



Industry Skills Council

Family Counselling, Family
Dispute Resolution &
Children's Contact Services

SCOPING REPORT

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For further information please contact:

Community Services and Health Industry Skills Council Ltd,

GPO Box 9848 Sydney NSW 2001,

Telephone: 61 2 9263 3589,

Facsimile: 61 2 9263 3599,

Email: admin@cshisc.com.au,

website: www.cshisc.com.au

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EXECUTIVE SUMMARY

This report presents the findings of the Scoping Project to develop competency standards and qualifications for family counselling, family dispute resolution and Children's Contact Services. The purpose of developing these standards is to establish nationally agreed 'training and assessment' benchmarks to support quality service delivery in these three areas of family relationships practice. The scoping project establishes the rationale for the standards and qualifications, based on analysis of the areas of work to be covered.

The Community Services and Health Industry Skills Council (CS&HISC) is undertaking the project on behalf of the Commonwealth Attorney General's Department (AGD) to develop national competency standards and qualifications for the family relationships workforce.

This project is conducted within the context of family law system reforms in the Australian Government's 2005 Budget announcement. Changes to the family law system include the development of new service models, expanded services and proposed amendments to the Family Law act contained in the exposure Draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005.

Changes have also been proposed for the counselling and dispute resolution provisions of the Act, in particular applicable definitions. The requirements relating to practitioner qualifications are not currently included in the Exposure Draft of the Bill. The Australian Government is still considering how the standards will be implemented. A number of options exist, including by amendment to the *Family Law Act 1975*.

The three areas of work to be addressed by competency development in this project are family counselling, family dispute resolution and work undertaken by practitioner staff in Children's Contact Services. All three areas of practice relate to supporting and assisting families in need of professional support at various points in their relationships. Family counselling and family dispute resolution practices operate in a range of environments, including government funded and non-government funded agencies, Family and Federal court systems and private practice. Children's Contact Service work is a dedicated and focused service within the Family Relationship Service Providers (FRSP) Program and provides services to facilitate supervised and changeover contact.

The approach to "defining an industry framework for structured skill development"¹ adopted in this project is a competency model.

Competency based training is the nationally agreed system of training and assessment used in the recognised Vocational Education and Training (VET) sector. Competency based training is built on competency standards which define the requirements of competent performance in a specific work area, function, role or aspect of work required within the relevant industry or enterprise.

¹ One of the outcomes of the project required by the Attorney General's Department

The project considers the following key concepts relating to the development of competency standards for practitioners operating in the family law system:

- **Child inclusive and child focused practice**
Family counselors and family dispute resolution practitioners must act in the best interests of the child and this can be achieved through child focused/and or child inclusive practice.
- **Addressing the relationship spectrum in work**
Provision of community based services under the Act and FRSP include interventions that cover the spectrum of relationships, i.e. developing, maintaining and establishing relationships
- **Developing integrated client centered approaches to service delivery.**
Ensuring an holistic approach to service delivery. Client present with a range of needs and addressing these from the client's perspective requires consideration of new ways of working and new models of competency configurations.

The project is being undertaken in two stages. Stage 1 is the development stage and Stage 2 will devise an implementation and roll out strategy for the new competency standards and qualifications.

A communication strategy for the project has been developed to maximize stakeholder engagement. These strategies are implemented across both Stages of the project and include timely and appropriate engagement and consultation using:

- **focus groups:** for validations and consultation
- **online feedback:** via the CSHISC website for validation and consultation
- **Steering Committee:** comprising broad sector representation act as conduits for dissemination of information with industry stakeholders.

This scoping phase of the project has been conducted primarily through a desk-top audit of existing research and other related documentation.

The project team has examined a range of government and other research reports, papers, and other relevant materials. A list of the resources used is provided in the Source Register at Appendix B.

Throughout the course of this Phase, the project team liaised with the AGD representative to clarify issues related to the project and to source new materials.

The Family Relationships Centres Taskforce, which was established by the Attorney-General, Philip Ruddock and the Minister for Family and Community Services, Kay Patterson to advise them how best to implement the new Family Relationships Centres (FRC) have also been included in the consultation process.

The scoping report also provides an overview of the sector profile covered by this project. It groups this information by the three areas of practice i.e. family counselling, family dispute resolution, and children's contact services and discusses the following:

- **provision of relevant services in all three work areas**
- **workforce data:** this is limited due to difficulty accessing current and relevant data, and
- **discussion of work undertaken in these areas.**

The proposed draft qualifications and competency standards framework represent the findings of the project team in conducting this initial research phase of the project. It addresses the competency standards required to address the work involved in the three designated areas as well as a separate qualification to support client assessment at intake. It packages and defines these into four appropriate qualification outcomes representative of the complexity of knowledge and skills, the specialisation of work and the responsibility and accountability required. A visual representation of the Framework is provided in Diagram 1. Refer also to Draft Qualification *Family Counsellors, Family Dispute Resolution Practitioners & Children's Contact Services Project Draft Qualifications November 2005*.

