



Australian Government

Department of Education, Employment and Workplace Relations

PSPCRT415A Administer alternative dispute-resolution proceedings

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the competencies required to administer alternative dispute-resolution (ADR) proceedings, including mandatory and voluntary proceedings within the court, or referral to other services.

In the workplace, staff must be able to implement relevant procedures, protocols and policy relating to ADR proceedings. They must also be able to provide constructive and effective assistance, information and referral to the parties undertaking the process.

No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

This unit applies to court staff involved in the administration of ADR proceedings, who need to follow procedures and practices to facilitate appropriate outcomes for those involved.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

- | | |
|--|---|
| <p>1. Arrange compliance with mandatory ADR procedures.</p> | <p>1.1. Explain benefits of <i>ADR procedures</i> and answer client's questions according to organisational policy and procedures.</p> <p>1.2. Explain <i>procedural requirements</i> using communication appropriate to client needs.</p> <p>1.3. Identify and address <i>potential difficulties</i> in arranging delivery of services or refer them for action.</p> <p>1.4. Gain agreement to arrangements using negotiation and conflict-resolution skills.</p> <p>1.5. Complete documentation according to organisational policy and procedures.</p> |
| <p>2. Refer parties to ADR procedures and services.</p> | <p>2.1. Assess <i>eligibility for access</i> to ADR services.</p> <p>2.2. Identify legislative and other constraints and take into account when advising on appropriate dispute-resolution process.</p> <p>2.3. Analyse the issues and the parties' willingness and capability to assess the most suitable resolution process.</p> <p>2.4. Explain procedural requirements using communication appropriate to client needs.</p> <p>2.5. Explain impact of ADR proceedings on case management.</p> |
| <p>3. Support ADR processes.</p> | <p>3.1. Outline and implement processes to ensure respect for client's safety and needs.</p> <p>3.2. Explain <i>client responsibility and contribution</i> to outcomes.</p> <p>3.3. Assist client to prepare for problem solving and negotiation.</p> <p>3.4. Confirm client's understanding of the process.</p> <p>3.5. Explain <i>privacy and confidentiality requirements</i> of proceedings.</p> |

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- communication and interpersonal skills to:
 - provide explanations to others
 - promote understanding of legislation and regulations; and organisational procedures, policy and codes of practice in the context of ADR proceedings
- analytical skills to:
 - identify client needs and assess suitability for relevant services
 - identify appropriate services and resources for referral
- negotiation and conflict resolution skills in relation to ADR processes
- facilitation skills in relation to ADR processes

Required knowledge

- legislation, regulations, organisational procedures and codes of practice in the context of ADR proceedings and services
- principles of effective mediation and dispute resolution
- distinction between legal and procedural information
- principles of effective client service delivery
- public sector legislation, such as OHS, diversity and equal opportunity in the context of communication

Evidence Guide

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

Overview of assessment Competency must be demonstrated in administering alternative dispute-resolution (ADR) proceedings, including mandatory and voluntary proceedings within the court, or referral to other services.

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

Assessment must confirm the ability to:

- explain options for ADR procedures
- gain client approval to proceed to select and arrange ADR procedures
- understand conditions and eligibility for ADR procedures
- identify suitable procedures to match client needs
- support client in preparation for ADR procedures
- comply with information sharing and privacy protocols

Consistency in performance

Competency should be demonstrated by:

- explaining a range of ADR procedures to diverse clients
- referring clients in a range of settings to appropriate services
- supporting diverse clients in preparing for a range of ADR procedures

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when:
 - administering mandatory ADR proceedings
 - referring parties to ADR services
- relevant legislation, procedures, policy and codes of practice for mandatory ADR proceedings
- relevant legislation, procedures, policy, codes of practice and information for voluntary ADR services
- scenarios and/or case studies to capture the range of situations and issues likely to be encountered
- access to relevant communication and reporting systems

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about types and benefits of ADR procedures

and eligibility criteria

- observation of the candidate administering ADR procedures in a range of contexts to ensure achievement of the unit outcomes
- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of performance

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

Range Statement

<p>The range statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. <i>Bold italicised</i> wording, if used in the performance criteria, is detailed below. 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) may also be included.</p>	
<p><i>ADR procedures</i> may include:</p>	<ul style="list-style-type: none"> • mediation • registrar conference • counselling • arbitration • conference before an appointed presiding officer
<p><i>Procedural requirements</i> may include:</p>	<ul style="list-style-type: none"> • attendance of self and others • collection and delivery of information • order of events • role of presiding officer • possible outcomes • documentation
<p><i>Potential difficulties</i> may include:</p>	<ul style="list-style-type: none"> • language • financial • security • emotional state of parties • travel
<p><i>Eligibility for access</i> may include:</p>	<ul style="list-style-type: none"> • financial resources • agreement of parties • jurisdiction • nature of dispute
<p><i>Client responsibility and contribution</i> may include:</p>	<ul style="list-style-type: none"> • active listening • respect for procedures • respect for the presiding official • commitment to reduction of issues
<p><i>Privacy and confidentiality requirements</i> may include:</p>	<ul style="list-style-type: none"> • legislative • organisational policy and procedures • attendee agreements

Unit Sector(s)

Not applicable.

Competency field

Courts.