

# A guide to Professional Conversation Assessment for accreditation as an FDR Provider within New Zealand



Under the FDR Regulations 2013, Family Dispute Resolution Providers must be accredited by an Approved Dispute Resolution Organisation (ADRO). Resolution Institute is an ADRO.

To accredit a practitioner as an FDR Provider, an ADRO, such as Resolution Institute must be satisfied that the practitioner demonstrates competency to deliver FDR that meets the requirements of the Regulations. (Family Dispute Resolution (FDR) is the process defined in Part 3 of the Family Court Proceedings Reform Bill and related legislation and guidelines).

## Pathways to accreditation

To be accredited by Resolution Institute as an FDR Provider you must be accredited by Resolution Institute (LEADR Accredited) as a mediator.

If you are already a LEADR accredited mediator:

- You will be assessed against the FDR Provider competencies through a professional conversation with a Resolution Institute assessor

If you are not yet a LEADR accredited mediator:

- You will need to be accredited as a mediator. To be LEADR accredited as a mediator you will normally have completed the Resolution Institute 5 Day Mediation Workshop and then be assessed for accreditation with a written exercise and an observed mediation simulation
- You will then be assessed against the FDR Provider competencies through a professional conversation with a Resolution Institute assessor

\*You can apply for both LEADR and FDR Provider accreditation at the same time.

## Professional Conversation

Resolution Institute is using professional conversations to assess competency of practitioners who have mediation experience and/or have completed Resolution Institute FDR training. A *Professional Conversation*<sup>1</sup> is a structured conversation between a candidate and an assessor. The following pages provide a guide for preparing for these conversations and a self-assessment tool.

**In a professional conversation you as the candidate lead the process, providing evidence that demonstrates how you meet each of the competencies.**

**It is vital that you prepare before assessment – use this guide to help.**

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<sup>1</sup> Professional conversations originated from two social science methodologies: discourse analysis and behavioural interviewing. The term “Professional Conversations” is owned by Competency International Ltd and used with permission.

## The professional conversation process

### BEFORE the professional conversation

#### Candidates

- Self- assess against the FDR competencies (see pages 4 -10)
- Select case studies and collect relevant evidence to demonstrate competence (see below for *Guidelines for evidence*)



### DURING the professional conversation

#### Candidates

- Lead the conversation, describing examples and drawing on the relevant evidence (see above) to demonstrate the competencies and standards required for FDR practice. How you present your information is your choice. There is no right or wrong way

#### Assessors

- Make a recording of the conversation for purposes of moderation and review
- Ask questions as necessary so that they can assess the extent to which experience, skills, knowledge and attitudes meet the requirements of FDR practice.
- Satisfy themselves that your evidence is **valid** (clearly relates to the FDR requirements and competencies), **sufficient** to assess good practice and repeatability of that practice and **authentic** (a true reflection of your ability and performance).
- Communicate to candidates:
  - where sufficient evidence has been provided to meet requirements
  - where additional evidence is required to meet requirements. The evidence to be provided will be agreed.
  - where additional professional development and assessment is required. This will include:
    - a. Minor competency gaps and recommendations to address these, either before accreditation, or as a condition of accreditation,
    - b. Significant gaps in experience and/or competence which will require additional training and/or experience to meet before accreditation can be completed. Recommendations for addressing these gaps will be provided.



### AFTER the professional conversation

#### Assessors

- Review referee's statements, speak with referees if necessary and review any additional evidence required
- Confirm the result and provide recommendations as appropriate

#### Resolution Institute

- Provides results and recommendations, usually at the professional conversation, or if further follow up is required, within two weeks of the professional conversation
- Stores application, recordings of professional conversations, copies of references provided and the assessment document

#### A candidate who disagrees with the assessment result:

- May request a review by an independent assessor, who will listen to the conversation recording and review the submitted evidence.

## Guidelines for evidence

Evidence refers to case studies/work situations and documents that you can use during the professional conversation to help you demonstrate the ways in which you meet the FDR requirements.

