



Australian Government

Department of Education, Employment and Workplace Relations

CHCMED415A Facilitate interaction between parties in mediation

Release: 1

CHCMED415A Facilitate interaction between parties in mediation

Modification History

Not Applicable

Unit Descriptor

Descriptor

This unit describes the knowledge and skills required for mediators to facilitate the agreed process of mediation

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. Facilitate the development of trust in the process | 1.1 Achieve appropriate degree of <i>party responsibility</i> for outcome and process
1.2 Facilitate all parties to hear each others' dispute and consider all relevant arguments
1.3 Develop and maintain trust by demonstrating own sincerity and integrity |
| 2. Assist parties to share problem solving and negotiation | 2.1 Assist parties to prepare for problem solving and negotiation
2.2 Support parties to identify options for decision-making
2.3 Acknowledge creative and inventive problem-solving strategies
2.4 Assist parties to identify agreements and decisions made, and future action required |

ELEMENT**PERFORMANCE CRITERIA****3. Work within *limitations of the mediation process***

- 3.1 Identify and take into account legislative and other constraints
- 3.2 Support parties to identify real needs and goals
- 3.3 Summarise consequences of parties' positions and manage impasses to prevent loss of face and facilitate final closure

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 family/group dynamics
- Understanding of the importance of significant others for the process of mediation and the implementation of outcomes
- Understanding of the application of the Relevant legislation
- Awareness of the impact of culture on the progress of the mediation
- Understanding of the Privacy Act and Freedom of Information
- Sufficient understanding of other legislation such as property law that may impact on the definition of the dispute
- Awareness of one's own strengths and limitations in handling the mediation process, and the boundaries of one's role
- The interaction of different values, beliefs, assumptions and prejudices, and their effect on the process
- Clarity over professional and personal boundaries, the knowledge of how to retain professional warmth, empathy and objectivity while keeping personal feelings and experiences in abeyance
- Awareness of one's own interpersonal communication style and the effect it has on others

REQUIRED SKILLS AND KNOWLEDGE

- Awareness of personal responses to conflict and high emotion

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 to:
 - apply knowledge, skills and ethics relevant to the areas of practice as outlined in the 2001 NADRAC standards
 - apply mediation with an awareness and sensitivity to conflict, culture and context
 - apply skills in negotiation, communication and decision-making
 - demonstrate understanding and implementation of relevant procedures
 - use appropriate interpersonal skills knowledge of the agency system to facilitate the mediation process
- Demonstrate integrity and trustworthiness
- 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:

- Create means by which an emotionally safe and empathic environment
- Provide means for communicating with people with disabilities or where English is not the first language
- Apply methods of communicating with different age, religious, gender and sexual identity groups
- Demonstrate application of skills in:
 - non-judgemental communication techniques
 - using strategies that empower parties to assist in gaining the best outcomes
 - cultural, sub-cultural awareness/sensitivity
 - demonstrating empathy
 - using appropriate body language
 - reflecting, summarising and paraphrasing
 - asking open-ended questions
 - the ability to ask direct questions about issues in dispute in a sensitive and appropriate way

REQUIRED SKILLS AND KNOWLEDGE

- recognition of client/worker power differences
- maintaining confidentiality
- active listening
- If needed, use a qualified interpreter whose involvement will not jeopardise the safety of the parties or parties' family

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

Party responsibility refers to:

- The desire and capability the party demonstrates to seek a resolution within the mediation framework

Limitations of the mediation process refers to:

- Differences between mediation and other alternative dispute resolution processes

Unit Sector(s)

Not Applicable