



Australian Government

CHCDSP001 Facilitate dispute resolution in the family law context

Release: 1

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Modification History

Release	Comments
Release 1	This version was released in <i>CHC Community Services Training Package release 3.0</i> and meets the requirements of the 2012 Standards for Training Packages. Merged CHCDISP801B/CHCDISP802B. Significant changes to the elements and performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant changes to knowledge evidence. Minimum work hours added.

Application

This unit describes the skills and knowledge required to prepare for and facilitate the family dispute resolution process with the aim of assisting families to reach mutual agreement on issues related to relationships, children, property and assets. It requires the ability to use mediation, conciliation, facilitation and conferencing skills.

This unit applies to dispute resolution practitioners managing complex family dispute resolution using a variety of facilitative processes within the family law environment.

The skills in this unit must be applied in accordance with Commonwealth and State/Territory legislation, Australian/New Zealand Standards and industry codes of practice.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

Elements define the essential outcomes

Performance criteria describe the performance needed to demonstrate achievement of the element.

1. Determine suitability for dispute resolution

1.1 Obtain and analyse existing client information

1.2 Collaborate with colleagues and professional networks when additional information is needed and to support own understanding of the issues

1.3 Make an assessment of presenting issues with potential participants according to the family dispute

ELEMENT**PERFORMANCE CRITERIA**

resolution framework

1.4 Use the intake process to receive and share information that supports positive outcomes for potential participants

1.3 Identify situations where the dispute is beyond scope of own practice and make referrals accordingly

2. Prepare for dispute resolution

2.1 Analyse and prepare information to support the dispute resolution process

2.2 Explain the facilitated dispute resolution process to participants

2.3 Advise participants of the practitioner's role, obligations and limitations

2.4 Explain limitations on confidentiality and obtain written agreement to participate in dispute resolution process

3. Assist participants to define and clarify the issues

3.1 Engage with participants using interpersonal skills and organisation resources to identify issues for consideration

3.2 Screen for significant matters that affect the ability of any party to negotiate freely in the dispute resolution process

3.3 Support participants to articulate concerns, negotiate and develop an agenda

3.4 Identify and select the most appropriate dispute resolution process for the client's presenting circumstance

3.5 Explain the chosen process for dispute resolution

3.6 Document information and actions according to organisation policy and legal requirements

4. Facilitate communication and information exchange

4.1 Use facilitation skills to encourage active listening between participants

4.2 Manage interactions between participants in ways that ensure fair and respectful engagement

4.3 Ensure each participant has equal opportunity to speak, be heard and present needs, interests and concerns

4.4 Provide sufficient opportunity for participants to access advice and information from other experts

4.5 Identify the need for, and conduct, separate sessions

ELEMENT	PERFORMANCE CRITERIA
	according to client needs
	4.6 Share information with others involved in the dispute in a timely way
5. Invite the framing of disputes to increase the range of options	5.1 Assist participants to develop agendas for the process that consider the broader range of issues
	5.2 Frame and provide information in ways that assist the participants to view situations more broadly
	5.3 Maintain impartiality, and client self-determination and refrain from advising on a particular outcome
	5.4 Assist parties to communicate on issues that impact on children and to consider the best interests of the child
6. Encourage mutual personal understanding between participants	6.1 Encourage participants to acknowledge each other's needs, fears and concerns using communication techniques
	6.2 Identify and encourage cooperative behaviour and demonstrated and/or expressed intentions to commit to resolving disputes
	6.3 Monitor and manage any disruptive behaviours and communications
	6.4 Manage power imbalances in the dispute resolution session
	6.5 Identify situations where continuation of the process has the potential for harm, and terminate or suspend the process according to organisation procedures
7. Assist participants to generate and evaluate options	7.1 Use techniques and strategies that assist participants to generate potential options for dispute resolution
	7.2 Encourage discussion about the effects of each option on parties involved in the dispute, with particular consideration for children affected by the agreement to be made
	7.3 Promote and monitor the best interests of the child in participants' agreements, including assessment of risk to vulnerable parties
8. Confirm and document outcomes and agreements	8.1 Support participants to reach agreement using facilitation skills and confirm participant understanding of agreements reached
	8.2 Ensure that participants reach agreement freely, voluntarily, without undue influence and on the basis of

ELEMENT**PERFORMANCE CRITERIA**

informed consent

8.3 Document outcomes and agreements according to organisation and legislative requirements and limitations of own role

8.4 Identify and explain legal obligations of agreements reached

8.5 Provide participants with appropriate referral to supports for post dispute resolution

Foundation Skills

The Foundation Skills describe those required skills (language, literacy, numeracy and employment skills) that are essential to performance.

Foundation skills essential to performance are explicit in the performance criteria of this unit of competency.

Unit Mapping Information

No equivalent unit

Links

Companion Volume implementation guides are found in VETNet -
<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>