within a specified context. This report provides the results and analysis of the data collected.

TARGET AUDIENCE

- MSB Member Organisations (MSB Orgs)
  - Recognised Mediator Accreditation Bodies (RMABs)
  - Training Organisations (TOs)
  - RMABs who also offer training (RMAB/TOs)
  - Other types of organisations (Other MSB Orgs)
- Mediators
  - NMAS accredited mediators (currently accredited)
  - NMAS accredited mediators (formerly accredited)
  - NMAS trained mediators who have elected not to pursue NMAS accreditation (never accredited)

WHAT'S NEXT

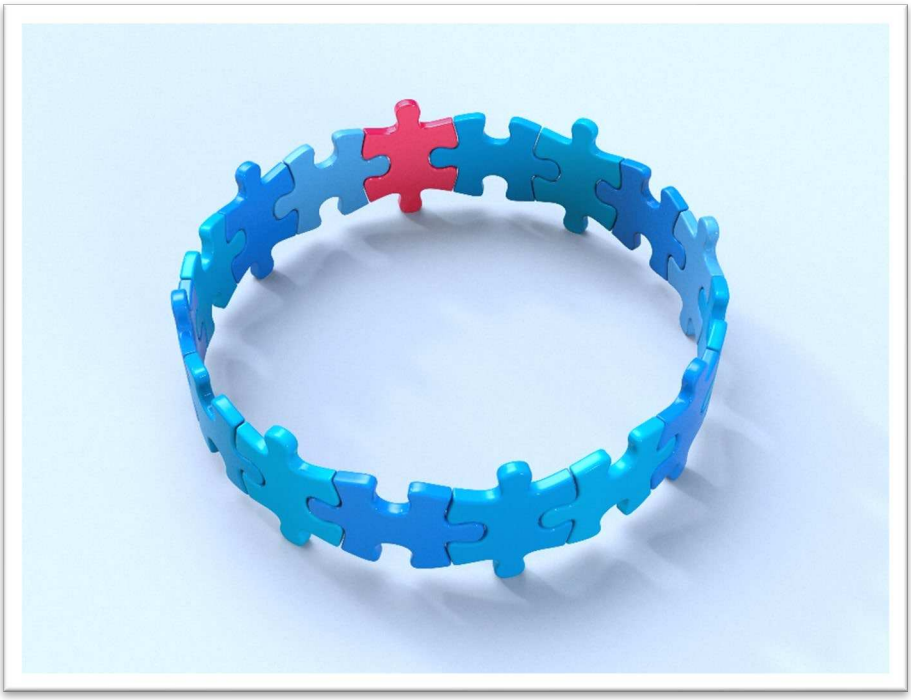
The data from the Effectiveness Survey is important for many reasons.

Apart from providing a wealth of information on MSB Orgs and mediator perceptions of the NMAS' effectiveness, it will inform the content and structure of several main NMAS Review Survey questions.

It will also have an essential role in triangulating the NMAS Survey data. This is particularly important for data that does not lend itself easily to tests for statistical significance, i.e., tests that identify if differences between groups are likely to result from chance or the type of people who participated in the survey (sampling error).

For more information about the NMAS Review, visit the NMAS Review Hub.

Although it is not the primary survey, the Effectiveness Survey is an integral part of the NMAS Review



IMPORTANT INFORMATION WHEN READING THE GRAPHS

- Due to rounding, some graphs add up to slightly more or less than 100%.
- Due to some questions allowing multiple responses, some graphs may add up to over 100%.
- To ensure respondents remain de-identified, questions that receive 10 or fewer responses to a given option may be removed or obscured to prevent re-identification.
- Percentages representing values of <2% (10 or fewer respondents) are shown within tables as 1.99% and as <2% when labelled within the graph.

PART 1: WHO PARTICIPATED IN THE EFFECTIVENESS SURVEY?

SUMMARY OF FINDINGS

Despite being one of the largest groups of respondents, lawyer mediators were one of the groups who conducted the fewest mediations

The target audience for the Effectiveness Survey were mediators and MSB Orgs. Given the comparative numbers of mediators and MSB Orgs, it was no surprise that the vast majority, i.e., 481 out of the 512 responses, were received from mediators.

The 31 participating MSB Orgs varied in terms of size and the market(s) they served. The sizeable majority (93%) identified as a general service, while a small proportion said they specialised in training/accrediting specific communities or groups, such as First Nations people.

The largest proportion of mediators who responded to the survey were family dispute resolution practitioners (FDRPs) (19%), followed by workplace mediators (14%) and lawyer mediators (14%). While workplace mediators and lawyer mediators were two of the largest groups that responded, at least 75% of them said they typically conduct five or fewer mediations per month. In contrast, more than 60% of conciliators and FDRPs said they typically conduct more than five mediations per month. In light of this, the MSB may begin to consider new ways to proactively support the practice areas offering the most opportunity to practise as mediators.

For example, conciliators and FDRPs are more likely than other types of mediators to have mediator practice as a large proportion of their overall work. For a majority of respondents, mediator practice makes up 50% or less of their overall work, suggesting a tendency for mediation to be a supplementary rather than a primary type of work. Further, the fact that 63% of mediators reported being over the age of 55 reinforces the notion that mediator practice is less likely to be a viable early-career choice for many people.

The majority of mediators reported their years of experience as 12 years or less. This is consistent with the introduction of the NMAS in 2008 and may indicate increased appeal in becoming a mediator once the accreditation system was established. Just over half of the mediators said they had been accredited for six years or less, with the highest proportion (23%) being accredited for 1–2 years. This may be due to a number of reasons, including an increased interest in accreditation and/or mediator practice in recent years. Alternatively, it may suggest that mediators cannot sustain a viable business and move on after the initial accreditation period.

Most mediators said they did not specialise in working with people from specific communities or groups. It would be valuable to collect further data about the potential value of mediator specialisation and particularly, its impact on mediation involving parties who belong to a specific community or group.

The level of diversity among the mediators was not reflective of the Australian population: Only 9% identified as being from a culturally and linguistically diverse group and less than 2% identified as being First Nations people. While the male and

female genders were relatively evenly balanced (43% and 56%, respectively), there was little representation for the gender diverse population.

The most common certifications held in addition to NMAS were family dispute resolution (28%) and conflict coaching (11%). Given that FDRPs were the largest group of respondents, it is not surprising that FDR is the largest additional qualification.

Almost all mediators reported holding tertiary qualifications, with the largest proportion at Masters level (37%). Thus, many mediators offer a high level of subject matter expertise. The largest proportion of qualifications was in the field of law. This is interesting when we consider that lawyer mediators conduct substantially fewer mediations than other types of mediators. Even so, it may reflect the extent to which many types of mediator practice operate in the shadow of the law and as such benefit from some expertise in the area.

Finally, the Effectiveness Survey provided a timely opportunity to capture some final data on pre-coronavirus (pre-COVID) practice. By and large, mediators indicated their primary pre-COVID mode for conducting mediation was face-to-face. A notable exception to this was conciliators, who held most mediations via telephone. With the baseline now in place, the primary NMAS Survey will collect data about how mediators changed their practice in response to COVID-19.

PRELIMINARY RECOMMENDATIONS

Create mechanisms for members of diverse communities to locate and engage diverse mediators

1. Develop and implement a diversity and inclusion strategy to promote greater representation within the mediation community.
2. Create mechanisms for members of diverse communities to locate and engage diverse mediators.
3. Conduct further research into the factors contributing to employment outcomes/equivalent practice opportunities for mediators to identify genuine pathways as a professional mediator across all career stages.
4. Liaise with mediators whose primary practice areas tend to offer the lowest number of mediations to ascertain satisfaction levels with these numbers or proportions.
5. Continue consideration of conciliation and FDRP as potential inclusions in the NMAS Review, with the view to long-term options for enhanced representation within the MSB.
6. Investigate ways to promote awareness of mediation and mediator knowledge and skills across non-law disciplines.

PART 1: FINDINGS

ALL RESPONDENTS

FINDINGS

Over 600 people participated in the Effectiveness Survey. Following the *data cleaning process* (removing duplicates, incomplete responses, etc.), submissions from 512 survey respondents remained. Of the 512, the vast majority of respondents (481) identified as mediators, while a small proportion (31) identified as authorised representatives of MSB Member Organisations (MSB Orgs).

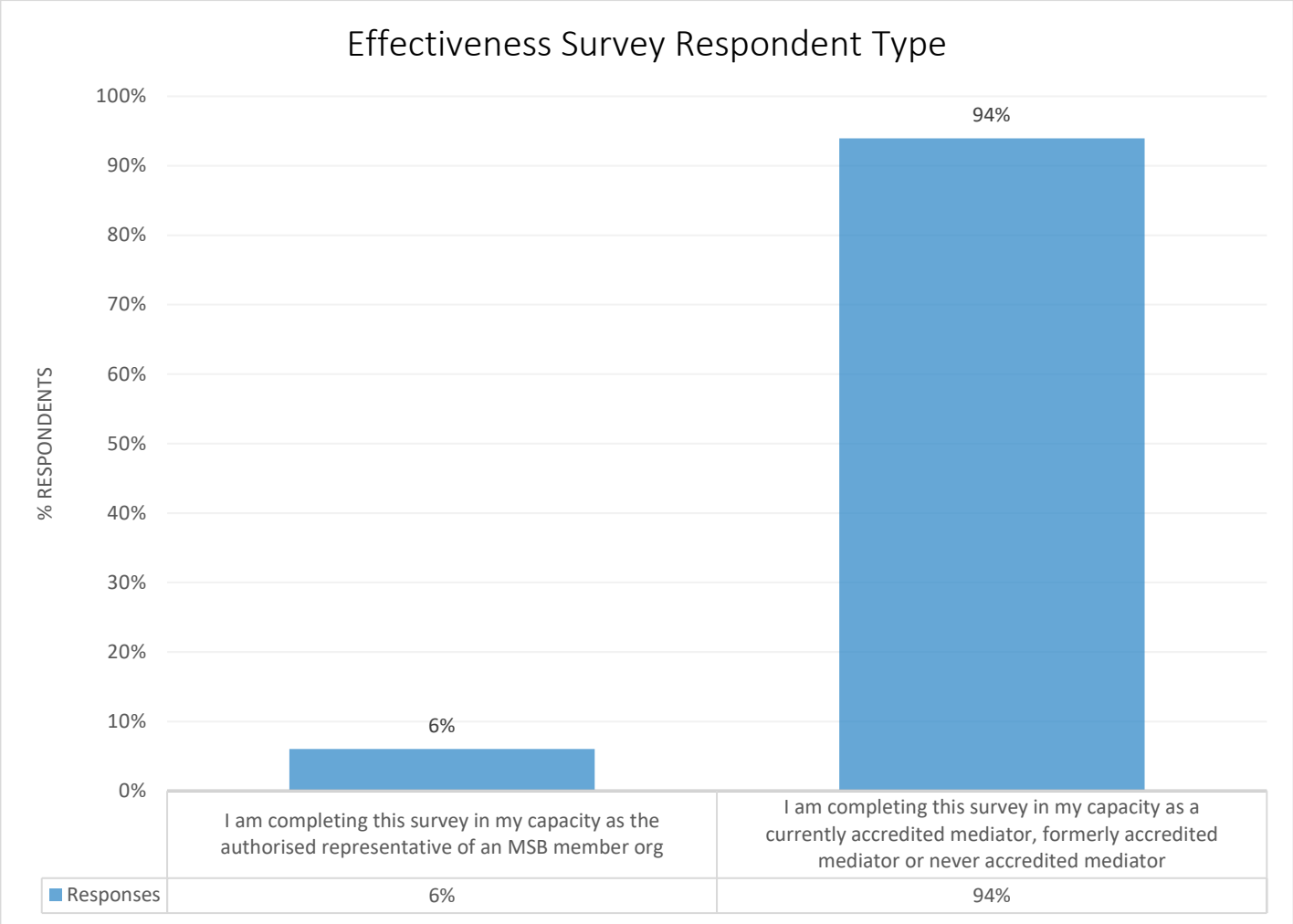


Figure 1: Effectiveness survey respondent type (Survey Q3)

MSB MEMBER ORGANISATIONS

MEDIATOR STANDARDS BOARD

The Mediator Standards Board (MSB) was established to support and promote high standards by mediators and enhance the quality of mediation services in Australia. The MSB is responsible for the ongoing development and maintenance of the NMAS introduced in 2008. For more information on the MSB, visit the website.

MSB Org Type

- RMAB: Recognised Mediator Accreditation Body
- TO: Training Organisation
- RMAB/TO: Recognised Mediator Accreditation Body also offering training
- Other: Other type of MSB member organisation

MEMBER ORGANISATION TYPE

MSB membership is open to a range of organisations. Member Organisations (MSB Orgs) include Recognised Mediator Accreditation Bodies (RMABs), Training organisations (TOs), RMABs who also provide training (RMAB/TOs), professional membership or service organisations, community or state-based mediation services, government agencies, and consumer organisations (Other).

MARKET

The survey asked MSB Orgs to identify their target market. Specifically, they were asked if they

- specialised in training and/or accrediting people belonging to specific communities or groups, or
- specialised in training and/or accrediting people from a particular business or industry group.

Market

- Community or group
- Industry or profession

MSB ORG – MEMBER TYPE

FINDINGS

The largest proportion of responses came from RMABs with less than 50 mediators (42%). This was followed by the larger RMABs with 50+ registered mediators (38%), the TOs (16%) and Others (3%). The proportion of responses is only partially reflective of the MSB Org community, with some membership types significantly underrepresented.

