

## **The Professional Mediators' Association**

### Professional Mediator Practice Standards and Professional Mediators Charter

## **'Promoting Excellence in Mediation'**

"The Professional Mediators' Association exists to raise awareness of mediation and to promote excellence in all aspects of mediation and alternative dispute resolution (ADR)."



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## Introduction and objectives

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The PMA is an independent, not for profit association founded in 2007. We actively promote mediation as an effective and sustainable process for resolving disputes and we are proud to offer a hub and a voice for professional mediators working across the UK and beyond. Our mission is simple: we aim to improve the quality of mediation for users and consumers by setting clear standards and guidelines for practice. We currently have over 1500 members and the PMA is growing rapidly

## The PMA aims:

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1. To develop a network of professional mediators, working across the UK and beyond.
2. To provide a voice for professional mediators and to influence government policy and decision making.
3. To raise the profile and the standard of mediation practice and secure the reputation of PMA members, reassuring the purchasers and users of mediation services that PMA mediators operate within a strict and rigorous professional framework.
4. To drive up the standards of the mediation profession by delivering regular continuing professional development programmes (CPD).
5. To develop and promote an accreditation scheme for professional mediators and mediation schemes.
6. To celebrate and reward success in all aspects of mediation.

## The PMA values:

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The four guiding values of the Professional Mediators' Association:

<b>Informing</b>	The PMA will promote mediation as a preferred mechanism for resolving disputes and as an alternative to litigation of formal management/HR processes.
<b>Excellence</b>	The PMA will facilitate excellence in all aspects of mediation.
<b>Leadership</b>	The PMA will demonstrate guidance and direction.
<b>Collaboration</b>	The PMA will work with all members and stake holders to promote collaboration.

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## How to contact the PMA?

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To contact The PMA please email admin at [admin@professionalmediator.org](mailto:admin@professionalmediator.org). There is also a contact section on the PMA website [www.profesisonalmediator.org](http://www.profesisonalmediator.org)

## What is a Professional Mediator?

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The term professional mediator covers volunteer mediators, private sector mediators or internal workplace mediators. Earning money from mediation does not, in itself, constitute being 'professional'.

- i) A professional mediator is an individual trained to an accredited standard by a recognised training provider (see page 6).
- ii) A professional mediator subscribes to these quality standards.
- iii) A Professional mediator is committed to their own personal development as a mediator and to the development and promotion of the mediation profession.

## The benefits of becoming a member of the PMA:

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1. There is no fee to join the PMA as an associate member.
2. You are joining one of the fastest growing mediation communities in the world.
3. The PMA is committed to excellence, by joining the PMA, you are showing that you are committed to excellence also.
4. The PMA delivers an exciting programme of events and activities across the UK.
5. The PMA organises and runs the National Mediation Awards each year. These are a great way to raise the profile of the mediation profession and our members.
6. The PMA commissions ground breaking research and publications.

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## Introducing the Professional Mediator Practice Standards

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The Professional Mediator Practice Standards “The Standards” and Professional Mediators’ Charter form a key part of PMA membership and accreditation.

The Standards provide three main functions:

1. To provide a guide for PMA members in the practice of mediation;
2. To inform participants about mediation and to promote public trust and confidence in mediation, and;
3. To provide a quality assurance framework for those choosing the services of PMA mediators.

Each member of the PMA agrees to abide by these Standards when serving as a mediator<sup>1</sup>. These Standards recognise that individual practice areas may vary, and a full spectrum of personal, professional, and cultural diversity surrounds mediator approaches. These differences are valuable and assist in the achievement of successful mediation outcomes. The Standards should not be seen as a barrier to this diversity, or to adversely influence this.

These Standards guide PMA members in demonstrating their professionalism. It is hoped that they represent the next step in the ongoing development of mediation as a recognised profession.

The Standards and the supporting comments that follow each of them have been defined under two main descriptors:

The use of the term “shall” in the Standards indicates that the mediator must follow the practice described.

The use of the term “should” indicates that the practice described in the standard is highly desirable and is to be departed from only if there are strong reasons to do so. The use of the word “should” is intended to guide, not limit the exercise of the mediator’s individual judgment in the actual application of these Standards in a particular situation.

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<sup>1</sup> Working in the spheres of family, civil, community, workplace, employment, business, consumer mediation or dispute resolution.

