

DEVELOPMENTAL SCALES FOR MEDIATION

Overview

The following tables provide a snapshot of knowledge, skills and attitudes as they typically develop in mediators. Not every mediator starts in the same place, and development is not strictly linear. However, these tables can provide an indication of the typical behaviours that mediators may display at different stages of their professional development. These tables can be used as a general guide or can inform the development of quality assurance frameworks for specific dispute resolution programs or mediation models.

General Use

Use these tables to identify the knowledge, skills and attitudes that you currently demonstrate in relation to mediation. To do this, highlight each of the behaviours that best represent your usual or everyday practice. Look for the stage(s) within each table that contains the most behaviours – this will indicate your general level within each of the scales. You can use this information as a baseline against which you can set goals and monitor progress over time. Create a routine where one or twice a year you repeat this process. By doing this you will be able to reflect on the extent to which your practice has grown. It is important to be aware that some disputes or circumstances will not require you to demonstrate the knowledge, skills or engagement described at the highest stages. Within this context, you are encouraged to highlight only the knowledge, skills and attitudes that you have had the opportunity to demonstrate.

Stages of knowledge, skills and attitudes

STAGES OF UNDERSTANDING AND COMPLEXITY OF THINKING

The *stages of understanding and complexity of thinking* relate to the differing levels of complexity with which a mediator grasps and applies the knowledge, concepts and theories associated with mediation. The scale draws upon the model first developed by Biggs and Collis¹.

Table 1: Biggs & Collis and Mediation

Stage of development	Description
Prestructural	At this stage mediators perceive issues or conflicts that do not exist or, alternatively, fail to recognise conflict or issues in dispute. They avoid questions from parties or about mediation generally, repeating questions or information already provided, or seek closure based on a 'guesstimate' about a mediation theory, process or outcome.

¹ Biggs, J. B., & Collis, K. F. (1982). *Evaluating the quality of learning: the SOLO taxonomy (structure of the observed learning outcome)*. New York: Academic Press.



Unistruktural	At this stage mediators' attempts to facilitate a resolution are based on a unidimensional understanding of the dispute, or account for only one or two relevant aspects of the conflict. Alternatively, they tend to use one mediation strategy or model irrespective of its suitability or the complexity of the dispute. The application of these strategies is often limited in scope and more likely to be dogmatic.
Multistruktural	At this stage mediators are able to account for several consistent aspects of the dispute when they are assisting parties or mediating a resolution. In the desire to arrive at a firm conclusion about the nature or elements of the dispute, they tend to ignore or discount inconsistencies or irregularities. These mediators are likely to make use of a range of dispute resolution strategies, but these strategies are typically applied in isolation from each other.
Relational	At this stage mediators accept most, or all of the perspectives relating to the dispute and attempt to reconcile this information into a coherent narrative. They are able to make use of conflicting information when formulating a mediation strategy that can account for the complexity of the dispute. Alternatively, they may draw on a range of strategies to accommodate competing perspectives, versions of events or priorities. These mediators can formulate generalisations or holistic dispute resolution strategies that are based on past experience of similar disputes or mediations.
Extended Abstract	At this stage mediators will recognise that the conflict behaviours or issues at the heart of the dispute represent an instance of a general principle or theory of dispute resolution. These mediators may also entertain hypotheses about the application of such generalisations to untested contexts. They tend to hold open or qualify conclusions about the nature of a dispute or model to be used to allow for possible alternatives or the inclusion of additional information.

Table 1: Adapted from Hutchinson, D., Francis, M., Griffin, P. et al. (2014). *Developmental teaching and assessment. Assessment for Teaching*. P. Griffin. Melbourne, Cambridge University Press: 26-57.

STAGES OF SKILL ACQUISITION

The *stages of skill acquisition* relate to the typical stages a person will go through as they develop their skills in mediation. The scale draws upon the model for skill acquisition first developed by Dreyfus².

