|  |  |  |  |
| --- | --- | --- | --- |
| **Applicant Name** |  | **Role Play Date** |  |
| **Assessor Name** |  | **Assessment Date** |  |
| **Role Play** |  | **RP 1** |  |
| **Role Play #** |  |  |  |
| **Start Time:** |  | **End Time:** |  |
| **C**=Competent **NYC**=Not Yet Competent | | **Total Time:** |  |

# Summary Outcome

|  |  |  |
| --- | --- | --- |
| **Performance Evidence** | | **C/NYC** |
| **Determined and responded to Family Law Requirements including:** | |  |
|  | Used and followed systems, processes, documentation |  |
|  | Provided accurate and current information to party about family law and available support options |  |
|  | Identified areas outside own expertise and referred party to legal advice and other professional resources where appropriate |  |
| **Responded appropriately to party needs and managed any legal and ethical dilemmas** | |  |
| **Determined suitability for Dispute Resolution including:** | |  |
|  | Made an assessment of the issues with the party |  |
|  | Used standard protocols to screen for the existence of safety and vulnerability issues that would affect the party ability to negotiate freely in FDR |  |
|  | Supported party to articulate their concerns and consider their items for the agenda |  |
|  | Recognised possible impact and risk of the FDR process and made an informed judgement about the most appropriate approach and whether to proceed |  |
|  | Identified and explained the most appropriate approach for the party’s circumstance |  |
| **Helped the party to prepare for Dispute Resolution including:** | |  |
|  | Explained the FDR process to the party |  |
|  | Advised them of the FDRP’s role, obligations, and limitations |  |
|  | Explained the limitations on confidentiality and obtained written agreement to participate |  |
| **Maintained Confidentiality from the other Pre-Mediation (if 2nd Party Only)** | |  |
| **Demonstrated facilitation skills including:** | |  |
|  | Relationship skills including establishing trust and respect, encouraging party self-determination, and remaining unbiased |  |
|  | Interpersonal communication skills including establishing rapport, showing respect for individual differences, showing empathy, and using active listening and questioning to avoid assumptions when clarifying information |  |
|  | Spoke clearly, simply, and effectively at the party’s communication and comprehension level |  |
|  | Critical thinking and content management skills including obtaining, identifying, analysing, and prioritising information to assess issues and evaluate the party situation. |  |
| Overall assessment outcome | |  |

|  |
| --- |
| Overall Comments |
| **Observations:** |
| **Minor:** |
| **Major:** |

|  |  |
| --- | --- |
| **Additional Evidence Required?** |  |

## Mediators Opening Statements for Pre-Mediation Process

|  |  |  |
| --- | --- | --- |
| **Item** | | **S** |
| **Welcome and introduction** self and parties appropriately and established a positive tone | |  |
| **Mediators Role & Responsibilities** facilitate and support decision making (self-determination) including: | |  |
|  | **Neutral & Unbiased** |
|  | **Legal Information** not Legal Advice |
|  | **Assist** the party to communicate about their needs, interests, and concerns about their children in a safe environment |
| **Best Interests of the Child** (Family Law Act) | |  |
| **Explains housekeeping** (handling dropouts if video, bathrooms & exits if F2F, breaks and availability for the duration of the session) | |  |
| **Acknowledged or referred to Agreement to Mediate** to confirm terms for the mediation with parties | |  |
| **Explained confidentiality** and exclusions to confidentiality for the mediator and parties | |  |
|  | **Duty of care** and mandatory reporting obligations |
|  | **Not Disclose,** without permission |
|  | **Internally** with team and/or supervisor |
|  | **Professional Advisors** – Lawyers, Accountants, Financial Advisors, etc. |
|  | **Circle of intimacy** – Partners, Mentors, etc. |
|  | **Get Parties commitment** to confidentiality provisions |
| **Inadmissibility and non-binding nature** of proposed agreements | |  |
| **Describe Agreement Types** | |  |
|  | **Information** about how to make agreements legally enforceable |
|  | **Information** about Section 60i certificates |
| **Explained the voluntary process** | |  |
|  | **Information** about voluntary nature of FDR |
|  | **Confirmed** voluntary nature |
| **Explain the role of the party** | |  |
|  | **Open & Honest** full and frank disclosure |
|  | **Best Interests of the Child** (Family Law Act) |
| **Explained parties’ rights and obligations** | |  |
|  | **Importance** of informed consent and seeking legal or other advice |
|  | **Their duty of disclosure** explained |
| **Explained Ground Rules** for the Pre-Mediation | |  |
|  | **Respectful Language** use first names only |
|  | **Agree to Ground Rules** |
| **Describe the Pre-Mediation Process** | |  |
|  | Discuss party situation and safety |
|  | Talk in more details about the issues to be resolved |
|  | Explain the mediation process – and consider if mediation is going to be appropriate. |
|  | Discuss next steps or additional information you need |

