



Australian Government

Department of Education, Employment and Workplace Relations

CPPDSM4056A Manage conflict and disputes in the property industry

Release: 1

CPPDSM4056A Manage conflict and disputes in the property industry

Modification History

Not Applicable

Unit Descriptor

Unit descriptor

This unit of competency specifies the outcomes required to use communication techniques to manage and resolve conflict and disputes in the property industry. It requires the ability to assess conflict or dispute situations, accurately receive and relay information, adapt interpersonal styles and techniques to varying social and cultural environments, and evaluate responses.

The unit may form part of the licensing requirements for persons working in the property industry, including in the real estate, business broking, stock and station agency and property operations and development sectors, in those States and Territories where these are regulated activities.

Application of the Unit

Application of the unit

This unit of competency supports the work of those involved in using communication techniques to manage and resolve conflict and disputes in the property industry.

Licensing/Regulatory Information

Refer to Unit Descriptor

Pre-Requisites

Prerequisite units Nil

Employability Skills Information

Employability skills The required outcomes described in this unit of competency contain applicable facets of employability skills. The Employability Skills Summary of the qualification in which this unit of competency is packaged, will assist in identifying employability skills requirements.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

Performance criteria describe the required performance needed to demonstrate achievement of the element. Where ***bold italicised*** text is used, further information is detailed in the required skills and knowledge and/or the range statement. Assessment of performance is to be consistent with the evidence guide.

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

1 Assess conflict or dispute.

- 1.1 **Conflict or dispute** is identified and responses are evaluated according to **organisational and legislative requirements**.
- 1.2 Causes of conflict or dispute are recognised and appropriate responses to prevent escalation are identified according to organisational procedures.
- 1.3 Effective observation and active listening skills are used to elicit and interpret verbal and non-verbal information.
- 1.4 Effective **communication techniques** are used to ensure an accurate exchange of information.
- 1.5 Situations requiring **specialist advice** are identified and assistance is sought as required according to organisational requirements.

2 Negotiate resolution.

- 2.1 Conflict or dispute is negotiated and resolved constructively using strategies that comply with established organisational procedures.
- 2.2 **Negotiation techniques** are used to maintain positive interaction, and divert and minimise aggressive behaviour.
- 2.3 Communication with others is conducted in a courteous manner that reflects sensitivity to individual, **social and cultural differences** according to organisational requirements.
- 2.4 Contradictions, ambiguity, uncertainty or misunderstandings are identified and clarified according to organisational procedures.
- 2.5 Factors that might impact on the safety or security of **clients** and colleagues are identified and appropriate responses or **contingency measures** are formulated and implemented.

3 Evaluate response.

- 3.1 Effectiveness of response is evaluated and reviewed according to legislative and organisational requirements.
- 3.2 Response evaluation findings are organised in a format suitable for analysis according to organisational requirements.
- 3.3 Incident observations are provided in an accurate, concise and constructive manner when reviewing and debriefing situations.
- 3.4 **Business equipment and technology** are used to

ELEMENT**PERFORMANCE CRITERIA**

prepare records and reports according to applicable OHS, legislative and organisational requirements.

3.5 Information is securely maintained with due regard to confidentiality, and legislative and organisational requirements.

Required Skills and Knowledge

REQUIRED SKILLS AND KNOWLEDGE

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

Required skills:

- evaluation skills to assess appropriate responses to conflict or disputes and assess effectiveness of resolution processes
- interpersonal skills to adapt personal styles to suit conflict or dispute situation, consult and negotiate in a culturally sensitive and appropriate manner, and relate to people from a range of social, cultural and ethnic backgrounds and varying physical and mental abilities
- language skills to communicate adequately
- negotiation skills to support people involved in a conflict or dispute, negotiate agreement of all parties to resolve conflict or dispute
- problem solving skills to identify causes and incidences of conflict or dispute and determine contingency responses
- technology skills to prepare and present records and reports.

Required knowledge and understanding:

- conflict or dispute resolution techniques and procedures
- consultation methods, techniques and protocols
- ethical practices and relevant codes of conduct
- negotiation strategies
- organisational policies and procedures for property services, including handling of complaints
- relevant federal and state or territory legislation and local government regulations related to:
 - anti-discrimination
 - consumer protection
 - environmental issues
 - equal employment opportunity (EEO)
 - financial probity

REQUIRED SKILLS AND KNOWLEDGE

- franchise and business structures
- industrial relations
- OHS
- privacy
- property sales, leasing and management
- techniques for dealing with people with special needs.

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.

Overview of assessment

This unit of competency could be assessed through practical demonstration of using communication techniques to manage and resolve conflict and disputes. Targeted written (including alternative formats where necessary) or verbal questioning to assess the candidate's underpinning knowledge would provide additional supporting evidence of competence. The demonstration and questioning would include collecting evidence of the candidate's knowledge and application of ethical standards and relevant federal, and state or territory legislation and regulations. This assessment may be carried out in a simulated or workplace environment.

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

A person who demonstrates competency in this unit must be able to provide evidence of:

- evaluating resolution process and accurately recording and reporting facts and outcomes
- knowledge of organisation's practices, ethical standards and legislative requirements associated with managing and resolving conflict and disputes
- negotiating conflict or dispute situations to an effective resolution where possible
- using communication techniques to accurately identify causes and incidences of conflict or dispute.

