



Accredited Mediator

National Mediator Accreditation Standards

Student Name:

ASSESSMENT RESOURCE

Disclaimer

This resource has been developed to assist participants in meeting the requirements of the National Mediator Accreditation Standards - Knowledge, skills and ethical principles articulated in the *Practice Standards*.

Although the information presented in the resource is accurate to the best of their knowledge, the authors cannot guarantee that every statement is without flaw of any kind.

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ABOUT THIS RESOURCE

This resource is designed to assess your performance of competency. Your assessor or workplace supervisor may assist you in ensuring that you have a full understanding of assessment requirements for this topic.

The resource consists of five parts:

- *Assessment Information & Scope* provides details of the unit(s) of competency covered, setting out information relating to the aims of the unit and what areas are covered, how the assessment tasks must be completed and how assessment is conducted.
- *Self-Assessment* provides an overview of the performance required for this topic, and provides you with the opportunity to self-assess your performance, to ensure that you are ready to commence the assessment process.
- *Assessment Tasks Overview* provides an outline of the assessment tasks to be covered, including various options that might be available.
- *Assessment Plan & Confirmation* provides the framework where you can confirm exactly which tasks and options you are to complete as a part of the overall assessment process. Your assessor will discuss the various options with you. Your assessor will also customise the assessment tasks to suit specific requirements where needed.
- The final section of the resource then outlines the *Assessment Tasks* to be covered, in detail including the relevant submission documentation you need to complete and submit along with your assessment tasks.

As you progress through assessment tasks, your assessor will use a specially designed *Assessor Resource* to confirm records of your performance and any advice or feedback you receive.

FURTHER INFORMATION

Before you commence your work with this assessment resource, you should review the information on Assessment below. You should not commence your final assessment tasks until you have read and understood this information.

What is competency?

To complete assessment tasks satisfactorily you will need to demonstrate competence – but what does this mean?

In the Australian vocational education and training system is the concept of competence, defined as:

“The ability to perform tasks and duties to the standard expected in the workplace”.

Competence involves the application of specific skills, knowledge and attitudes to the work performance in an industry, an industry sector or an enterprise. Competence is rarely achieved in a one-off demonstration. It needs to be developed holistically – that is, bringing a range of skills and knowledge together – and over time in a real or simulated workplace. To achieve competence, you need to demonstrate that you can perform a given task to the standard defined in an endorsed unit of competency.

Assessment process

Assessment tasks are designed to allow you to demonstrate that you have the skills and knowledge to meet the requirements of a unit of competency. The assessment process will vary depending on your individual circumstances and your assessor. Before the assessment commences, your assessor will:

- Make sure that you know the time, date and venue of the assessment
- Explain the assessment task fully
- Make provision for any special support you may need; and
- Organise and arrange all required resources.

On completion of the assessment your assessor will:

- Communicate the outcomes of assessment to you and provide feedback for future performance
- Record assessment decisions and complete assessment documentation; and
- May ask you to acknowledge the assessment task outcomes and feedback by signing and dating assessment documentation.

ASSESSMENT RESOURCE: NMAS ACCREDITED MEDIATOR

What is your assessor looking for?

Your assessor is looking for evidence that you are competent in all the tasks in the unit(s) you are studying.

To make a judgement of your competence, your assessor may ask you to:

- Discuss a scenario
- Carry out a practical task
- Answer questions in writing or verbally; or
- Undertake some other form of assessment, such as work you have created or a third-party report on your job performance from your supervisor.

To show that you are competent you must be able to:

- Perform the task to workplace standards
- Manage a range of different tasks (multi-tasking)
- Respond to contingencies or breakdowns; and
- Deal with the responsibilities of the workplace, including working with others.

You will need to show you can do this consistently, over time and in relevant workplace situations and environments.

Workplace requirements

Evidence for assessment may often be gathered in a workplace – this might be your actual workplace, or one where you are on work placement. However, this may not always be possible for a number of reasons including:

- You may not yet be employed in a suitable workplace
- The workplace may not be large enough to support appropriate assessment activities
- It may be difficult for you to access organisational information or there may be confidentiality issues; or
- It may not be possible to assess some tasks in the workplace such as tasks around emergency response.