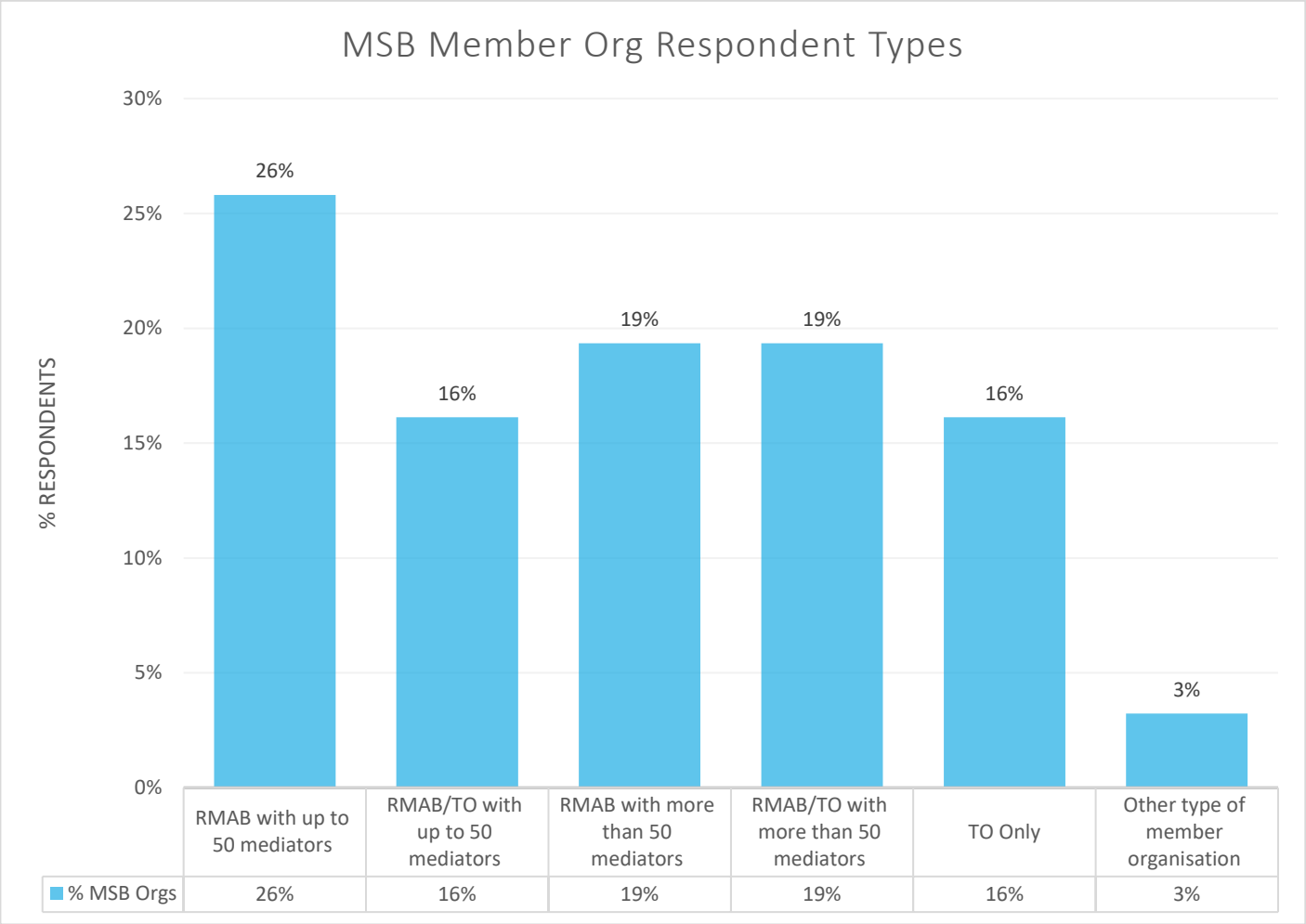


Figure 2: Proportion of MSB member org respondents by membership type (Survey Q5)

MSB ORG – COMMUNITY OR GROUP SPECIALISATION

FINDINGS

The largest proportion (93%) of organisations offer training and/or accreditation to the general community. A small proportion of MSB Orgs offer specialised training and/or accreditation to specific communities and groups. Interestingly, the largest specialist area was training and/or accreditation for First Nations people (7%). There were no specialist training or accreditation offerings identified for women, people of faith, or people with disabilities.

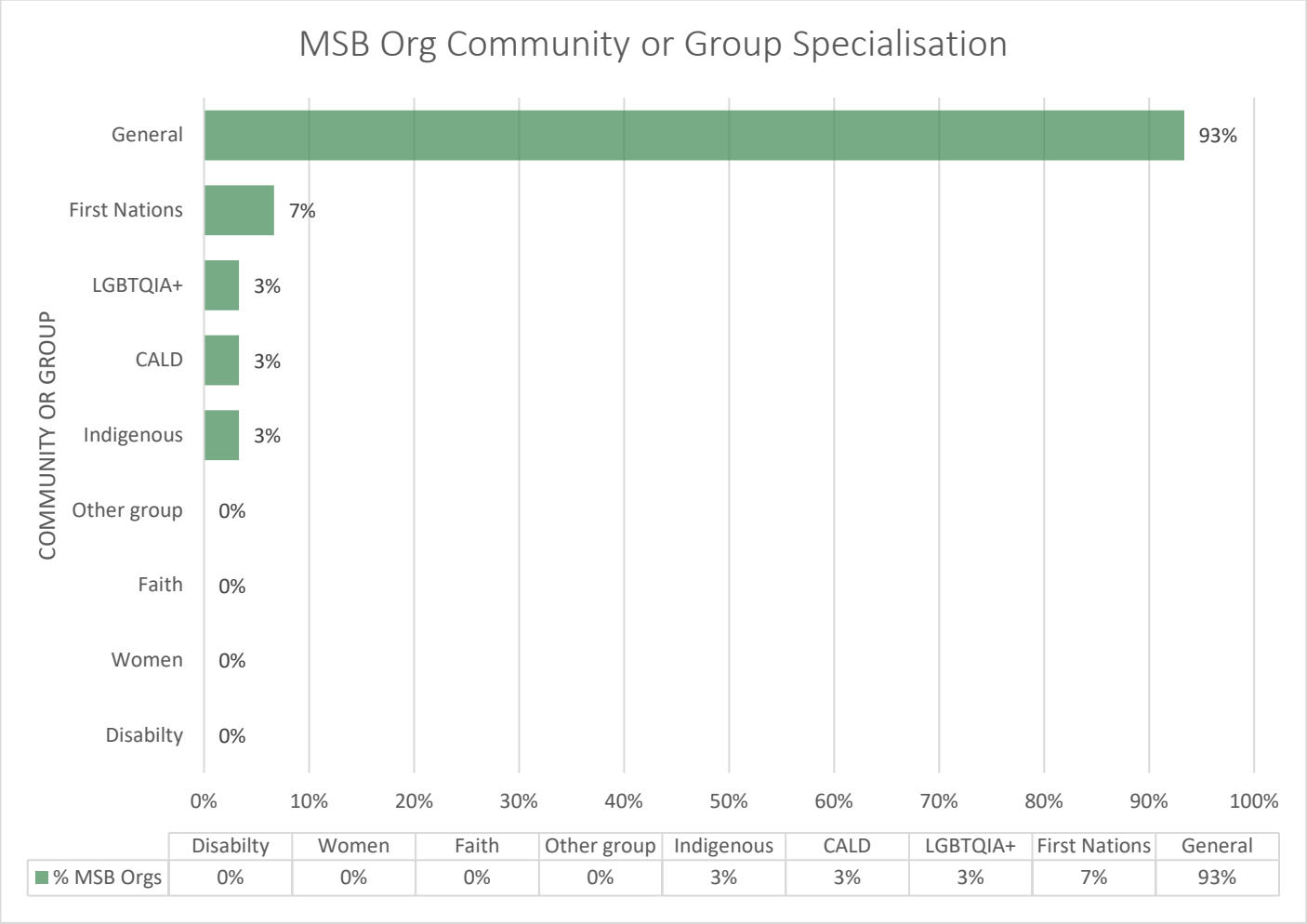


Figure 3: Aggregate MSB Org specialisation in training and/or accrediting members of specific communities or groups (Survey Q6, Q8 & Q10)

Graph notes: Figures add to more than 100%, as MSB Orgs were invited to select all categories that apply.
'Other' type of MSB Orgs were not included, as they do not offer training or accreditation.
Full descriptions of community or group specialisations are available in Appendix 1, Table 2 - Figure 3: Aggregate MSB Org specialisation in training and/or accrediting members of specific communities or groups (Survey Q6, Q8 & Q10).

MSB ORG – BUSINESS OR INDUSTRY SPECIALISATION

FINDINGS

Half of the MSB Orgs reported that they offer services to the public. The other half limit their services to a specific business or industry group. The largest market segment is the legal profession (20%), followed closely by in-house training and accreditation services (17%). The remaining MSB Orgs (13%) overwhelmingly cited FDRPs as their target market.

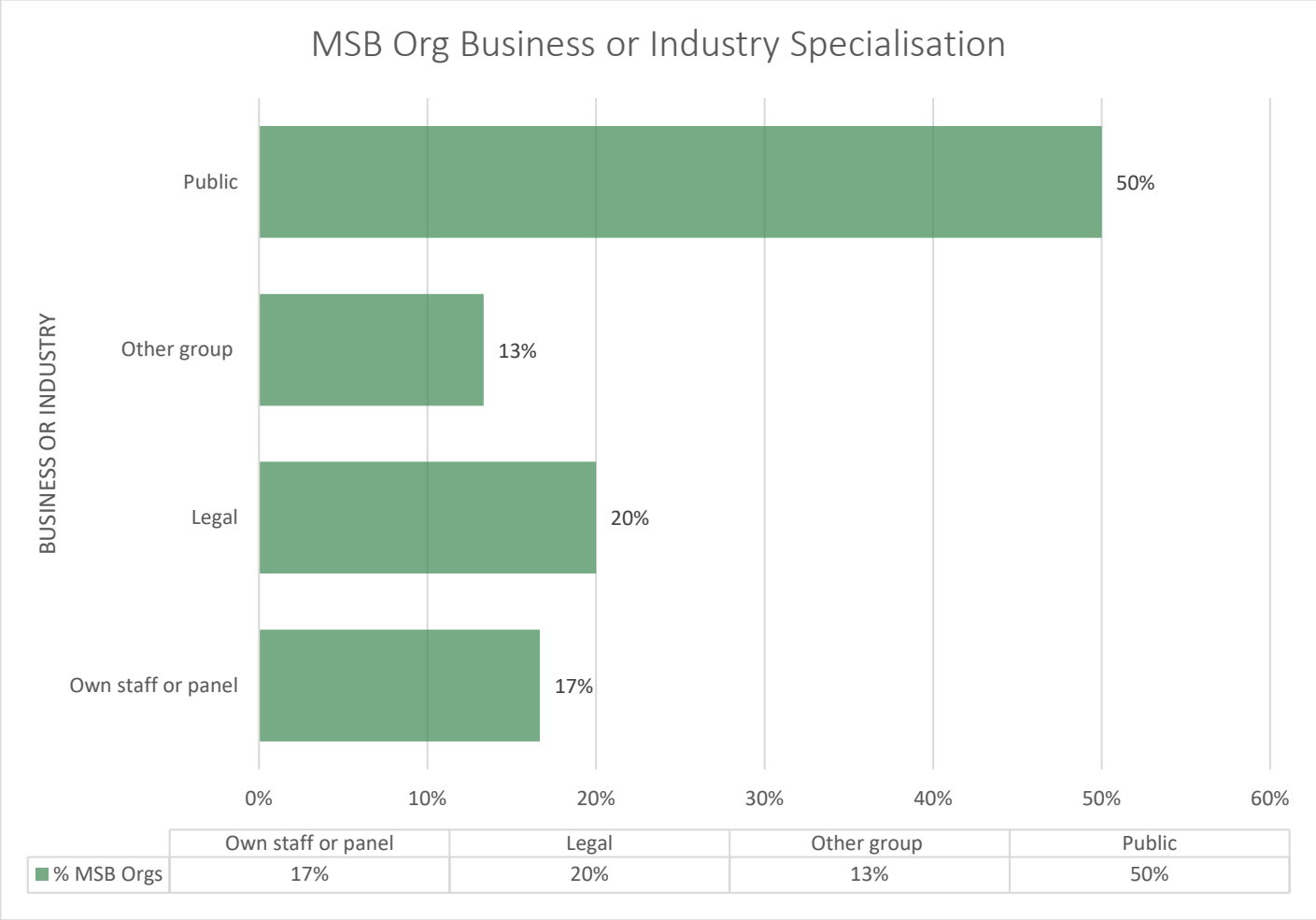


Figure 4: Aggregate MSB Org specialisation in training and/or accrediting members of specific business or industry groups (Survey Q7, Q9 & Q11)

Graph notes: 'Other' type of MSB Orgs were not included, as they do not offer training or accreditation.
Full descriptions of industry or business specialisations are available in Appendix 1, Table 3 - Figure 4: Aggregate MSB Org specialisation in training and/or accrediting members of specific business or industry groups (Survey Q7, Q9 & Q11).

MEDIATORS

Practice

- Primary practice type
- Volume of work
- Proportion of work
- Mode of work
- Specialist expertise

Training and Experience

- Experience
- Accreditation
- Other DR training

Diversity

- Community or group affiliation
- Age
- Gender
- Education

PRACTICE

The 481 mediators who participated were asked to provide a range of details about their practice. We specifically asked them about their primary area of practice, the typical number of mediations they conducted per month, the proportion of their overall work that was taken up by their mediator practice, and whether they tended to conduct their mediations face-to-face or opted for some other mode such as telephone mediation.

TRAINING AND EXPERIENCE

The mediators were asked to identify how long they have practised as mediators, whether they were currently or had ever been accredited, and if they had engaged in any other non-NMAS dispute resolution (DR) training.

