



Australian Government

Department of Education, Employment and Workplace Relations

CHCDISP803B Facilitate dispute resolution in an impartial manner and adhere to ethical standards

Release: 1

CHCDISP803B Facilitate dispute resolution in an impartial manner and adhere to ethical standards

Modification History

Not Applicable

Unit Descriptor

Unit Descriptor

This unit of competency describes the skills and knowledge required to perform family dispute resolution processes ensuring impartiality and applying ethical standards specifically in the family law context

Issues for dispute may be related to relationships, children, property and/or assets

Application of the Unit

Application

This unit applies to dispute resolution practitioners performing complex family dispute resolution using a variety of facilitative processes within the Family Law environment

Licensing/Regulatory Information

Not Applicable

Pre-Requisites

Not Applicable

Employability Skills Information

Employability Skills

This unit contains Employability Skills

Elements and Performance Criteria Pre-Content

Elements define the essential outcomes of a unit of competency.

The Performance Criteria specify the level of performance required to demonstrate achievement of the Element. Terms in *italics* are elaborated in the Range Statement.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

- | | |
|---|--|
| 1. Disclose actual and potential grounds of bias and conflicts of interest | 1.1 Inform participants they may retain the dispute resolution practitioner by informed, written waiver of the conflict of interest
1.2 Withdraw from the dispute resolution practitioner role when a <i>bias or conflict of interest</i> impedes <i>impartiality</i> regardless of participant's express agreement |
| 2. Identify and disclose potential grounds of bias or conflict of interest at any time in the process | 2.1 Take reasonable steps to minimise the risk of being in a position of potential bias or conflict of interest before the process commences
2.2 Ensure participants have time to select an alternative family dispute resolution practitioner |
| 3. Avoid conflict of interest and/or perceived conflicts of interest when recommending other services | 3.1 Provide a range of options when <i>referring participants</i> to services or individual professionals
3.2 Maintain respectful and legal practices when managing participant information |

ELEMENT

PERFORMANCE CRITERIA

- | | |
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| 4. Apply ethical standards to the dispute resolution process | 4.1 Remind participants of their right to terminate the dispute resolution process if they perceive the practitioner to be partial
4.2 Maintain professional and personal boundaries as a dispute resolution practitioner
4.3 Adhere to own <i>professional code of ethics</i> when practicing as dispute resolution practitioner |
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Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

This describes the essential skills and knowledge and their level required for this unit.

Essential knowledge:

The candidate must be able to demonstrate essential knowledge required to effectively do the task outlined in elements and performance criteria of this unit, manage the task and manage contingencies in the context of the identified work role

These include knowledge of:

- Practitioners' professional ethical standards
- Knowledge of what constitutes bias and perceived bias
- Knowledge of what constitutes conflict of interest and perceived conflict of interest
- Working knowledge and application of impartiality for dispute resolution practitioners when required to inform clients of legal parameters
- Contemporary research and approaches in the provision of conflict management approaches
- Contemporary research and approaches in responding to needs of Aboriginal and Torres Strait Islander families and communities
- Contemporary research and approaches in responding to needs of culturally and linguistically diverse families and communities
- Thorough understanding of the provision for children and property/financial matters in the Family Law Act, and Child Support (Assessment) Act within specified job role
- Impact of conflict, particularly high and/or ongoing conflict, on children, and the use of child focused and child inclusive techniques to address and minimise these impacts
- Understanding and relevant application within job role context of main concepts of family, couple and child dynamics in normal developmental and abnormal forms
- An understanding of the sources of power imbalances in relationships and an ability to recognise and respond appropriately to the indicators of such imbalances in their clients.

REQUIRED SKILLS AND KNOWLEDGE

- Procedures and instruments to screen for abuse before and during the dispute resolution process in addition to safety planning requirements and procedures for clients and staff as well as limitations.
- Community, educational or other resources for referral or use within the dispute resolution process
- Other dispute resolution options such as litigation or community based interventions, as well as their strengths and limitations
- Self knowledge, including personal and cultural attitudes toward family conflict and the impact of self on the parties and process
- Range of impacts of separation and divorce on couples, parents, children and other family members

Essential skills:

It is critical that the candidate demonstrate the ability to:

- Avoid bias and conflict of interest and how to avoid professional breaches of conduct and ethical standards and how to manage them when/if they arise
- Apply dispute diagnostic skills including:
 - recognising indicators of substance abuse
 - recognise and respond appropriately to the indicators of domestic and family violence and abuse and power imbalances in client situations
 - identifying, responding to and managing cultural dimensions of the conflict
 - recognise own reactions to the dispute and/or disputants that might impair practitioner ability to conduct a fair process
- Apply relationship skills including:
 - effective liaison and working relationships with other allied professionals
 - establishing and maintaining trust and respect
 - encouraging client self determination
 - recognising own reactions to the dispute and/or disputants that might impair practitioner ability to conduct a fair process
 - applying age appropriate methods of relating to and eliciting perceptions, information and responses from children who have experienced high levels of parental conflict, where relevant to job role
- Apply content management skills including:
 - obtaining, identifying, analysing, prioritising and evaluating information
 - assessing the issues and options and reasoning logically
 - reading, comprehending and using relevant documentation
 - writing clearly and concisely using neutral language
 - creating, maintaining and organising records and materials in an appropriate manner
 - eliciting information from other professionals in the dispute resolution process
 - using and exchanging information in a manner that broadens rather than limits the