In these situations, scenarios based on typical workplace situations may be provided that can be used with the assessment tasks, if evidence cannot be collected in an actual workplace. Your assessor may:

- Use these scenarios as they are
- Customise the scenarios to meet workplace needs; or
- Create alternate scenarios based around specific workplace situations.

Can I adjust the assessment?

It is important that assessment tasks and activities consider the individual needs of each participant. Your assessor can consider and implement 'reasonable adjustments' for participants with particular needs, requirements or preferences. As this process is negotiated, your assessor must also ensure that the integrity of the assessment process is maintained, and all assessment requirements are met by any adjusted assessment approach.

ASSESSMENT INFORMATION & SCOPE

This assessment resource tool outlines the unit(s) of competency, assessment tasks and exact requirements for what you need to do to demonstrate your competency.

This resource covers the National Mediator Accreditation Standards - Knowledge, skills and ethical principles articulated in the *Practice Standards*.

| | |
|---|--|
| Who is this Resource Designed for? | <p>The target group is any participant completing assessment to be confirmed as an <i>Accredited Mediator</i> under the National Mediation Accreditation Scheme (NMAS).</p> <p>The resource applies to mediation work in a range of contexts. Mediators use specialised knowledge, critical thinking and communication skills. They apply discretion and judgement within established organisation procedures.</p> <p>The participant should be able to demonstrate evidence within the boundaries of their workplace or scenario context.</p> |
| Competency Mapping | Please refer to the <i>Competency Mapping - Assessment Resource</i> for this topic available from your assessor for information on how this assessment resource tool meets the overall assessment requirements. |
| Pre-Requisites & Co-Requisites | An NMAS aligned course must have been completed prior to assessment, unless the participant is preparing to complete Accredited Mediator status via the <i>alternate application</i> process. |
| Legislative and Licensing Requirements | No licensing, legislative, regulatory or certification requirements apply to this unit. |
| Specific Resource Requirements | <ul style="list-style-type: none"> • Use of suitable facilities, equipment and resources, including: <ul style="list-style-type: none"> ○ Dispute information and information about the parties involved; and ○ Organisation policies and procedures. • Modelling of industry operating conditions, including: <ul style="list-style-type: none"> ○ Scenarios that involve complex interactions with others; and ○ Scenarios that involve problem-solving. |

SELF-ASSESSMENT

Before you begin to undertake assessment tasks in this topic, it is important to ensure that you are comfortable and ready to begin the assessment process.

Complete the following self-assessment checklist to confirm that you hold the skills and knowledge covered and feel ready to undertake a successful assessment process.

I am able to perform satisfactorily and demonstrate my skills and knowledge in the following tasks:

- ☐ Review existing information to assess and confirm the suitability of the dispute for mediation.
- ☐ Provide accurate and relevant information about the mediation processes available.
- ☐ Identify specific needs for co-mediators and others to be involved in the process.
- ☐ Clarify and confirm roles of co-mediators and others involved in the process.
- ☐ Verify that all participants to the mediation understand the sequential steps of the process.
- ☐ Provide clear and accurate information on roles, responsibilities and limitations of individuals and organisations involved.
- ☐ Outline the boundaries of confidentiality and privacy to participants.
- ☐ Identify required information to mediate the dispute.
- ☐ Assist and encourage participants to identify and exchange relevant information.
- ☐ Identify gaps in information and communicate with participants and others involved.
- ☐ Provide information to assist participants seek professional support to gain information required.
- ☐ Analyse issues and risks presented prior to the mediation to assess most suitable case management options.
- ☐ Clarify the need to seek advice on legal or factual complexity of the matter.
- ☐ Clarify expectations of participants and assess willingness to commit to process of negotiation and mediation.
- ☐ Assess power differentials between participants.
- ☐ Assess cultural perspectives that may affect the mediation process.
- ☐ Use security and safety guidelines according to legislative and organisation procedures.
- ☐ Review the intake process, compare with own assessment and respond to situations requiring referral to other internal or external services.
- ☐ Prepare venue according to participant needs.
- ☐ Identify and respond to language to accommodate specific needs of the participants.
- ☐ Engage the services of others according to organisation guidelines.
- ☐ Organise equipment, tools and any other resources required to support mediation process.
- ☐ Identify the communication needs of all stakeholders based on review of information and preparation processes.
- ☐ Confirm the ground rules for the mediation process with all participants/co-mediators.
- ☐ Comply with statutory and procedural requirements.
- ☐ Involve participants in identifying and defining the dispute based on review of information and preparation processes.
- ☐ Establish common ground between the participants.
- ☐ Describe the dispute using appropriate terms.
- ☐ Define the dispute in terms of interests where appropriate.
- ☐ Order, differentiate and prioritise issues in collaboration with the participants and confirm understanding.

