

Support clients through the mediation process

Overview

This standard is about the steps that need to be taken when supporting clients through the mediation process. It is aimed at people who provide advice and guidance to clients for services such as public services, education and training, health services and those provided by welfare professionals.

The standard looks at how the mediator initially looks to establish issues with clients, how they explore issues, help them identify and evaluate the potential options available to them and finally to build and secure agreements between clients.

Support clients through the mediation process

Performance criteria

You must be able to:

1. introduce clients to the mediation process in line with their needs
2. allow clients sufficient time to express their concerns in line with their needs
3. confirm with clients that information obtained is accurate
4. agree with clients any issues that will form the agenda for discussion in line with their needs
5. discuss issues in an order that allows progress to be made
6. consider options where the concerns of clients cannot be met through mediation or the selected mediator in line with their needs
7. facilitate gathering and exchanging of information between clients in line with organisational requirements
8. manage differences between clients in line with organisational requirements
9. manage clients to allow mediation processes to move forward
10. encourage clients to acknowledge each other's perspective in line with their needs
11. establish common ground where agreement is possible
12. clarify issues of confidentiality in line with organisational requirements
13. check that time allocated to explore options and proposals is appropriate to the progress made within the mediation process
14. reassure clients about confidentiality, safety and security of discussing options in line with organisational requirements
15. help clients to create and develop potential options in line with their needs
16. give clients opportunities to consider a range of options in line with their needs
17. support clients to evaluate the implications, consequences and practicalities of options in line with their needs
18. help to develop further options where progress cannot be made in line with the needs of clients
19. check that any agreement is the result of joint decisions between clients
20. agree criteria for resolution with clients
21. obtain responses from clients to options being discussed
22. confirm ways for clients to move forward in line with their needs
23. create opportunities for decisions on options to be made, including the potential for compromise between clients
24. check the basis of agreements with clients to confirm ownership
25. agree conditions and methods of implementing agreements with clients
26. comply with all relevant legal, professional, and organisational requirements and guidelines in relation to supporting clients through the mediation process
27. record agreements in line with organisational requirements

Support clients through the mediation process

Knowledge and understanding

You need to know and understand:

1. the importance of complying with relevant legal, professional and organisational requirements and guidelines
2. legislation, codes of practice, organisational policies and procedures in relation to job role/activities undertaken
3. approaches and methods of mediation
4. communication and the adaptation of communication styles to suit the needs of the client
5. how to deal with confidentiality within the mediation process
6. consent within the mediation process
7. the roles and responsibilities of those involved in the mediation process (and boundaries)
8. range of interventions available to support the mediation process and the circumstances in which they can be used
9. how interventions can be used to:
 - 9.1 help clients to express their concerns and issues
 - 9.2 gather and exchange information
 - 9.3 support clients to explore and evaluate options
 - 9.4 building and securing agreements
 - 9.5 continue mediation if no agreement is reached
10. options available, including;
 - 10.1 referral to other agencies
 - 10.2 other mediators
11. how to manage the expression of emotion and feelings
12. key words and phrases that indicate potential for movement and change
13. what the criteria for agreements are likely to include such as;
 - 13.1 outcomes which meet the needs of both parties
 - 13.2 freedom from coerced outcome
 - 13.3 willingness to implement agreed outcomes
 - 13.4 practicality of outcomes and likelihood of implementation
 - 13.5 resolution of issues rather than their avoidance or partial resolution
 - 13.6 what compromises could involve new creative solutions
14. conditions and methods of implementing agreements which must include the responsibilities of each party
15. identify moments when decisions on options can be made
16. principles, approaches and methods of mediation
17. range of services and agencies available to provide support
18. the referral procedures
19. range of approaches that can be used to help clients explore and evaluate

Support clients through the mediation process

- the options
- 20. how to match interventions to client's needs
- 21. recording requirements of your organisation, including how to store recorded information securely

Support clients through the mediation process

Developed by	Skills for Justice
Version Number	2
Date Approved	February 2015
Indicative Review Date	February 2015
Validity	Current
Status	Original
Originating Organisation	Learning and Skills Improvement Service
Original URN	AG29
Relevant Occupations	Education and training; Health, Public Services and Care; Housing Advisors; Public Service Professionals
Suite	Advice and Guidance
Keywords	mediation; dispute; resolve; advice; guidance; mediate
