



Australian Government

Department of Education, Employment and Workplace Relations

CHCMED414A Facilitate mediation processes

Release: 1

CHCMED414A Facilitate mediation processes

Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit describes the knowledge and skills required for mediators to maintain the flow of the mediation process to achieve the best possible outcome for all parties

Application of the Unit

Application

This unit may apply to mediation work in a range of community service contexts

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Not Applicable

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in *italics* are elaborated in the Range Statement.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

- | | |
|--|---|
| 1. Maintain a favourable climate for mediation | 1.1 Maintain fairness for all parties involved in the process |
| | 1.2 Comply with <i>statutory and procedural</i> requirements |
| | 1.3 Use technology and expert assistance, such as interpreters, to reduce impediments to open communication |
| | 1.4 Provide sufficient time for each party's interests and views to be identified and explored |
| 2. Adapt the process to match parties' needs within the agencies framework | 2.1 Adapt mediation process to suit needs of parties and dispute |
| | 2.2 Manage co-mediation appropriately with all parties to the dispute |
| | 2.3 Provide parties with opportunity to reflect on any agreement or seek other advice when appropriate |

ELEMENT**PERFORMANCE CRITERIA**

- | | |
|---|--|
| 3. Facilitate interaction between parties | 3.1 Identify existence of any actual or potential bias or conflict of interest |
| | 3.2 Respond appropriately to concerns expressed about bias or partiality |
| | 3.3 Avoid any appearance of partiality or bias through word or conduct |

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level required for this unit.

Essential knowledge:

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include:

- Understanding of the application of the relevant legislation to the mediation process
- Awareness of the impact of culture on the progress of the mediation
- Understanding of the Privacy Act and Freedom of Information

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Use appropriate interpersonal skills and knowledge of the Agency system to guide the mediation process, in particular to:
 - establish and maintain agreed procedures that meet the agency guidelines and the needs of the parties
 - demonstrate fairness and lack of bias at all times
 - apply the agency systems
 - apply accurate understanding of own work roles and responsibilities in relation to service delivery

In addition, the candidate must be able to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include the ability to:

- Assess individual cases to determine limitations of the mediation processes
- Recognise when a mediation process is not being effective
- Deal with non-compliance with the relevant legislation rules and regulation procedural requirements

REQUIRED SKILLS AND KNOWLEDGE

- Ensure fairness within procedure
- Apply criteria for exercising discretion on procedural matters, for example, consultations with individual parties, and duration

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate this unit of competency:

- The individual being assessed must provide evidence of specified essential knowledge as well as skills
- Evidence of competency in this unit will need to be assessed over a period of time in order to gather evidence of consistent performance
- This will include contexts applicable to the work environment, such as actual or simulated workplace situations involving a combination of direct, indirect and supplementary forms of evidence
- Evidence will be determined by selection from the Range Statement, justified in terms of work requirements, work roles and responsibilities and occupational specialisations

EVIDENCE GUIDE

- Access and equity considerations:*
- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
 - All workers should develop their ability to work in a culturally diverse environment
 - In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
 - Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities

- Context of and specific resources for assessment:*
- This unit can be assessed independently, however holistic assessment practice with other community services units of competency is encouraged
 - Where assessment is conducted within the workplace there are no resource implications above those normally available in the workplace
 - Where assessment is conducted in a simulated or non-workplace environment then access to the necessary equipment and research resources should be provided
- Access to simulated exercises, case studies related to mediation service delivery issues is also required if non-workplace assessment paths are utilised

EVIDENCE GUIDE

Method of assessment:

- Demonstration of competency within the working environment in preparing for the mediation process
- Where there is not an opportunity to cover all relevant aspects in the work environment, the remainder should be assessed through realistic simulations, projects, previous relevant experience or oral questioning on 'what if?' Scenarios
- Observation of processes and procedures, oral and/or written questions on Essential knowledge and skills and consideration of required attitudes
- Where performance is not directly observed and/or is required to be demonstrated over a period of time and/or in a number of locations, any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons
- Review of any documentation produced by the candidate related to the preparation for mediation

Related units:

This unit should be assessed after or in conjunction with related unit:

- CHCCOM403A Use targeted communication skills to build relationships

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

RANGE STATEMENT

Knowledge refers to:

- The understanding of relevant theories, principles, practices their application and other aspects of knowledge, which may be desirable or necessary in order to practice effectively an ADR process

Statutory and procedural requirements may include:

- Relevant legislation, including property law
- Superannuation
- Procedures for accessing specialist advice
- Procedures for individual consultations
- Procedures for community consultation

Unit Sector(s)

Not Applicable