



Australian Government

CHCMED005 Facilitate mediation

Release: 1

CHCMED005 Facilitate mediation

Modification History

Not applicable.

Application

This unit describes the performance outcomes, 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 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

ELEMENT	PERFORMANCE CRITERIA
<i>Elements define the essential outcomes</i>	<i>Performance criteria describe the performance needed to demonstrate achievement of the element.</i>
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 and co-mediators. 1.3. Comply with legal and procedural requirements.
2. Define the dispute.	2.1. Involve participants in identifying and defining the dispute

ELEMENT**PERFORMANCE CRITERIA**

- based on review of information and preparation processes.
- 2.2. Establish common ground between the participants.
- 2.3. Describe the dispute using appropriate terms.
- 2.4. 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 decisions made, and future action required.
- 4.7. Recognise when mediation is not being effective and take action according to organisational protocols.

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 CHCMED002 Facilitate 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 CHCMED005 Facilitate 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:

- 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

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