The use of the term “mediator” is understood to be inclusive so that it applies to co-mediator models. The use of the term “mediator” in these Standards refers to individual members of the Professional Mediators’ Association.

The chosen order and format of the Standards and comments are not intended to reflect any relative priority. There are eight Standards that PMA members are required to adhere to in order to maintain their membership of the PMA and which form the ‘Charter’ that they sign up to. The Standards each has a statement of compliance followed by additional comments that are provided to give guidance and aid in the interpretation of the Standard.

These standards are relevant in the areas of face to face mediation, shuttle mediation, telephone mediation or online dispute resolution (ODR)

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## Membership

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Members of the PMA may have gained their knowledge and experience through a variety of accredited training opportunities delivered by a variety of recognised training providers. The PMA celebrates and actively promotes the diversity of the mediation industry within the UK.

Applications for membership of the PMA from mediators who have not been trained by a recognised training organisation or who have attended a non- accredited mediation course will be considered on a case by case basis. The decision to include/exclude members is at the sole discretion of the PMA. Any such decisions are final.

There are five types of membership to the PMA.

1. **ASSOCIATE MEMBER.** Free membership open to anyone who wishes to be part of the PMA and whom subscribes to the PMA code of conduct.
2. **ACCREDITED MEMBER.**  
Available to professional mediators who have completed a mediation training course accredited by one of the following accrediting bodies;
  - a) Open College Network
  - b) Oxford Cambridge and RSA Examination (OCR)
  - c) Institute of learning and Management (ILM)
  - Accredited members must subscribe to the PMA code of conduct
  - Accredited members must participate in a minimum level of CPD per year
  - Accredited members must engage in self-directed study and reflective practice.
3. **MEDIATION PROVIDER MEMBER.** Available to any mediation organisation across the world who chooses to adhere to the Professional Mediators Standard.
4. **CORPORATE MEMBER** Available to organisations who have implemented an internal mediation scheme using accredited mediator.
5. **PARTNER MEMBER.** Available to professional bodies, professional networks, policy makers and trade associations.

**To join the PMA please email [admin@professionalmediator.org](mailto:admin@professionalmediator.org) or alternatively apply online at [www.professionalmediator.org](http://www.professionalmediator.org)**

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## The Professional Mediator's Charter

### 1. INFORMED CHOICE

All members of the PMA shall conduct mediation based on the principle of party self-determination and informed choice. PMA members shall explain to the participants, that the probability of success can be improved when they participate with an open mind throughout the mediation process.

### 2. IMPARTIALITY

All members of the PMA shall demonstrate impartiality throughout the mediation process by conducting mediations fairly, diligently, even-handedly, and with no personal stake in the outcome. PMA members shall decline a mediation if they cannot conduct it in an impartial manner.

### 3. CONFIDENTIALITY

All members of the PMA shall discuss confidentiality issues as soon as practical and before confidential information is provided by anyone. PMA members shall maintain the confidentiality of all information obtained by them during the process of mediation, unless otherwise agreed to by the parties.

### 4. QUALITY ASSURANCE

All members of the PMA shall conduct mediation in accordance with these Standards and in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, and mutual respect among all participants.

### 5. COMPETENCE AND CPD

All members of the PMA shall mediate only when they have the necessary competence to satisfy the reasonable expectations of the parties. All PMA members shall update their skills on a regular basis by attending structured Continued Professional Development (CPD) events maintain and enhance their knowledge and skills related to mediation.

### 6. COMMUNICATIONS, PR and MARKETING

All members of the PMA shall be truthful and not misleading when advertising or otherwise communicating their qualifications, experience, services and fees. PMA members shall not make promises or guarantees of specific results.

### 7. RESOURCING AND CHARGING

All members of the PMA shall provide each party or each party's representative true and complete information about mediation fees, expenses and any other actual or potential charges that may be incurred in connection with mediation.

### 8. MEDIATION PRACTICE

All members of the PMA shall act in a manner that advances the practice of mediation.

The Professional Mediators Chartered should be displayed clearly by all PMA members at their place of work and on their website. The Charter should also accompany any documentation sent to the parties in advance of mediation commencing.

**For a full copy of the Professional Mediator Practice Standards, please visit [www.professionalmediator.org](http://www.professionalmediator.org)**

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## Standards and Commentary

### 1. INFORMED CHOICE

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All members of the PMA, whether accredited or associate members shall conduct mediation based on the principle of party self-determination and informed choice. PMA members shall explain to the participants that the probability of success can be improved when they participate with an open mind throughout the mediation process.

