



Australian Government

CHCMED002 Facilitate mediation

Release: 1

CHCMED002 Facilitate mediation

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 CHCMED413B/CHCMED414A/CHCMED415A. 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 facilitate and maintain the flow of the mediation process to achieve the best possible outcome for all participants.

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. Establish communication protocols

- 1.1 Identify the communication needs of all stakeholders based on review of information and preparation processes
- 1.2 Confirm the ground rules for the mediation process with all participants/co-mediators
- 1.3 Comply with statutory and procedural requirements

2. Define the dispute

- 2.1 Involve participants in identifying and defining the dispute based on review of information and preparation

ELEMENT**PERFORMANCE CRITERIA**

processes

2.2 Establish common ground between the participants

2.3 Describe the dispute using appropriate terms

2.4 Define the dispute in terms of interests where appropriate

2.5 Order, differentiate and prioritise issues in collaboration with the participants and confirm understanding

3. Manage communication and interactions

3.1 Model ethical practice, maintain impartiality and sustain fairness for all participants involved in the process

3.2 Select and use communication techniques suited to participants to facilitate positive interactions and progress towards agreement

3.3 Provide sufficient time for each party's interests and views to be identified and explored and acknowledge participants' feelings, concerns and views

3.4 Encourage participants to describe their understanding of others' statements about feelings, needs and ideas

3.5 Use conflict resolution techniques to identify and respond to potential and actual conflicts

3.6 Regularly check participants' understanding of the proceedings and adapt processes according to specific needs

4. Support problem-solving and negotiation

4.1 Assist participants to prepare for problem-solving and negotiation

4.2 Manage co-mediation appropriately with all participants to the dispute

4.3 Support participants to identify options for decision-making

4.4 Acknowledge creative and inventive problem-solving strategies

4.5 Provide participants with opportunity to reflect on any agreement or seek other advice when appropriate

4.6 Assist participants to identify agreements and

ELEMENT**PERFORMANCE CRITERIA**

decisions made, and future action required

4.7 Recognise when mediation is not being effective and take action according to organisation protocols

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 CHCMED002 Facilitate mediation

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 CHCMED413B/CHCMED414A/CHCMED415A. Significant changes to the elements and performance criteria. New evidence requirements for assessment including volume and frequency requirements. Significant change to knowledge evidence.

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:

- facilitated at least 5 different mediations with clients with varying circumstances and types of dispute, with at least 1 co-mediation
- used and adapted the following communication techniques to meet the needs of different clients during the mediation process:
 - active listening
 - open ended questioning
 - direct questioning
 - appropriate body language
 - paraphrasing
 - reflecting
 - reframing
 - summarising
 - negotiation
 - problem-solving
 - conflict resolution
 - rapport-building
 - minimally obtrusive verbal and non-verbal behaviours to manage interruptions.

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
 - 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
- types of dispute that present for mediation in the relevant work context
- principles and functions of the facilitation stage of mediation, including:
 - identification, clarification and exploration of interests, issues and underlying needs
 - consideration of alternatives
 - generation and evaluation of options
 - problem-solving and negotiation
 - relationship between the facilitation stage and other stages of mediation
- the nature of conflict, including the dynamics of power and violence
- communication patterns in conflict and negotiation
- negotiation dynamics in mediation, including manipulative and intimidating tactics
- mediation processes and methods, including:
 - overall management and conduct of a dispute resolution process
 - stages of a mediation process, and how they can be used most effectively
 - recognition of when process is not being effective
 - how to ensure fairness within procedure
 - criteria for exercising discretion on procedural matters
 - techniques for enabling participants to consider all relevant information and work towards their own decisions
 - limitations of mediation

- role and use of private sessions
- how to manage the appropriate involvement of others in the mediation
- the facilitation stage of the mediation process and the techniques used to maximise positive interactions
- diverse perspectives for mediation and how these may interact with, and impact on the mediation, 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
- own strengths and limitations in handling the mediation process, and the boundaries of one's role
- own interpersonal communication style and the effect it has on others
- own personal responses to conflict and high emotion and potential impact on mediation process
- communication techniques, including:
 - active listening
 - open ended questioning
 - direct questioning
 - appropriate body language
 - paraphrasing
 - reflecting
 - reframing
 - summarising
 - negotiation
 - problem-solving
 - conflict resolution
 - rapport-building
 - minimally obtrusive verbal and non-verbal behaviours to manage interruptions.

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 allow for 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

Companion Volume implementation guides are found in VETNet -

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