



**Australian Government**

**Department of Education, Employment and Workplace Relations**

# **CHCMED413A Manage communication processes to define the dispute**

**Release: 1**

## **CHCMED413A Manage communication processes to define the dispute**

### **Modification History**

Not Applicable

### **Unit Descriptor**

#### **Descriptor**

This unit describes the knowledge and skills required for mediators to establish and manage the communication process to enable the parties to define the dispute

### **Application of the Unit**

#### **Application**

This unit may apply to mediation work in a range of community service contexts

### **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. Establish *communication protocols*

1.1 Check with parties that they are clear about what is going on, and respond to their queries

1.2 Identify special communication needs of all *stakeholders*

1.3 Negotiate with parties re prioritisation of issues for mediation

1.4 Confirm the *ground rules* for the mediation process with all parties

2. Model communication skills to facilitate the mediation process

2.1 As a mediator, present as a neutral and impartial process facilitator within the agency guidelines

2.2 Demonstrate consistent accurate and clear communication with the parties and their representatives

2.3 Acknowledge parties' feelings, concerns and views on relevant issues

2.4 Regularly check parties' understanding of the proceedings

**ELEMENT****PERFORMANCE CRITERIA****3. Define the dispute**

- 3.1 Involve parties in identifying and defining the dispute
- 3.2 Establish *common ground* between the parties
- 3.3 Describe the dispute using appropriate terms
- 3.4 Define the dispute in terms of interests where appropriate
- 3.5 Order, differentiate and prioritise issues

## 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:

- Understanding of the application of relevant legislation
- Awareness of the impact of culture on the definition of the dispute
- Understanding of the Privacy Act and Freedom of Information
- Sufficient understanding of other legislation such as property law that may impact on the definition of the dispute

#### *Essential skills:*

It is critical that the candidate demonstrate the ability to:

- Use appropriate interpersonal skills and knowledge of the agency system to guide the mediation process, in particular to:
  - apply knowledge, skills and ethics relevant to the areas of practice as outlined in the 2001 NADRAC standards
  - apply mediation with an awareness and sensitivity to conflict, culture and context
  - apply skills in negotiation, communication and decision-making
  - demonstrate understanding and implementation of relevant procedures
  - summarise presented positions accurately to parties
  - identify gaps in understanding
  - assist parties to interpret issues and needs to define the dispute
  - apply the agency systems
  - interpret documentation accurately and comply with legal and procedural requirements
  - apply accurate understanding of own work roles and responsibilities in relation to service delivery

## REQUIRED SKILLS AND KNOWLEDGE

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:

- Maintain confidentiality and to deal effectively with breaches of confidentiality especially when client safety is threatened
- Adapt the mediation process to include relevant stakeholders
- Demonstrate application of skills in:
  - organisation of information
  - questioning and active listening to identify gaps in information provided
  - problem solving
  - literacy and communication applied to analysis, evaluation and presentation of information including preparing documents and reports related to legal requirements and client needs
- Maintain documentation as required, including effective use of relevant information technology in line with occupational health and safety (OHS) guidelines

## 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
- Evidence of competency in this unit will need to be assessed over a period of time in order to gather evidence of consistent performance
- This will include contexts applicable to the work environment, such as actual or simulated workplace situations involving a combination of direct, indirect and supplementary forms of evidence

## EVIDENCE GUIDE

- Evidence will be determined by selection from the Range Statement, justified in terms of work requirements, work roles and responsibilities and occupational specialisations

- 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:*
- This unit can be assessed independently, however holistic assessment practice with other community services units of competency is encouraged
  - Where assessment is conducted within the workplace there are no resource implications above those normally available in the workplace
  - Where assessment is conducted in a simulated or non-workplace environment then access to the necessary equipment and research resources should be provided
- Access to simulated exercises, case studies related to mediation service delivery issues is also required if non-workplace assessment paths are utilised

## EVIDENCE GUIDE

### *Method of assessment:*

- Demonstration of competency within the working environment in preparing for the mediation process
- Where there is not an 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
- Observation of processes and procedures, oral and/or written questions 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 locations, any evidence should be authenticated by colleagues, supervisors, clients or other appropriate persons
- Review of any documentation produced by the candidate related to the preparation for mediation

### *Related units:*

This unit should be assessed after or in conjunction with related unit:

- CHCCOM403A Use targeted communication skills to build relationships

## 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

*Knowledge refers to:*

- The understanding of relevant theories, principles, practices their application and other aspects of knowledge, which may be desirable or necessary in order to practice effectively an ADR process

*Communication protocols refers to agreed communication processes:*

- When working in a co-mediation process
- When mediating over different mediums e.g. video situations
- Processes established to support communication within the agency and between agencies

*Specialist communication skills refers to:*

- Means by which an emotionally safe and empathic environment is created
- Means for communicating with people with disabilities or where English is not the first language
- Methods of communicating with different age, religious, gender and sexual identity groups
- Non-judgemental communication techniques
- Using strategies that empower parties to seek and present information
- Cultural, sub-cultural awareness/sensitivity
- Demonstrating empathy
- Using appropriate body language
- Reflecting, summarising and paraphrasing
- Asking appropriately worded and structured questions
- Using conflict management skills if appropriate
- If needed, use of a qualified interpreter
- Recognition of client/worker power differences
- Maintaining confidentiality
- Active listening

*Stakeholders may include:*

- Clients/parties to the dispute
- Family members
- Community members

**RANGE STATEMENT**

*Ground rules refers to:*

- The management and conduct of a dispute resolution process

*Common ground refers to:*

- Anything both parties may agree upon

**Unit Sector(s)**

Not Applicable