



Australian Government

CHCMED004 Prepare for mediation

Release: 1

CHCMED004 Prepare for mediation

Modification History

Not applicable.

Application

This unit describes the performance outcomes, 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 or Territory legislation, Australian standards and industry codes of practice.

No occupational licensing, certification or specific legislative requirements apply to this unit at the time of publication.

Pre-requisite Unit

Nil

Competency Field

Mediation

Unit Sector

Community Services

Elements and Performance Criteria

ELEMENTS

Elements describe the essential outcomes

1. Confirm the mediation with participants.

PERFORMANCE CRITERIA

Performance criteria describe the performance needed to demonstrate achievement of the element.

- 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 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, ethical and factual complexities 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 requirements and organisational policies and procedures.
 - 3.5. Review the intake process, compare with own assessment and respond to situations requiring referral to other internal and 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 organisation guidelines.
 - 4.4. Organise equipment, tools and any other resources required to support mediation process.

Foundation Skills

Foundation skills essential to performance in this unit, but not explicit in the performance

criteria are listed here, along with a brief context statement.

SKILLS**DESCRIPTION**

Writing skills to:

- complete familiar forms.

Oral communication skills to:

- listen to understand needs of others.

Unit Mapping Information

Supersedes and is equivalent to CHCMED001 Prepare for mediation.

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 CHCMED004 Prepare for mediation

Modification History

Not applicable.

Performance Evidence

Evidence of the ability to complete tasks outlined in elements and performance criteria of this unit in the context of the job role, and:

- prepare for at least five different mediations according to organisational policies and procedures
- gather and analyse information that informs the five mediations above, including the following:
 - intake information
 - person's case documentation
 - information from external agencies and professionals
 - information obtained directly from the parties, family, significant others or carers
 - legal documentation.

Knowledge Evidence

Demonstrated knowledge required to complete the tasks outlined in elements and performance criteria of this unit:

- 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 people
 - legislation that affects mediation, including:
 - freedom of information
 - types of court orders and other legal parameters that may impact
 - work role boundaries including responsibilities and limitations of the mediator and the roles and functions of support persons, lawyers and other professionals

- work health and safety (WHS)
- principles and function of the mediation preparation process:
 - communication between the participants, exchanges of information and seeking of understanding
 - relationship between the preparation stage and stages of domestic and family violence
- the nature of conflict, including the dynamic of power and violence
- circumstances in which mediation may or may not be suitable
- how to prepare for mediation and assess suitability
- types of information that may need to be gathered and analysed:
 - interviews with parties, family, significant others and carers
 - case and file documentation
 - information from professionals
 - information from service providers
- diverse perspectives on mediation and how these may interact with, and impact on the mediation preparation:
 - 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
- availability of professional, academic, technical, community and educational resources for persons use or referral
- legal, ethical and associated standards that may be applicable if the case were taken further to trial.

Assessment Conditions

Skills must be demonstrated in the workplace or in a simulated environment that reflects workplace conditions.

Assessment must ensure:

- access to facilities, equipment and resources that reflect real working conditions and model industry operating conditions and contingencies
- dispute information and information about the parties involved
- access to organisational standards, policies and procedures
- links to other local service agencies or organisations
- opportunities for engagement with real people undertaking mediation.

Assessors must satisfy the Standards for Registered Training Organisations' requirements for assessors.

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