

# ADR Register

Public comment to the SAAM statement dated February 15<sup>th</sup>, 2021 re the DiSAC-NABFAM Steering Committee and the forming of a SAQA professional body

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All references in this document are made against the approved (valid) version of the applicable document.

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## Introduction

- ADR Register received the statement dated February 15<sup>th</sup>, 2021 issued by the SAAM EXCO
- The statement is attached.

## Summary

In short, the SAAM EXCO states:

- It wants the DISAC-NABFAM steering committee to proceed
- It does not want to represent all South African Mediators
- It does not share ADR Register's vision on SAAM's position

## Comments ADR Register

- To avoid any misunderstanding (1), the SAAM EXCO statement is a SAAM internal matter. ADR Register holds no official position or role with SAAM, and wishes to remain fully impartial and limits itself to her role and position as an ISO-based and orientated certification body.
- During the period 2019 – 2020, ADR Register and SAAM participated in bilateral meetings and online sessions. The purpose was (is) to investigate options for co-operation and to establish an inclusive, sustainable quality system for the South African mediation sector. Inclusive is defined and must be read as 'all stakeholders included', thus: mediators and their clients (individual as well as client groups, like sectoral bodies and industrial groups), training providers, certification bodies, regulatory partners, such as governments.
- During the talks, it became clear
  - o that SAAM is in the middle of the process of reconsidering its role and position, and should thereto present a plan to the SAAM General Assembly (GA) and have the GA to decide.
  - o that the role, plans, and intentions of the DISAC-NABFAM steering committee were not presented to the GA for information and decision-making purposes, so the EXCO is not mandated on this specific issue.
  - o that before ADR Register and SAAM may conclude on further working together and – if necessary or if delivering added value - considering formalization, the GA should be informed, asked to make decisions and to authorize/mandate the EXCO.
- As far as ADR Register is aware, both elements were not yet subject to decision-making by the GA, so the EXCO is limited to SAAM's current statute, rules, role and position.

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- As ADR Register has ideas on SAAM's role and position, SAAM has no obligation at all to step into our vision, and ADR Register is open to work together with SAAM whatever SAAM's role and position might become, however, under the condition SAAM complies with her own statute, rules, processes, and procedures, and leaves the final decision-making with the GA.
  - ADR Register questions the SAAM EXCO statements as follows:
    - o SAAM stands for South African Association of Mediators. The header reflects: 'connecting the South African Mediation Industry'. As the EXCO clearly states it does not want to represent all SA mediators, this is contradictory and confusing.
    - o How is the GA informed about the DISAC-NABFAM steering committee and its documents, processes, procedures, plans, and intentions, and on, and what mandate did the GA provide to the EXCO?
    - o As the EXCO does not want to represent all SA mediators, how does the EXCO define the role and position of SAAM i.c. which/what mediators, mediation processes and procedures, mediator/mediation styles are represented?
    - o What is the EXCO's vision on accreditation and certification as part of an inclusive, sustainable quality system for mediation and mediators?
  - To avoid any misunderstanding (2),
    - o ADR Register strongly supports the realization of an inclusive, sustainable quality system that provides added value to all SA mediators, all mediation processes, procedures and styles, all involved stakeholders. We refer to our vision on how to develop, implement, and maintain such a system. In such a system, ADR Register is merely *one* of the accredited certification bodies.
    - o ADR Register does not oppose the idea of a SAQA accredited body as part of the hereinbefore mentioned quality system. ADR Register does however question and oppose the current work process of the DISAC-NABFAM steering committee and the structure of the intended legal entity which should obtain and hold the SAQA accreditation.
    - o The path to success is to include the mediators, their clients, and other relevant stakeholders. These individuals and organizations should decide and authorize. We are living in the 21<sup>st</sup> century. It can not be that boards, EXCO's and committees conclude without consulting those who are involved, those who are the 'clients' of boards, EXCO's and committees, and those who should decide and mandate.
    - o ADR Register believes in mediation and mediators, and trusts a middle-ground can be found and delivered.



**South African Association of Mediators**

CONNECTING THE SOUTH AFRICAN MEDIATION INDUSTRY

**STATEMENT OF SAAM ON RESPONSE SUBMITTED BY ADR INTERNATIONAL REGISTER TO  
THE STEERING COMMITTEE OF THE SOUTH AFRICAN SAQA INITIATIVE**

The South African Association of Mediators (SAAM) would like to clarify its position regarding the following statements in respect of the widely publicised response of ADR International Register on the South African SAQA Steering Committee’s documents sent out for commentary:

On **page 3** of ADR International Register’s response, the document indicates that “*SAAM should represent the South African mediators*”.

**Page 7** of ADR International Register’s response, in the same vein, reads “*ADR Register considers SAAM as the professional body for South African Mediators.*”

**SAAM, however, does not want to represent all South African mediators. While SAAM has a footprint in several provinces, it makes no representations on behalf of the entirety of the South African mediation industry. SAAM’s formal position is that the new professional body proposed by the SAQA Steering Committee should continue its efforts at consolidating the SA mediation industry.**

On **page 7** of their response, ADR International Register makes the following statements about SAAM:

- *“Although now primarily orientated on family mediation, the SAAM statute and regulations don’t exclude other mediation scopes and styles. ADR Register truly hopes SAAM will stimulate mediation diversity by internally facilitating more mediation scopes and styles, and creating dedicated divisions, chambers, and/or subgroups.*
- *SAAM, as a professional body, is authorized by its members to set standards for mediators and mediation procedures, naturally in close cooperation with other stakeholders, such as training providers, certification bodies, and mediator-client representatives, preferable all associated within one South African National Body for ADR. It is strategically smart to develop these standards in addition to the IMI standards, by creating an IMI based subscope for South African*

*Mediators. It delivers to the best of two worlds and meets the expectations of South African mediators as the criteria are effective internationally and national for South Africa.*

- *The SAAM standards can be implemented in a South African National Body for ADR, and this body thereto accredited with SANAS (South African National Accreditation System) as part of its ISO 17024 accreditation.”*

**SAAM does not share the above aspirations and hopes that ADR International has for SAAM. The above statements, therefore, do not fall within SAAM’s scope of services to the SA mediation community.**

**SAAM is a membership organisation of NABFAM and applies NABFAM’s minimum standards for mediators and mediation procedures.**

**Page 10** of the response by ADR International Register identifies SAAM as *“the dedicated organization to represent the South African Mediators”*.

**SAAM does not want to represent and therefore does not speak for all mediators in South Africa. SAAM maintains that the SAQA Steering Committee should continue its work on finding a middle ground between the various membership bodies that represent all facets of the SA mediation industry, to establish or become the designated body representing all South African mediators.**

SAAM EXCO

11 February 2021