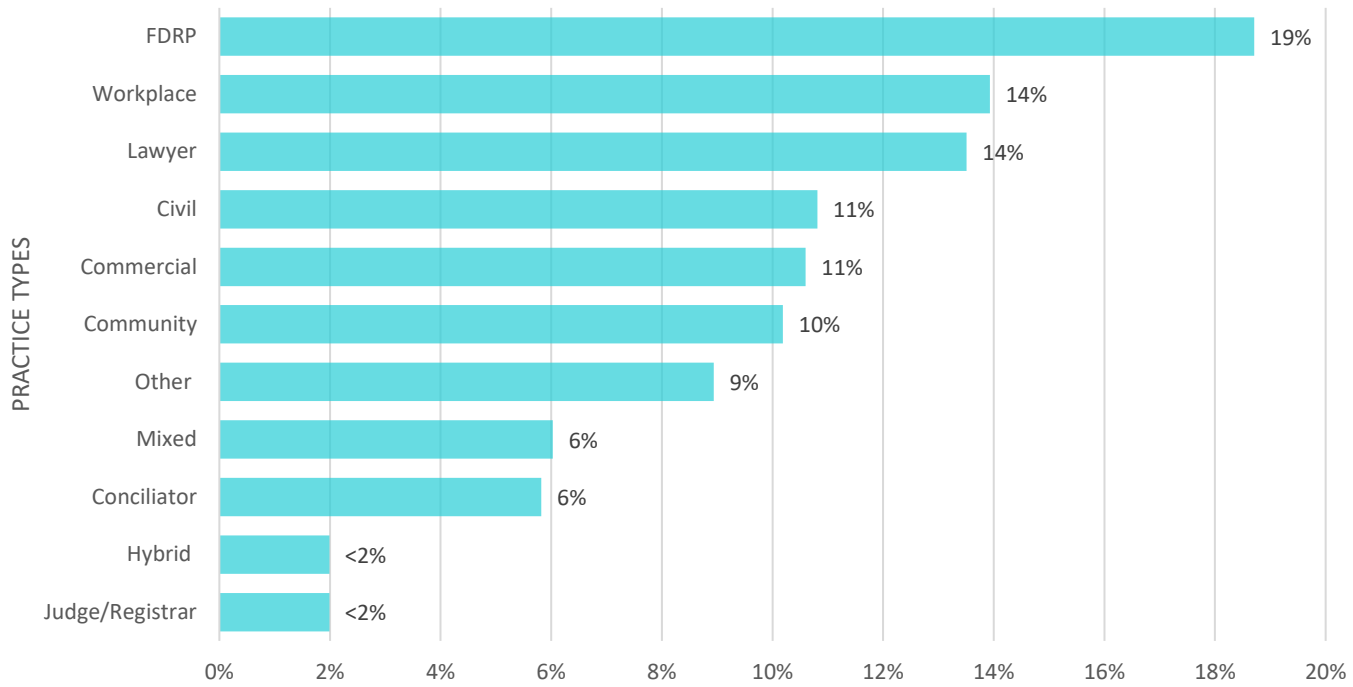
DIVERSITY

To understand more about the level of diversity among mediators, we sought information on their affiliation with specific communities or groups, as well as their age, gender, and level of education.

MEDIATORS – PRIMARY PRACTICE AREA (TYPE)

FINDINGS

Almost one-fifth of mediators identified family dispute resolution (FDR) as their primary area of practice. This was followed by workplace mediators and lawyer mediators, with each accounting for approximately 14% of responses. Surprisingly, only 6% of respondents identified as having a primarily mixed practice, i.e., practice that routinely encompasses a variety or combination of areas. Very few respondents identified their primary type of practice as hybrid or as a judge/registrar mediator.[1] This suggests that mediators may focus their energies on a specific area of practice rather than becoming generalist practitioners. Further research may be required to identify the drivers for practice selection and the extent to which this may, over time, influence mediator style.



	Judge/Registrar	Hybrid	Conciliator	Mixed	Other	Community	Commercial	Civil	Lawyer	Workplace	FDRP
% Mediators	1.99%	1.99%	6%	6%	9%	10%	11%	11%	14%	14%	19%

Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39)

Graph notes: Full descriptions of practice types are available in Appendix 1, Table 4 - Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39)

[1] Due to these low numbers, a place holder figure of <2% or 1.99% was required to ensure respondents remained de-identifiable. A number of 'Other' types of primary practice were specified, however, none were cited frequently enough to reach the 2% threshold required for maintaining de-identification. With that said, some general themes associated with varying forms of conferencing were observed.

MEDIATORS – TYPICAL NUMBER OF MEDIATIONS

FINDINGS

Almost two-thirds of mediators said they typically conduct five or fewer mediations per month. Notably, over a quarter conduct less than one per month. Only a small proportion (6%) of mediators suggest they typically conduct more than 20 mediations per month. This may indicate the need for further research into a range of areas, including opportunities to routinely practise mediator skills, the viability of mediation as a profession, and the factors most likely to influence the number of mediations typically conducted.

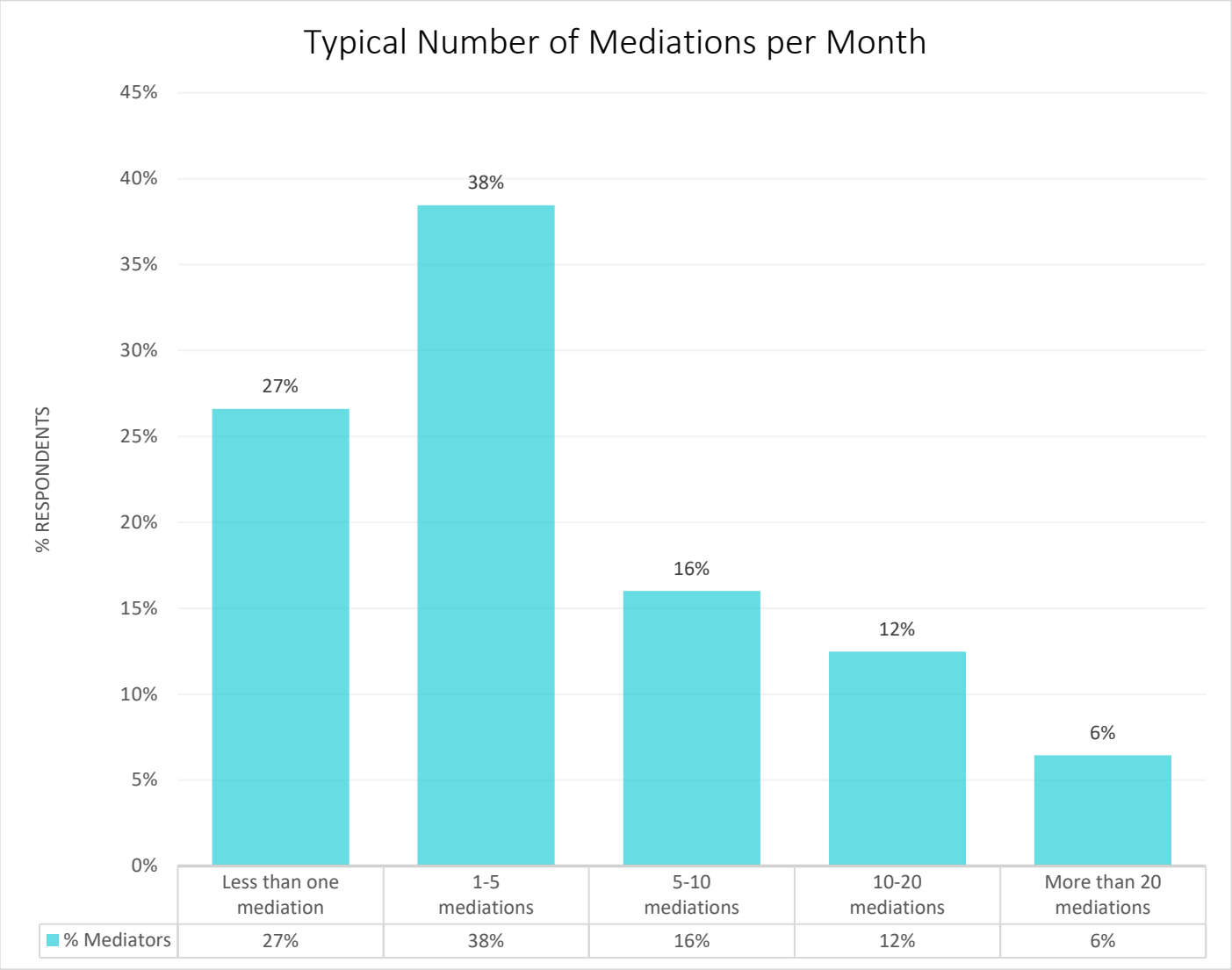


Figure 6: Typical number of mediations conducted per month (Survey Q45)

MEDIATORS – RELATIONSHIP BTW NUMBER & TYPE

FINDINGS

Figure 7 shows the percentage of mediators from each primary practice area in relation to the typical number of mediations they conducted per month. For example, we see that 41% of commercial mediators and 43% of lawyer mediators said they typically conduct less than one mediation per month.

The mediators who are most likely to conduct five or fewer mediations each month are commercial mediators (92%), mixed practice mediators (81%), lawyer mediators (80%), workplace mediators (77%), and community mediators (76%).

In stark contrast, conciliators (62%), FDRPs (60%), and civil mediators (58%) report typically conducting five or more mediations per month. Moreover, over half of the conciliators said they typically conduct more than 10 mediations per month, with 29% conducting more than 20 mediations per month. This suggests that some types of practice may provide significantly more opportunities to conduct mediations.

STATISTICALLY SIGNIFICANT DIFFERENCES

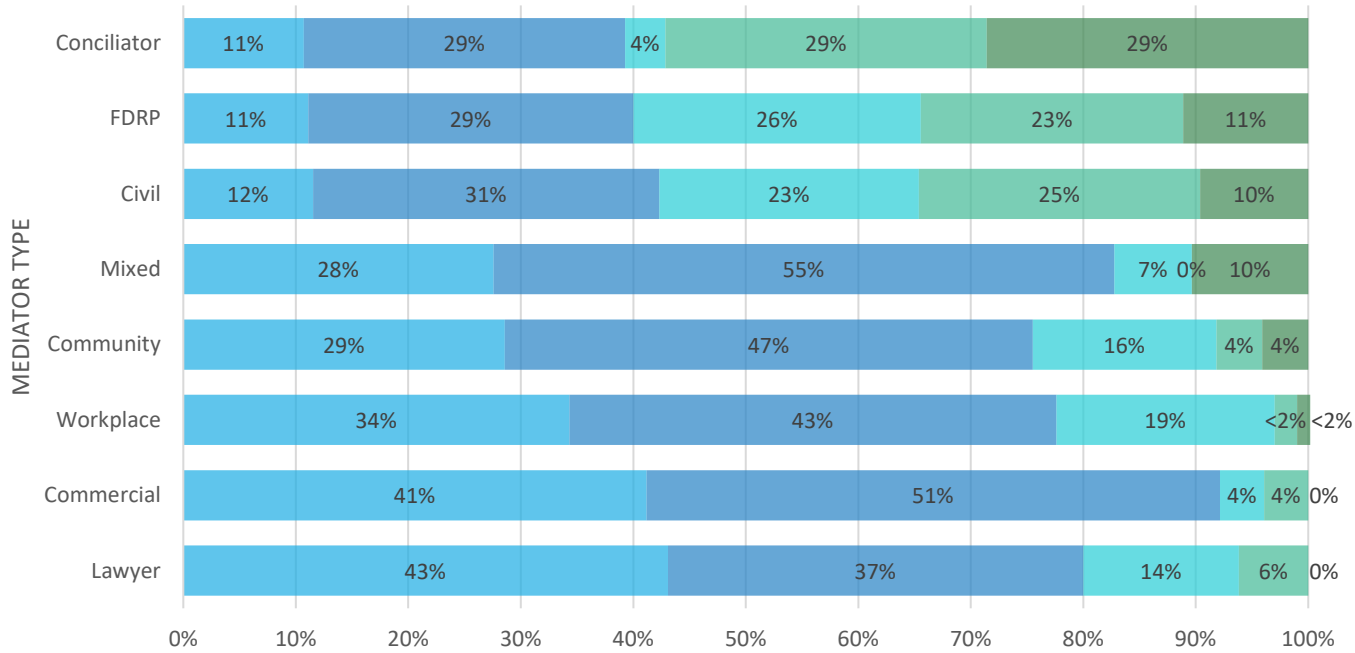
To establish whether the differences seen in Figure 7 were likely to be generalisable to the broader mediator population, we conducted preliminary tests for statistical significance of the using Survey Monkey.

Statistically significant relationships were identified across mediator types and are displayed in **blue** in Table 1. Options in **blue** indicate that the differences between at least one of the other mediator types have less than a 5% probability of occurring by chance or sampling error alone. This is important because it means the patterns are more likely to be reliable and applicable beyond the group of people who participated in this survey.

Instances shown in **red** were not identified as statistically significant, while instances in **black** were excluded automatically from Survey Monkey's calculations. Unfortunately, conciliators and mixed-practice respondents fell just short of the 30-respondent threshold for inclusion. Further analysis using a different statistical software program will be carried out to ascertain whether significant differences are also present in these cohorts.

These findings suggest that further research into the employment outcomes and/or equivalent opportunities to practise as a mediator may be required. In particular, it may be helpful to consider the implications of the limited number of practice areas where mediators typically conduct large numbers of mediations.

Finally, these findings highlight the value of considering the potential inclusion of conciliators and FDRPs within the NMAS, because it appears that mediators in these practice areas represent two of only three types of practitioners typically conducting at least one mediation per week.



	Lawyer	Commercial	Workplace	Community	Mixed	Civil	FDRP	Conciliator
Less than one	43%	41%	34%	29%	28%	12%	11%	11%
1 to 5	37%	51%	43%	47%	55%	31%	29%	29%
5 to 10	14%	4%	19%	16%	7%	23%	26%	4%
10 to 20	6%	4%	1.99%	4%	0%	25%	23%	29%
More than 20	0%	0%	1.99%	4%	10%	10%	11%	29%

Figure 7: Typical number of mediations per month by mediator type (Survey Q45 Vs. Q39)

Graph notes: Full descriptions of practice types are available in Appendix 1, Table 4 - Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39).

Statistically significant differences in the typical number of mediations per month between mediator types

	Less than one	1 to 5	5 to 10	10 to 20	More than 20
Community	29%	47%	16%	4%	4%
Civil	12%	31%	23%	25%	10%
Commercial	41%	51%	4%	4%	0%
Lawyer	43%	37%	14%	6%	0%
FDRP	11%	29%	26%	23%	11%
Workplace	34%	43%	19%	<2%	<2%
Conciliator	11%	29%	4%	29%	29%
Mixed practice	28%	55%	7%	0%	10%

Table 1 - Statistical significance: typical number of mediations per month between mediator types

MEDIATORS – PROPORTION OF OVERALL WORK

FINDINGS

This graph reveals a stark, all-or-nothing dichotomy between the 23% of mediators who report mediator practice as 91%–100% of their work, and the other 25% of mediators who report mediator practice making up a mere 10% or less. A substantial 38% of mediators indicated that mediator practice makes up 20% or less of their overall work, while 28% of respondents indicated that mediator practice makes up 81%–100% of their overall work. Given that the majority of mediators (56%) said mediator practice makes up 50% or less of their overall work, it seems likely that it tends to be a supplementary rather than primary type of work for a large number of survey respondents.

