

Learning Assessment Guide

Unit Standard 12840 – Version 4

Demonstrate the ability to mediate

Level 6 – 10 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 Assessor Checklist
- 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 determine when mediation is appropriate to the resolution of disputes
- 2 demonstrate skills as a mediator.

Prerequisite:

Unit Standard 12839 Version 3: Demonstrate understanding of ethical and legal obligations of mediators, or demonstrate equivalent knowledge and skills.

Assessment Task One – Element 1

The case study descriptions of task one are designed to assess your ability to determine when mediation is appropriate.

Task one instructions

For the assessment of this unit standard you will need to be observed mediating three real mediations or simulated scenarios. Task one requires a description of your activity which led up to the decision to mediate in each of these three cases.

1. For each of the three cases in which you are to be observed write a short description related to the request, referral, application or complaint received, and your gathering of information to make the decision to mediate.
2. Complete this task in writing. If you are able to give a copy of this description to your assessor/observer before his/her observation of the mediations, it will serve as a description of the context of each case for task two. However, this may not always be possible.
3. Copies of completed referral, application forms, complaint documents etc should be provided. Names and identifying details should be removed.
4. Use the accompanying Assessor Checklist to ensure that your descriptions are comprehensive. Your assessor will use this checklist to review and sign off your completion of this task.

Assessor Checklist

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Use this checklist to determine whether each of the three descriptions of the decision to mediate is sufficiently comprehensive.

All information necessary to make the decision that mediation is appropriate has been obtained.

| | 1 | 2 | 3 |
|--|--------------------------|--------------------------|--------------------------|
| The mediator has obtained evidence that the parties have been unable to resolve the dispute without the help of a mediator. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| An application or claim or complaint has been made to the statutory authority that employs the mediator in an appropriate manner. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| OR An appropriate request for mediation has been made to an independent mediator. | | | |
| OR A referral for, or direction to, mediation has been made by an appropriate authority. | | | |
| Legal obligations and/or paperwork required prior to mediation, if any, have been completed correctly. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| All parties have been advised: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| <ul style="list-style-type: none"> • that there has been an application, claim, complaint, referral or request for mediation • of the reason for the mediation • of the purpose and function of mediation in the particular context • about their rights, duties and obligations with regard to the mediation. | | | |

Comments:

Requirement met: Yes / No

The decision to mediate is based on the suitability of mediation in relation to both the dispute and the parties.

| | 1 | 2 | 3 |
|---|--------------------------|--------------------------|--------------------------|
| Dispute involves moderate conflict, not so serious as to require police or legal involvement. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Parties may be interested in a continuing relationship. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| There is likely to be party commitment to settlement. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| There is evidence of party ability to participate fully in mediation and decision making. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| No insurmountable power differences. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Multiple issues, to allow for negotiation and trade-offs. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Adequate resources, in terms of time and information. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| No clear guidelines imposed from elsewhere. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Likely acceptance of the privacy and confidentiality of mediation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Sufficient external pressure to encourage its use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Comments:

Requirement met: Yes / No

Learner:

Assessor:

Signature:

Date of completion:

Assessment Task Two – Element 2

The observations required by task two are designed to assess your skills as a mediator.

Assessor observation of a minimum of three mediations or simulated scenarios is required. Depending on the complexity of these, and the opportunity of the learner to demonstrate his/her skills, the number of observed mediations required to meet the criteria may vary. A combination of real and simulated scenarios may be utilised.

Task two instructions

Arrange with your assessor to be observed during three mediations or simulated scenarios.

Some of these observations may be completed by an observer approved by your assessor.

Real mediations will require the approval of the participants for the observer to be present. Please ask permission for this.

The observer will use the accompanying Observation Checklist to document their observations.

Your task one description will brief the observer on the circumstances of each case.

You will need to review and evaluate your performance, process and outcomes of mediation with your assessor / observer following mediation.

Observation Checklist

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Indicate with the appropriate Yes / No whether you have observed the learner demonstrating the following to standard. Record examples or comments for each section. Use the supporting checklist from the Assessor Guide for more detail on these performance criteria.

| |
|--|
| Learner: |
| Identification of mediation (e.g. file number; or date, time and place): |
| Number of persons attending apart from mediator and observer: |
| Duration of session: |

1. Learner shows ability to work with the mediation process as the dispute moves through various stages: setting ground rules; confidentiality; power issues; caucus. Yes / No

Example / Comments:

2. Issues are identified and addressed. Yes / No

Example / Comments:

3. Parties develop an understanding of each other's perspectives. Yes / No

Example / Comments:

4. Interventions are used to minimise polarisation. Yes / No

Example / Comments:

5. Strategic interventions are used to address communication blocks, including: questioning skills; validation; reality checks; re-framing. Yes / No

Example / Comments:

6. Areas of commonality are affirmed.

Yes / No

Example / Comments:

7. Parties are facilitated toward development of understanding of the origins of the dispute and the generation of options for review, evaluation and selection.

Yes / No

Example / Comments:

8. Learner summarises outcome(s) and time frame(s) for planned follow up and agreement on further action, where required.

Yes / No

Example / Comments:

9. Learner performance, process and the outcomes of mediation are reviewed with observer after mediation.

Yes / No

Example / Comments:

Additional comments:

Assessor / Observer:

Signature:

Date of observation:

Assessment Task Three – Elements 1 and 2

Task three involves verification of your ability to mediate from:

- your manager, or
- a professional colleague.

It addresses both elements.

Task three instructions

Find out from your assessor whether they require oral verification (through direct contact with the verifier), or written verification.

Discuss who is the best person to verify your work performance as a mediator. If you do not have a manager (e.g. are a self employed mediator) a mediator colleague may be best placed to complete this verification.

If written verification is required:

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

Learner Verification Form – Unit Standard 12840 Version 4

Name of learner:

This learner is currently being assessed toward unit standard 12840 Demonstrate the ability to mediate. Your knowledge of the learner is sought to verify whether or not the learner demonstrates the ability to mediate disputes.

Please complete this form and arrange for it to be passed on to the 12840 assessor.

| | | |
|--|-----|----|
| Does the learner identify and obtain the information necessary to make the decision to mediate (i.e. there has been an acceptable request, referral, application or complaint received)? | Yes | No |
| Does the learner make appropriate decisions as to the suitability of mediation for the dispute and the parties? | Yes | No |
| Does the learner demonstrate skills as a mediator, being able to work through the stages 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.

| | | |
|--|-----|----|
| Does the learner's task one description provide sufficient and appropriate detail? | Yes | No |
| Do the task one descriptions confirm the identification and collection of the information necessary to make the decision to mediate? | Yes | No |
| Do the task one descriptions confirm that the decision to mediate was based on the suitability of mediation for the dispute and for the parties? | Yes | No |
| Do observations and the verification confirm that dispute issues are identified and addressed? | Yes | No |
| Do observations and the verification confirm that facilitation creates an environment which fosters parties' understanding of each other's perspectives? | Yes | No |
| Do observations and the verification confirm that interventions minimise polarisation? | Yes | No |
| Do observations and the verification confirm that strategic interventions are used to address communication blocks? | Yes | No |
| Do observations and the verification confirm that the learner helps the parties to identify areas of commonality? | Yes | No |
| Do observations and the verification confirm facilitation of the parties toward the development of understanding and generation of options for review, evaluation and selection? | Yes | No |
| Do observations and the verification confirm the learner's ability to summarise outcomes and time frames for planned follow up and agreement on further action where required? | Yes | No |
| Do observations and the verification confirm that the learner reviews and evaluates his/her performance, process and outcomes after mediation? | Yes | No |