



Australian Government

Department of Education, Employment and Workplace Relations

PSPCIRT416A Provide support to self-represented litigants

Revision Number: 3

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Modification History

Release	TP Version	Comments
3	PSP12V1	Elements and performance criteria pre-content edited.
2	PSP04V4.2	Layout adjusted. No changes to content.
1	PSP04V4.1	Primary release.

Unit Descriptor

This unit covers the ability to support and assist self-represented litigants. It involves identifying the specific needs of the self-represented litigant and delivering appropriate support, assistance and referral according to organisational policy, protocols and procedures. In practice, it requires managing the provision of services in the context of the requirements of procedural fairness and the principles of impartiality and independence of the court. No licensing, legislative, regulatory or certification requirements apply to this unit at the time of endorsement.

Application of the Unit

This unit applies to those court staff providing appropriate levels of advice or support to self-represented litigants to ensure procedural fairness.

Licensing/Regulatory Information

Not applicable.

Pre-Requisites

Not applicable.

Employability Skills Information

This unit contains employability skills.

Elements and Performance Criteria Pre-Content

Elements describe the essential outcomes of a unit of competency.

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

Elements and Performance Criteria

ELEMENT

PERFORMANCE CRITERIA

- | | |
|--|---|
| 1. Identify client needs. | <ul style="list-style-type: none">1.1. Use appropriate <i>interpersonal skills</i> to accurately identify client needs.1.2. Employ <i>mechanisms</i> to ensure that all relevant client information is collected.1.3. Assess information for complexity, urgency, safety risks and eligibility for services.1.4. Clarify problems raised by the client and seek assistance from <i>appropriate persons</i> to identify how to best meet client needs.1.5. Observe protocols and <i>limitations on sharing of information</i> provided by client. |
| 2. Provide information and options. | <ul style="list-style-type: none">2.1. Provide information and options to self-represented litigant in a culturally appropriate and respectful manner.2.2. Apply a working knowledge of specific organisational policies and procedures to provide information and options.2.3. Identify and communicate limitations in addressing client needs to the client.2.4. Provide appropriate <i>referrals</i> according to organisational policy and procedures, including making necessary and appropriate arrangements according to client needs. |
| 3. Provide assistance. | <ul style="list-style-type: none">3.1. Provide assistance according to legislation, regulations and organisational policy and procedures.3.2. Provide assistance to access support services and alternative procedural options.3.3. Provide assistance to complete and comply with procedural requirements, including initiating matters, orders, lodging documents and appearing in court.3.4. Provide assistance to facilitate the case management of <i>legal proceedings</i> and the implementation of procedural modifications where required, within area of responsibility and with authority and limits imposed by government. |
| 4. Facilitate communication. | <ul style="list-style-type: none">4.1. Use appropriate interpersonal skills to facilitate communication between self-represented litigants and other parties.4.2. Use negotiation and conflict-resolution techniques to resolve difficult situations and make referrals according to organisational policy and procedures. |

Required Skills and Knowledge

This section describes the skills and knowledge required for this unit.

Required skills

- initiative and enterprise skills to apply legislation, rules, regulations and codes of practice
- communication and interpersonal skills to:
 - provide explanations to others
 - promote understanding of legislation, regulations, organisational procedures and codes of practice
 - identify client needs, provide assistance, and encourage client-initiated activity in relation to alternative dispute-resolution (ADR) processes
- negotiation and conflict resolution skills in relation to ADR processes
- facilitation skills in relation to ADR processes

Required knowledge

- relevant legislation, regulations, organisational procedures and codes of practice in relation to court practices and procedures, specifically ADR processes
- profiles of the general characteristics of the relevant self-represented litigant groups
- various groups represented within the local community (e.g. cultural, religious, language, sexual identity, age and disability) and an understanding of the issues that arise when working with those groups
- appropriate range of referral sources and associated protocols
- specific limitations of work role, responsibility and professional abilities
- distinction between legal and procedural information

Evidence Guide

The Evidence Guide provides advice on assessment and must be read in conjunction with the performance criteria, required skills and knowledge, range statement and the Assessment Guidelines for the Training Package.

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

Assessment must confirm the ability to:

- gather relevant information through:
 - interviewing clients and other relevant persons
 - identifying, accessing and assessing relevant documentation
- identify client needs and address queries and concerns
- explain scope and limitations of personal responsibilities to clients
- provide information on self-representation and appropriate referrals for further advice
- provide appropriate assistance to self-representing litigants in preparation for and during proceedings
- comply with information sharing and privacy protocols

Consistency in performance

Competency should be demonstrated by informing, supporting and assisting self-representing clients in a range of settings over time.

Context of and specific resources for assessment

Assessment must comply with:

- applicable regulations and codes
- workplace procedures and protocols.

Access may be required to:

- a workplace environment or one that closely resembles normal work practices and replicates the range of conditions likely to be encountered when interacting with and supporting a self-represented litigant
- organisational procedures, policy and protocols relating to self-represented litigants
- scenarios and/or case studies to capture the range of situations likely to be encountered when supporting a self-represented litigant
- relevant systems and resources relating to court practices and procedures, specifically ADR processes

Guidance information for assessment

The following assessment methods are suggested:

- oral questioning about legal processes, types of information and documentation that should be gathered
- observation of the candidate assisting self-representing litigants in a range of contexts to ensure achievement of the unit outcomes

- feedback from peers and/or supervisor that the candidate consistently applies relevant workplace procedures
- review of records completed by candidate or reports of performance

In all cases, practical assessment should be supported by questions to assess underpinning knowledge and those aspects of competency that are difficult to assess directly. Questioning techniques should suit the language and literacy levels of the candidate.

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, if used in the performance criteria, is detailed below. 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) may also be included.

<i>Interpersonal skills</i> may include:	• using appropriate means for communicating with people: • with disabilities • for whom English is not the first language • of different age, religious, gender and sexual identity groups • using non-judgemental communication techniques • demonstrating cultural and sub-cultural awareness and sensitivity • demonstrating empathy • using appropriate body language • reflecting, summarising and paraphrasing • asking open-ended questions • actively listening
<i>Mechanisms</i> may include:	• interviews with clients, family, significant others and carers • applications and other forms • case documentation • using specialist communicators • client verbal or written consent to contact relevant others • information from professionals, including medical reports • information from service providers • previous file records
<i>Appropriate persons</i> may include:	• organisational management, colleagues, supervisor, and team members • various community groups representing cultural, sub-cultural, religious, social, ethnic, gender, sexual identity and age groupings within the community • government representatives and service providers • police • family members, friends and care givers • specialist support services for people with specific needs
<i>Limitations on sharing information</i> may include:	• government representatives and service providers • police • family members, friends and care givers • other parties to proceedings • presiding officers

<i>Referrals</i> may include:	• legal aid organisations • specialist workplace staff or units • community legal centres • welfare and support agencies • government departments
<i>Legal proceedings</i> may include:	• initiating applications • witness appearances • defending a matter • applications for compensation

Unit Sector(s)

Not applicable.

Competency field

Courts.