



Australian Government

Department of Education, Employment and Workplace Relations

CHCDISP804B Create an environment that supports the safety of vulnerable parties in dispute resolution

Release: 1

CHCDISP804B Create an environment that supports the safety of vulnerable parties in dispute resolution

Modification History

Not Applicable

Unit Descriptor

Unit Descriptor

This unit of competency describes the skills and knowledge required by family dispute resolution practitioners to create an environment that supports the physical and emotional protection of vulnerable parties

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. *Assess suitability of dispute for resolution processes in the context of family domestic violence*

- 1.1 Demonstrate familiarity with *standard protocols that screen* for the existence of family violence
- 1.2 Seek *specialist assistance* to implement the screening protocols where appropriate
- 1.3 Ensure protocols are in place before entering into an agreement to act as a third party
- 1.4 Demonstrate recognition of the impact of *dynamics of family domestic violence* on the dispute resolution process
- 1.5 Demonstrate recognition of the possible impact and *risk* of dispute resolution process on the safety concerns of family members

ELEMENT

PERFORMANCE CRITERIA

- | | |
|---|--|
| 2. Take appropriate measures to ensure the safety of participants in the dispute resolution process when family violence is present | 2.1 Activate appropriate pre determined security protocols
2.2 Establish a climate for the disclosure of family domestic violence and current safety concerns
2.3 Use video conferencing or other personal protective and screening measures
2.4 Establish separate sessions for the participants and enable a <i>support person</i> to attend the family dispute resolution sessions
2.5 Refer participants to appropriate community supports and alternative programs
2.6 Suspend or terminate the family dispute resolution session with appropriate steps to protect the safety of the participants |
| 3. Implement procedures that manage violent, controlling, intimidating behaviour that may occur in dispute resolution process | 3.1 Identify behaviours of intimidation, control and manipulation that people who use violence may attempt in the session
3.2 Establish each person's understanding of essential rules for respectful and safe participation in the process
3.3 Implement strategies to ensure the equal participation and expression of key concerns and issues by each party |

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:

- Contemporary research and approaches in the provision of conflict management
- 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
- 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.
- 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
- 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
- Knowledge of behaviour and socialisation theories including those which emphasise that thinking patterns can be changed to give people acceptable and constructive alternatives to harmful behaviour
- Understanding of the prevalence of beliefs in the broader society which condone violence, and individuals' rights to safety and autonomy
- Knowledge of legislative requirements and provisions relevant to area of service delivery and delegated responsibility
- Knowledge which incorporates theories and concepts of planning and control

REQUIRED SKILLS AND KNOWLEDGE

- procedures, resource management and risk management
- A knowledge of techniques for dealing with potentially volatile clients and group situations

REQUIRED SKILLS AND KNOWLEDGE

Essential skills:

It is critical that the candidate demonstrate the ability to:

- 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
 - encourage client self determination
 - recognise own reactions to the dispute and/or disputants that might impair practitioner ability to conduct a fair process
 - apply age appropriate methods of relating to and eliciting perceptions, information and responses from children who have experienced high levels of parental conflict
- Apply process skills including:
 - conducting appropriate intake procedures and ascertaining appropriateness of mediation for participants
 - assisting participants to articulate concerns, negotiate and develop an agenda
 - assisting participants in converting positions of interest and to explore own underlying interests and become aware of others, particularly children
 - work within a child focused approach.
 - encourage clients to focus on future options and contingencies and to create and assess workable options
 - assist clients to understand consequences of their suggestions and plans
- Use response skills which include maintaining separate confidentiality strategies when working with users of violence, their partner and family members
- Apply assessment skills to identify needs and related issues which impact on user of violence, partner and family members
- Use problem solving skills for a broad range of unpredictable problems involving analysis, assessment, evaluation and the ability to adjust plans and acquire additional resources to assist users of violence, their partner, and/or family
- Demonstrate skills in dealing with volatile and potentially volatile clients and group situations

continued ...

REQUIRED SKILLS AND KNOWLEDGE

Essential skills (contd):

In addition, the candidate must be able 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 the ability to:

- Facilitate separate sessions with a high degree of risk management measures
- Set up and facilitate a video conference
- Seek professional supervision as appropriate
- Apply ethical standards in cases of family violence

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
 - multiparty dispute resolution
 - complex cases where family violence is/has been a factor

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 may include:

- 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

Family and domestic violence refers to:

- Violent, threatening, patterned and repeated use of coercive or controlling behaviour that occurs in current or past family, domestic or intimate relationships
- This can include not only physical assaults but an array of power and control tactics used along a continuum in concert with one another, direct or indirect threats, sexual assault, emotional and psychological torment, economic control, property damage, social isolation and behaviour which causes a person to live in fear
- The blame for abuse and violence is often wrongly attributed to the person who is subject to the violence leaving them feeling responsible
- The use of abuse and violence is often wrongly and/or excused by external circumstances such as alcohol, unemployment

Specialist assistance may include:

- Supervisors
- Team leaders
- Specialist domestic and family violence workers

Standard protocols that screen for family violence may include:

- Documented questionnaires and procedures for gathering information in relation to risk
- Scripts and preambles
- Defined questions
- Measures and rating scales of risk

Support person may include:

- Friend or relative
- Representative
- Advocate
- Legal representative

RANGE STATEMENT

Community resources may include:

- Domestic violence services
- Lawyers
- Counsellors
- Community health
- Mental health
- Community welfare agencies
- Child support
- Centrelink
- Child protection agencies
- Children's contact services
- Family relationship centres
- Parent educators
- Behaviour change groups such as alcohol and other drugs (AOD) support groups, users of violence groups

Assess suitability of dispute for resolution processes includes assessment of risk to vulnerable parties, which may involve:

- Processes for evaluating the nature of specific risks to safety for individual clients using tools and structured clinical judgement
- The content of risk may relate to:
 - exposure to further violence
 - mental health issues
 - children's and parenting issues

Risk may include but is not limited to:

- Being physically hurt, intimidated, bullied, harassed or controlled
- Threatened with physical harm, intimidation, bullying or harassment
- Harm or threat of harm to children
- Harm or threat of harm to pets and loved ones
- Harm or threat of harm to property
- Inability or reduced ability to effectively participate in significant events such as compulsory family dispute resolution
- Inability or reduced ability to negotiate free and fair arrangements whether by reason of a history of domestic violence or otherwise
- Having residential address known by a person who uses violence against you

Unit Sector(s)

Not Applicable