Table 2: Dreyfus and Conflict Resolution

Stage of development	Description
Novice	At this stage mediators show rigid adherence to known mediation models or practices and have no contingency if these strategies prove ineffective. They apply a procedural approach to the interpretation of issues and use of strategies for resolving disputes. They tend to adhere strictly to scripts when responding to questions or mediating a resolution.
Advanced Beginner	At this stage mediators are able to follow guidelines for mediation in familiar dispute situations. However, they tend to confine their practice to short-term and immediate

² Dreyfus, S. E. (2004). The Five-Stage Model of Adult Skill Acquisition. *Bulletin of Science, Technology & Society*, 24 (3), 177-181



	steps for resolution. They are likely to recognise global characteristics of a dispute only upon reflection and identify surface rather than subtle features of the dispute. They can make adjustments to practice under the supervision of a more experienced mediator.
Competent	At this stage mediators consciously and deliberately plan and use standardised or routine mediation practices or models. They are now also able to use their knowledge and experience in structured and systematic ways. These mediators may seek out new mediation strategies and models in the context of long-term professional goals. They are prone to make reasoned decisions when faced with new scenarios but may not be sure whether the approach they select is appropriate for the situation.
Proficient	At this stage mediators see disputes holistically rather than as a series of events and intuitively identify the salient and critical issues. They can also identify deviations from the typical patterns of disputant behaviours to develop a nuanced perspective of the conflict. While these mediators often use and rely on rules, protocols or models for guidance, they also allow their application to vary according to the needs of the parties or the context of the dispute.
Expert	Mediators at this stage operate from a deep understanding of total situation including the way that both theory and practice can make meaning of disputes. As they no longer need to rely on rules, protocols or models they can seamlessly accommodate anomalies as they arise. These mediators have a vision of what is possible in the field of dispute resolution and take action to realise this through networks of peers or stakeholders. They can also demonstrate the effect that their approach has on parties' experience of dispute resolution and the outcomes they achieve. At this level mediators will only need to take an analytical approach to their practice when they are faced with an entirely novel situation or when a serious problem arises.

Table 2: Adapted from Hutchinson, D., Francis, M., Griffin, P. et al. (2014). *Developmental teaching and assessment. Assessment for Teaching*. P. Griffin. Melbourne, Cambridge University Press: 26-57.

STAGES OF ENGAGEMENT

The stages of engagement relate to the mood, feeling or attitude a person has towards the theory and practice of mediation. The scale draws upon the model first developed in by Krathwohl, Bloom and Masia³.

Table 3: Krathwohl and Conflict Resolution

Stage of development	Description
Rejecting	A person at this stage avoids discussions on the merits of mediation or highlights its flaws. They typically contrast mediation with a personally favoured approach to resolving disputes. They tend to criticise proponents and cite other and often more adversarial approaches as superior. They are likely to ridicule, disagree or argue against the use of mediation and will actively avoid any sort of involvement.

³ Krathwohl, D., Bloom, B., & Masia, B. (1971). *Taxonomy of Educational Objectives: The Classification of Educational Goals, Handbook II: Affective Domain*. London: Longman





Receiving	A person at this stage may listen passively or show awareness of the role mediation plays in the resolution of disputes. However, they may not have made a decision about the value of mediation or mediation training. They may appreciate the need for different approaches to resolving disputes and will attend activities designed for learning more about mediation.
Responding	A person at this stage makes use of mediation if compelled or mandated. They tend to comply with mediation protocols and procedures when participating as a party, lawyer or support person. They participate in discussions about the merits of mediation as an option for resolving disputes. If required, they will undertake mediation training.
Valuing	A person at this stage demonstrates a belief in the link between mediation and the effective resolution of disputes. They see the value of mediation strategies or dispute resolution skills being used in a range of contexts and may volunteer ideas or suggestions about where and when they might be used. They may even draw on some of these skills to work through conflicts in their own life or in the lives of others. They are likely to commit to learning more about the role of mediation in resolving disputes and show enthusiasm about the prospect of becoming a trained mediator.
Organising	A person at this stage voluntarily and independently undertakes mediation training and seek out opportunities to apply their skills. They tend to draw on their understanding of mediation theory and practice to assist others in resolving their disputes. They are inclined to accept responsibility for their own dispute resolution style and the impact that this has on their ability to assist others. They are also likely to formulate a professional development plan in that is matched to their abilities, interests, and beliefs about mediation and dispute resolution.
Characterising	A person at this stage displays consistent consciousness of the different strategies or mediation models that can be used to resolve disputes. They tend to draw on evidence-based/emerging trends to inform an approach to mediation. They are prone to model mediation or conflict resolution strategies and attempt to influence others to adopt these same practices. They are able to prepare convincing and sound arguments in favour of becoming a trained mediator and/or learning dispute resolution skills.

Table 3: Adapted from Hutchinson, D., Francis, M., Griffin, P. et al. (2014). Developmental teaching and assessment. Assessment for Teaching. P. Griffin. Melbourne, Cambridge University Press: 26-57.