|  |  |  |
| --- | --- | --- |
| **Tools used** **effectively** | | **S** |
|  | **Agreement** to mediate or equivalent used and signed |  |
|  | **Used Intake Form** completed by the mediator (upload to task following role play) |  |
|  | **DOORS 2 Aide Memoire** Used in Pre-Mediation |  |
|  | **DOORS 2 Aide Memoire** (Uploaded prior to Pre-Mediation) |  |
| **Prepared** for pre-mediation by collecting party information in accordance with organisational procedures. | |  |
| **Explained** the pre-mediation process purpose to the party and answered their questions appropriately | |  |
| **Established** rapport with the party throughout the opening statements | |  |

|  |
| --- |
| **Overall Comments** |
|  |

## Identified The Party’s Family Law Situation and Issues

|  |  |  |
| --- | --- | --- |
| **Item** | | **S/N/X** |
| **Transition** – explained that the mediator would now be asking the party to tell you about the issued they’d like to resolve | |  |
| **Check if Reconciliation is an option** | |  |
|  | **Information** about reconciliation (if appropriate) |  |
| **Used** party intake form to accurately collect information from the party | |  |
| **Established rapport** by using facilitation skills such as verbal and non-verbal rapport building skills | |  |
| **Discuss history, issues, and objectives with the party** | |  |
|  | **Demonstrated active listening** by asking clarifying questions and confirming understanding with summaries in reported speech e.g. You mentioned / You said … |
|  | **Questions** - open ended, relevant, and direct questions to clarify interests, issues, and concerns |
|  | **Summaries:** a final or ongoing summaries of the issues with the party before moving on |
|  | **Avoided** questioning a party about motivations of others or irrelevant tangents |
|  | **Enforced** ground rules (respectfully) regarding respectful communication |
| **Accurately** identified the party’s presenting needs | |  |
|  | Domestic and family violence / safety and DVO’s (require copy) |
|  | Finance |
|  | Property |
|  | Children |
|  | Relationship Conflict |
| **Responded** appropriately to identified needs including referring to other services such as community support, legal advice, financial counselling etc | |  |
| **Explained relevant aspects of the Family Law Act 1975 and Family Law Regulations 1984 including:** | |  |
|  | **Information** about child support |
|  | **Information** about spousal maintenance (if required) |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tools used effectively** | | | |
|  | **Intake form** used to document relevant information |  |
|  | **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |

|  |
| --- |
| **Overall Comments** |
|  |

## Risk Assessment and Response

|  |  |  |
| --- | --- | --- |
| **Item** | | **S/N/X** |
| **Transition** – explained to the party that the FDR would now be discussing some of the possible risk factors in order to determine if FDR is a suitable process for them | |  |
| **Used** a risk screening tool and interpersonal skills including: | |  |
|  | **Used a non-judgemental approach** to establish a climate for disclosure |
|  | **Avoided assumptions** |
|  | **Asked questions** about DV & Safety Concerns (Physical)? |
|  | **Asked questions** about DV & Safety Concerns (Emotional, Psychological Abuse or neglect)? |
|  | **Asked questions** about Substance Abuse? |
|  | **Asked questions** about Self-Harm and/or Mental Health issues? |
|  | **Asked questions** about any Cultural, Religious, Parenting Values, Disabilities, and Other Sources of Vulnerability? |
|  | **Asked questions** about The Relationship Dynamic and How They Have Negotiated in The Past? |
|  | **Asked questions** about Finances and Any Financial Concerns? |
| **Demonstrated empathy** and compassion for the party without becoming an advocate or stepping outside of your role. | |  |
| **Demonstrated an understanding** of family dynamics and the impact of any culture, religion, parenting values, disabilities, and other barriers to comprehension and access to services. | |  |
| **Discussed** any concerns about proceeding to FDR with the party and involve them in decision making about risks and appropriate processes | |  |
| **Discussed** any current safety concerns and the need for a safety plan / safety plan review or referral to specialist DV or other support services | |  |
| **Responded** appropriately to identified needs including referring to other services such as community support, legal advice, financial counselling etc | |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tools used effectively** | | | |
|  | **Intake form** used to document relevant information |  |
|  | **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |
|  | **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |