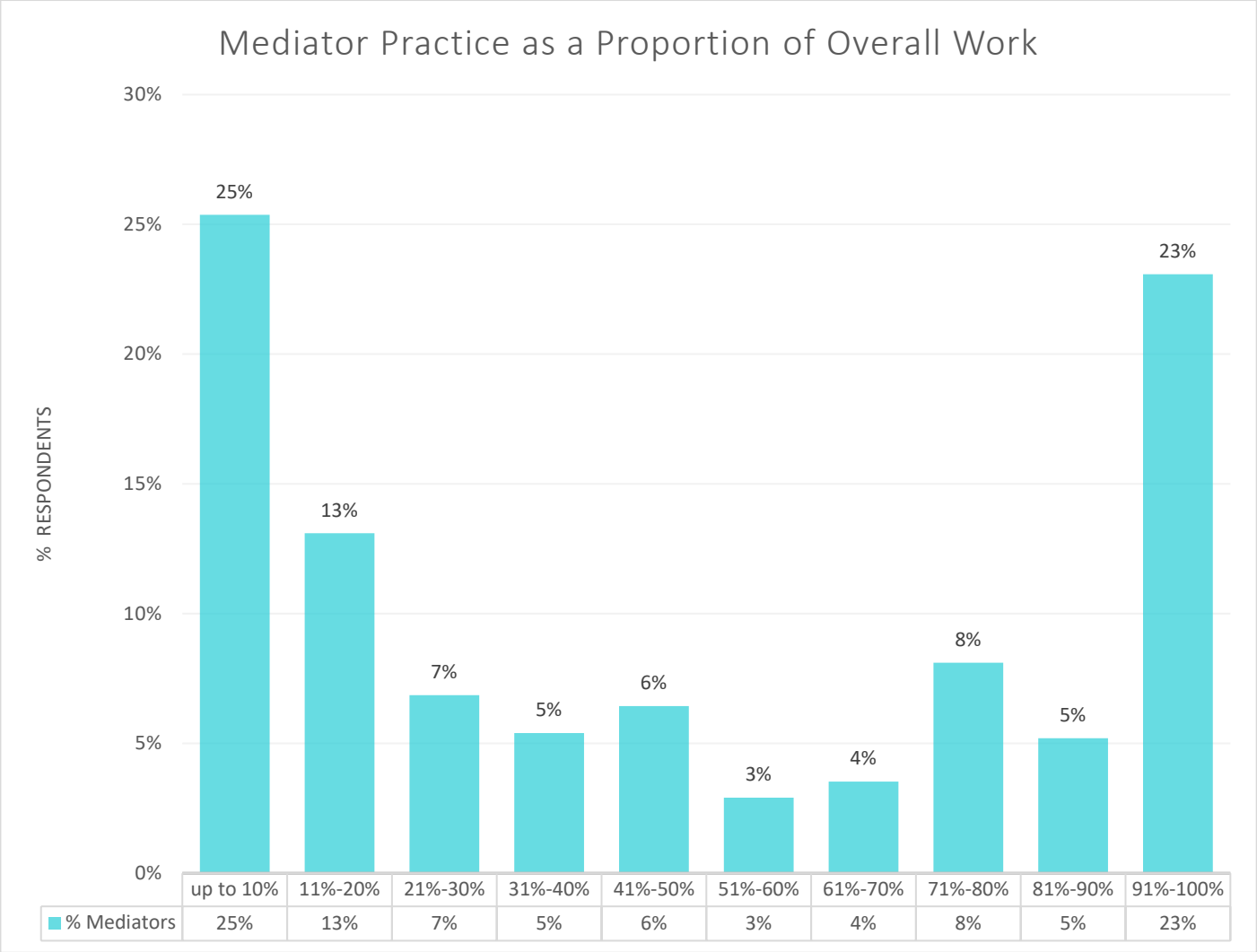


Figure 8: Mediator practice as a proportion of overall work (Survey Q40)

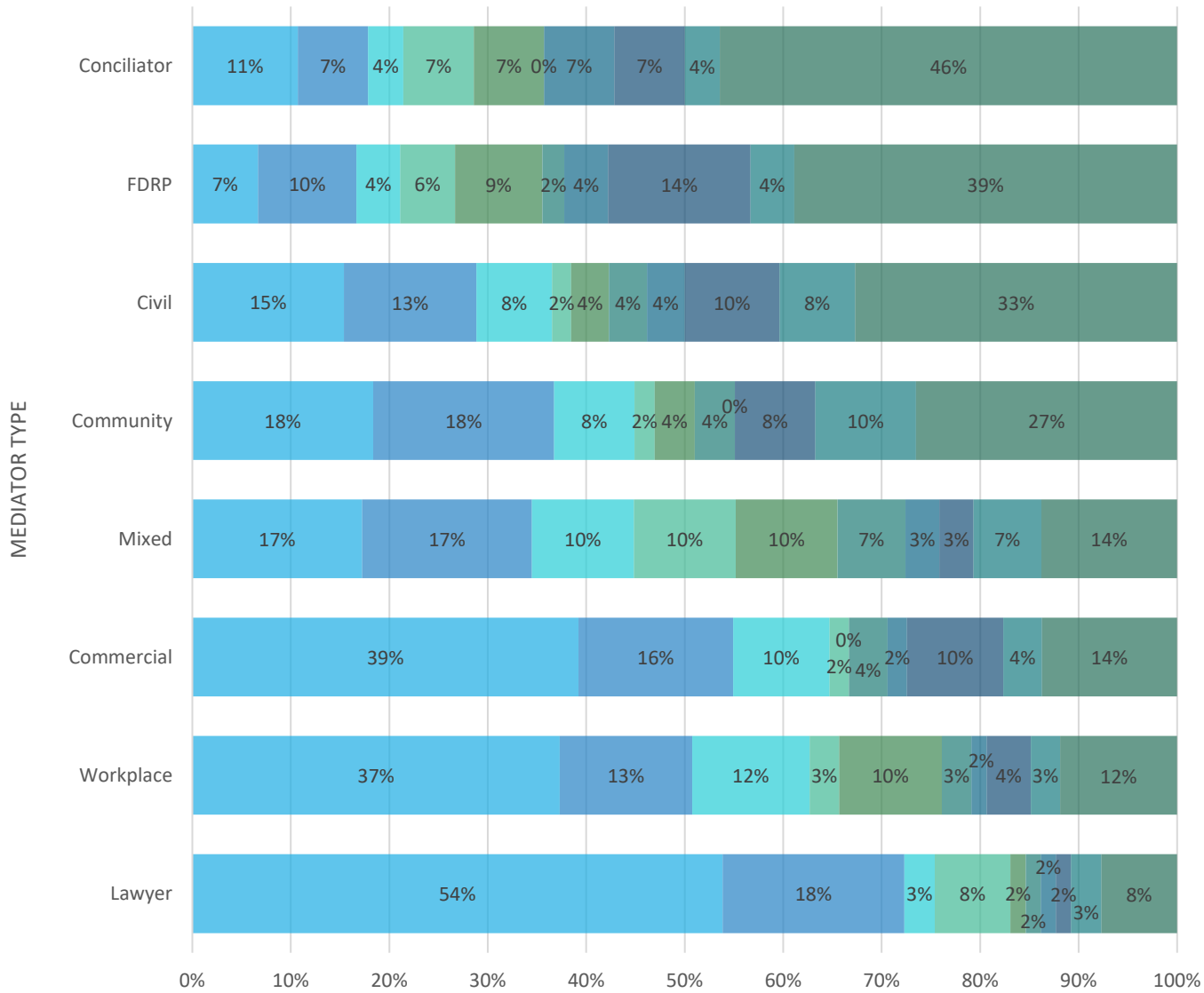
MEDIATORS – RELATIONSHIP BTW PROPORTION & TYPE

FINDINGS

In keeping with the findings in Figure 7, conciliators and FDRPs appear more likely than other types of mediators to have mediator practice as a large proportion of their overall work. Figure 9 shows that for 46% of conciliators and 39% of FDRPs, mediator practice makes up 90%–100% of their overall work. This lends further support to the MSB's interest in considering conciliation and FDRP as part of the broader NMAS Review.

By way of contrast, despite being one of the largest groups to participate in this survey, mediator practice tends to account for a very small portion of work for most lawyer mediators, with 54% reporting it makes up less than 10% of their overall work and 72% reporting it as 20% or less.

In conjunction with previous findings, this comparison suggests further research may be required to learn the extent to which mediation might reasonably constitute a viable stand-alone profession for most practitioners.



	Lawyer	Workplace	Commercial	Mixed	Community	Civil	FDRP	Conciliator
0%-10% of work	54%	37%	39%	17%	18%	15%	7%	11%
11%-20% of work	18%	13%	16%	17%	18%	13%	10%	7%
21%-30% of work	3%	12%	10%	10%	8%	8%	4%	4%
31%-40% of work	8%	3%	2%	10%	2%	2%	6%	7%
41%-50% of work	2%	10%	0%	10%	4%	4%	9%	7%
51%-60% of work	2%	3%	4%	7%	4%	4%	2%	0%
61%-70% of work	2%	2%	2%	3%	0%	4%	4%	7%
71%-80% of work	2%	4%	10%	3%	8%	10%	14%	7%
81%-90% of work	3%	3%	4%	7%	10%	8%	4%	4%
91%-100% of work	8%	12%	14%	14%	27%	33%	39%	46%

Figure 9: Mediator Practice as Proportion of Overall Work by Mediator Type (Survey Q40 Vs. Q39)

Graph notes: Full descriptions of practice types are available in Appendix 1, Table 4 - Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39).

MEDIATORS – MODE OF PRACTICE

FINDINGS

Before COVID-19, the majority of mediations (63%) were conducted face-to-face. The primary NMAS Survey will collect further data to determine how mediators have changed their practice in response to COVID.

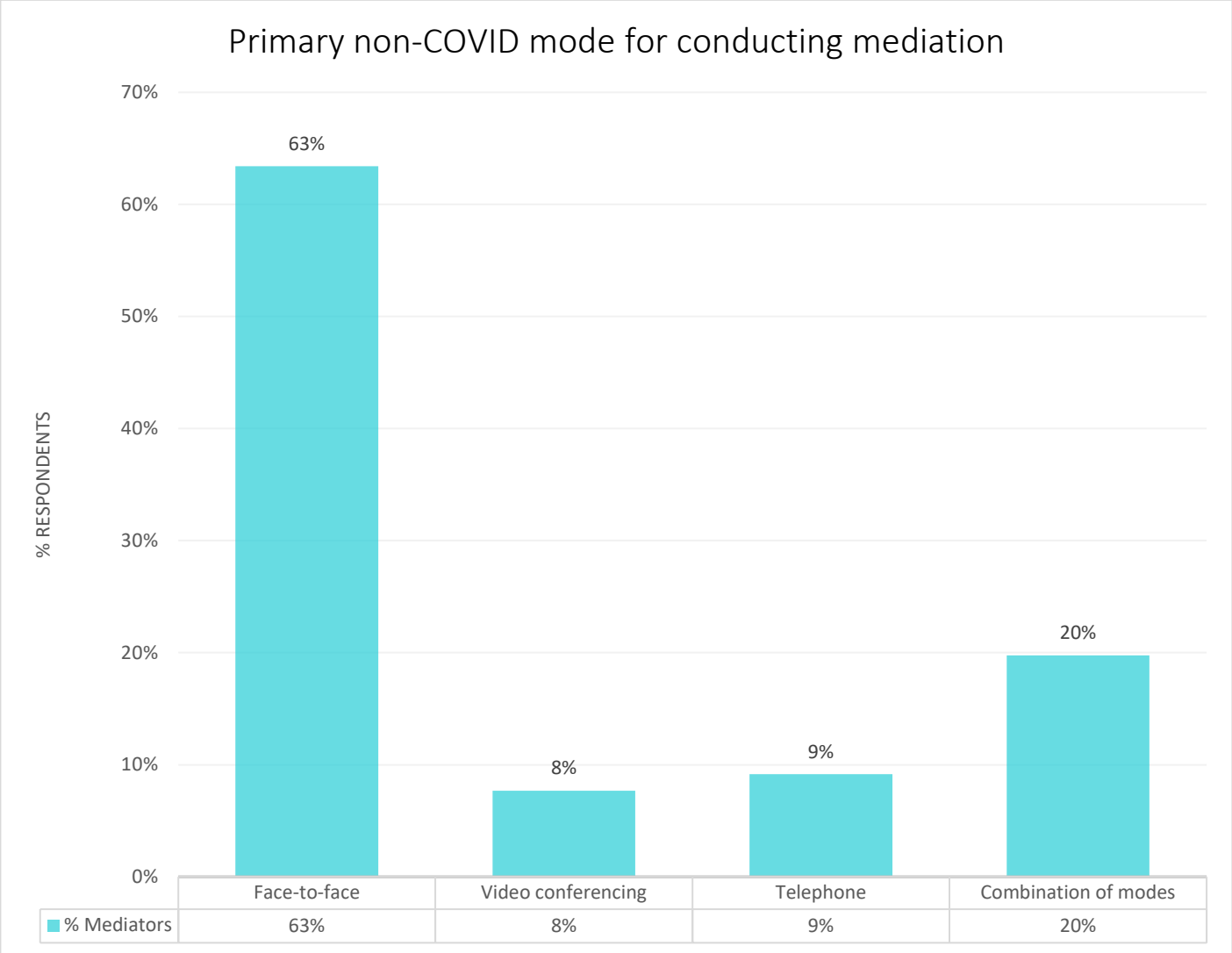
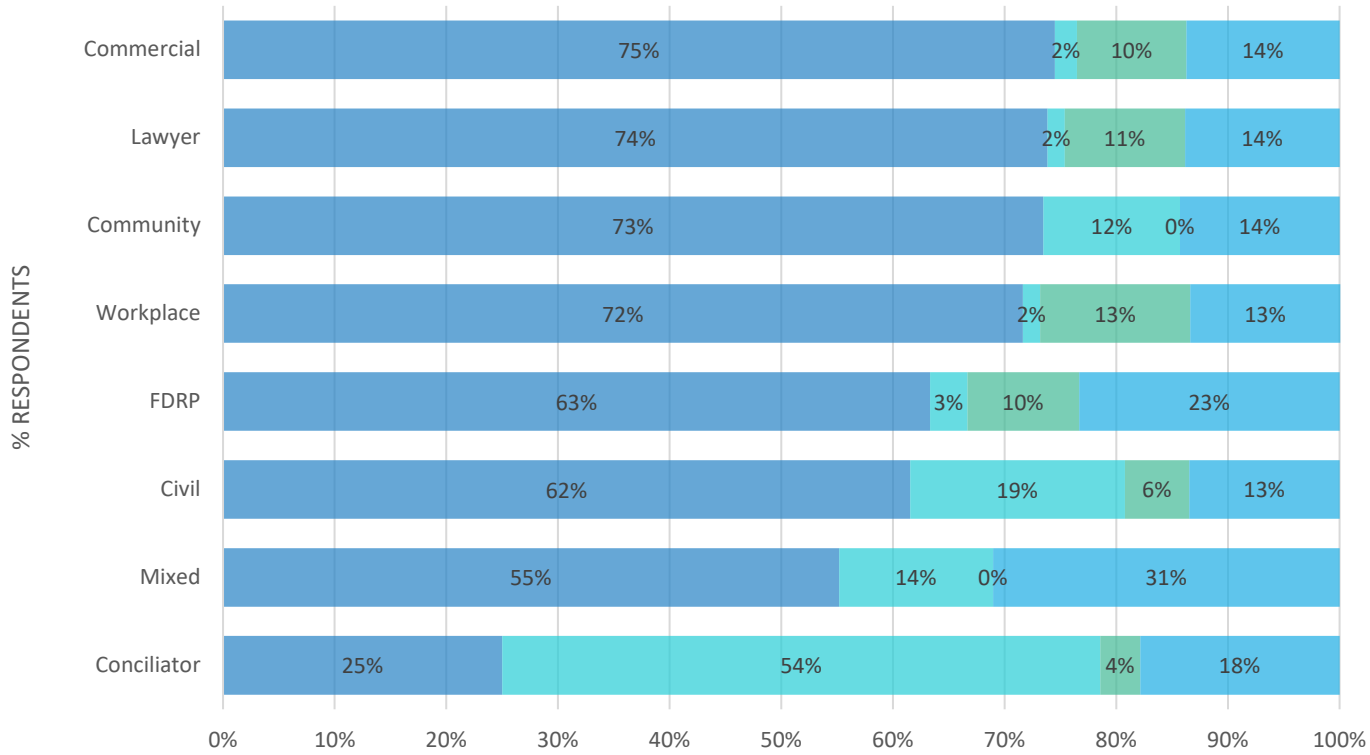