I am able to perform satisfactorily and demonstrate my skills and knowledge in the following tasks:

- ☐ Model ethical practice, maintain impartiality and sustain fairness for all participants involved in the process.
- ☐ Select and use communication techniques suited to participants to facilitate positive interactions and progress towards agreement.
- ☐ Provide sufficient time for each party's interests and views to be identified and explored and acknowledge participants' feelings, concerns and views.
- ☐ Encourage participants to describe their understanding of others' statements about feelings, needs and ideas.
- ☐ Use conflict resolution techniques to identify and respond to potential and actual conflicts.
- ☐ Regularly check participants' understanding of the proceedings and adapt processes according to specific needs.
- ☐ Assist participants to prepare for problem-solving and negotiation.
- ☐ Manage co-mediation appropriately with all participants to the dispute.
- ☐ Support participants to identify options for decision-making.
- ☐ Acknowledge creative and inventive problem-solving strategies.
- ☐ Provide participants with opportunity to reflect on any agreement or seek other advice when appropriate.
- ☐ Assist participants to identify agreements and decisions made, and future action required.
- ☐ Recognise when mediation is not being effective and take action according to organisation protocols.
- ☐ Assess when agreement has been reached or when it is not possible based on progress of mediation.
- ☐ Support participants in reaching agreement across the final impasses and gaps using negotiation and problem-solving skills.
- ☐ Confirm clarity of participants' understanding of any agreement and their roles and responsibilities.
- ☐ Discuss information on further dispute resolution options if agreement is not reached.
- ☐ Outline the options for legal advice as one way of managing any lack of agreement.
- ☐ Apply case management guidelines with participants according to the specific case.
- ☐ Accurately record agreements and outstanding issues according to organisation procedures.
- ☐ Agree on process to communicate the outcome of the mediation to third participants.
- ☐ Specify actions to support implementation of the mediation and seek agreement between all participants to the dispute.
- ☐ Ensure mediation outcomes reflect shared responsibility and short/long term and contingency plans.
- ☐ Identify and reflect on areas of strength and challenge in the mediation process.
- ☐ Reflect on and review own role as mediator.
- ☐ Use learning from evaluation to inform future practice.

If you have covered and are comfortable with all of these areas, you are ready to proceed to the assessment tasks.

For any areas where you have not covered the skills or information, please discuss these with your assessor before you commence the assessment process.

ASSESSMENT TASKS - OVERVIEW

To demonstrate your competency, you must successfully complete **two** assessment tasks:

| | |
|--|--|
| Assessment Task 1 You must complete the following: | <ul style="list-style-type: none"> • Mediation Knowledge In this task, you will demonstrate a sound knowledge of the NMAS requirements through answering and submitting written questions. |
| Assessment Task 2 You must complete the following: | <ul style="list-style-type: none"> • Observation – Facilitated Mediation (<i>at least 1.5 hours' duration</i>) In this task, you will have your real world performance of skills and knowledge demonstrated while being observed by your assessor in a mediation you lead, running for at least 1.5 hours in duration. |

Please refer to the following pages for an outline of each assessment task and options available.