PMA members shall respect, value and encourage the ability of each participant to make individual decisions. Participants should be free to choose their own dispute resolution process, and mediators should encourage them to make their own decisions on all issues. However, a mediator may need to balance such choices with their duty to conduct a quality process in accordance with these Standards. While a PMA member cannot ensure that participants are making informed and voluntary decisions, they should help participants understand the process, issues and options before them and encourage participants to make informed and voluntary decisions.

PMA members should promote honesty and candidness throughout the process.

PMA members should respect the culture, beliefs, rights and autonomy of the participants and should defer their own views to those of the participants, recognising that the interaction between the participants is often the key to resolution.

PMA members should encourage participants to consider the benefits of participation in mediation and agreement, as well as the consequences of non-participation and non-agreement.

Participation in mediation is usually a voluntary process. Even when mediation is “mandatory”, participants who are unable or unwilling to participate effectively in the mediation process should be free to suspend or withdraw from mediation. PMA members should respect a participant’s informed decision to continue or end the process.

PMA members shall agree the role of third parties in the mediation process prior to commencement of mediation.

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PMA members shall not undermine independence and self-determination by any party for reasons such as higher settlement rates, egos, increased fees, or outside pressures from administrators of in-house mediation schemes or contractor/client relationships.

## 2. IMPARTIALITY

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All members of the PMA shall demonstrate impartiality throughout the mediation process by conducting mediations fairly, diligently, even-handedly, and with no personal stake in the outcome. PMA members shall decline a mediation if they cannot conduct it in an impartial manner.

PMA members shall conduct mediation in an impartial manner and avoid conduct that gives the appearance of partiality.

PMA members should carry out an assessment, based upon practice context, to decide whether there are facts that a reasonable person would consider likely to create a potential or actual conflict of interest.

PMA members should not act with partiality or prejudice based on any participant's personal characteristics, background, values and beliefs, or performance at a mediation, or any other reason. PMA members should neither give nor accept a gift, favour, loan or other item of value that raises a question as to the mediator's impartiality.

PMA members shall disclose, as soon as practicable, all actual and potential conflicts of interest that are reasonably known to them and could reasonably be seen as raising a question about the mediator's impartiality. After disclosure, if all parties agree, the mediator may proceed with the mediation.

If at any time a PMA member is unable to conduct a mediation in an impartial manner, they shall withdraw.

PMA members should explain or offer to explain that they are not acting on behalf of or representing any participant.

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### 3. CONFIDENTIALITY

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All members of the PMA shall discuss confidentiality issues as soon as practical and before confidential information is provided by anyone.

PMA members shall maintain the confidentiality of all information obtained by them during the process of mediation, unless otherwise agreed to by the parties.

PMA members should not communicate to any non-participant information about how the parties acted in the mediation.

PMA members may report, if required, whether parties appeared at a scheduled mediation and whether or not the parties reached a resolution.

If a PMA member participates in teaching, research or evaluation of mediation, they should protect the anonymity of the parties and abide by all reasonable expectations regarding confidentiality.

A PMA member who meets with an individual during mediation shall not convey directly or indirectly to any other person, any information that was obtained during that private session without the consent of the disclosing person.

PMA members shall promote understanding among the parties of the need to maintain confidentiality of information they obtain in mediation.

If the parties to mediation agree that the mediator may disclose information obtained during the mediation, the mediator may do so.

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## 4. QUALITY ASSURANCE

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All members of the PMA shall conduct mediations in accordance with these Standards and in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, and mutual respect amongst all participants.

PMA members should agree to mediate only when they are prepared to commit the attention essential to an effective mediation.

PMA members should only accept cases when they can satisfy the reasonable expectation of the parties concerning the timing of mediation.

The presence or absence of persons at a mediation depends on the agreement of the parties and the mediator. The parties and the PMA member should agree the attendance of others at each session.

PMA members should promote honesty and candour between and among all participants, and they shall not knowingly misrepresent any material fact or circumstance in the course of a mediation.

PMA members may recommend, when appropriate, that parties consider resolving their dispute through arbitration, counselling, neutral evaluation or other processes.