Figure 10: Primary non-COVID mode for conducting mediation including intake (Survey Q41)

MEDIATORS – RELATIONSHIP BTW MODE & TYPE

FINDINGS

Prior to the coronavirus pandemic, most mediations were conducted face-to-face, irrespective of mediator type. In contrast to all other types of mediators, only 25% of conciliators conducted mediations face-to-face. Instead, most conciliators conducted mediations by telephone (54%). This suggests that conciliators have more experience with telephone mediation than other mediator types. This unique experience may prove beneficial to others transitioning to telephone mediation in response to COVID-19. It also presents an important opportunity to conduct further research into telephone mediation with practitioners who are well versed in the specific requirements of audio-based mediation.



	Conciliator	Mixed	Civil	FDRP	Workplace	Community	Lawyer	Commercial
Face-to-face	25%	55%	62%	63%	72%	73%	74%	75%
Telephone	54%	14%	19%	3%	2%	12%	2%	2%
Video conferencing	4%	0%	6%	10%	13%	0%	11%	10%
Combination	18%	31%	13%	23%	13%	14%	14%	14%

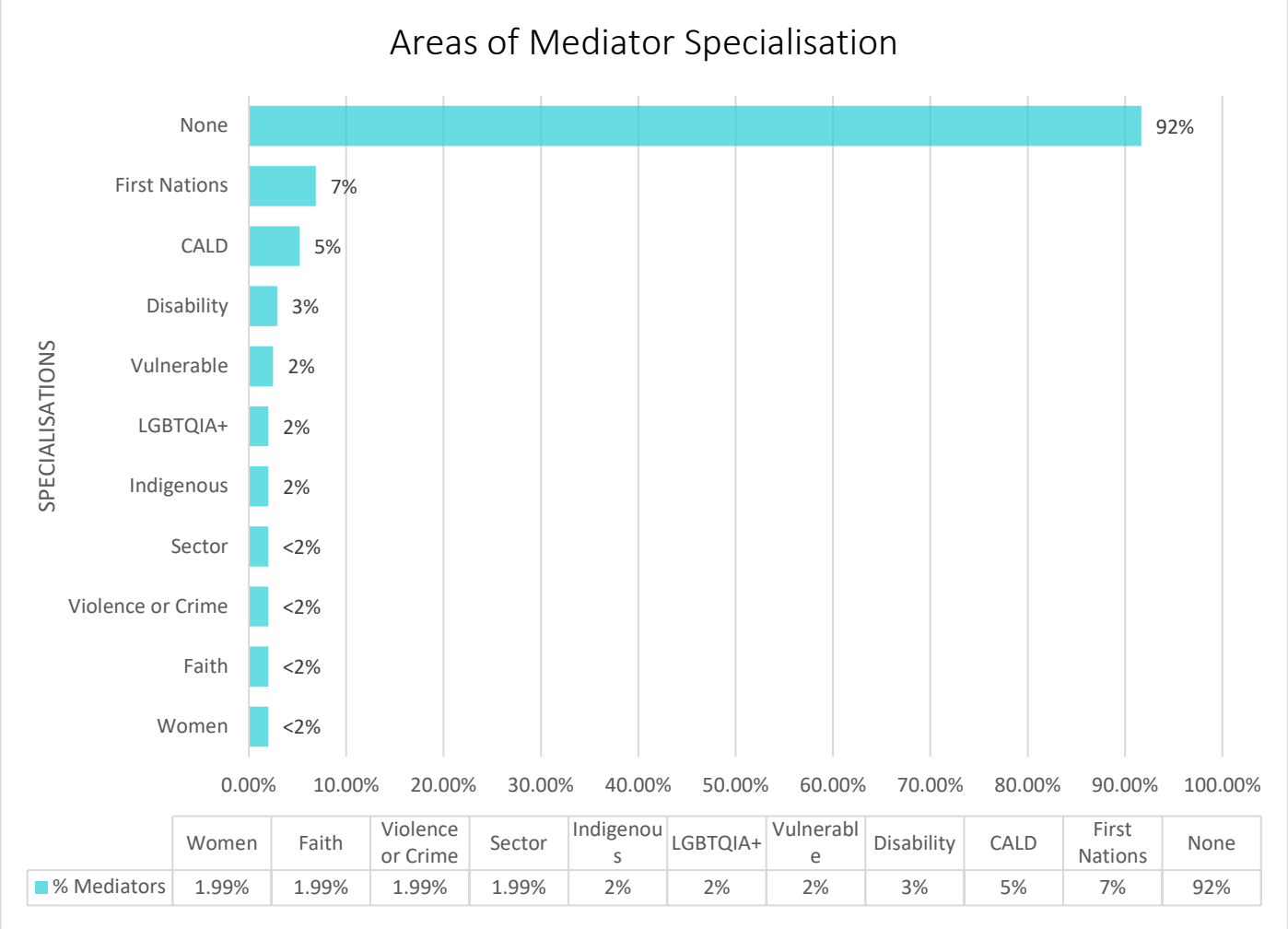
Figure 11: Primary non-COVID mode for conducting mediation, including intake, by mediator type (Survey Q41 Vs. Q39)

Graph notes: Full descriptions of practice types are available in Appendix 1, Table 4 - Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39).

MEDIATORS – AREAS OF SPECIALISATION

FINDINGS

The overwhelming majority of mediators (92%) reported that they did not specialise in working with members of specific communities or groups. The largest reported area of specialisation was by those working with First Nations people (7%). This was followed by those working with culturally and linguistically diverse people (5%). It may be beneficial to conduct future research on mediator specialisation and its impact on mediation involving parties who belong to a specific community or group. This may be particularly important for mediators seeking to promote cultural safety and incorporate styles of practice matched to the communities and groups with which they work.



	Women	Faith	Violence or Crime	Sector	Indigenous	LGBTQIA+	Vulnerable	Disability	CALD	First Nations	None
% Mediators	1.99%	1.99%	1.99%	1.99%	2%	2%	2%	3%	5%	7%	92%

Figure 12: Mediators who specialise in working with people belonging to specific communities or groups [all that apply] (Survey Q42)

Graph note: Total percentages add up to more than 100%, as respondents were invited to select all categories that applied. Full descriptions of areas of specialisation are available in Appendix 1, Table 5 - Figure 12: Area of mediator specialisation communities or groups (Survey Q 42).

MEDIATORS – EXPERIENCE

FINDINGS

Mediators with 12 years of experience or less constitute a majority of 62%. This is consistent with the introduction of the NMAS in 2008, shown below as a **red** border, and may indicate that introducing an accreditation system prompted increased interest in becoming a mediator. Further research is required to ascertain the factors contributing to the large proportion of mediators (28%) with four or fewer years of experience. One explanation may be that interest has continued to increase over recent years. Alternatively, some mediators may have been unable to remain in the field for any length of time.

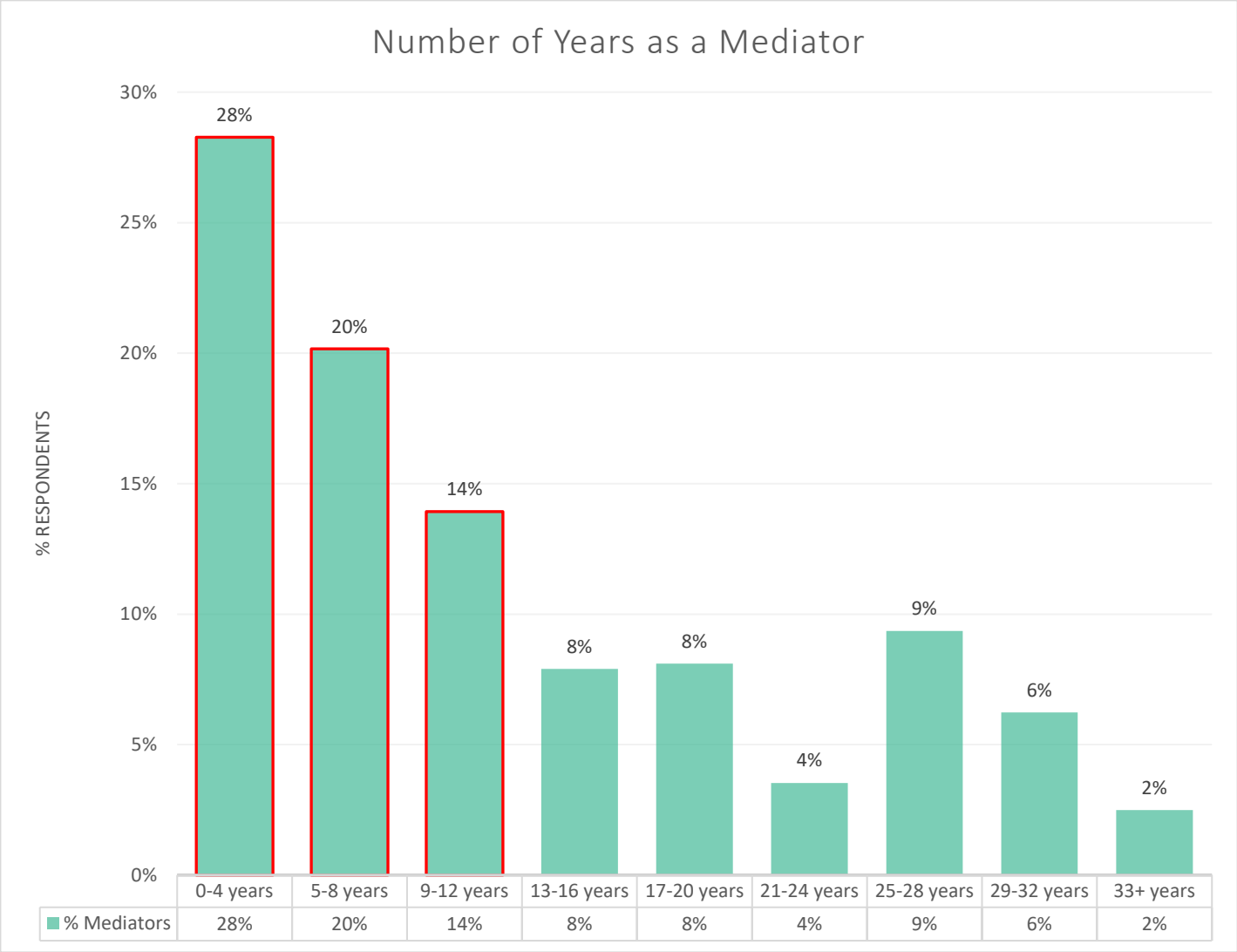


Figure 13: Number of years as a mediator (Survey Q35)

MEDIATORS – ACCREDITATION

FINDINGS

Just over half of the mediators reported being accredited for six years or less, with the largest proportion (23%) being accredited for 1–2 years. This may be due to various reasons; however, it appears consistent with the idea discussed in Figure 13 regarding increased interest in accreditation and/or mediator practice in recent years. These accreditation levels are also important to consider within the context of Figure 6 and Figure 8, which highlight the challenge many mediators face in establishing or maintaining a flourishing practice.

