



Australian Government

Department of Education, Employment and Workplace Relations

CHCMED416C Consolidate and conclude the mediation process

Release: 1

CHCMED416C Consolidate and conclude the mediation process

Modification History

CHC08 Version 3	CHC08 Version 4	Description
CHCMED416B Consolidate and conclude the mediation process	CHCMED416C Consolidate and conclude the mediation process	Unit updated in V4. ISC upgrade changes to remove references to old OHS legislation and replace with references to new WHS legislation. No change to competency outcome.

Unit Descriptor

Descriptor

This unit describes the knowledge and skills required for mediators to conclude the session and support the implementation of any agreement

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. Assess the level of agreement | <p>1.1 Accurately assess when agreement has been reached or when it is not possible</p> <p>1.2 Confirm clarity of parties' understanding of any agreement</p> <p>1.3 Confirm clarity of parties' understanding of their roles and responsibilities</p> <p>1.4 Support parties in reaching agreement across the final impasses and gaps</p> |
| 2. Provide information and referral | <p>2.1 Discuss information on further dispute resolution options within the agency system if agreement is not reached</p> <p>2.2 Outline the <i>option for legal advice</i> as one way of managing any lack of agreement</p> <p>2.3 Apply appropriate <i>case management guidelines</i> with parties</p> |

ELEMENT	PERFORMANCE CRITERIA
3. Document and communicate outcome	<p>3.1 Accurately record agreements and outstanding issues</p> <p>3.2 Agree on process to communicate the outcome of the mediation to third parties</p> <p>3.3 Specify actions to support <i>implementation of the mediation</i> and seek agreement between all parties to the dispute</p> <p>3.4 Ensure mediation outcomes reflect shared responsibility and short/long term and contingency plans</p>

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 knowledge of:

- 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
- Understanding of the Rules of Evidence
- 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

- 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
- Paraphrase, ask clarifying questions and summarise to assist parties to feel heard
- Use a range of rapport-building strategies, such as adapting terms used, pace or volume of speech to suit the language level of the parties and mirroring non-verbal behaviour
- Guide communication flow directly between parties, from agenda setting stage until close of mediation, excluding any private session
- Use minimally obtrusive verbal and non-verbal behaviours to manage interruptions
- Remind parties about agreed ground rules if other interventions are ineffective
- Raise questions between parties about feelings and specific behaviours to encourage constructive expression of emotions and prevent escalation of conflict
- Encourage parties to describe their understanding of others' statements about feelings, needs and ideas
- Use fact finding questions to meet parties' needs
- Make appropriate use of private sessions

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

continued ...

Essential skills (contd):

- Demonstrate application of skills in:

- non-judgemental communication techniques
- 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
- 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' families
- Maintain documentation as required, including effective use of relevant information technology in line with work health and safety (WHS) guidelines

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

- 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

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

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.

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

Accurate assessments refers to:

- The application of the mediator's skills, knowledge and capacity for decision-making as applied within the agency framework

- Option for legal advice refers to:*
- The guidance to parties on the options for engagement of solicitors
- Case management guidelines are:*
- Established by the agency to assist in ensuring the best outcomes for the child
- Implementation of the mediation refers to:*
- The support through the agency or referral to other agencies to ensure that the mediation outcome is implemented

Unit Sector(s)

Not Applicable