



Australian Government

Assessment Requirements for CHCMED005 Facilitate mediation

Release: 1

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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:

- facilitate at least five different mediations with people with varying circumstances and types of dispute, including at least one co-mediation
- use and adapt the following communication techniques to meet the needs of different persons during the each of the above mediations:
 - 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

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
 - conflicts of interest
 - discrimination
 - duty of care
 - human rights
 - privacy, confidentiality and disclosure

- records management
- rights and responsibilities of workers, employers and participants
- legislation that affects mediation:
 - 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)
- types of disputes that present for mediation in the work context
- principles and functions of the facilitation stage of mediation:
 - 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 stages of domestic and family violence
- 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:
 - 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:
 - 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:
 - 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 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.

Links

Companion Volume implementation guides are found in VETNet -

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