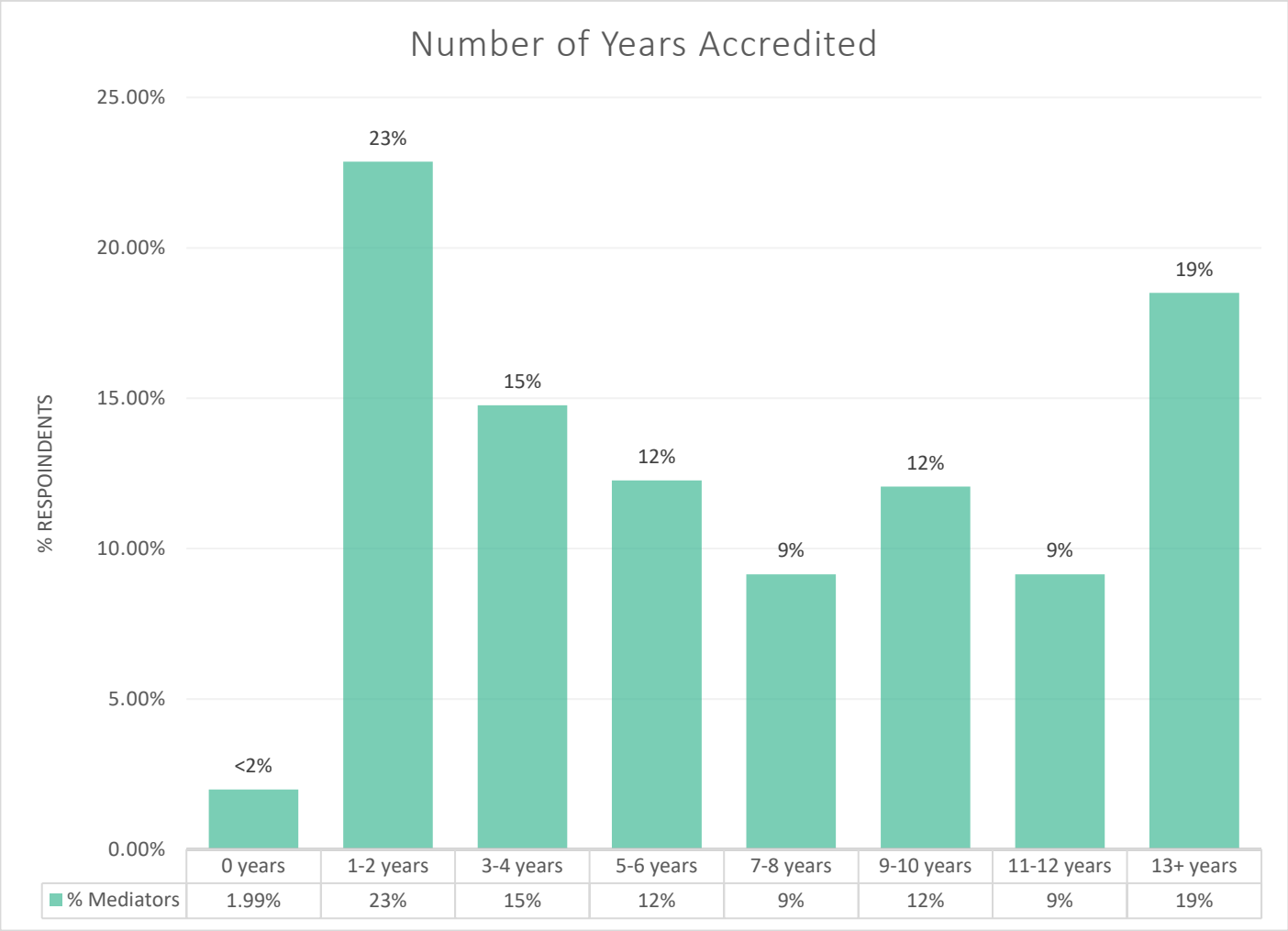
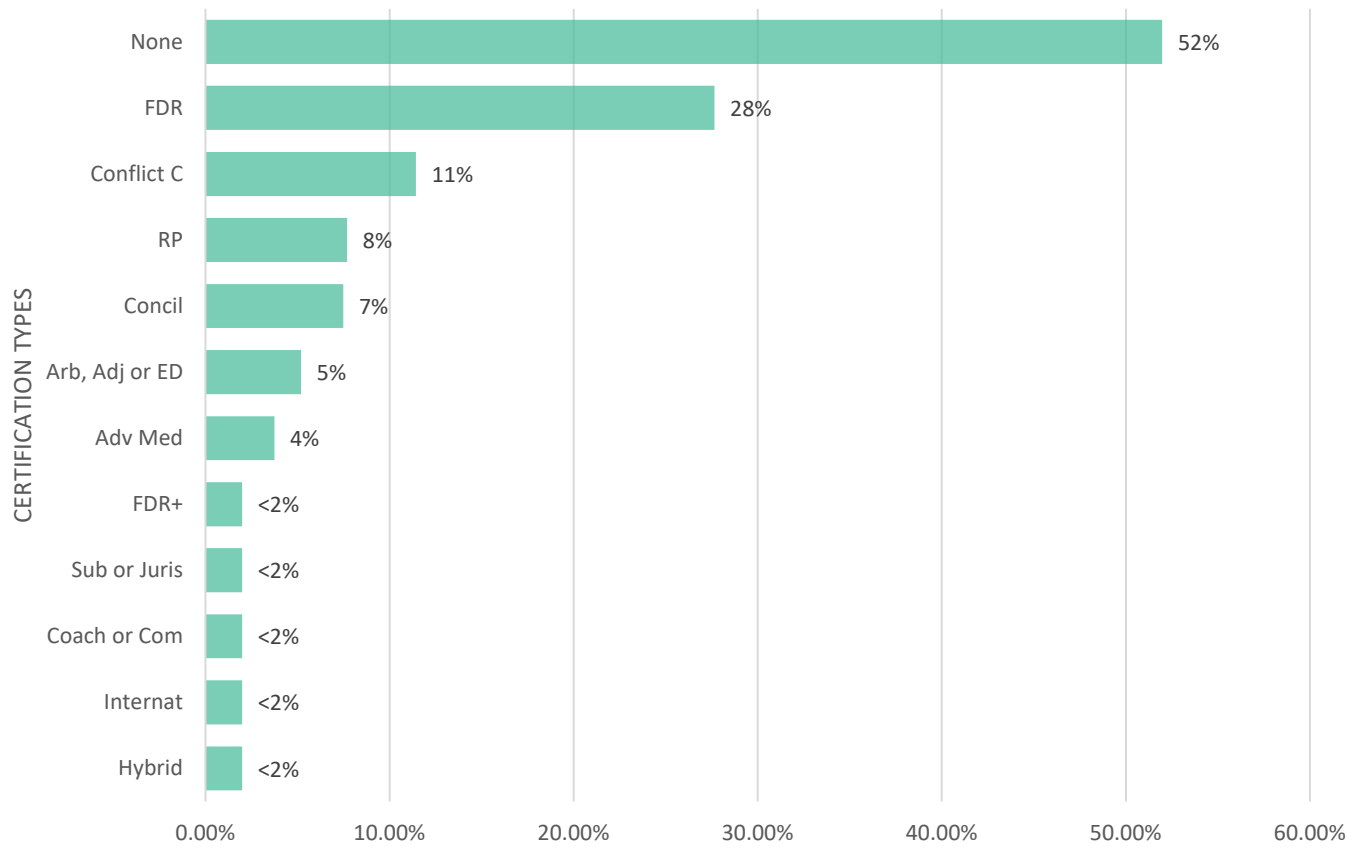


Figure 14: Number of years accredited (Survey Q37)

MEDIATORS – CERTIFICATION

FINDINGS

The most common certifications reported by mediators (besides NMAS) are family dispute resolution (FDR) (28%) and conflict coaching (11%). The majority of respondents (52%) do not have any additional dispute resolution (DR) certification. Given that 19% of respondents identified as FDRPs and this was the largest group of respondents, it is not surprising that FDR is the largest additional qualification.



	Hybrid	Internat	Coach or Com	Sub or Juris	FDR+	Adv Med	Arb, Adj or ED	Concil	RP	Conflict C	FDR	None
% Mediators	1.99%	1.99%	1.99%	1.99%	1.99%	4%	5%	7%	8%	11%	28%	52%

Figure 15: non-NMAS DR qualifications or certifications (Survey Q43)

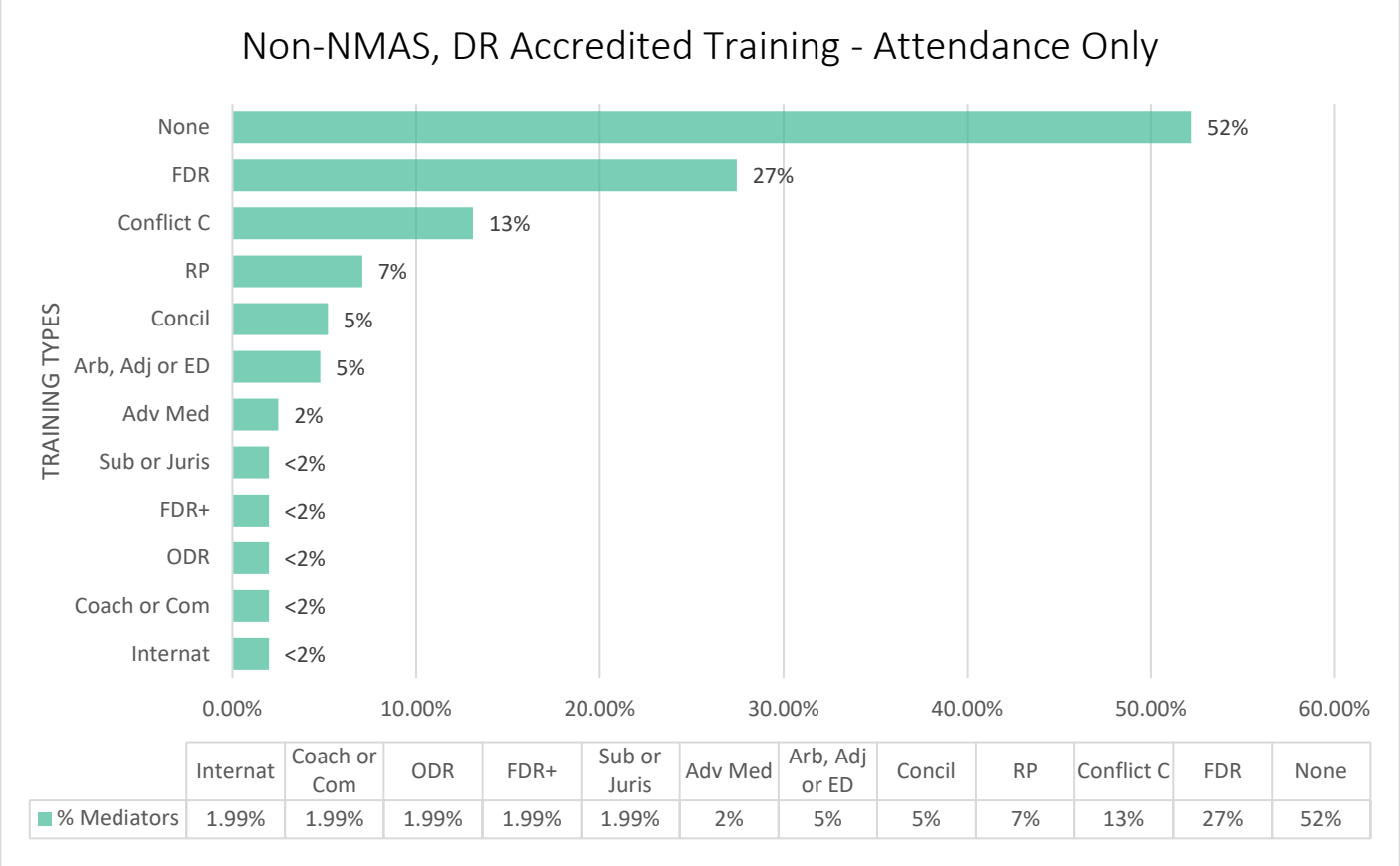
Graph note: Total percentages add up to more than 100%, as respondents were invited to select all categories that applied. Full descriptions of certification types are available in Appendix 1, Table 6 - Figure 15: Non-NMAS DR qualifications or certifications (Survey Q43).

MEDIATORS – TRAINING

FINDINGS

This graph depicts the percentage of mediators who said they attended non-NMAS dispute resolution accreditation training but did not pursue/achieve certification. In keeping with Figure 15, 27% of mediators said they had attended family dispute resolution training but without obtaining accreditation. Approximately half as many (13%) said they had attended conflict coaching training without obtaining accreditation. Despite the very small number of non-accredited respondents in this survey (see Figure 14), it may be beneficial to collect further data on why some people choose to attend a course that offers accreditation but then do not obtain accreditation.

One important caveat for these findings is that the responses in this and Figure 15 are almost identical. This indicates that the question may have been poorly written and thus unable to elicit the intended information from respondents. As such, caution should be exercised when using Figure 16.



	Internat	Coach or Com	ODR	FDR+	Sub or Juris	Adv Med	Arb, Adj or ED	Concil	RP	Conflict C	FDR	None
% Mediators	1.99%	1.99%	1.99%	1.99%	1.99%	2%	5%	5%	7%	13%	27%	52%

Figure 16: non-NMAS DR training with accreditation option – attendance only [all that apply] (Survey Q44)

Graph note: Total percentages add up to more than 100%, as respondents were invited to select all categories that applied. Full descriptions of training types are available in Appendix 1, Table 7 - Figure 16: Non-NMAS DR training with accreditation option – attendance only [all that apply] (Survey Q44).