PMA members shall not undertake an additional dispute resolution role in the same matter without the consent of the parties. Before providing such service, a mediator shall inform the parties of the implications of the change in process and obtain their consent to the change. PMA members who undertake such roles assume different duties and responsibilities that may be governed by other standards.

If a party appears to have difficulty comprehending the process, issues, or settlement options, or difficulty participating in a mediation, PMA members should explore the circumstances and potential adjustments that would enable the party to participate.

If a PMA member believes that participant conduct jeopardises conducting a mediation consistent with these Standards, the PMA member shall take appropriate steps including, if necessary, postponing, withdrawing from or terminating the mediation.

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## 5. COMPETENCE AND CPD

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All members of the PMA shall mediate only when they have the necessary competence to satisfy the reasonable expectations of the parties. All PMA members shall update their skills on a regular basis by attending structured Continued Professional Development (CPD) events recognised by the PMA to maintain and enhance their knowledge and skills related to mediation.

All members of the PMA shall have successfully completed a PMA validated professional mediator training qualification.

PMA members shall fully and accurately represent their knowledge, skills, abilities, and limitations. PMA members should have information regarding their training, education and experience readily available for review by the participants prior to the mediation session.

PMA members shall maintain and improve their skills and substantive knowledge necessary to reasonably satisfy the expectations of the participants in the matters they mediate.

PMA members should exercise their independent judgment when their abilities or availability are unlikely to satisfy the participants' expectations. When exercising their judgment, mediators should consider factors such as the participants involved, their agreed-upon mediation approach, and the complexity, subject matter, and specific issues of the dispute.

If PMA members, during the course of a mediation determine that they cannot conduct the mediation competently, they shall discuss this with the parties as soon as is practicable and take appropriate steps to address the situation, including, but not limited to, withdrawing or requesting appropriate assistance.

If a PMA member's ability to conduct a mediation is impaired by drugs, alcohol, medication or some other cause, they shall not conduct the mediation.

PMA members shall not provide participants with legal advice, therapy, counselling or other professional services during mediation.

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## 6. COMMUNICATIONS, PR and MARKETING

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All members of the PMA shall be truthful and not misleading when marketing or otherwise communicating their qualifications, experience, services and fees. PMA members shall not make promises or guarantees of specific results.

PMA members should not make themselves publicly available to serve unless they can meet participants' reasonable expectations that they are qualified.

PMA members should not solicit business in a manner that could impact their impartiality or otherwise undermine the integrity of mediation as a viable process to resolve disputes.

In their marketing activities, PMA members should not identify individuals, organisations, or entities as mediation participants without their prior permission.

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## 7. RESOURCING AND CHARGING

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All members of the PMA shall provide each party or each party's representative true and complete information about mediation fees, expenses and any other actual or potential charges that may be incurred in connection with mediation.

If a PMA member charges fees, they should develop them in light of all relevant factors, including the type and complexity of the matter, their qualifications, the time required and the rates customary for such mediation services.

PMA member's fee arrangements should be in writing unless the parties request otherwise.

PMA members shall not charge fees in a manner that impairs their impartiality.

PMA members should not enter into a fee agreement, which is contingent upon the result of the mediation.

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## 8. MEDIATION PRACTICE

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All members of the PMA shall act in a manner that advances the practice of mediation.

PMA members promote this Standard by engaging in some or all of the following: PMA members should foster diversity within the field of mediation.

PMA members should strive to make mediation accessible to those who elect to use it, including providing services at a reduced rate as appropriate.

PMA members should participate in mediation research whenever practical. PMA members should participate in outreach and education efforts to assist the public in developing an improved understanding of, and appreciation for mediation.

PMA members should improve and promote mediation by sharing their knowledge and skills through training, mentoring and networking with others.

PMA members should demonstrate respect for differing points of view within the field, seek to learn from other mediators and work together with other mediators to improve the profession and better serve people in conflict.

PMA members should be open to, and provide opportunities for feedback from, mediation participants to enhance their mediation skills.

PMA members who charge a fee are encouraged to have malpractice insurance.

PMA members should have a file storage policy and advise the participants about that policy.

PMA members should provide these Practice Standards to the mediation participants as soon as practical.

Organisations with trained and recognised in-house mediation schemes that maintain rosters of, approve, appoint, or provide mediators and who recognise the PMA as an appropriate standard for their mediators to maintain should make reasonable efforts to ensure that each of their mediators is aware of and has agreed to abide by these Practice Standards.

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The Professional Mediators Association

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