REQUIRED SKILLS AND KNOWLEDGE

participant's options

- Apply process skills including:
 - conducting appropriate intake procedures and ascertaining appropriateness of mediation for participants
 - assisting participants to articulate concerns, negotiate and develop and agenda
 - assisting participants in converting positions of interest and to explore own underlying interests and become aware of others, particularly children
 - working within a child focused approach.
 - encouraging clients to focus on future options and contingencies and to create and assess workable options
 - assisting clients to understand consequences of their suggestions and plans

Evidence Guide

EVIDENCE GUIDE

The evidence guide provides advice on assessment and must be read in conjunction with the Performance Criteria, Required Skills and Knowledge, the Range Statement and the Assessment Guidelines for this Training Package.

Critical aspects for assessment and evidence required to demonstrate this unit of competency:

- The individual being assessed must provide evidence of *specified* essential knowledge as well as skills
- Observation of workplace performance is essential for assessment of this unit
- Consistency of performance should be demonstrated over the required range of client situations or scenarios relevant to the workplace including:
 - facilitated family dispute resolution
 - family conciliation
 - co-facilitated dispute resolution
 - with voluntary and involuntary participants
 - case of parenting and property disputes
 - multi-party dispute resolution
 - complex cases

EVIDENCE GUIDE

- Access and equity considerations:*
- All workers in community services should be aware of access, equity and human rights issues in relation to their own area of work
 - All workers should develop their ability to work in a culturally diverse environment
 - In recognition of particular issues facing Aboriginal and Torres Strait Islander communities, workers should be aware of cultural, historical and current issues impacting on Aboriginal and Torres Strait Islander people
 - Assessors and trainers must take into account relevant access and equity issues, in particular relating to factors impacting on Aboriginal and/or Torres Strait Islander clients and communities
- Context of and specific resources for assessment:*
- In cases where the learner does not have the opportunity to cover all relevant aspects in the work environment, the remainder should be assessed through realistic simulations, projects, previous relevant experience or oral questioning on 'What if?' scenarios
 - Assessment of this unit of competence will usually include observation of processes and procedures, oral and/or written questioning on essential knowledge and skills and consideration of required attitudes
 - Where performance is not directly observed and/or is required to be demonstrated over a period of time and/or in a number of workplace settings, any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons

EVIDENCE GUIDE

Method of assessment

- Observation in the workplace
- Written assignments/projects or questioning should be used to assess knowledge
- Case study and scenario as a basis for discussion of issues and strategies to contribute to best practice
- Dispute resolution skills involving actual client contact are to be assessed **initially** in simulated settings. If successful, further assessment is to be conducted during workplace application under direct supervision of an experienced and qualified dispute resolution practitioner
- The assessment environment should not disadvantage the candidate
- Assessment practices should take into account any relevant language or cultural issues related to Aboriginality, gender or language barriers other than English
- Where the candidate has a disability, reasonable adjustment may be applied during assessment
- Language and literacy demands of the assessment task should not be higher than those of the work role

Range Statement

RANGE STATEMENT

The Range Statement relates to the unit of competency as a whole. It allows for different work environments and situations that may affect performance. Add any essential operating conditions that may be present with training and assessment depending on the work situation, needs of the candidate, accessibility of the item, and local industry and regional contexts.

RANGE STATEMENT

Bias or conflict of interest may include:

- Relationships of a personal nature with one or more participants to the dispute
- Prior knowledge of or involvement with the client on a professional level which would be seen to be a conflict of interest
- Real and/or perceived conflicts
- Religious or cultural issues that compromise impartiality of practitioner
- Personal values that prevent impartiality of the practitioner
- Practitioner seeking to make inappropriate personal gain monetary or otherwise from the vulnerability of the client and/or their information.
- Practitioners refraining from becoming involved in relationships with parties
- Client's inappropriate attempt to exchange information

Impartiality means:

- Freedom from favouritism or bias either in word or action or the omission of action, or the appearance of such favouritism or bias

Professional code of ethics may include but is not limited to:

- Social workers
- Psychologists
- Lawyers
- Counsellors
- Community and welfare workers
- Dispute resolution practitioners

Referral to other services may include:

- Lawyers
- Counsellors
- Community health
- Mental health
- Community welfare agencies
- Child support
- Centrelink
- Child protection agencies
- Children's contact services
- Family relationship centres

RANGE STATEMENT

- Parent educators
- Domestic and family violence services

Unit Sector(s)

Not Applicable