

Learning Assessment Guide

Unit Standard 12836 – Version 3

Describe and manage power in the mediation process

Level 5 – 8 Credits

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

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:

- tasks for you to complete
- an observation checklist
- a verification form for your manager 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 describe the impact of power in the mediation process
- 2 identify and describe situations where power differences exist
- 3 describe how external power relations can affect the mediation process
- 4 manage power in the mediation process.

Assessment Task One – Elements 1, 2, 3 and 4

The questions in task one are designed to assess your ability to:

- describe the impact of power in the mediation process
- identify and describe situations where power differences exist
- describe how external power relations can effect the mediation process.
- manage power in the mediation process.

These may be answered in writing or orally. If you complete them orally your assessor will need to record your responses for moderation. This is usually done by the use of a tape recorder or by the assessor taking notes which summarise your responses.

Task one questions

1. What are the main issues related to power and power imbalance in mediation? Identify four and provide a brief example of each.
2. What effects do power issues have on the mediation process? Name three different effects and provide a brief example of each.
3. Describe four processes by which the mediator works with power issues in mediation and provide an example of each.
4. What power does a mediator have in mediation? Identify four sources and provide a brief example of each.
5. What are some of the effects of power differences on the mediation process? Name three and provide a brief example of each.
6. Describe the contribution of context (i.e. the context and environment in which the mediation occurs and the wider social context) to the power differences in some of the examples you have given to previous questions. Three examples required.
7. What parallels can you draw between power relations in the mediations you have been involved in and power relations in society? Provide brief descriptions of three.
8. Describe three situations, preferably ones which you have experienced, where the power differences make/made mediation inappropriate.
9. List three techniques which you have used to overcome power issues that arose (or which you anticipated) during mediation.
10. List three strategies which you have used to neutralise power related aspects of mediation.

Assessment Task Two – Element 4

The observations of task two are designed to assess your management of power in the mediation process.

Task two instructions

Arrange for your assessor to observe you facilitating two reasonably complex mediation sessions. Observation should be of approximately two hours duration in total. Your assessor has the discretion to reduce this to a single observation in the case of a complex and lengthy mediation. Observations may be completed by an observer approved by your assessor.

Observations are to confirm:

- your use of techniques to overcome power issues that arise during mediation
- that your session management includes the use of strategies that neutralise power related aspects of a mediation.

Note:

‘Technique’ is being used in the sense of a practical method applied to a particular task/situation.

‘Strategy’ is being used in the sense of a longer term action plan for achieving a goal.

The effective use of six techniques is required.

The effective use of six strategies is required.

Your assessor/observer will use the accompanying Observation Checklist to record their observations.

Observation Checklist

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Use this checklist to record your observations of the learner's management of power during a mediation.

Learner:
Case identification (e.g. file number, or time and place):
Number of participants other than the mediator and observer:
Duration of session:

1. Please record the **use of techniques** used by the mediator to overcome power issues which arise during mediation (effective use of six techniques required). You may use the following checklist to assist you.

- Establishment of ground rules.
- Enforcement of ground rules.
- Clarification of rights and responsibilities under relevant legislation.
- Insisting on non-interruption of speakers.
- Enforcing the provision of equal speaking time.
- Assisting a party to present their case (e.g. by coaching during caucusing of unskilled party by comparison with the other party).
- Clarification of events.
- Facilitating the exploration of options which one party may not be aware of.
- Helping a party to explore the consequences of a course of action they may not have considered.
- Promoting the sharing of information.
- Other.

Comments:

2. Please record examples of the **use of strategies** that neutralise power related aspects of mediation (effective use of six strategies required). Items may appear as both techniques and strategies, as a technique used often and systematically may become a strategy.

- Enforcement of ground rules, such as non-interruption of the other party.
- Ensuring the provision of equal speaking time for both parties.
- Clarification of the rights and responsibilities of each party under the relevant legislation, especially where one party is less knowledgeable about it than another.
- Use of clarification and summarising to ensure that key information and issues are known to both parties, especially if one party is less knowledgeable about it than another.
- Making provision for caucusing if a group needs time.
- Emphasising the need for **both** parties to feel comfortable with, and committed to, any settlement reached.
- Treating the views and needs of a group of people as views of **one party** if there is any imbalance in numbers.
- Pointing out the consequences of failure to reach settlement if this will encourage a more powerful party to make a necessary compromise.
- Other.

Comments:

Assessor / Observer:

Signature:

Date of observation:

Assessment Task Three – Element 4

Task three involves workplace verification of your understanding of the management of power and your practical performance from:

- your manager, or
- a professional colleague.

While it is focused upon element four, it addresses all four 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 media colleague), or written verification.

If written verification is required:

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

Learner Verification Form – Unit Standard 12836 Version 3

Name of learner:

This learner is currently being assessed toward unit standard 12836: Describe and manage power in the mediation process. Your knowledge of the learner is sought to verify whether or not the learner demonstrates a good understanding of and ability to manage power in the mediation process.

Please complete this form and arrange for it to be passed on to the 12836 assessor.

Does the learner demonstrate an understanding of the impact of power in the mediation process?	Yes	No
Is the learner aware of when power differences exist between the parties to mediation?	Yes	No
Does the learner demonstrate an understanding of how external power relations can affect the mediation process?	Yes	No
Is the learner able to use techniques effectively to overcome power issues that arise during mediation?	Yes	No
Does the learner use strategies that neutralise power related aspects of mediation effectively?	Yes	No

Comments:

Name:			
Position:		Phone:	
Email:		Date:	

Assessment Results

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

Do the learner's answers provide sufficient and appropriate examples?	Yes	No
Do the learner's answers demonstrate an understanding of the impact of power in the mediation process?	Yes	No
Do the learner's answers demonstrate an understanding of the effect of power differences on the mediation process?	Yes	No
Do the learner's answers demonstrate an understanding of when the power differences between the parties make mediation inappropriate as a dispute resolution process?	Yes	No
Do the learner's answers demonstrate an understanding of how external power relations can affect the mediation process?	Yes	No
Do the learner's answers demonstrate an understanding of the processes by which a mediator is able to work with the sources of power in mediation?	Yes	No
Do assessor observations confirm that the learner uses techniques which overcome power issues that arise during mediation effectively?	Yes	No
Do assessor observations confirm that the learner uses strategies that neutralise power related aspects of mediation effectively?	Yes	No
Do verifier comments endorse the ability of the learner to use techniques and strategies to effectively manage power in the mediation process?	Yes	No