The draft framework should be read as the starting point for the next phase of development and as that work progresses there may be changes to the qualifications and proposed competency standards based on the further research undertaken to develop the content.

Section 1:

SCOPING PROJECT BOUNDARIES AND CONTEXT

1.1 Introduction

This report presents the findings of the Scoping Project to develop competency standards and qualifications for family counselling, family dispute resolution and Children's Contact Services. The purpose of developing these standards is to establish nationally agreed 'training and assessment' benchmarks to support quality service delivery in these three areas of family relationships practice.

This project is being undertaken by the Community Services and Health Industry Skills Council (CS & HISC), which is the nationally recognised industry skills training advisory body for community services and health, on behalf of the Commonwealth Attorney-General's Department (AGD).

The development of competency standards and qualifications in this area is a major initiative designed to underpin and support a national quality approach to education, training and professional development of this workforce. Consideration of standards has been an ongoing discussion point over the last few years and has now become imperative with the reforms to the family law system announced by the Australian Government in the 2005 Budget. These reforms represent the biggest ever investment in the family law system since the introduction of the *Family Law Act 1975* (the Act), and includes a major expansion of non-court based dispute resolution services.

Inclusion of these work roles in the national CHC02 Community Services Training Package will also be an important addition to this Training Package which encompasses industry determined competency requirements relating to generalist and other specialist areas of community services work.

The Scoping Project forms the first phase of the competency standards development. It establishes the rationale for the standards and qualifications, based on analysis of the areas of work to be covered. The next phase involves the validation of the standards and structures for qualifications.

1.2 Defining the focus

The three areas of work to be addressed by competency development in this project are family counselling, family dispute resolution and work undertaken by practitioner staff in Children's Contact Services.

Family counselling covers a broad spectrum of family relationships work from early relationship advice through to counselling services in a post separation environment and addresses couple relationship needs/issues, individual family member issues/needs, including child/ren's needs, and the family's

relationship needs/issues as a unit.

Family dispute resolution services usually operate at the point of separation/post separation with parenting disputes the key dispute area and, like family counselling, Family Dispute Resolution involves addressing multiple participant needs including developing parenting responsibilities plans and property issues.

Children's Contact Services operates in a post-separation environment and focuses specifically on providing services that enable the child/ren to have a relationship with the contact parent in a supervised, safe and secure environment.

Family Counsellors and Family Dispute Resolution practitioners work:

- **across a range of Family Relationships Services Program (FRSP) sub-programs**
- **in Federal Magistrate Court funded services**
- **as staff of the Family Court**
- **as staff of the Family Court of Western Australia**
- **in State and Territory funded service organisations**
- **as staff of National Legal Aid and other community-based legal services, and**
- **in private practice.**

By contrast the *Children's Contact Services (CCS)* is a dedicated and focused service within the *Family Relationship Services Providers (FRSP)*.

The project is focused on developing competency standards for **practitioners** in these areas of work i.e. those who actually carry out family and property dispute resolution, family counselling and facilitated/supervised and changeover contact services.

The project will also describe competency standards relating to client assessment at first point of client contact with these services as part of the 'practice' spectrum. Consideration will also be given to identifying and describing a cluster of competency standards for those practitioners undertaking clinical/practitioner supervision functions.

Overall the development of the competency standards for the above mentioned practitioners reflects all other community services workers in the Community Services Training Package, including but not limited to an understanding and application of:

- **knowledge about the changing social, economic and political climate as it impacts on the industry**
- **the principles of social justice, human rights, anti-discrimination and confidentiality**
- **practices to address cross-cultural issues**
- **relevant OHS and employment equity principles and practices**
- **principles of a non-discriminatory service**
- **the impact of personal biases and experiences**
- **individual differences of clients and colleagues, including those relating to cultural, social, economic, physical and health**

- **consideration of the needs and rights of the individual, the family, the community and society**
- **a client-centred approach to work**
- **the diversity of relevant models and practices, and**
- **the holistic needs and rights of clients (as individuals and as a community).²**

An important element of the work environment is the emphasis on Family Law legislation changing to keep people out of the court system.

1.2.1 Areas that are outside the focus of this project

This project is not developing competency standards for other staff that are employed in associated roles such as program administration/management.

The other area that is not addressed is the development of family dispute resolution/counselling competency standards/qualifications for specific Aboriginal and Torres Strait Islander peoples specific job roles. The proposed draft competency framework addresses the need for standards that reflect core competency in working with Aboriginal and Torres Strait Islander clients and communities but it is beyond the scope to develop standards that would be reflective of Aboriginal and Torres Strait Islander approaches and practices.

