



Australian Government

CHCDSP002 Adhere to ethical standards in family dispute resolution

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 CHCDISP802B/CHCDISP803B. 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 determine ethical responsibilities, apply ethical standards to the dispute resolution process and reflect on ethical practice.

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 ethical responsibilities

1.1 Identify and analyse the ethical framework that applies to own dispute resolution practice

1.2 Evaluate responsibilities to self, co-workers, clients and the broader community

1.3 Develop and incorporate models of work that reflect ethical responsibilities

2. Apply ethical standards to

2.1 Model ethical behaviour in dispute resolution practice

ELEMENT	PERFORMANCE CRITERIA
the dispute resolution process	2.2 Inform participants of their rights and obligations 2.3 Provide information to participants to support ethical practice 2.4 Develop reports and documentation in a way that supports ethical practice 2.5 Identify situations where ethical dilemmas or issues may arise 2.6 Take reasonable and timely steps to avoid potential ethical dilemmas or issues 2.7 Use problem solving and critical thinking skills to resolve ethical issues 2.8 Terminate the dispute resolution process and use referral according to ethical standards when issues cannot be resolved
3. Reflect on ethical practice	3.1 Use existing cases and evaluations to inform reflection 3.2 Evaluate own responses to ethical situations and identify areas for improvement 3.3 Identify and pursue professional development through ongoing reflective practice, collegial collaboration, and professional reading

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 CHCDSP002 Adhere to ethical standards in family dispute resolution

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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 Practitioners in a dispute resolution service
- developed responses to at least 5 different complex ethical dilemmas in family dispute resolution practice.

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:

- Family Law (Family Dispute Resolution Practitioners) Regulations 2008 and other ethical matters related to:
 - bias what constitutes bias and perceived bias, and how to respond, including:
 - relationships of a personal nature with one or more participants to the dispute
 - prior knowledge of or involvement with the client on a professional level which would be seen to be a conflict of interest
 - real and/or perceived conflicts

- religious or cultural issues that compromise impartiality of practitioner
- personal values that prevent impartiality of the practitioner
- practitioner seeking to make inappropriate personal gain monetary or otherwise from the vulnerability of the client and/or their information.
- practitioners refraining from becoming involved in relationships with parties
- client's inappropriate attempt to exchange information
- children in the workplace and child-focussed practice
- collaborative practice – when and how to work with co-facilitators and other professionals and the ethical issues to consider
- codes of conduct
- conflict of interest, including:
 - what constitutes conflict of interest and perceived conflict of interest
 - when and how conflict of interest may be waived
- discrimination
- duty of care
- human rights
- informed consent
- mandatory reporting
- misuse of the dispute resolution process, how this occurs, and how to respond
- practitioner/client boundaries
- privacy, confidentiality and disclosure, including:
 - requirements for what must be discussed and explained to participants (expectations, obligations and limitations)
 - what must be included in written agreements to enter the dispute resolution process
 - handling of legal documents and information
 - consents required for sharing of information, disclosures of agreements
 - storage and disposal of records
- policy frameworks
- records management
- referral frameworks and obligations
- rights and responsibilities of workers, employers and clients
- termination of FDR obligations and where such action is appropriate
- work role boundaries – responsibilities and limitations
- work health and safety
- 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
 - 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

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