|  |
| --- |
| **Overall Comments** |
|  |

## Discussion of the FDR Process and Options with the Party

|  |  |  |
| --- | --- | --- |
| **Item** | | **S/N/X** |
| **Transition** – thanked party for discussing their past issues and appropriately acknowledged any disclosure of DV. | |  |
| **Explained** the FDR Process in greater detail including:   1. Mediators Opening Statements 2. Parties Opening Statements 3. Agenda Creation 4. Exploration of Issues 5. Option Generation 6. Private Sessions 7. Negotiation of Options 8. Agreement Writing 9. Mediation Close | |  |
| **Explain Suitability of FDR** | |  |
|  | Check With Them if They Feel Safe to Proceed |
|  | Explain differences between, video, face-to-face and shuttle |
|  | Party’s willingness to proceed via Zoom Face-to-Face or Zoom Shuttle? |
|  | Check if Safety Plan Required |
| **Explained** the party’s rights and obligations | |  |
|  | Explain Ground Rules for Behaviour and Voluntary Process in Mediation |
|  | Are there any vulnerabilities and include best interests of the children |
|  | Role of support people, lawyers, and other strategies regarding safety |
| **Supported** the party to identify any concerns regarding the FDR process | |  |
| **Prepared** the party for collaborative negotiation by explaining and discussing positions, needs and interests and the benefits of win/win outcomes for sustainability of agreements | |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tools used effectively** | | | |
|  | **Intake form** used to document relevant information |  |
|  | **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |
|  | **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |

|  |
| --- |
| **Overall Comments** |
|  |

## Preparation for FDR

|  |  |  |  |
| --- | --- | --- | --- |
| **Item** | | **S/N/X** | |
| **Transition –** explained that they would now talk about how to prepare for the FDR Session | | |  |
| **Asked** the party about their proposal and considerations for parenting, or provided information to assist the party to consider parenting arrangements | | |  |
| **Asked** the party about considerations about special days, holidays, trips away, and childcare etc. | | |  |
| **Asked** the party about any issues they see regarding co-parenting alignment. | | |  |
| **Assisted** the party to identify knowledge gaps and strategies to overcome them including: | | |  |
|  | referral for legal advice | |  |
|  | referral for financial advice | |  |
|  | referral for child support agency | |  |
|  | referral for other pre-mediation services | |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tools used effectively** | | | |
|  | **Intake form** used to document relevant information |  |
|  | **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |
|  | **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |

|  |
| --- |
| **Overall Comments** |
|  |

## Closed the pre-mediation session

|  |  |  |
| --- | --- | --- |
| **Item** | **S/N/X** | |
| **Transition** – told the party that the session was at an end | |  |
| **Confirmed** any information, referrals, or resources the practitioner would be providing | |  |
| **Confirmed** next steps if other services are to be provided by the practitioner | |  |
| **Thanked** the party and closed the session | |  |
| **Documented information and actions** according to organisation policy and legal requirements | |  |
| **Confirmed** mediation will proceed (with possible dates) or waiting on 2nd pre-mediation | |  |
| **Confirm Confidentiality on closing** | |  |

|  |  |  |  |
| --- | --- | --- | --- |
| **Tools used effectively** | | | |
|  | **Intake form** used to document relevant information |  |
|  | **Risk Screening tool** such as DOORS 2 Aide Memoire used, or standard protocols incorporated into the intake form |
|  | **Guides, diagrams,** or other pre-prepared information to facilitate party understanding (if used) |

|  |
| --- |
| **Overall Comments** |
|  |