As noted by the NSW Law Reform Commission in its recent report on Community Justice Centres:

A reading of anthropological and related literature in regard to Australian Aboriginal studies leaves little doubt that the traditional Aboriginal world views are ... ontologically and epistemologically different; Aboriginal culture and non-Aboriginal Australian culture in their conceptualisation of how people relate to each other and how people relate to the universe are fundamentally different. It may therefore follow that a transplanted mainstream dispute resolution process will not necessarily strike...

Put simply, it is possible, that Indigenous conceptions of "mediation" may be vastly different to those accepted more generally.³

The NSW Law Reform Commission's reference to mediation being different from an Indigenous perspective indicates the need for Indigenous specific mediation training. In NSW this need was recognised by Community Connections (Lismore) through its development, and VETAB accreditation of the Certificate IV in Aboriginal Family Mediation. This course is currently being piloted at Lismore TAFE. Issues surrounding Indigenous mediation and culturally appropriate training are highlighted in NADRAC's Paper "Indigenous Dispute Resolution and Conflict Management" due to be presented to the Attorney-General's Department in November 2005.

It is the Skills Council's judgment, based upon experience in developing qualifications for Aboriginal & Torres Strait Islander Health Workers for inclusion into the Health Training Package (HLT02), that to develop appropriate competency standards that reflects the work role of Aboriginal and Torres Strait Islander Family Counsellors and Dispute Resolution workers a separate consultation strategy outside this project and current budget would be required.

² CHC02 Community Services Training Package Version 1 (2004)

³ NSW Law Reform Commission Report 106 Community Justice Centres (2005) para. 9.6

1.3 Family Law Context

The common nexus in this project is the family law system. All three areas of practice relate to supporting and assisting families in need of professional support at various points of their relationship.

Family law is usually associated with the separation end of the relationship life-cycle, dealing with unresolved separation issues within a system comprising *'all the service providers who help families to resolve parenting, financial, legal and emotional problems. It includes social workers, community workers, mediators and financial counsellors as well as lawyers. The Child Support Agency and Centrelink, the courts and legal aid offices are all part of the system'*.⁴

The family law system can also be seen as inclusive of services that support interventions which may prevent separation and maintain and build healthy family relationships. It is this wider interpretation of the family law system that is used to guide the content of this report.

1.3.1 Family Law reforms and expansions

Boundaries of this project are also set against the background of current changes to the family law system including the development of new service models, expanded services and the proposed amendments to the *Family Law Act* contained in the *Exposure Draft of the Family Law Amendment (Shared Parental Responsibility) Bill 2005 (the Bill)*.

These changes have been proposed in response to a number of reports and inquiries recommending substantial reform of current arrangements, most significantly the House of Representatives Standing Committee on Family and Community Affairs Report *Every Picture tells a Story*.⁵ Other reports reviewing specific aspects of the system and/or different issues identified a similar need for changes including the need for improved integration of services, greater resources to meet substantial unmet demand and the need for a more child-centered, and accessible family law system.⁶

In responding to these issues, the Australian Government is establishing a new platform to manage the interactions between the community and the family law system by establishing a new service that becomes the gateway into the system. *The Family Relationships Centres (FRCs)* will be set up around the country as the first point of contact for families requiring assistance.

At the time of preparing this report the details of the new system were still being determined but key functions and roles for the FRCs will include information, advice, referrals and dispute resolution services. The relationship between the FRCs and other services under the *Family Relationship Service Providers (FRSP)* which carry out similar roles currently is being determined.

Whatever the final model looks like, it is clear that the work to be undertaken by the FRCs falls under the umbrella of this project and accordingly the proposed competency standards and qualifications will address practitioners working in FRCs. The outcomes will also apply to persons employed in agencies providing other FRSP services involving family counselling and dispute resolution services and others providing these services outside the FRSP. These FRSP services are also being expanded to support the new arrangements including 30 new Children's Contact Centres and additional funding for a range of dispute resolution services including family conferencing

⁴ Definition from 'Out of the Maze' p9

⁵ House of reps

⁶ Detail eg Colmar FRSP CCS

Other proposed changes include a much greater emphasis on the use of family dispute resolution processes and the introduction of compulsory participation in these services by parents prior to their being able to seek court resolution of disputed parenting arrangements. Proposed exceptions to this requirement are specified in the Bill.⁷ Both the FRCs and other agencies and individuals currently providing dispute resolution services will be responsible for carrying out the mandatory requirement to use dispute resolution.

The focus of dispute resolution will also shift with the reforms to the family law system. The emphasis will move away from the courtroom, to providing parents with the services and skills required to assist them to agree what is best for their children. The amendments will also aim to promote sharing of parental responsibility after separation and (with appropriate exceptions) require parents to attempt dispute resolution before taking parenting matters to court.

The Family Court dispute resolution focus has, and will continue to be, about providing processes for parties to work towards an agreement which will be in the best interests of the child.

