



Australian Government

CHCMED001 Prepare for mediation

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 CHCMED411B/CHCMED412B. Significant changes to the elements and performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant change to knowledge evidence.

Application

This unit describes the skills and knowledge required to confirm the mediation, gather and analyse information, work with participants and make practical arrangements to allow the mediation to commence.

This unit applies to mediation work in a range of community service contexts. Mediators use specialised knowledge, critical thinking and communication skills. They apply discretion and judgement within established organisation procedures.

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. Confirm the mediation with participants

1.1 Review existing information to assess and confirm the suitability of the dispute for mediation

1.2 Provide accurate and relevant information about the mediation processes available

1.3 Identify specific needs for co-mediators and others to be involved in the process

1.4 Clarify and confirm roles of co-mediators and others involved in the process

1.5 Verify that all participants to the mediation

ELEMENT**PERFORMANCE CRITERIA**

understand the sequential steps of the process

1.6 Provide clear and accurate information on roles, responsibilities and limitations of individuals and organisations involved

1.7 Outline the boundaries of confidentiality and privacy to participants

2. Gather and analyse information about the dispute

2.1 Identify required information to mediate the dispute

2.2 Assist and encourage participants to identify and exchange relevant information

2.3 Identify gaps in information and communicate with participants and others involved

2.4 Provide information to assist participants seek professional support to gain information required

2.5 Analyse issues and risks presented prior to the mediation to assess most suitable case management options

2.6 Clarify the need to seek advice on legal or factual complexity of the matter

3. Assess readiness and commitment to participate

3.1 Clarify expectations of participants and assess willingness to commit to process of negotiation and mediation

3.2 Assess power differentials between participants based on dispute information and own observations

3.3 Assess cultural perspectives that may affect the mediation process

3.4 Use security and safety guidelines according to legislative and organisation procedures

3.5 Review the intake process, compare with own assessment and respond to situations requiring referral to other internal or external services

4. Prepare venue and resources for mediation

4.1 Prepare venue according to participant needs

4.2 Identify and respond to language to accommodate specific needs of the participants

4.3 Engage the services of others according to

ELEMENT**PERFORMANCE CRITERIA**

organisation guidelines

4.4 Organise equipment, tools and any other resources required to support mediation process

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 CHCMED001 Prepare for mediation

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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:

- prepared for at least 5 different mediations according to organisation procedures
- gathered, sourced and analysed varied types information that informs mediation, including the following:
 - intake information
 - client case documentation
 - information from external agencies/professionals
 - information obtained directly from the parties, family, significant others or carers
 - legal documentation.

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 for mediation, and how these are applied in organisations and individual practice:
 - bias
 - codes of conduct and current national standards
 - conflicts of interest
 - discrimination

- duty of care
- human rights
- privacy, confidentiality and disclosure
- records management
- rights and responsibilities of workers, employers and clients
- specific legislation that affects mediation, including:
 - freedom of information
 - types of court orders or other legal parameters that may impact
- work role boundaries – responsibilities and limitations of the mediator and the roles and functions of support persons, lawyers and other professionals
- work health and safety
- principles and function of the mediation preparation process, including:
 - communication between the participants, exchanges of information and seeking of understanding
 - relationship between the preparation stage and other stages of mediation
- the nature of conflict, including the dynamic of power and violence
- circumstances in which mediation may or may not be appropriate
- how to prepare for mediation and assess suitability
- types of information that may need to be gathered/assessed:
 - interview with parties, family, significant others and carers
 - case/file documentation
 - information from professionals
 - information from service providers
- diverse perspectives for mediation and how these may interact with, and impact on the mediation preparation, including:
 - attitudes of members within a family
 - variations on the agreed norms and range of behaviours
 - culture in relation to problem-solving and dispute resolution
 - culture in relation to negotiation, concessions and compromise
 - variations in relation to written, spoken and non-verbal communication
 - attitudes towards physical space, venue and time
 - attitudes towards the role of outsiders in dispute resolution
 - attitudes in relation to the role of law, the courts, lawyers and professional advisers
- legal, social, cultural, and economic and context within which the mediation is occurring
- other dispute resolution procedures available
- availability of professional, academic, technical, community and educational resources for client use or referral
- legal, ethical and associated standards that may be applicable if the case were taken further to trial

Assessment Conditions

Skills must have been demonstrated in the workplace or in a simulated environment that reflects workplace conditions. The following conditions must be met for this unit:

- use of suitable facilities, equipment and resources, including:
 - dispute information and information about the parties involved
 - organisation policies and procedures
- modelling of industry operating conditions, including:
 - scenarios that involve complex interactions with others
 - scenarios that involve problem-solving.

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

Links

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