| ASSESSMENT PLAN & CONFIRMATION | | | |
|---|---|--------------|--|
| Participant Name: | | | |
| Contact Number: | | Date: | |
| Email: | | | |
| Assessment Tasks Selected: | Assessment Task 1: <input type="checkbox"/> Mediation Knowledge | | |
| | Assessment Task 2: <input type="checkbox"/> Observation: Facilitated mediation (at least 1.5 hours' duration). | | |
| Ready for Assessment Declaration: | <p>I confirm that the purpose and procedures of this assessment have been clearly explained to me. I been consulted about any special needs I might have in relation to the assessment process. The criteria used for this assessment have been discussed with me, as have the consequences and possible outcomes of the assessment.</p> <p>I have accessed and understand assessment information as provided.</p> <p>I have been given fair notice of the date, time, venue or other arrangements for this assessment. I have completed a self-assessment of my performance of this unit and confirm that I am ready for assessment.</p> | | |
| Participant Signature: | | | |

ASSESSMENT TASK 1: MEDIATION KNOWLEDGE

As a part of your assessment in this topic/unit, you will have your knowledge assessed via questioning.

This mediation knowledge assessment covers National Mediator Accreditation Standards - Knowledge, skills and ethical principles articulated in the *Practice Standards*.

| Mediation Knowledge Assessment - INSTRUCTIONS | |
|---|---|
| Instructions to the Participant: | You will complete written questions for purposes of formal assessment as per the questions outlined in the assessment below. All questions must be answered satisfactorily for the written assessment to be completed satisfactorily. |
| Range and Conditions: | <p>There is no restriction on the length of the question responses, or time restriction in completing the assessment. It is anticipated that the written assessment will take approximately 1.5 hours to complete.</p> <p>You must complete all questions unassisted by the assessor or other personnel, but may refer to reference material as may be needed.</p> |
| Resources Required: | <p>The following materials are required to record the participant's performance:</p> <ul style="list-style-type: none"> Knowledge assessment questions as listed. |
| Instructions to the Assessor: | <p>Any Assessor completing this assessment task must be a NMAS accredited mediator with at least 3 years' mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team.</p> <p>A marking guide for this assessment is provided within the <i>Assessor Guide</i> for this topic / unit. Instructions on how to make an overall judgement of the competence of the participant is provided.</p> |
| Reasonable Adjustment: | <p>If the participant is unable to undertake the written assessment as designed, an interview (verbal questioning) may be used as an alternate approach.</p> <p>There is no time restriction on the length of the interview or question responses.</p> <p>It is anticipated that the interview will run for approximately one hour – if being conducted in a workplace, this must be negotiated and agreed to by workplace colleagues, to minimise interruptions to the everyday activities and functions of the workplace environment.</p> <p>The interview approach may be structured or semi-structured and unstructured. Each question to be asked in the interview is listed and presented as per the written questions.</p> <p>The participant may have written copies of the questions during the interview.</p> <p>The assessor may prompt the participant during the interview if required, while maintaining the integrity of the original question. If a participant does not answer a question correctly, this must be recorded as an unsatisfactory response.</p> <p>All questions on the checklist must be answered satisfactorily for the interview assessment to be completed satisfactorily. The written assessment section below should be used by the Assessor to judge and record your interview. You should record interview outcomes directly onto the assessment.</p> |

| Mediation Knowledge Assessment – PARTICIPANT DECLARATION | |
|--|---|
| Participant Name: | |
| Date: | |
| Assessment Declaration: | <p>I declare that no part of this assessment has been copied from another person's work, except where clearly noted on documents or work submitted.</p> <p>I declare that no part of this assessment has been written for me by another person. I understand that plagiarism is a serious offence that may lead to disciplinary action.</p> |
| Participant Signature: | |

Mediation Knowledge Assessment - QUESTIONS

| | | |
|--------------------|--|--|
| Question 1: | Outline the principles and function of the mediation preparation process. | |
| Answer: | <div style="text-align: center;"> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory </div> | |
| Marking: | | |
| Question 2: | Outline the relationship between the preparation stage and other stages of mediation. | |
| Answer: | <div style="text-align: center;"> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory </div> | |
| Marking: | | |