Context of and specific resources for assessment

Resource implications for assessment include:

- access to suitable simulated or real opportunities and resources to demonstrate competence

- assessment instruments that may include personal planner and assessment record book
- access to a registered provider of assessment services.

Where applicable, physical resources should include equipment modified for people with disabilities.

Access must be provided to appropriate learning and/or assessment support when required.

Assessment processes and techniques must be culturally appropriate, and appropriate to the language and literacy capacity of the candidate and the work being performed.

Validity and sufficiency of evidence require that:

- competency will need to be demonstrated over a period of time reflecting the scope of the role and the practical requirements of the workplace
- where the assessment is part of a structured learning experience the evidence collected must relate to a number of performances assessed at different points in time and separated by further learning and practice with a decision of competence only taken at the point when the assessor has complete confidence in the person's competence
- all assessment that is part of a structured learning experience must include a combination of direct, indirect and supplementary evidence
- where assessment is for the purpose of recognition (RCC/RPL), the evidence provided will need to be current and show that it represents competency demonstrated over a period of time
- assessment can be through simulated project-based activity and must include evidence relating to each of the elements in this unit.

In all cases where practical assessment is used it will be combined with targeted questioning to assess the underpinning knowledge. Questioning will be undertaken in such a manner as is appropriate to the language and literacy levels of the candidate and any cultural issues that may affect responses to the questions, and will reflect the requirements of the competency and the work being performed.

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. ***Bold italicised*** wording in the performance criteria is detailed below. 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.

Conflict or dispute situations may include:

- accidents resulting in injury
- arguments and disagreements
- conflict or disputes between staff and members of the public
- destruction of property
- ejection of persons
- persons suffering from emotional distress or mental illness
- persons under the influence of intoxicating substances
- persons with criminal intent
- refusal to follow directions and guidance
- riots and demonstrations
- situations affecting the security of self, others or property.

Organisational requirements may be outlined and reflected in:

- access and equity principles and practice guidelines
- business and performance plans
- complaint and dispute resolution procedures
- goals, objectives, plans, systems and processes
- legal and ethical requirements and codes of practice
- mission statements and strategic plans
- OHS policies, procedures and programs
- policies and procedures in relation to client service
- quality and continuous improvement processes and standards
- quality assurance and procedure manuals.

Legislative requirements may be outlined and reflected in:

- Australian Securities and Investments Commission, Australian Competition and Consumer Commission, and Foreign Investment Review Board requirements
- Australian standards
- federal and state taxation requirements
- consumer protection laws and guidelines
- court and tribunal precedents
- environmental and zoning laws affecting access security, access and property use
- freedom of information
- home building requirements
- licensing requirements

- privacy and confidentiality requirements and laws applying to owners, contractors and tenants
- public health
- quality assurance and certification requirements
- relevant common law
- relevant federal, and state or territory legislation and regulations affecting organisational operation, including:
 - anti-discrimination and diversity
 - environmental issues
 - EEO
 - industrial relations
 - OHS
- relevant industry codes of practice covering the market sector and industry, financial transactions, taxation, environment, construction, land use, native title, zoning, utilities use (water, gas and electricity), and contract or common law
- relevant local government policies and regulations
- strata, community and company titles
- tenancy agreements
- trade practices laws and guidelines.

Communication techniques may include:

- active listening
- clear, legible writing
- giving customers full attention
- maintaining eye contact
- non-verbal communication, including body language and personal presentation
- speaking clearly and concisely
- using appropriate language and tone of voice
- using open and closed questions.

Specialist advice may be sought from:

- clients
- colleagues
- counsellors
- emergency personnel
- health and safety personnel
- legal representatives
- members of industry associations
- supervisors.

Negotiation techniques should include:

- control of tone of voice and body language
- demonstrating flexibility and willingness to negotiate
- using positive, confident and cooperative language

- using clear presentation of options and consequences
- using language and concepts appropriate to the people involved
- using strategic questioning and listening to gather information and direct the focus of people involved
- using summarising of positions and agreements to move understanding.

Social and cultural

differences may be expressed in:

- beliefs, values and practices
- conventions of gender and sexuality
- cultural stereotypes
- dress
- food and diet
- religious and spiritual observances
- social conventions
- traditional practices and observations
- verbal and non-verbal language.

Clients may include:

- building supervisors
- company management
- fund managers
- fund providers
- government and legal instruments or agencies
- institutions
- insurers
- internal and external property groups
- owner-occupiers
- private investors
- property agents
- property owners
- strata companies
- tenants.

Contingency measures may include:

- counselling
- cultural support
- defusing strategies
- first aid
- intervention
- mediation
- selecting alternative actions that may require use of force within legal requirements
- separation or isolation of source of conflict
- special watch
- specialists and experts.

Business equipment and

- computers

technology may include:

- data storage devices
- email
- facsimile machines
- internet, extranet and intranet
- photocopiers
- printers
- scanners
- software applications, such as databases and word applications.

Unit Sector(s)

Unit sector Property development, sales and management

Competency field

Competency field Property operations and development