

Code of Ethics and Conduct



Mediation Institutes Code of Ethics is aligned with the [NMAS Mediator Accreditation and Practice Standards](#) for Mediators accredited under the NMAS.

By joining Mediation Institute as an Advanced Mediator, Professional Mediator (NMAS) or Mediation Student you confirm that you comply with the following Code of Ethics and Conduct.

Professional Conduct

1. To behave in a way that demonstrates good character. Good character is defined as being honest, demonstrating integrity and a respect for the law in your professional and private life. This includes but is not limited to:
 - a) Maintaining confidentiality as agreed with clients and not using information obtained in mediation for personal gain or advantage.
 - b) Refraining from threats or the use of violence in your personal and professional life.
 - c) Upholding your duty of care to protect people from exposure to violence or threats of violence to the extent that it is possible without jeopardising your own personal safety.

2. To disclose to Mediation Institute at the time of application for membership, or if the issue arises during the term of your membership as soon as practical, any of the following:
 - a) any criminal convictions.¹
 - b) if you have been disqualified from any type of professional practice.²
 - c) if you have ever been refused NMAS accreditation or accreditation renewal or had your accreditation suspended or cancelled.
 - d) any impairment that could influence your capacity to discharge your obligations in a competent, honest and professional manner.

3. To be aware of and comply with:
 - a) the NMAS Approval Standards and Practice Standards,
 - b) any relevant legislation,
 - c) any other professional standards, and
 - d) any other requirements relevant to you.

¹ A criminal conviction does not automatically mean that you are ineligible for membership or accreditation however convictions for crimes related to violence, sexual abuse, child abuse or dishonesty may.

² A disqualification from professional practice does not automatically mean that you are ineligible for membership. A failure to disclose would indicate a lack of integrity and would significantly increase the likelihood that you would not be accepted for membership.

4. To be honest in terms of marketing your services as a mediator including:
 - a) Accurately representing your qualifications and experience.
 - b) Providing accurate information about your practices and procedures so that potential clients are able to make an informed decision about participating in mediation.
 - c) To avoid promising that an agreement or any specific outcome can be achieved from the mediation process or implying that promise.
 - d) To make the basis on which all fees, costs and additional charges will be levied clear and before the mediation process commences.
 - e) To clearly indicate your role when acting in the capacity of mediator, especially if you have additional professional roles such as a lawyer, advisor or other role.
5. To avoid bias and conflict of interest and the perception of bias or conflict of interest by:
 - a) Withdrawing from any case where you do not believe that you can facilitate the process fairly.
 - b) By informing the participants of any situation where there may reasonably be grounds for a perception of bias or conflict of interest, even if you do not feel that you will be biased or conflicted in accordance with the Practice Standards.
6. To ensure that your professional insurances remain current at all times.

Conduct when Mediating

7. To mediate only when you have competence to do so and to seek support, a co-mediator or mentor when you are unsure of your competence in a specific situation or scenario.
8. To prepare appropriately for mediation and only conduct mediation in a location where the participants privacy and confidentiality can be protected (to their level of comfort).
9. To uphold the integrity and fairness of the mediation process by:
 - a) Conducting a pre-mediation assessment of the dispute and suitability for mediation in accordance with the Practice Standards and any other standards that apply to your specific practice.
 - b) Facilitating mediation in a way that is fair, unbiased and without any personal gain from any specific outcome.
 - c) Avoiding conflict of interest.

10. To use an Agreement to Mediate or other document to provide the client with clear and accurate information about your processes, costs, roles and how a participant can make a complaint if they do not believe that the process was facilitated in accordance to their expectations.
11. To not use any information gained during the mediation process or to act as an advocate or in any other professional capacity in relation to the same subject without the express permission in writing from both parties.
12. To uphold self-determination and communicate with all participants in a fair, respectful and sensitive manner.
13. To facilitate the mediation process professionally supporting participants to engage in the process without demonstrating bias.
14. To suspend or terminate the mediation process if it becomes evident to you that it is no longer appropriate or that it could be detrimental to one or more of the participants or yourself.
15. To only provide advice and/or expert information when you have the expertise and qualifications to do so and then only when:
 - a) It supports the decision-making of the participants.
 - b) When it is agreed by all participants in advance that advice and/or expert information may be provided e.g. in your Agreement to Mediate.

Professional Development

16. To comply with the professional development standards required in the NMAS.
17. To support the dispute resolution industry by upholding standards, supporting new entrants and advocating alternative dispute resolution as an alternative to adversarial processes where appropriate.
18. To cooperate in establishing and maintaining the quality, qualifications and standards of DR practice.
19. To actively engage with any feedback, supervision or complaints made about or to you as a mediator while protecting confidential client information.

In addition, members should familiarise yourself with the Mediation Institute External Complaint Handling Service which applies to any complaints about members that can not be dealt with internally by your systems.

[Mi RMAB Complaint Management Process Fact Sheets](#)