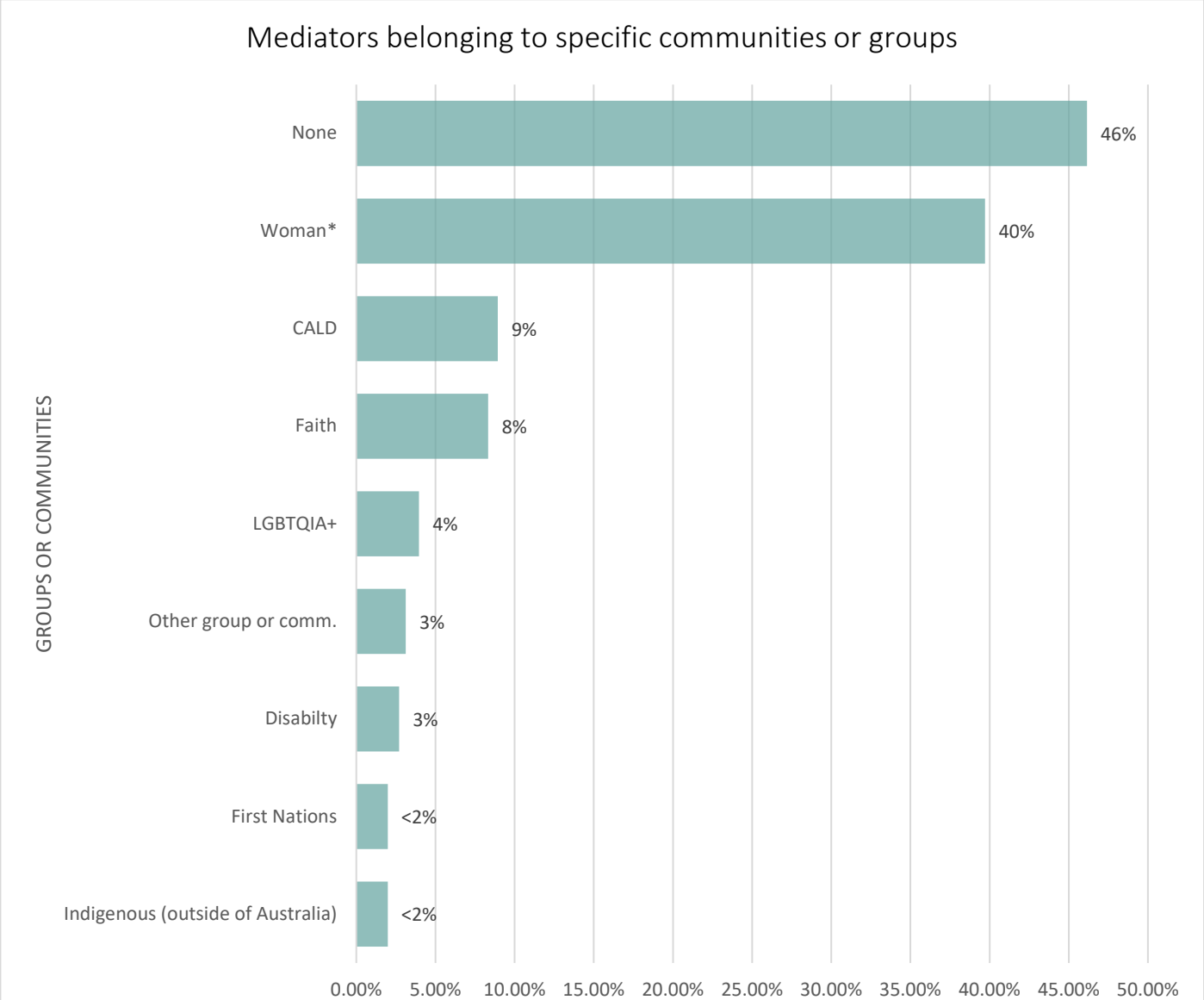
MEDIATORS – DIVERSITY

FINDINGS

Unfortunately, there was very little diversity among respondents. Only 9% of mediators identified as being from a culturally and linguistically diverse group, and just 8% said they belonged to a faith-based group. Notably, less than 2% of mediators identified as being either First Nations or Indigenous from outside of Australia. The largest identifying group (40%) was women.

This leaves little room for doubt that many groups within Australia are underrepresented within the mediator population. For example, ABS data reveals that 29.8% of Australians were born overseas, and 3.3% of the population are First Nations people. Further issues arise when we also account for previous findings which revealed that despite the extremely small number of First Nations mediators represented in this survey, 7% of mediators said they specialised in working with First Nations people (see Figure 12).

This raises diversity and inclusion as a significant issue for the mediation community and highlights how potentially difficult it may be for marginalised groups to find mediators who have similar lived experience and the knowledge and skills to provide culturally safe mediation services. Research is urgently required to develop and implement evidence-based strategies to foster a diverse and inclusive profession that reflects the broader population.



	Indigenous (outside of Australia)	First Nations	Disabilty	Other group or comm.	LGBTQIA+	Faith	CALD	Woman*	None
% Mediators	1.99%	1.99%	3%	3%	4%	8%	9%	40%	46%

Figure 17: Mediators who identify as belonging to specific communities or groups [all that apply] (Survey Q57)

Graph note: * Figure 17 represents affiliation with a specific community or group, whereas and Figure 19 represents gender identity.[2] Total percentages add up to more than 100%, as respondents were invited to select all categories that applied. Full descriptions of groups and communities are available in Appendix 1, Table 8 - Figure 17: Mediators who identify as belonging to specific communities or groups [all that appl] (Survey Q57).

[2] For more information on sexual orientation and sex and/or gender identity discrimination please refer to the to the Australian Human Rights Commission.

MEDIATORS – AGE

FINDINGS

Almost 40% of mediators said they fell within the 55–64 years age bracket. Notably, just under two-thirds (63%) of mediators said they were over 55, and a quarter said they were 65 or over. This provides a strong indication that mediator practice is less likely to be an early-career choice for many.

Further investigation may reveal if there is any relationship between a mediator's age (Figure 18), experience (Figure 13), practice as a proportion of overall work (Figure 8), and the typical number of mediations conducted per month (Figure 7). One hypothesis is that many consider mediator practice as a later career choice or as part of a strategy for transitioning to retirement. If this is the case, it has serious implications for the conceptualisation of mediation as a financially viable stand-alone early- or mid-career option. It is worth noting that no-one falling within the 18–24 age range completed the Effectiveness Survey.

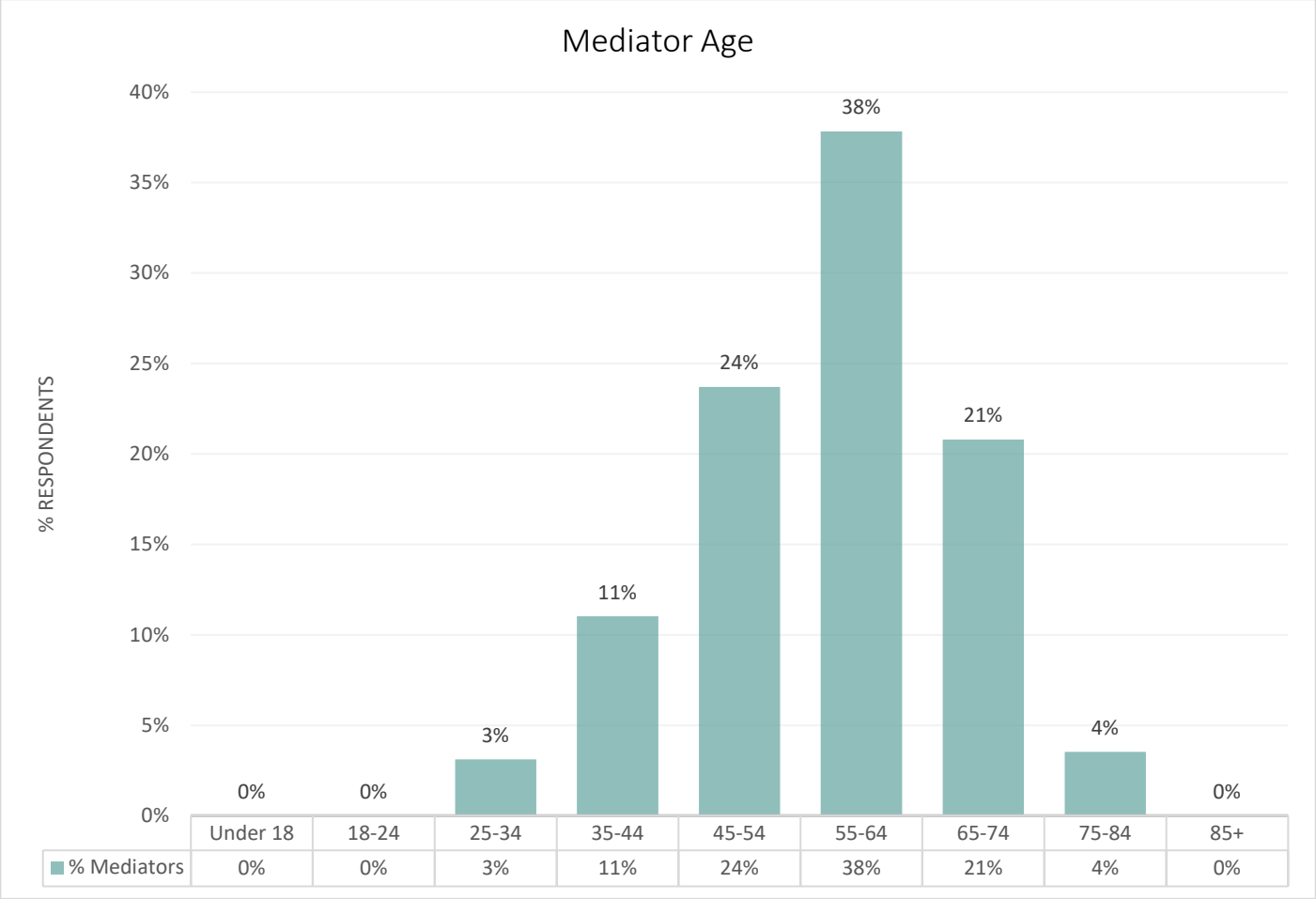


Figure 18: Mediator age (Survey Q59)

MEDIATORS – GENDER

FINDINGS

Mediators were relatively evenly split between those who identified as female (56%) and those who Identified as male (43%). Less than 2% identified as non-binary or other.[3] Along with Figure 17, this highlights the lack diversity, and in this instance, underrepresentation of non-binary, intersex, or gender diverse mediators.

