

SUMMARY OF ADRIA DESIGNATIONS TASK FORCE REPORT

The ADR Institute of Alberta (ADRIA) struck the Education and Designations Standards Task Force in September of 2017 to address concerns about the Qualified Arbitrator and Qualified Mediator designations. The task force committee presented their report to the board in May 2019.

Mandate:

The volunteer task force was asked to explore broad questions around ADRIA's educational program.

- What is happening in terms of education nationally and with the other affiliates?
- What are the connections between education, competencies, and the Qualified and Chartered Mediator designations?

A key question to be answered is: at what point is a practitioner considered 'qualified' to conduct a solo mediation or arbitration without risk to the public or the profession?

The task force was asked to make recommendations to the Board of Directors regarding the extent to which ADRIA should maintain or raise the Alberta training and designation standards (where allowed under ADRIC guidelines), and/or to what extent the ADRIA Board should advocate nationally for change.

Process:

The task force members used: research; surveys of members, users, trainers, and practitioners; and focus group/brainstorming sessions. They drafted recommendations on designations and training.

Summary of Findings:

- The answer to the main question of whether the current national Qualified designation standards and ADRIA's training support the development of competent solo practitioners, is that no – they do not.
- Training requirements for the Qualified designations lack the necessary foundational requirements to ensure proficiency. Although ADRIA training exceeds the ADRIC minimum criteria set by ADRIC, none of the ADRIA trainers believed students are

competent to do a solo mediation or arbitration at the end of the National Introductory Training.

- Some students believed they are deemed competent to practice mediation or arbitration if they pass the National Introductory courses.
- Some GOA dispute resolution program managers find that job applicants who have completed formal mediation training are not able to demonstrate skills in a basic role play.
- Employers indicated that qualification for a role is determined by an individual's approach and their experience – not by the designation. Over a third of surveyed employers put no weight on an applicant having a Qualified designation or a Chartered designation.
- Survey results indicated concerns from practitioners: that the distinction between Qualified and Chartered designations is lost on the public; that the Chartered designations have been devalued; and that the designations are expensive to obtain and maintain, with little tangible benefit.
- The surveys found the name “Qualified” is not widely accepted by respondents. Many ADR practitioners believe it does not accurately reflect the current requirements of training and experience and is confusing for both practitioners and clients.
- Findings suggest that ADRIA, ADRIC, and the other affiliates need to have a standard and clear definition and purpose for each designation. Among ADRIA and ADRIC online and print materials and descriptions, the designations are described differently and some of the definitions conflict with each other. Currently, confusion reigns about the Q med.
- When can a mediator/arbitrator practitioner competently practice in a solo capacity? Findings suggest that successful practitioners have a blend of ethics, training, skills, attitude, use of concepts, experience, and use of model. Potential solo practitioners need an assessment to work in a specific field. They should be able demonstrate competency.

Criteria used by the task force for developing their recommendations:

That both the national designations and ADRIA's education program need to:

- develop competency of practitioners
- provide clear, consistent and measurable standards
- protect clients and the integrity of ADR work
- be affordable

To ensure that the national designations would be meaningful to ADR practitioners and the public by observing the following criteria:

- setting a standard for the profession
- serving a purpose for the holder and those who hire ADR professionals
- providing value to the holder
- providing credibility to the holder
- being a source of professional pride
- being widely recognized and respected
- being marketable

For ADRIA's training specifically, the Task Force kept in mind the following criteria:

- incorporate fair and reliable training practices
- provide practical knowledge and role-playing
- be current with up-to-date information and practices
- be sought after and chosen over other training options
- provide integration by clearly defining what students should expect and will be able to demonstrate at the end of the course
- be transparent and realistic in its description
- maintain the safety of students and instructors

The most important criteria followed is that above all else, both national designations and ADRIA's education program need to protect the public and the integrity of the profession.

Designation Recommendations:

<p>ADRIA Board should work with ADRIC to adjust the designations standards to better ensure holders can practice solo without harm to the public or to the ADR reputation. All changes should be made as a complete package.</p>	
<p>Arbitration Designations:</p>	<ol style="list-style-type: none"> 1. Clearly define the Qualified Arbitrator designation as entry-level 2. Ensure affiliates across the country use the same definition, and 3. Raise the application requirements for both the Qualified and Chartered Arbitrator designations to ensure competency to practice solo and reflect the level of experience.
<p>Mediation Designations:</p>	<ol style="list-style-type: none"> 1. Clearly define the Qualified Mediator designation as entry-level, 2. Ensure affiliates across the country use the same definition, 3. Raise the application requirements for both the Qualified and Chartered Mediation designations to better ensure competency to practice solo and to reflect the level of the designation, and 4. Provide processes to support the evolution of the designations, including developing a new assessment for the Qualified Mediator designation and developing a national roster of trained assessors.
<p>The task force recommends that ADRIA forge ahead on these matters if ADRIC is yet not ready</p>	

(the full report contains more detail on definitions and basic competencies for Q and C levels)

Training Recommendations:

Arbitration: ADRIA's current use of the National Arbitration Training course is not enough to foster competency in students to be able to practice solo at the end of the training. ADRIA should invite ADRIC to work with them to revise the National Arbitration Training program to cover all areas of competency in arbitration:

Mediation: The task force found that ADRIA's current 80-hour basic mediation training is not fostering competency in the students 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, the task force concludes that the 40-hour National Introductory Mediation course is not enough to create competence either.

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

(The full report provides additional detailed suggestions on revisions of content and process for training)

Key messages from report

- Designation holders and users are confused about what the various designations imply (and the literature is not consistent...especially for Qmed)
- QMed and QArb designations alone do not necessarily prepare people to practice on their own.
- Protecting users and ADRIA's reputation is important