

# Learning Assessment Guide

## Unit Standard 12835 – Version 3

**Demonstrate knowledge of when the mediation process is appropriate to the resolution of disputes**

**Level 5 – 8 Credits**

<b>Assessment Summary</b>			
<b>Learner to complete</b>			
<b>Learner's name:</b>			
<b>Employer:</b>			
<b>NSN no. (ROL):</b>		<b>DOB:</b>	
<b>Signed:</b>		<b>Date:</b>	
<b>Assessor to complete</b>			
<input type="checkbox"/> Meets requirements <input type="checkbox"/> More training required <input type="checkbox"/> More evidence required			
<b>Assessor's name:</b>		<b>Assessor's No.</b>	
<b>Signed:</b>		<b>Date:</b>	

## Before you begin...

- As well as this Learning Assessment Guide, you may also want to refer to the unit standard from the NZQA website (<http://www.nzqa.govt.nz>).
- Read the Trainee Information Kit. The kit contains important information and guidelines for Learners and can be found on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.
- Check the learning resources available for this unit standard on the Learning State website (<http://www.learningstate.govt.nz>) under Learners, then Learning Assessment Guides.

This Learning Assessment Guide is made up of:

- assessment tasks for you to complete
- a verification form for your manager or a professional colleague to complete
- assessment results that the assessor will use to assess your competence.

The tasks in this assessment are designed to show your assessor that you can:

- 1 compare mediation with other dispute resolution techniques
- 2 consider the advantages and disadvantages of mediation for a particular dispute situation
- 3 determine when mediation is an appropriate dispute resolution process.

## Assessment Task One – Elements 1 and 3

The questions in task one are designed to assess your knowledge of:

- the purpose of mediation
- at least two other dispute resolution techniques from the following list::
  - negotiation
  - statutorily prescribed mediation
  - court ordered mediation
  - arbitration
  - expert witness
  - mini-trial
  - litigation

Also, your ability to:

- compare the purpose of mediation with that of two other dispute resolution techniques
- describe when mediation is an appropriate dispute resolution process.

### **Task one questions**

1. What is mediation and what is its purpose? Describe mediation and its central principles.
2. Compare mediation with two of the other dispute resolution techniques listed above.  
It may be easiest to do this using a table format to compare their features, such as:

Mediation	Arbitration	Litigation
Private and confidential	Can be private and confidential, if agreed.	Is a public process.

3. What are the indicators which suggest that a dispute might be resolved by mediation? List five indicators.
4. List five indicators for when mediation is unlikely to be successful or should not be used for the resolution of a dispute.

## Assessment Task Two – Elements 2 and 3

The case study presentation and task two questions are designed to assess your ability to:

- consider the advantages and disadvantages of mediation for a particular dispute situation
- determine when mediation is an appropriate process for dispute resolution.

This task may be completed in writing or orally.

If you complete this task in writing your assessor may wish to discuss your responses with you. If you complete the task orally, your assessor will need to record your evidence in some way. The most common ways of recording oral evidence are to use a tape recorder or to make notes summarising the evidence presented.

### ***Task instructions***

1. Arrange with your assessor whether you are to present your case study in writing or orally.
2. Describe your case study in full, including the mediation activity and outcomes. The case study may be a real one in which you have been involved, one that you have observed, or a simulated factual dispute resolution situation. Be prepared to answer questions from your assessor.
3. Why did you consider mediation to be suitable for the resolution of this dispute? List the indicators that led you to this decision. Were there any indicators against the selection of mediation?
4. Compare the advantages and disadvantages which mediation had for your case study over two or more of the other dispute resolution techniques.

## Assessment Task Three – Elements 1, 2 and 3

Task three involves verification of your ability to decide when the mediation process is appropriate to the resolution of disputes.

Verification may be from:

- your manager, or
- a professional colleague.

It addresses all three elements to some degree.

### ***Task three instructions***

Find out from your assessor whether they require oral verification (through direct contact with your manager or nominated professional colleague), or written verification.

If written verification is required:

1. Brief your manager or professional colleague on the content of this unit standard.
2. Ask your manager or professional colleague to complete the following verification form.
3. Ensure that the completed form is given to your assessor.

### Learner Verification Form – Unit Standard 12835 Version 3

Name of learner:
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This learner is currently being assessed toward unit standard 12835: Demonstrate knowledge of when the mediation process is appropriate to the resolution of disputes. Your knowledge is sought to verify whether or not the learner demonstrates knowledge of when the mediation process is appropriate to the resolution of disputes.

Please complete this form and arrange for it to be passed on to the 12835 assessor.

Does the learner demonstrate knowledge of other dispute resolution techniques beside mediation?	Yes	No
Is the learner clear on the purpose of mediation and the purpose of at least two other dispute resolution techniques?	Yes	No
Is the learner able to determine when mediation is an appropriate dispute resolution process?	Yes	No
Is the learner familiar with the indicators of when mediation is a suitable process, and familiar with indicators against the use of mediation?	Yes	No
Does the learner consider the advantages and disadvantages when selecting mediation as the process for resolving a dispute?	Yes	No

<b>Comments:</b>
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Name:			
Position:		Phone:	
Email:		Date:	

## Assessment Results

These are the judgements that your assessor will use to assess you.

Do the learner's answers and case study provide sufficient and appropriate examples?	Yes	No
Do the learner's answers demonstrate an understanding of the purpose of mediation as a dispute resolution technique?	Yes	No
Do the learner's answers demonstrate an ability to compare the purpose of mediation with that of two other dispute resolution techniques?	Yes	No
Does the case study report endorse the learner's selection of mediation as a suitable technique for dispute resolution?	Yes	No
Do the learner's answers and case study demonstrate an understanding of the indicators of when a dispute might be resolved by mediation, and when it might not be?	Yes	No
Do the learner's answers and case study demonstrate an understanding of the advantages and disadvantages of mediation compared with other (minimum two) dispute resolution processes?	Yes	No
Does the completed verification support the learner's knowledge of mediation and of when it is appropriate to use it in the resolution of disputes?	Yes	No