### Case studies/work situations

Think about case studies/work situations which you can describe and refer during the professional conversation. It will probably be helpful to have between 3 and 5 case studies/work situations that provide evidence for as many of the competencies as possible. It can be useful to choose the most challenging situations you have faced, as often the richest learning is from those situations that were difficult or did not go well.

### Documents

Collect together documents to refer to during the professional conversation and show as appropriate to the assessor. Please remember to de-identify all documents.

Resolution Institute will not keep copies of these documents – they are for use only during the professional conversation. Resolution Institute anticipates that document evidence will mostly already exist. Resolution Institute does not anticipate that you will need to create such documents for the professional conversation.

Document evidence may include minutes, de-identified mediated agreements, performance reviews, case notes, supervisor verification, work samples, client feedback, other direct feedback, evidence from formative assessment in training and other appropriate evidence.

## More information

- Speak with the Resolution Institute trainers conducting the family focused training; or
- Contact the Resolution Institute office on [infonz@resolution.institute](mailto:infonz@resolution.institute) or freephone 0800 453 237

## Self - assessment

Attending the 3-day training will assist you in preparing for accreditation as well as provide you with FDR practitioner skills.

- Make notes during this training that you can use during the professional conversation to demonstrate that you meet the requirements.
- Consider the ways your previous experience contributes to you demonstrating how you meet the requirements. *Possible* questions to consider are:
  - What did you do?
  - How did you do it?
  - Why did you do what you did?
  - What models, theories, people etc. informed your actions?
  - What happened?
  - What feedback did you receive?
  - What did you learn?

If there are gaps in your experience, your assessor will include recommendations about your training and development needs.

FDR Requirements / Competencies	<i>Notes in italics and Judgment/Performance criteria</i>	Meet the requirements?		Your notes on comments you can make, case studies/work situations and documents you can use to show the ways in which you demonstrate the FDR requirements.
		Yes	No	
Must have enough experience of resolving disputes using mediation to provide reasonable assurance of competence in providing dispute resolution services in the context of Family Court processes	<ul style="list-style-type: none"> <li>• Can apply knowledge and skills of mediation to FDR</li> </ul>			
a. Be able to determine and	<i>Parties including parents, guardians,</i>			

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facilitate an appropriate process to assist parties to reach agreements that promote the welfare of children	<p><i>grandparents and whanau).</i></p> <p><i>“Welfare and best interests of children” is set out in the principles relating to children’s welfare and best interests in Section 5 of the Family Court Proceedings Reform Bill</i></p> <ul style="list-style-type: none"> <li>• Determines an appropriate mediation process for the parties <i>(Effective mediation process may include but is not limited to: preparation, openings, agenda setting, issue exploration, identification of interests, problem solving , private and joint sessions, option generation, negotiation, reality testing, clarification of outcomes, and closings)</i></li> <li>• Ensures the welfare and best interests of children are kept paramount during FDR processes</li> <li>• Conducts the mediation process to maximise optimal outcomes for the parties</li> <li>• Ensures children’s views are appropriately included in the mediation</li> </ul>			
b. Be able to help people to participate effectively	<ul style="list-style-type: none"> <li>• Establishes guidelines and boundaries for conduct of the mediation</li> <li>• Selects and applies relevant mediation strategies and techniques for the situation</li> </ul>			

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in mediation	<ul style="list-style-type: none"> <li>• Creates an inclusive environment to enable full participation of parties</li> <li>• Uses a range of communication and interpersonal skills that maximise engagement and assist parties to reach optimal outcomes <i>(includes empathetic and active listening building rapport, body language, questioning, reflection and feedback, summarising, reframing)</i></li> <li>• Facilitates individual and joint meetings of parties</li> <li>• Facilitates parties to explore issues fully and move from positions to uncovering interests</li> <li>• Manages high emotion, power imbalances and capacity of parties effectively</li> <li>• Uses impasse breaking strategies</li> <li>• Ensures outcomes are reality tested and accurately recorded</li> </ul>			
c. Be able to help parties to the mediation to develop skills and strategies for managing future	<ul style="list-style-type: none"> <li>• Models desirable conflict resolution behaviours at all times</li> <li>• Provides coaching on strategies for resolving future disagreements</li> <li>• Encourages reflection</li> </ul>			