Changes have also been proposed for the counselling and dispute resolution provisions of the Act, in particular applicable definitions. This is discussed further below. The requirements relating to qualifications are not currently included in the Exposure Draft of the Bill. The Australian Government is still considering how the standards will be implemented. A number of options exist, including by amendment to the Family Law Act 1975.

The Government's proposed changes in this area will have a significant impact on human resource capacity to meet service demand. This project forms one of the strategies to ensure the roll-out of the new system.

1.4 Adoption of a competency model

The approach to "defining an industry framework for structured skill development"⁸ adopted in this project is a competency model.

Competency based training is the nationally agreed system of training and assessment used in the recognised Vocational Education and Training (VET) sector. Competency based training is built on competency standards which define the requirements of competent performance in a specific work area, function, role or aspect of work required within the relevant industry or enterprise. Each competency standard specifies the work outcomes, the performance requirements to meet those outcomes and the applied knowledge and skills required to demonstrate performance in the identified competency area. Competency standards provide a set of specifications for measuring whether an individual is competent.

In VET, competency standards are arranged within national industry Training Packages which also include the packaging of these standards into Australian Qualification Frameworks (AQF), as well as advice on assessment arrangements for the industry.⁹ VET qualifications encompass the Certificate qualifications of the AQF, (Certificates I –IV), Diploma and Advanced Diploma qualifications and

⁷ Such circumstances include evidence of existing or risk of child abuse and/or family violence as well as demonstration of urgency, inability to attend and participate and or contravention of existing orders. See Family Law Amendment (Shared Parental Responsibility) Bill 2005. Explanatory Statement, Attorney-General Hon. P. Ruddock MP

⁸ One of the outcomes of the project required by the Attorney General's Department

⁹ Where the sector/area of work is not addressed by a Training Package, courses can be accredited to meet the training need. Such courses must be based on competency standards.

Vocational Graduate Certificates and Diplomas. The vocational graduate qualifications are recent enhancements to the suite of VET qualifications recognized under the AQF, refer to Appendix L for AQF Descriptors.

Competency standards provide national industry benchmarks enabling consistency in definition of training requirements and portability. Given the Family Law System has a national focus; an important consideration in setting industry skill requirements is to adopt a model that establishes effective national benchmarks.

A range of recent reports have supported developing a competency model. For example, the National Alternative Dispute Resolution Advisory Council (NADRAC), which is the principal advisory body to the Federal Attorney General on standards and qualifications for dispute resolution practitioners, recommended in 2001 that:

Education, training and professional development for ADR practitioners.... be primarily performance based, use accepted national standards for education, training, and assessment, including recognition of prior learning or recognition of current competence...¹⁰

And the NSW LAW Reform Commission in 2005:

Standards are desirable to ensure appropriate levels of mediator competency.3 Standards provide a means of assessing the competency of individual mediators and can cover a wide range of knowledge, skills and abilities. Competency standards can interact with many aspects of a mediation service's operations and activities. The attainment of competency standards can be a requirement for the accreditation or continuing accreditation of mediators and also a means of encouraging adherence to codes of practice and guidelines.¹¹

The FRSP Review (2004) also addressed the need for competency standards for individual practitioners as part of an overall approach to quality that incorporates Good Practice Standards and FRSP Approval Requirements¹².

The concept of competency is also embedded within the Family Relationships Service Providers (FRSP) Approval Requirements with Standard 5b requiring *demonstration of a level of competence appropriate to the commencement of the role*.¹³ Evidence of such was met currently through competencies defined at organisational level. The difficulty with this approach is that interpretation of the requirements will differ from organisation to organisation. Some may be defined as competency standards as described above, others will have a looser structure and focus. In this regard, the FRSP was described by some representatives as a sector which had been formed by the Commonwealth but with no training platform developed from a national perspective.¹⁴ Development of national competency standards within the Community Services Training Package (CHC02) provides this necessary national training platform.

¹⁰ NADRAC, *A Framework for ADR Standards, Report to the Commonwealth Attorney-General, commonwealth government, April, 2001, Recommendation 18, p 86.*

¹¹ *NSW Law Reform Commission Report 106 (2005) Community Justice Centres, Para 7.6*

¹² *Urbis Keys Young, Review of The Family Relationships Program, Commonwealth of Australia 2004 p xiv*

¹³ *RPR Consulting, Department of Community Services Issues paper- FRSP Assessments and Approval Requirements, July 2005*

¹⁴ *Urbis Keys Young p 123*

1.4.1 Relationship to other forms of 'standards'

The development of national competency standards forms part of a chain of 'existing standards' governing this sector. NADRAC, in their 2001 report, A Framework for ADR Standards reflected that standards can take a number of forms including *"codes of practice, benchmarks, guidelines, models, exemplars, service charters, credentials, competencies and capabilities as well as criteria for approval, certification, selection, endorsement or accreditation."*¹⁵

