

Learning Assessment Guide

Unit Standard 12837 – Version 3

Examine and apply the use of caucusing in mediation

Level 5 – 4 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
- 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 advantages and disadvantages of caucusing in mediation
- 2 describe suitable timing of caucusing and the process of negotiation with the parties
- 3 identify strategies for the use of information gained in caucusing
- 4 examine the arguments for and against caucusing in specific mediation scenarios
- 5 manage caucusing in mediation to maximise benefits.

Assessment Task One – Element 1

The questions in task one are designed to assess your ability to explore the use of caucusing in mediation.

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. Describe five advantages of caucusing in mediation.
2. Describe four disadvantages of caucusing in mediation.
3. Provide four examples of good timing of caucusing in mediation. You may use examples from your experience if you wish. Make sure that you explain your reasons for the timing of caucusing.
4. Provide three likely examples of mediation negotiations *within* a caucus situation. Ensure that you address the reasons for the mediator being involved.
5. From your experience and mediation knowledge, provide four examples of the use to which information gained in caucusing is likely to be put. These may be based on the same examples used to answer questions 1-4.

Assessment Task Two – Element 2

The scenarios provided in task two are designed to assess your ability to examine the arguments for and against caucusing in specific mediations

The scenarios and their analysis may be presented in writing or orally.

Task two instructions

Prepare two different mediation scenarios for review in relation to caucusing. Each will need to contain at least one instance of caucusing. These may be based upon your own experience as a mediator or mediations you have observed or discussed with another mediator.

Even if you are completing this task orally you should record the basic details in writing so that your assessor has the central information in front of him/her during scenario discussion.

For each scenario:

1. Discuss arguments for caucusing.
2. Discuss arguments against caucusing.
3. Identify instances where caucusing may have been attempted but did not work as well as you (or the mediator if not yourself) had hoped. Explain why.
4. Identify instances where caucusing may have been attempted (perhaps by an inexperienced mediator) but would not have assisted the mediation process. Explain why.

Assessment Task Three – Element 3

The observation in task three is designed to assess your ability to manage caucusing in mediation.

Task instructions

You will need to demonstrate caucusing in mediation.

Because of the difficulty of anticipating the likelihood of caucusing arising prior to a mediation, the three most likely strategies which will allow observation of caucusing are:

1. Completing this observation during the assessment of the learner on other mediation units, as and when caucusing occurs.
2. Having an observer who is present during a mediation for other reasons (training or performance appraisal, for example) complete the observation. The observer would need to have mediation expertise.
3. Observation of a role play. This could be based upon a case study taken from the learner's own experience.

Option 3 is intended as a back-up strategy only, and is intended for use only where it proves difficult for the assessor or an approved observer to observe appropriate mediations. This option would need the approval of your assessor.

Arrange with your assessor how the observation of your practical performance will be completed.

Your observer will use the accompanying Observation Checklist to document their observations. (Please note. The checklist is a guide only.)

Observation Checklist

Unit standard 12837 Version 3

This checklist is a guide only. You will need to make your own decision related to learner performance on the management of caucusing in mediation.

Please record examples of appropriate activity for moderation purposes.

Good management of caucusing usually includes:

- Timing which is appropriate to the mediator's reason for calling separate meetings.
- Caucusing performs a useful function within at least one of the parties' separate meetings.
- Mediation moves forward once the groups reunite, as a result of activity within the separate meetings.
- The invitation to separate meetings, and mediator comment immediately following, is done in such a way that participants accept this as an integral and useful activity within the mediation process.
- Caucusing is carried out in such a way that the other party sees value from it and does not feel disadvantaged as a result.
- When introducing any subsequent intention to caucus, reference is made to the benefits obtained from earlier separate meetings.
- Each instance of caucusing is clearly beneficial to the mediation.

Additional courtesies often involve:

- Mediator seeking permission from the second party if the separate meeting is primarily for the benefit of one party, and suggesting how that party might also use the time to advantage, even if only to have a cup of coffee.
- Mediator providing an indication to the second party of the likely duration of separate meetings.
- Mediator spending at least some of the time with the second group.
- Mediator giving reasons to the combined groups as to why s/he suggests separate meetings at this point in time (but not necessarily the full reason, especially if s/he wishes to challenge the information presented).
- Mediator outlining what needs to be done within at least one of the separate meetings, perhaps both, helping them to set up an agenda and providing them with an achievable objective for their meeting.
- Mediator may assist a party in a separate meeting rehearse their presentation of a strategy or an option. On bringing the groups back together, mediator thanks anyone who has been inconvenienced, summarises where the mediation was at before the separate meetings, and invites any new thoughts.

Comments and examples:

Observer is satisfied that the learner demonstrates competence in the use of caucusing during mediation and structures this process to maximise benefits?

Yes / No

Learner:

Assessor / Observer:

Signature of observer:

Date of observation:

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 to task one questions and any scenario descriptions demonstrate knowledge of the advantages and disadvantages of caucusing in mediation? | Yes | No |
| Do the learner's answers to task one questions and any scenario descriptions demonstrate knowledge of timeliness issues related to caucusing in mediation? | Yes | No |
| Do the learner's answers to task one questions and any scenario descriptions demonstrate knowledge of the process of negotiation with the parties related to caucusing? | Yes | No |
| Do the learner's answers to task one questions and any scenario descriptions demonstrate knowledge of strategies for the use of the information gained during caucusing? | Yes | No |
| Do the learner's scenario descriptions and task three observations demonstrate an awareness of the arguments for and against caucusing in specific mediations? | Yes | No |
| Do the learner's scenario descriptions and task three observations demonstrate an awareness of when caucusing may assist or benefit the mediation process? | Yes | No |
| Do the learner's scenario descriptions and task three observations demonstrate an awareness of when caucusing may hinder or not assist the mediation process? | Yes | No |
| Do the task three observations confirm the ability of the learner to use caucusing to change the process to benefit mediation outcomes? | Yes | No |
| Do the task three observations confirm the ability of the learner to structure caucus sessions to maximise benefits? | Yes | No |