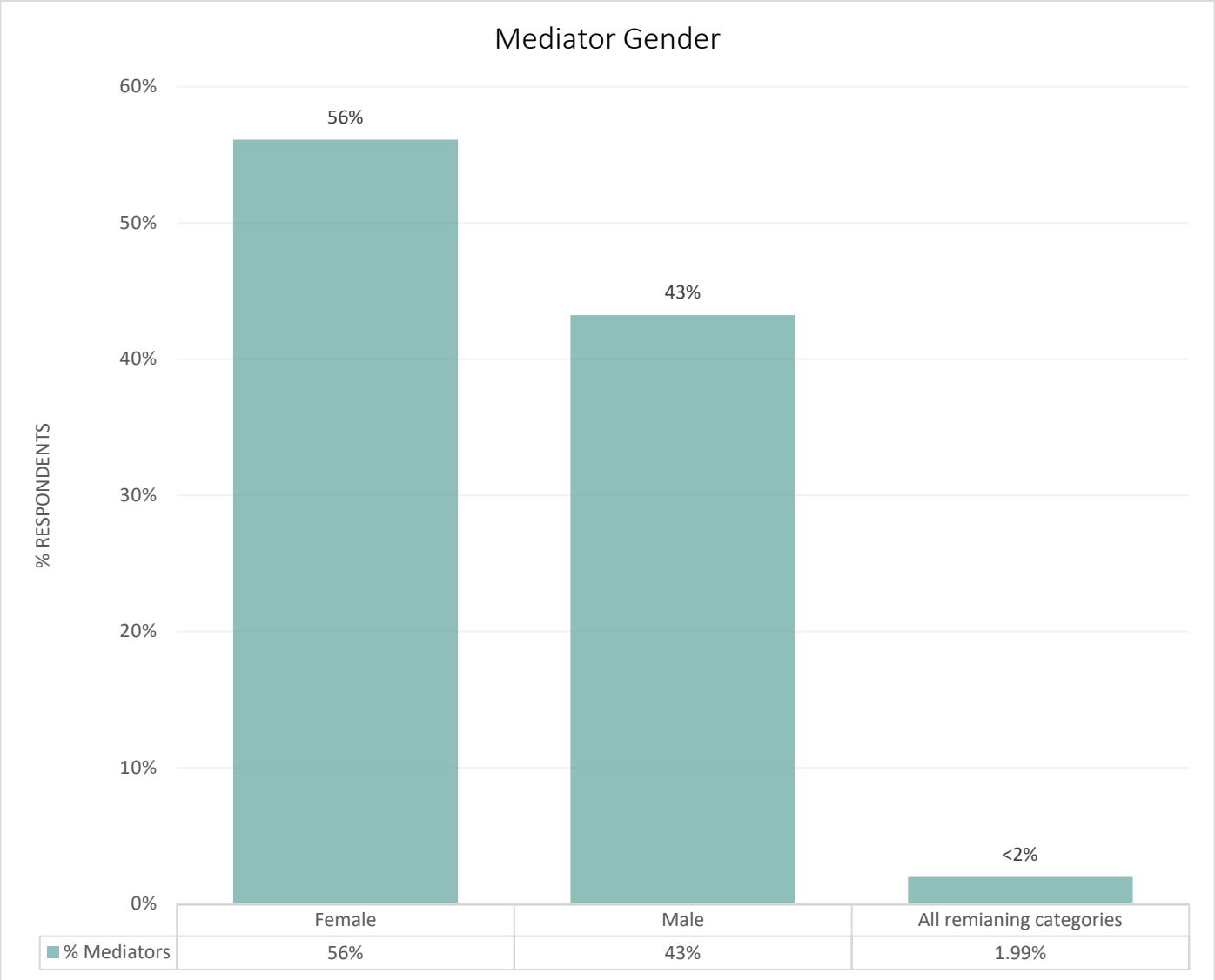


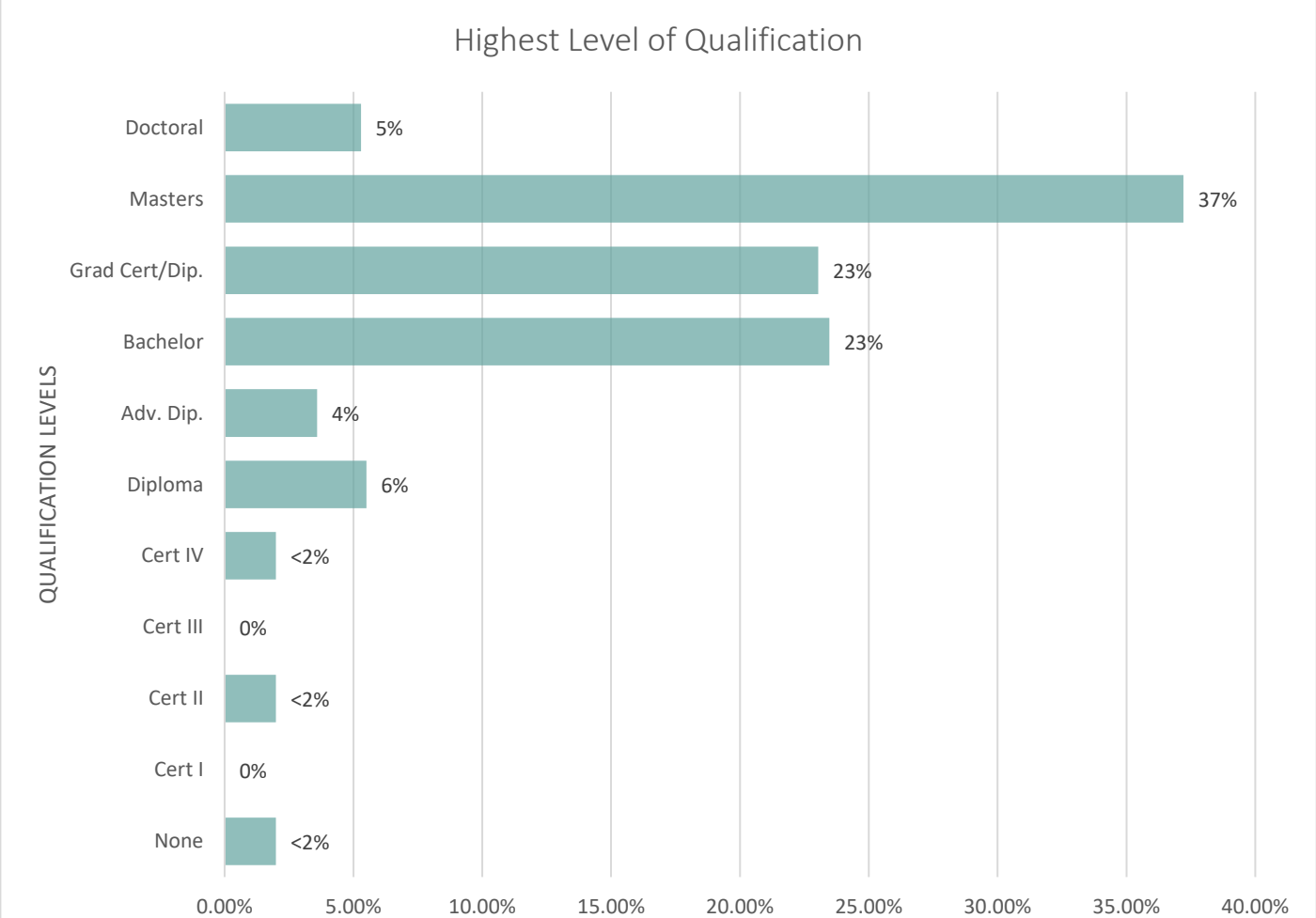
Figure 19: Mediator gender (Survey Q58)

[3] See above n1 for more information on de-identification strategies for respondent groups of less than 2%.

MEDIATORS – QUALIFICATIONS

FINDINGS

The vast majority of mediators indicated they have tertiary qualifications, with the largest proportion at the level of Masters (37%), followed by Graduate Certificate/Diploma (23%) and then Bachelor (23%). This suggests that mediators tend to be highly educated and often bring significant subject matter expertise. Further research into the relationship between education levels and the mediator population may shed further light on strategies for creating a more diverse and inclusive mediator population, as discussed at Figure 17, Figure 18, and Figure 19.



	None	Cert I	Cert II	Cert III	Cert IV	Diploma	Adv. Dip.	Bachelor	Grad Cert/Dip.	Masters	Doctoral
% Mediators	1.99%	0%	1.99%	0%	1.99%	6%	4%	23%	23%	37%	5%

Figure 20: Highest level of qualification held by mediator (Survey Q46)

Graph note: Full descriptions of qualifications levels are available in Appendix 1, Table 9 - Figure 20: Highest level of qualification held by mediator (Survey Q46).

MEDIATORS – FIELD OF QUALIFICATION

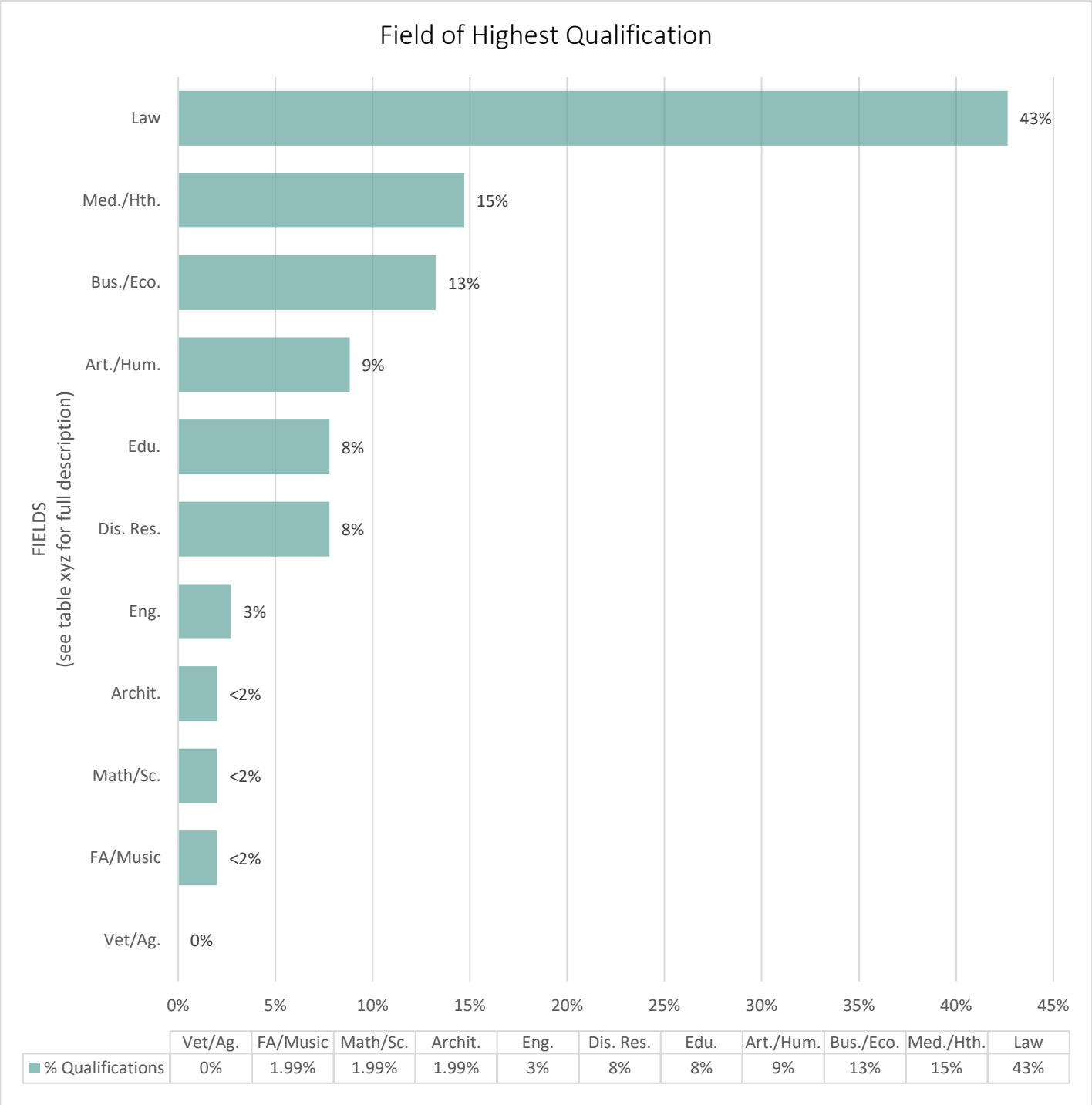
FINDINGS

Law was the field most prevalently cited, with 43% of mediators reporting it as the discipline associated with their highest qualification. Medicine, Dentistry and Health Science (15%), and Business and Economics (13%) were the next most common. Medicine, Dentistry and Health Science were almost exclusively limited to Psychology and Health Sciences such as Social Work.[4]

Moreover, the proportion of mediators with law degrees was nearly equivalent to those with qualifications in the following four fields combined. This highlights the strong connection between mediation and the law and prompts further consideration of the earlier findings that lawyer mediators conduct substantially fewer mediations than other types of mediators (see Figure 7 and Figure 9). While it may appear a contradiction at first blush, it may simply be that people with law degrees do not always go on to become lawyers; or if they do, they may not remain in practice. For example, conciliators or civil mediators, who often mediate in the shadow of the law, may, in some jurisdictions, be expected to have a law degree or a specific number of years of post-admission experience to gain entry into their respective practice areas.

In light of this, further research is required to determine the extent to which career outcomes may differ according to the level and field of mediator qualification. This may also inform strategies for increasing diversity within practice areas where law degrees serve as either a formal or quasi-threshold requirement.

[4] Field classification is based on The University of Melbourne Faculty and Graduate Schools.



	Vet/Ag.	FA/Music	Math/Sc.	Archit.	Eng.	Dis. Res.	Edu.	Art./Hum.	Bus./Eco.	Med./Hth.	Law
% Qualifications	0%	1.99%	1.99%	1.99%	3%	8%	8%	9%	13%	15%	43%

Figure 21: Field of qualification held by mediator (Survey Q47)

Graph note: Full descriptions of fields are available in Appendix 1, Table 10 - Figure 21: Field of qualification held by mediator (Survey Q47).

UP NEXT

PART 1 – PARTICIPANTS

PART 2 – PERCEIVED EFFECTIVENESS

PART 3 – OTHER FACTORS

PART 4 – MEDIATOR STYLES

PART 2 looks at the perceptions of MSB Orgs and mediators in relation to the NMAS' effectiveness across six key areas

APPENDIX PART 1

VERTICAL AXIS LABELS

Table 2 - Figure 3: Aggregate MSB Org specialisation in training and/or accrediting members of specific communities or groups (Survey Q6, Q8 & Q10)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
No, we are a general service	General
Aboriginal and/or Torres Strait Islander	First Nations
Indigenous (from a country outside of Australia) [please specify below]	Indigenous
Culturally and linguistically diverse [please specify below]	CALD
Disabled	Disability
LGBTQIA+	LGBTQIA+
Women	Women
Specific faith [please specify below]	Faith
A member of a community group not listed above [please specify below]	Other group

Table 3 - Figure 4: Aggregate MSB Org specialisation in training and/or accrediting members of specific business or industry groups (Survey Q7, Q9 & Q11)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
No, we are a general service open to the public	Public
We only train our own staff or panel members	Own staff or panel
We only train members of the legal profession (lawyers, barrister, judges, etc.)	Legal
We only train members of a specific organisation or industry group [please specify]	Other group

Table 4 - Figure 5: Mediator primary area of practice i.e., 80% or above [Mediator Type] (Survey Q39)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
Civil (court or tribunal) mediator	Civil
Commercial mediator	Commercial
Community mediator	Community
Conciliator	Conciliator
Family Dispute Resolution practitioner (FDRP)	FDRP
Judge/Registrar mediator	Judge4/Registrar
Hybrid practice (combination of adjudicative & non-adjudicative e.g. med-arb)	Hybrid
Lawyer mediator	Lawyer
Mixed practice (e.g. 50% community and 50% workplace)	Mixed
Other [please specify]	Other
Workplace mediator	Workplace

Table 5 - Figure 12: Area of mediator specialisation communities or groups (Survey Q 42)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
No, I don't specialise in working with people from specific communities or groups	None
Aboriginal and/or Torres Strait Islander	First Nations
Indigenous (from a country outside of Australia)	Indigenous
Culturally and linguistically diverse	CALD
Disabled	Disability
LGBTQIA+	LGBTQIA+
Women	Women
Specific faith	Faith
People experiencing violence, abuse, or crime	Violence or Crime
Vulnerable people e.g. elders, children, disadvantaged	Vulnerable
Specific sector or industry group e.g. NGO, Unions	Sector

Table 6 - Figure 15: Non-NMAS DR qualifications or certifications (Survey Q43)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
Mediation outside Australia	Internat
Other Coaching or Communication	Coach or Com
Hybrid	Hybrid
FDR Related e.g., Family Violence	FDR+
Subject Matter or Jurisdictional	Sub or Juris
Additional Mediator Skills, Styles or Processes	Adv Med
Arbitration, Adjudication or Expert Determination	Arb, Adj ED
Conciliation	Concil
Restorative Practice	RP
Conflict Coach	Conflict C
FDR	FDR
None	None

Table 7 - Figure 16: Non-NMAS DR training with accreditation option – attendance only [all that apply] (Survey Q44)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
Mediation outside Australia	Internat.
Other Coaching or Communication	Coach or Com
Online Dispute Resolution	ODR
FDR Related e.g., Family Violence	FDR+
Subject Matter or Jurisdictional	Sub or Juris
Additional Mediator Skills, Styles or Processes	Adv Med
Arbitration, Adjudication or Expert Determination	Arb., Adj. ED
Conciliation	Concil.
Restorative Practice	RP
Conflict Coach	Conflict C.
FDR	FDR
None	None

Table 8 - Figure 17: Mediators who identify as belonging to specific communities or groups [all that appl] (Survey Q57)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
No, we are a general service	General
Aboriginal and/or Torres Strait Islander	First Nations
Indigenous (from a country outside of Australia) [please specify below]	Indigenous
Culturally and linguistically diverse [please specify below]	CALD
Disabled	Disability
LGBTQIA+	LGBTQIA+
Women	Women
Specific faith [please specify below]	Faith
A member of a community group not listed above [please specify below]	Other group

Table 9 - Figure 20: Highest level of qualification held by mediator (Survey Q46)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
I don't hold a tertiary qualification	None
Level 1 – Certificate I	Cert I
Level 2 – Certificate II	Cert II
Level 3 – Certificate III	Cert III
Level 4 – Certificate IV	Cert IV
Level 5 – Diploma	Diploma
Level 6 – Advanced Diploma, Associate Degree	Adv. Dip.
Level 7 – Bachelor Degree	Bachelor
Level 8 – Bachelor Honours Degree, Graduate Certificate, Graduate Diploma	Grad Cert/Dip.
Level 9 – Masters Degree	Masters
Level 10 – Doctoral Degree	Doctoral

Table 10 - Figure 21: Field of qualification held by mediator (Survey Q47)

Full Description from Effectiveness Survey	Abbreviated Vertical Axis Label
Veterinary and Agricultural Sciences	**Vet/Ag**
Fine Arts and Music	FA/Music
Mathematics and Sciences	**Math/Sc**
Architecture, Building and Planning	Archit
Engineering	**Eng**
Dispute Resolution	Dis Res
Education	**Edu**
Arts, Humanities and Social Sciences	Art/Hum
Business and Economics	**Bus/Eco**
Medicine, Dentistry and Health Sciences	Med./Hlth
Law	**Law**
Field classification based on The University of Melbourne Faculty and Graduate Schools	