For organisations delivering Family Relationships Services through the FRSP, a set of quality standards has been developed to govern organisational requirements. These 'Approval Requirements' form a quality framework to ensure organisations have the necessary governance and capacity to carry out funded family relationship services relating to the Family Law Act and Marriage Act. These core organisational standards cover areas common to quality system arrangements.¹⁶ The Approval requirements were reviewed and refined in 2003 to *"be more inclusive of a risk management approach and to address some ambiguities in original requirements"*.¹⁷

These Approval Requirements sit at an organisational level but their content crosses over this project in two ways:

- **firstly, in relation to the 'people requirements' there will be a crossover as the outcomes of the competency project will impact on the content of Standards 5, 6, 7 with possible implications for Standards 8 & 9. Standard 5 relates to Qualification Requirements for Staff, Standard 6 to Supervision of Staff and Standard 7 to Staff Training and Development. Standard 8 covers Staff Appraisal and Standard 9 Staff Safety;**
- **secondly, aspects of these organisational requirements may be reflected in the content of the competency standards where there is a relationship with individual performance.**

Other 'standards' of relevance include "best practice standards" developed in 2003 as a second but voluntary tier of the quality framework for the FRSP and the Australian Standard for Dispute Resolution

Professional standards such as the Psychotherapy and Counselling Federation of Australia (PACFA) Training Standards or the Australian Counselling Association (ACA) Code of Conduct are also a significant part of the overall standards framework, as are individual agency operational standards. Where relevant, the competency standards will be informed by these existing standards which will continue to operate alongside the new competency framework.

1.5 Definitions and terminology

Another key component of setting the boundaries is the determination of definitions used within this project. The literature reveals multiple definitions and nuances in those definitions particularly in the area of dispute resolution.

¹⁵ NADRAC, *Op.Cit* p 10

¹⁶ See *A guide to Approval Requirements for Family relationship Services, Department of Family and Community Services, 1998. the Standards were based on the Business Excellence Framework.*

¹⁷ RPR consulting *FRSP Assessments and Approval Requirements, July 2005 p5*

NADRAC definitions on alternative dispute resolution have been widely, but not universally, adopted. NADRAC refers to the combination of processes involving third party intervention in attempting to resolve a dispute as Alternative Dispute Resolution (ADR). NADRAC classifies ADR into three broad groups: facilitative processes, advisory processes and determinative processes. Facilitative processes include mediation, conciliation and facilitation. Advisory processes are defined as including investigation, expert appraisal, case appraisal, case presentation, mini-trials and dispute counselling. Determinative processes include enforceable processes such as adjudication and arbitration as well as unenforceable processes such as fact finding and determinative case appraisal.¹⁸

The NADRAC model distinguishes ADR into a wide range of processes, sometimes distinguishable only by small but important differences in approach. The issue from a competency development perspective is which processes are applicable to the focus of this project and does the point of differentiation between the approaches which are used in the sector require different competency standards. This point will be explored further in Section 3.

Within the current family law system the term ADR is not used; rather, the Family Law Act and Regulations currently refer to these processes as Primary Dispute Resolution (PDR); the capital 'P' of PDR reflecting an emphasis on dispute resolution as the primary means of resolving family relationships and disputes. The Act does not seek to define PDR so as to limit the range of models and approaches but makes reference to requirements relating to specific approaches, most notably family and child mediation, family and child conciliation conferences and family and child counselling.¹⁹ The inclusion of family counselling as a dispute resolution approach goes beyond the NADRAC definitions as it includes clinical and therapeutic interventions as well as dispute interventions.

The proposed amendments to the Act, when passed, will remove the term PDR because it is confusing and does not adequately define the different processes in use.²⁰

Significantly, the proposed amendments contained in the Exposure Draft of the Bill also separate family counselling from the umbrella of family dispute resolution processes and new definitions have been proposed to define each of these and the individuals who practice in them. The proposed definitions are:

Family counselling is a process in which a family counsellor helps:

- (a) one or more persons to deal with personal and interpersonal issues in relation to marriage; or
- (b) one or more persons (including children) who are affected, or likely to be affected, by separation or divorce to deal with either or both of the following:
 - (i) personal and interpersonal issues;
 - (ii) issues relating to the care of children.

Family dispute resolution is a process (other than a judicial process):

- (a) in which a family dispute resolution practitioner helps people affected, or likely to be affected, by separation or divorce to resolve some or all of their disputes with each other; and
- (b) in which the practitioner is independent of all of the parties involved in the process.

¹⁸ NADRAC, *Op.cit* pgs 15-20.