Mediation Knowledge Assessment - QUESTIONS

| | |
|--------------------|--|
| Question 3: | Outline the role and function of mediators, including: <ul style="list-style-type: none"> • the responsibilities and limitations of the mediator; and • the roles and functions of support persons, lawyers and other professionals. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 4: | List two key factors that support honest and appropriate marketing and advertising of mediation in the promotion of a mediator's practice. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

| | |
|--------------------|--|
| Question 5: | List three types/sources of information that may be gathered/assessed when preparing for mediation. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 6: | List two specific circumstances in which it could be beneficial to use a co-mediation model. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 7: | Outline how considerations of confidentiality, privacy and disclosure / reporting obligations apply to mediation practice. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

| | |
|--------------------|---|
| Question 8: | <p>List one resource available for client use or referral in each of the following categories:</p> <ul style="list-style-type: none"> • Professional • Academic • Technical • Community • Educational |
| Answer: | |
| Marking: | <div style="text-align: right;"> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory </div> |
| Question 9: | <p>Outline how each of the following attitudes may impact on mediation preparation, especially in relation to cultural and social factors:</p> <ul style="list-style-type: none"> • Attitudes of members within a family • Attitudes towards physical space, venue and time • Attitudes towards the role of outsiders in dispute resolution; and • Attitudes in relation to the role of law, the courts, lawyers and professional advisers. |
| Answer: | |
| Marking: | <div style="text-align: right;"> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory </div> |

Mediation Knowledge Assessment - QUESTIONS

| | |
|---------------------|--|
| Question 10: | List two types of court orders or other legal parameters that may impact on mediation. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 11: | Outline how Freedom of information legislation affects mediation. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 12: | Outline three ways codes of conduct and the current National Mediator Accreditation Standards apply to mediation practice. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

Question 13: Outline how the following considerations apply to mediation practice:

- Bias
- Conflicts of Interest
- Discrimination
- Duty of Care
- Human Rights

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Mediation Knowledge Assessment - QUESTIONS

Question 14: Outline two rights and two responsibilities of workers, employers and clients in the mediation process.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Question 15: Outline three ways parties tend to approach conflict.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Mediation Knowledge Assessment - QUESTIONS

| | | |
|---------------------|---|---|
| Question 16: | Describe the dynamic of power and violence and its potential impact on negotiation in mediation. | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |
| Question 17: | Outline how each of the following cultural factors may impact on mediation preparation: <ul style="list-style-type: none"> • Variations on the agreed norms and range of behaviours; • Culture in relation to problem-solving and dispute resolution; • Culture in relation to negotiation, concessions and compromise; and • Variations in relation to written, spoken and non-verbal communication. | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

Question 18: List two security and safety guidelines that should be followed during mediation.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Question 19: Briefly outline the process followed in assessing suitability for mediation.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Mediation Knowledge Assessment - QUESTIONS

| | |
|---------------------|--|
| Question 20: | List two circumstances in which mediation may not be appropriate. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 21: | List two other dispute resolution procedures available as an alternative to mediation. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |
| Question 22: | Outline general records management obligations when undertaking mediation. |
| Answer: | |
| Marking: | <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

| | | |
|---------------------|---|---|
| Question 23: | Outline the principles and function of each stage of the facilitative mediation process. | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |
| Question 24: | Outline two communication techniques and how they might be used in the mediation process. | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

Question 25: Outline two ways you can ensure fairness within the mediation process.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Question 26: Outline the role of private / individual sessions, noting at least two circumstances where private sessions would be a suitable approach.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Mediation Knowledge Assessment - QUESTIONS

| | | |
|---------------------|---|---|
| Question 27: | Considering third party stakeholders to a mediation, list two communication needs that these stakeholders might have? | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |
| Question 28: | Outline how mediators can structure negotiation dynamics in mediation, to address manipulative and intimidating tactics, violence or abuse. | |
| Answer: | | |
| Marking: | <input type="checkbox"/> Satisfactory | <input type="checkbox"/> Unsatisfactory |

Mediation Knowledge Assessment - QUESTIONS

Question 29: Describe two factors that may indicate when the mediation process is not being effective.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Question 30: Outline the principles and function of the final stages of the mediation process.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

Mediation Knowledge Assessment - QUESTIONS

Question 31: Outline two examples of case management guidelines and how these might impact on the mediation process.

