



Australian Government

CHCDSP001 Facilitate dispute resolution in the family law context

Release: 1

CHCDSP001 Facilitate dispute resolution in the family law context

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>

Assessment Requirements for CHCDSP001 Facilitate dispute resolution in the family law context

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.

Performance Evidence

The candidate must show evidence of the ability to complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the job role. There must be evidence that the candidate has:

- performed the activities outlined in the performance criteria of this unit according to legal requirements and ethical standards during a period of 50 hours of dispute resolution work with clients, under the supervision of an accredited Family Dispute Resolution Practitioner (FDRP), in a dispute resolution service
- facilitated, either individually or in a co-facilitation capacity, at least 5 different dispute resolution processes that individually or cumulatively include matters relating to:
 - domestic and family violence
 - child abuse/child protection
 - finances, including child support
 - property
- facilitated disputes that involve:
 - multiple parties
 - voluntary participants
 - involuntary participants
- managed sessions where all parties are present, and in a shuttle situation
- used dispute diagnostic skills, and responded to:
 - indicators of substance abuse
 - mental health issues

- domestic and family violence
- abuse and power imbalances in client situations
- cultural dimensions of the conflict
- own reactions to the dispute and/or disputants
- applied relationship skills including:
 - effective liaison and working relationships with other allied professionals
 - establishing and maintaining trust and respect
 - encouraging client self determination
 - recognising own reactions to the dispute and/or disputants that might impair practitioner ability to conduct a fair process
 - use of age appropriate communication
- used interpersonal communication skills, including:
 - non-judgemental approach
 - displaying empathy
 - active listening and questioning
 - clarifying information and assumptions
 - speaking clearly, simply, effectively at the communication and comprehension level of the participants
 - establishing rapport
 - showing respect for individual difference
- used facilitation strategies and techniques, including:
 - mirroring strategy
 - role modelling cooperation and listening
 - reframing issues
 - respectful interruptions
 - encouraging active listening
 - formulating transition statements for clarification
 - managing power imbalances and high levels of conflict
- applied critical thinking and content management skills including:
 - obtaining, identifying, analysing, prioritising and evaluating information
 - assessing issues and options and reasoning logically
 - reading, comprehending and using relevant documentation
 - writing clearly and concisely using neutral language
 - creating, maintaining and organising records
 - eliciting information from other professionals
 - using and exchanging information in a manner that broadens rather than limits the participants' options
- applied process skills, including:
 - working with a child focused approach
 - following the agreed structure of the dispute resolution process.

Knowledge Evidence

The candidate must be able to demonstrate essential knowledge required to effectively complete tasks outlined in elements and performance criteria of this unit, manage tasks and manage contingencies in the context of the work role. This includes knowledge of:

- legal and ethical considerations (national, state/territory) for the dispute resolution process, and how these are applied in organisations and individual practice:
 - children in the workplace and child-focused practice, including when agreements are not child-focused
 - codes of conduct
 - discrimination
 - duty of care
 - human rights
 - informed consent
 - mandatory reporting
 - practitioner/client boundaries
 - policy frameworks
 - privacy, confidentiality and disclosure, including limitations
 - records management
 - rights and responsibilities of workers, employers and clients
 - specific legislative frameworks that apply to family dispute resolution, including:
 - provisions for children and property in the *Family Law Act 1975*, *Child Support (Assessment) Act 1989*
 - Family Law (Family Dispute Resolution Practitioners) Regulation 2008 in terms of family dispute resolution practitioner obligations and role
 - work role boundaries – responsibilities and limitations, including how to work with lawyers involved in the process
 - work health and safety
- case management principles and processes
- contemporary research and approaches to the following:
 - conflict management
 - responding to needs of Aboriginal and Torres Strait Islander families and communities
 - responding to needs of culturally and linguistically diverse families and communities
- impact of conflict, particularly high and/or ongoing conflict, on children, and the use of child focused and child inclusive techniques to address and minimise these impacts
- impacts of separation and divorce on couples, parents, children and other family members
- main concepts of family, couple and child dynamics in normal developmental and abnormal forms
- sources of power imbalances in relationships, how to recognise these and respond appropriately

- procedures and instruments to screen for significant matters that affect the ability of any party to negotiate freely in the dispute resolution process plus safety planning requirements, procedures and limitations for clients and staff
- different forms of mediation/dispute resolution process, their principles and practices:
 - facilitative as the current primary model
 - settlement oriented
 - therapeutic
 - evaluative
 - narrative
- interpersonal communication techniques that support the process, including:
 - non-judgemental approach
 - displaying empathy
 - active listening and questioning
 - clarifying information and assumptions
 - speaking clearly, simply, effectively at the communication and comprehension level of the participants
 - establishing rapport
 - showing respect for individual difference
 - how to work with interpreters
- facilitation strategies and techniques, and when it is appropriate to use these, including:
 - mirroring strategy
 - role modelling cooperation and listening through co-facilitation/mediation
 - reframing issues
 - respectful interruptions
 - encouraging active listening
 - formulating transition statements for clarification
 - recognising power imbalances and manage high levels of conflict
 - how to manage risk issues and how to terminate the process of dispute resolution safely
 - knowing how and when to use individual sessions
- handling of parenting issues within the dispute resolution process, including:
 - parenting arrangements
 - child support payments
 - residency of children
 - contact with non resident parents
 - variations and/or review of existing agreements and limitations of the dispute resolution role in assisting with this process
- handling of property issues within the dispute resolution process, including:
 - limitations of dispute resolution
 - types of information that may be included in a summary agreement about property matters

- information considered valid by a court
- documentation and reporting requirements and how to write up a mediation agreement, including:
 - required information
 - required format
 - ways of expressing different agreements and issues
 - use of neutral language
- types of risk to parties to be considered in dispute resolution, including other dispute resolution options such as litigation or community based interventions, as well as their strengths and limitations
- community, educational or other resources for referral or use within the dispute resolution process
- self knowledge, including personal and cultural attitudes toward family conflict and the impact of self on the parties and process

Assessment Conditions

Skills must have been demonstrated in the workplace with the addition of simulations and scenarios where the full range of contexts and situations have not been provided in the workplace. The following conditions must be met for this unit:

- use of suitable facilities, equipment and resources, including:
 - client and dispute information
 - screening tools
 - current family dispute resolution regulations
 - organisation policies and procedures
- modelling of industry operating conditions, including:
 - scenarios that involve complex interactions with families
- supervision of client work by an accredited Family Dispute Resolution Practitioner (FDRP).

Assessors must satisfy the Standards for Registered Training Organisations (RTOs) 2015/AQTF mandatory competency requirements for assessors.

In addition, assessors must:

- be an accredited Family Dispute Resolution Practitioner (FDRP).

Links

Companion Volume implementation guides are found in VETNet -

<https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=5e0c25cc-3d9d-4b43-80d3-bd22cc4f1e53>