¹⁹ *Raising the Standard: A Quality framework for Primary Dispute Resolution under the Family law Act 1975 Consultation paper, Commonwealth of Australia 2001*

²⁰ *Family Law Amendment (Shared Parenting Responsibility) Bill 2005 Explanatory Statement p17*

(2) Family dispute resolution may be either:

- (a) **advisory dispute resolution**—in which the family dispute resolution practitioner conducts family dispute resolution by, among other things, providing advice on one or more of the following:
 - (i) the subject matter of the dispute;
 - (ii) possible outcomes of the dispute;
 - (iii) the application of the law;
 - (iv) an area of professional expertise besides the law (for example, psychology); or
- (b) **facilitative dispute resolution**—in which the family dispute resolution practitioner conducts family dispute resolution without providing advice on any of the following:
 - (i) the subject matter of the dispute;
 - (ii) possible outcomes of the dispute;
 - (iii) the application of the law;
 - (iv) an area of professional expertise besides the law (for example, psychology).²¹

These definitions address the difficulty of the current system where counselling and dispute resolution had no clear or common meaning and application. They also clearly separate the counselling role from the dispute resolution role.

To ensure clarity of purpose in developing competency standards, this project will refer to the proposed new definitions of these terms as set out in the Exposure Draft of the Bill.

However, in applying the proposed new terminology contained in the Bill, some sections of the Report which address current operations and practices (eg. Section 3) may include references to counselling as part of PDR services because this is the model in use and/or refer to specific practices. Some courts and organizations may also have broader definition of Family Counselling as involving defacto relationships and/or same sex relationships.

1.6 Key Concepts

The final consideration in reviewing the boundaries and context of this project are some important concepts and themes that frame the operations of the family law system, particularly for those involved in family dispute resolution and counselling practice. These aspects need to be addressed in developing the competency standards framework for this sector.

Child inclusive and Child focused practice

A key tenet of the family law system is acting and promoting the best interests of the child. Family counsellors and family dispute resolution practitioners must address this core directive in their work. This may be achieved through child focused and/or child inclusive practice. Child focused practice is distinguished from child inclusive practice in that the latter directly involves the child in the relevant process whereas child focused services aim to ensure that the role and needs of the child/ren are considered by both practitioners and parents and that the interests of the child are paramount.²² Child focused practice is core to all interventions where children are involved, while child inclusive practice may not always be in the best interests of the child, depending on the issue/s and circumstances. However, having competence in each and being able to make judgments about the form of practice

²¹ *Definitions in the Family Law Amendment (Shared Parenting Responsibility) Bill 2005*

²² *Urbis Keys Young op.cit. p69*

applicable has become a core need of these practitioners.

Addressing the relationship spectrum in work

Most people in the community perceive the family law system as operating at the point where relationships have broken down and interventions are sought to assist in resolving separation issues and problems, either through the courts or dispute resolution services. However the Act and the provision of community based services under the FRSP also include interventions that focus on developing, maintaining or establishing relationships.

Practitioners are often working in different spaces with different clients and meeting these needs requires a wide range of strategies and therapeutic models.

Developing integrated client centered approaches to service delivery

A key focus in a number of recent reports has been on developing more holistic responses to client needs which may include a range of services and supports. Many clients presenting for services have multiple problems and multiple needs. Addressing these from the client perspective requires consideration of new ways of working and new models of competency configurations. Silos may still have meaning but the competency framework for this sector needs to address these developments.

Section 2 :

PROJECT REQUIREMENTS AND METHODOLOGY

As identified in the Introduction, this project forms a major platform in the rollout of the new family law system with the outcomes providing a national quality education and training framework for family dispute resolution, family counselling and Children's Contact Services.

2.1 Project overview

The overall project is being undertaken in two stages with Stage 1 containing two phases.

Stage 1: Development

Phase 1 (current phase) is the scoping study which is a research investigation of the identified areas of work and related considerations and an analysis of the findings to draw up a draft outline of a national competency and qualifications framework. This report represents the outcomes of that research.

Phase 2 will develop the qualifications framework by developing and validating the new competency standards that have been identified as necessary and making changes to existing relevant standards to meet the family law environment and application. Phase 2 will result in a set of agreed national competency standards and new qualifications within the Community Services Training Package to be approved by the CS&HISC Board submission to the National Training Quality Council for endorsement.

Stage 2: Training and Assessment strategy

This stage will devise an implementation and roll out strategy for the new competency standards and qualifications.

This will involve:

- **development of a recognition resource to support existing practitioners gaining recognition of current competence against the new standards**
- **development of support materials for quality training and assessment**
- **national professional development workshops and information sessions to different stakeholders.**

Existing practitioners will have opportunity to demonstrate competence through the recognition strategy once developed. This will mean that practitioners will be able to have their demonstrated

experience, skills, knowledge and prior learning assessed against the new standards rather than needing to undertake all or part of an entire training qualification. If an existing practitioner is assessed as providing evidence of demonstrated current competence against the new standards then they will be awarded the relevant qualification. In the VET framework the processes for recognition are known as Recognised Prior Learning and Recognised Current Competence.