Answer:

Marking:

☐ Satisfactory

☐ Unsatisfactory

| Mediation Knowledge Assessment - ASSESSMENT RESULT | |
|--|---|
| Participant Name: | |
| Date: | |
| Feedback: | <p>All questions must be satisfactorily answered by the participant as per the marking guide in the <i>Assessor Guide</i>. The written assessment has been confirmed:</p> <p><input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory</p> <p>Please include recommendations for future training / action in cases where the participant has not satisfactorily achieved all criteria:</p> |
| Declaration: | <p>I declare that this written assessment has been conducted as per the instructions provided on this assessment tool, and that I have provided appropriate feedback to the participant.</p> |
| Assessor Name: | |
| Assessor Signature: | |

ASSESSMENT TASK 2: OBSERVATION: FACILITATING MEDIATION

(at least 1.5 hours duration)

As a part of your assessment in this topic/unit, you will have your real world performance of skills and knowledge documented via observation of you facilitating a mediation session of at least 1.5 hours' duration.

This observation assessment covers National Mediator Accreditation Standards - Knowledge, skills and ethical principles articulated in the *Practice Standards*.

| Observation Assessment - INSTRUCTIONS | |
|---|--|
| Instructions to the Participant: | <p>You will be observed for purposes of formal assessment as per the skills outlined in the Observation Checklist below.</p> <p>You will be observed in a mediator role, facilitating a mediation for <i>at least 1.5 hours' duration</i>, using one of the <i>complex mediation scenarios</i> provided in the <i>Mediation Scenario Kit</i>.</p> <p>You must provide the paperwork and documentation you produce in the mediation, including case notes and a mediation evaluation and self-review.</p> <p>All work produced for this assessment will be submitted in a folder to the assessor on a day and time specified by the trainer/assessor.</p> <p>Any templates needed are provided within the <i>Mediation Templates Pack</i>.</p> |
| Instructions to the Assessor: | <p>The following Observation Checklist should be used to judge and record participant observations. You should record your observations of the participant's performance directly onto the Observation Checklist. You are able to record your observations during and/or after the observation.</p> <p>Any Assessor completing this assessment task must be a NMAS accredited mediator with at least 3 years' mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team.</p> <p>The Observation Checklist has a series of items related to the unit of competency which form the evidence criteria. Instructions on how to make an overall judgement of the competence of the participant are provided within the checklist.</p> <p>The checklist also provides the opportunity for you to record that you have not had the opportunity to observe the participant applying these skills and knowledge. Instructions on how to treat not observed items on the checklist are included within the checklist, as are the further decision making rules to confirm satisfactory performance.</p> |
| Resources Required: | <p>The following materials required to record the participant's performance:</p> <ul style="list-style-type: none"> • This Observation Checklist • Use of suitable facilities, equipment and resources, including: <ul style="list-style-type: none"> ○ Dispute information and information about the parties involved; and ○ Organisation policies and procedures • Modelling of industry operating conditions, including: <ul style="list-style-type: none"> ○ Scenarios that involve complex interactions with others; and ○ Scenarios that involve problem-solving. |

| Observation Assessment - INSTRUCTIONS | |
|--|--|
| Range and Conditions: | <p>The Assessor needs to provide the necessary materials and resources above to the participant, as well as explain or clarify any concerns/questions before the observation commences.</p> <p>The period of observation should be at least 1.5 hours.</p> <p>The participant must complete the observation task unassisted by the observer or other personnel, unless the specific criteria below notes this assistance.</p> |
| Reasonable Adjustment: | <p>If the participant is unable to undertake the observation in real workplace conditions, then a simulated activity approach may be used. The simulated activity must be undertaken as if in a real workplace situation and environment.</p> |

| Observation Assessment - ASSESSMENT CHECKLIST | |
|---|---|
| Participant Name: | |
| Date: | |
| Activity Context: | <p>Participant is to prepare for, facilitate and then consolidate and conclude a mediation in the role of mediator.</p> <p>This assessment covers all the components of the task that are observable by the assessor such as the proceedings of mediation meetings.</p> |