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		Yes	No	
disagreements.	<ul style="list-style-type: none"> <li>Provides information on support services and how to access them</li> </ul>			
<p>d. Have knowledge and understanding of Family Court processes and family law, particularly –</p> <p>(i) The Care of Children Act 2004 and the effect of sections 4, 5 and 6 of the Act; and</p> <p>(ii) The Family Dispute Resolution Act 2013</p>	<ul style="list-style-type: none"> <li>Complies with laws relating to COCA</li> <li>Explains the laws to parties clearly and correctly and in a way that parties can understand</li> </ul>			
e. Be able to apply and	<ul style="list-style-type: none"> <li>Identifies and applies FDR processes in accordance with the law</li> </ul>			

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		Yes	No	
communicate laws, rules, and functions of the Family Justice System.	<ul style="list-style-type: none"> <li>Communicates to parties the Family Justice Scheme (FJS) process &amp; how FDR operates within it</li> <li>Complies with laws relating to mediation</li> <li>Complies with reporting requirements</li> </ul>			
f. Must have adequate knowledge and understanding of child development and its relevance to day-to-day care and contact issues	<ul style="list-style-type: none"> <li>Explains the impact of family separation on children at different ages and stages of development</li> <li>Suggests age and development stage appropriate day to day care and contact strategies</li> </ul>			
g. Must be	<ul style="list-style-type: none"> <li>Provides a culturally safe and inclusive</li> </ul>			



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		Yes	No	
culturally aware, in particular of Maori values and concepts	<p>environment</p> <ul style="list-style-type: none"> <li>▪ Includes relevant whanau members in decision making where agreed by all parties</li> </ul>			
h. Must be able to address the diversity of parties to the mediation	<ul style="list-style-type: none"> <li>• Identifies and considers diversity of the parties in selecting an appropriate process (<i>Diversity refers to consideration of differences including gender, sexual identification, race, ethnicity, culture, religion, age, disability</i>)</li> <li>• Manages the mediation to ensure fairness and inclusiveness</li> </ul>			
i. Must be able	<i>(Risk refers to factors such as violence including domestic violence, mental health, intellectual</i>			

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		Yes	No	
<p>to:</p> <p>(i) Assess parties to mediation, and their circumstances and history, for factors (in particular, in relation to possible domestic violence) indicating risks that may arise during, or in the context of, mediation sessions; and</p> <p>(ii) Manage any risks likely to arise</p>	<p><i>disability, impact of drugs and alcohol)</i></p> <ul style="list-style-type: none"> <li>Identifies and mitigates potential risks for all parties to the FDR processes</li> <li>Assesses parties for evidence of domestic violence using approved screening tools prior to and during mediation</li> <li>Identifies suitability of parties for mediation and takes appropriate action in accordance with legal and ethical obligations</li> </ul>			
<p>I. Comply with professional and ethical principles and practices.</p>	<ul style="list-style-type: none"> <li>Operates within applicable codes of conduct</li> <li>Explains ethical responsibilities of FDR practitioners to parties</li> <li>Operates within the boundaries of the mediator's role</li> </ul>			

FDR Requirements / Competencies	<i>Notes in italics and Judgment/Performance criteria</i>	Meet the requirements? Yes No		Your notes on comments you can make, case studies/work situations and documents you can use to show the ways in which you demonstrate the FDR requirements.
	<ul style="list-style-type: none"> <li>• Operates within personal levels of expertise and seeks advice where required</li> <li>• Demonstrates self-management skills to ensure personal health and well-being including:               <ul style="list-style-type: none"> <li>○ Recognising the potential personal impact of the mediator's personal circumstances, values and beliefs when undertaking mediation</li> <li>○ Undertaking regular supervision</li> <li>○ Participating in relevant professional development</li> </ul> </li> </ul>			