2.2 Critical Aspects of the project

Meeting criteria under each point will be essential for the establishment of a credible and collaborative approach that meets the needs of service providers and clients:

- **protection from poor quality services**
- **promoting continued improved practice in the dispute resolution field**
- **a balanced approach**
- **consistency**
- **child focus**
- **approval for organizations and individuals**
- **access & equity**
- **regional, remote and diverse communities, and**
- **appropriate services and pathways for clients.**

In undertaking the Scoping Phase, the project team has taken these aspects into account, recognizing that not all may be achievable and that some may be in conflict with others.

2.2.1 Communication Strategy

A communication strategy for the project has been developed to maximize stakeholder engagement. The objectives and key messages of the communication strategy are listed below:

Objectives

The objectives of the project's communication strategy are to:

- **ensure consistent, accurate and timely communication with the key stakeholders**
- **ensure active engagement and ownership by the stakeholders in the developments affecting them**
- **develop a well targeted communication strategy that is positive and effectively engages and addresses the diverse needs of the stakeholder base.**
- **promote the work of the project, and**
- **support the industry's preparation for effective implementation of the new qualifications by increasing industry awareness of the potential strategic role of the qualifications framework, within the VET system and reflective of legislative change (Family Law Act).**

Key Messages

Key messages underpinning the communication strategy are:

- **the development of the qualifications framework for Family Counsellors, Family Dispute Resolution Practitioners and Children's Contact Service Workers, within the VET system, will play a key strategic role in achieving and recognising a skilled workforce in the Family Relationships/Law sector**
- **stakeholder engagement is critical in developing the standards and qualification framework that will support skills development in the community services industry**
- **the project includes a range of strategies to ensure representative input from employers, unions, professional bodies and associations, policy and funding bodies and from training organisations for all relevant industry areas in all jurisdictions**
- **a range of means of engaging are available throughout the progress of the review**
- **stakeholders will be kept informed of developments, and issues and are encouraged to engage at a level that suits them, and**
- **CS&HISC will be transparent in fulfilling responsibilities of the project.**

Focus Groups

Focus Groups as a process for consultation and validation will be an integral validation forum for the next phase of the project. Once drafts are produced, Focus Groups will be formed nationally to comment on the drafts and validate their inclusion.

Online Feedback

The Industry Skills Council has invested in the development of an on-line feedback data base for this and subsequent projects. Interested parties can provide feedback on Units of Competency or full Qualifications online down to the level of detail relating to performance criteria, range statements and evidence guides.

Steering Committee

As mentioned at section 2.3, the Steering Committee for the project forms an integral link with industry stakeholders. Steering Committee members will act as the conduits for dissemination and receiving of project information to key individuals and groups within the sector. Steering Committee contacts with training organisations, individual practitioners, service providers and other key stakeholders is imperative to the success of this communication strategy.

Sector Initiated Consultation Opportunities

The project team through effective promotion of the project work has attended and continues to attend consultation opportunities nationally. A list of these opportunities at Appendix J. The attendance at sector relevant conferences and peak body meetings provide opportunities for:

- **further promotion of the project and its objectives**
- **securing critical and informative feedback from stakeholders**

- **accessing sources for further consultation, and**
- **providing up to date progress on the project work.**

The combination of a variety of communication strategies ensures that sector input and representation provide meaningful direction for the project to develop a qualifications framework that is relevant to industry requirements.

2.3 Stage 1: Phase 1 Project Governance

The Scoping project has been centrally coordinated by staff of the CS&H Industry Skills Council with project work undertaken by two consultants as technical writers. The project team has been guided by the Project Steering Committee comprising representatives of significant stakeholders. A list of the Steering Committee members for Phase I is provided in Appendix A, together with the Steering Committee's Terms of Reference.

In conducting this Phase, it was recognized that some expansion of membership may be required for Phase 2.

The CS&H Industry Skills Council provides secretariat support for the team, in addition to providing overall project coordination. Regular teleconferences are held to discuss progress and relevant issues. Two face-to-face meetings and two teleconferences have been held with the Steering Committee prior to completion of this report.²³

The Steering Committee provides a very valuable resource to the Project team and, in this phase, was the source of considerable background material, which is both recognized and appreciated.

2.4 Stage 1: Phase 1 Methodology

2.4.1 Desk Top Research

This phase of the project has been conducted primarily through a desk-top audit of existing research and other related and relevant documentation. This approach was identified as the most appropriate, at this point in the project life-cycle, recognizing that a wealth of existing material exists on which to base this Report. Additional primary research in the form of functional analysis workshops and focus groups will be required in the next phase.

The desk-top review and analysis has focused on a number of different aspects.