| During the observation, the participant was observed consistently performing the following tasks: | | Satisfactory | Unsatisfactory | Not Observed |
|---|--|--------------|----------------|--------------|
| Prior to Mediation | | | | |
| O1 | Prepare venue according to participant needs. | | | |
| O2 | Organise equipment, tools and any other resources required to support mediation process. | | | |
| Commencing Mediation | | | | |
| O3 | Provide accurate and relevant information about the mediation processes available. | | | |
| O4 | Clarify and confirm roles of co-mediators and others involved in the process. | | | |
| O5 | Outline the boundaries of confidentiality and privacy to participants. | | | |
| O6 | Provide clear and accurate information on roles, responsibilities and limitations of individuals and organisations involved. | | | |
| O7 | Verify that all participants to the mediation understand the sequential steps of the process. | | | |
| O8 | Clarify expectations of participants and assess willingness to commit to process of negotiation and mediation. | | | |
| O9 | Assist and encourage participants to identify and exchange relevant information. | | | |
| O10 | Identify and respond to language to accommodate specific needs of the participants. | | | |
| O11 | Use security and safety guidelines as appropriate. | | | |

Observation Assessment - ASSESSMENT CHECKLIST

| During the observation, the participant was observed consistently performing the following tasks: | | Satisfactory | Unsatisfactory | Not Observed |
|---|---|--------------|----------------|--------------|
| Commencing Mediation | | | | |
| O12 | Clarify the need to seek advice on legal or factual complexity of the matter. | | | |
| O13 | Provide information to assist participants seek professional support to gain information required. | | | |
| Defining the Dispute | | | | |
| O14 | Involve participants in identifying and defining the dispute based on review of information and preparation processes. | | | |
| O15 | Describe the dispute using appropriate terms. | | | |
| O16 | Define the dispute in terms of interests where appropriate. | | | |
| O17 | Establish common ground between the participants. | | | |
| O18 | Order, differentiate and prioritise issues in collaboration with the participants and confirm understanding. | | | |
| Managing Communications and Interactions | | | | |
| O19 | Use and adapt the following communication techniques to meet the needs of different clients during the mediation process: <ul style="list-style-type: none"> <input type="checkbox"/> Active listening <input type="checkbox"/> Open ended questioning <input type="checkbox"/> Direct questioning <input type="checkbox"/> Silence <input type="checkbox"/> Appropriate body language <input type="checkbox"/> Paraphrasing <input type="checkbox"/> Reflecting <input type="checkbox"/> Reframing <input type="checkbox"/> Summarising <input type="checkbox"/> Negotiation <input type="checkbox"/> Problem-solving <input type="checkbox"/> Conflict resolution <input type="checkbox"/> Rapport-building <input type="checkbox"/> Minimally obtrusive verbal and non-verbal behaviours to manage interruptions | | | |
| O20 | Provide sufficient time for each party's interests and views to be identified and explored and acknowledge participants' feelings, concerns and views. | | | |
| O21 | Encourage participants to describe their understanding of others' statements about feelings, needs and ideas. | | | |

Observation Assessment - ASSESSMENT CHECKLIST

| During the observation, the participant was observed consistently performing the following tasks: | | Satisfactory | Unsatisfactory | Not Observed |
|---|--|--------------|----------------|--------------|
| Managing Communications and Interactions | | | | |
| O22 | Use conflict resolution techniques to identify and respond to potential and actual conflicts. | | | |
| O23 | Regularly check participants' understanding of the proceedings and adapt processes according to specific needs. | | | |
| O24 | Model ethical practice, maintain impartiality and sustain fairness for all participants involved in the process. | | | |
| Support Problem Solving & Negotiation | | | | |
| O25 | Assist participants to prepare for problem-solving and negotiation. | | | |
| O26 | Support participants to identify options for decision-making. | | | |
| O27 | Acknowledge creative and inventive problem-solving strategies. | | | |
| O28 | Provide participants with opportunity to reflect on any agreement or seek other advice when appropriate. | | | |
| O29 | Assist participants to identify agreements, reality test decisions made, and future action required. | | | |
| O30 | Recognise when mediation is not being effective and take action according to organisation protocols. | | | |
| Assess Level of Agreement | | | | |
| O31 | Support participants in reaching agreement across the final impasses and gaps. | | | |
| O32 | Assess when agreement has been reached or when it is not possible based on progress of mediation. | | | |
| O33 | Outline the options for legal advice as one way of managing any lack of agreement. | | | |
| O34 | Discuss information on further dispute resolution options if agreement is not reached. | | | |
| O35 | Confirm clarity of participants' understanding of any agreement and their roles and responsibilities. | | | |

Observation Assessment - ASSESSMENT CHECKLIST

| During the observation, the participant was observed consistently performing the following tasks: | | Satisfactory | Unsatisfactory | Not Observed |
|---|--|--------------|----------------|--------------|
| Document and Communicate Outcome | | | | |
| O36 | Comply with all relevant statutory and procedural requirements and case management guidelines. | | | |
| O37 | Specify actions to support implementation of the mediation and seek agreement between all participants to the dispute. | | | |
| O38 | Ensure mediation outcomes reflect shared responsibility and short/long term and contingency plans. | | | |
| O39 | Agree on process to communicate the outcome of the mediation to third participants. | | | |
| Duration of Observation: | | | | |

Observation Assessment – ASSESSMENT CHECKLIST

| Documentation Provided: | | Satisfactory |
|-------------------------|--|--------------|
| D1 | Appropriate and accurately recorded case notes (and mediation agreement where relevant). | |
| D2 | Completed mediation evaluation and self – review forms. | |

| Observation Assessment - ASSESSMENT RESULT | |
|--|--|
| Feedback: | <p>All observation criteria must be satisfactorily demonstrated by the participant. The observation assessment has been confirmed:</p> <p style="text-align: center;"> <input type="checkbox"/> Satisfactory <input type="checkbox"/> Unsatisfactory </p> <p>Please include recommendations for future training in cases where the participant has not satisfactorily achieved all criteria:</p> |
| Declaration: | <p>I declare that this observation assessment has been conducted as per the instructions provided on this assessment tool, and that I have provided appropriate feedback to the participant.</p> |
| Assessor Name: | |
| Assessor Signature: | |
| Participant Signature: | |

| NATIONAL MEDIATOR ACCREDITATION STANDARDS - CONFIRMATION | |
|--|--|
| Participant Name: | |
| Principal Trainer Name: | |
| NMAS Requirements | |
| Training Requirements I confirm the following requirements have been completed: <ul style="list-style-type: none"> <input type="checkbox"/> A training course of a minimum of 38 hours in duration which may be conducted as a single course or in modules over a period of up to 24 months. <input type="checkbox"/> A training team of at least two trainers in which the principal trainer has more than three years' experience both as a NMAS accredited mediator and as a trainer. <input type="checkbox"/> Sufficient coaches for each trainee to be observed performing the role of mediator by different coaches in two simulated mediations each of at least 1.5 hours in duration. <input type="checkbox"/> Coaches who are accredited as mediators under the NMAS and have at least two years or 50 hours' mediation experience and who provide written feedback to the trainees they have observed. <input type="checkbox"/> Each trainee participating in at least nine simulated mediations, in at least three of which they perform the role of mediator: and <input type="checkbox"/> Content that includes the knowledge, skills and ethical principles articulated in the Practice Standards. | |
| Declaration: | I confirm that the participant has met the above NMAS requirements for accreditation under the standards. |
| Principal Trainer Signature and Date: | Signature: Date: |
| Assessment Requirements I confirm the following requirements have been completed: <ul style="list-style-type: none"> • An applicant, at a minimum, performing the role of a mediator in a simulated mediation of at least 1.5 hours • An assessor observing a simulation (in real time or digitally or video recorded for later observation) without providing any coaching to the applicant during the simulated mediation • An assessor who is a NMAS accredited mediator with at least 3 years' mediation experience and with no conflict of interest with respect to the applicant and who is independent of the training team • Assessment criteria reflecting the knowledge, skills and ethical principles articulated in the Practice Standards • An applicant being found competent by an assessor using an assessment form documenting the extent to which the applicant has met or has not met the assessment requirements; providing written feedback on the applicant's performance and indicating the assessment outcome • In so far as circumstances allow, a copy of the assessment form being supplied to the applicant a reasonable time prior to the conduct of the assessment. | |
| Declaration: | In completing this assessment, I confirm that the participant has demonstrated all NMAS outcomes required for accreditation under the standards. |
| Assessor Signature and Date: | Signature: Date: |
| Participant Signature: | |

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