Throughout this phase, **background research** has been undertaken to provide a broad base of information about the services, the work involved and the legal and operational context in which it takes place. The project team has examined a range of government and other research reports, papers, and other relevant materials. A list of the resources used is provided in the Source Register at Appendix B.

Significant amongst these are:

- **the reports outlining the basis of changes being made to the Family Law system including *Every Picture Tells a Story and Out of the Maze***

²³ Project Steering Committee Meetings; Friday June 17th & Thursday 6th October 2005, Teleconferences; Thursday 4th August & Thursday 10th November 2005

- the Explanatory Statement by the Attorney-General on the proposed amendments to the Family Law Act and related public information on the changes to be introduced, and
- Reports on the provision of services, such as the Urbis Keys Young *Review of the Family Relationships Services (2004)* and the very recent report on *Children's Contact Services experiences and expectations (June 2005)*.

Specific source material from individual agencies including workforce data, surveys, Codes of Conduct, training materials and resources and private competency standards.

Overseas material including the UKFAM Family Mediator Competency Standards, Canadian and US Standards.

A national data search on **Australian recognized training** including available Australian endorsed competency standards, accredited courses, Registered Training providers.

All of this material has been distilled to provide a profile of the work and workforce (Section 3) and overview of the current Education and Training profile (Section 4).

2.4.2 Targeted Interviews

A small number of semi-structured interviews were held in this phase as a means of clarifying particular issues and points raised from the background and specific purpose research. Only a small number of organizations were included and this aspect of the project methodology was neither intended, nor should be read, as being a consultation process. The interviews proved very useful in synthesizing some core ideas. Details of the interview participation can be found at Appendix C.

2.4.3 Mapping Analysis

A comprehensive mapping was undertaken of the material gathered from the Community Services Training Package and the National Training Information Service on existing competency standards to identify those of relevance to this project. The determination of what constitutes relevance was based on the following factors:

- **counselling focus**
- **dispute resolution focus**
- **focus to work roles/functions identified as part of the job profile as identified in the desk top research, and**
- **focus on client needs as identified in the desk top research.**

The mapping analysis provides an overview of each unit initially selected on the basis of possible relevance and an assessment of the outcome. This work can be found at Appendix D.

2.4.4 Family Relationship Service Providers National Strategic Planning

Issues Forum

Members of the project team participated in this forum organized by AGD & the Commonwealth Department of Family and Community Service on Thursday 28th July and Friday 29th July 2005 in Melbourne. The forum brought together agencies involved in the Family Relationship Service Providers (FRSP) and provided an opportunity to provide information on the project and to gain briefings and other relevant inputs on the FRSP and changes to the family law system.

2.4.5. Consultation with the Attorney-General's Department

Throughout the course of this Phase, the project team liaised with the AGD representative to clarify issues related to the project and to source new materials.

The Family Relationships Centres Taskforce, which was established by the Attorney-General, Philip Ruddock and the Minister for Family and Community Services, Kay Patterson to advise them how best to implement the new Family Relationships Centres (FRC) have also been included in the consultation process.

Section 3 :

SECTOR PROFILE

3.1 Introduction

This section provides an overview of the sector profile covered by the scope of this project. It groups this information by the three areas of practice to be covered.

The first part of this section sets out information on the provision of services in family dispute resolution, family counselling and Children's Contact Services. The court system is covered first, followed by services delivered through the Family Relationships Services Program (FRSP). Some limited information has also been gathered around State and Territory services and private services.

The second part of this section contains workforce data where this has been made available. Such information is difficult to obtain and the material covered here provides only parts of the jigsaw. As such, it is not to be read as necessarily reliable or comprehensive.

The third part provides a brief discussion of the work undertaken in these three areas, with particular emphasis on how it is differentiated from other counselling, dispute resolution or children's focused services operating in other contexts.

3.2 Provision of relevant services

Family dispute resolution and counselling services are carried out in a range of environments and systems. These can be divided into two broad categories – those that operate directly to support the operations of family law system and those that operate independently but in concert with the family law system. The courts and FRSP services form direct service delivery whilst State and Territory funded and independent or private organisations and individuals make up the network of indirect delivery.

Children's Contact Services operate as a sub-program of the FRSP and, as such, forms part of direct service delivery, although there is some evidence of private independent arrangements also continuing to occur.

3.2.1 Family Dispute Resolution Services

a) The Family Court of Australia (FCoA)

The Family Court of Australia has operated for nearly thirty years as the principal court responsible for

resolving family law matters. Operations of the Court are through two pathways – judicial determination and/or dispute resolution approaches. Dispute resolution is central to the operating philosophy of the Court with most matters finalised by these means.

Dispute resolution is carried out in-house using court based practitioners. Referrals are also made to other dispute resolution agencies both before and after resolution for additional services.

Dispute resolution operations cover the principal responsibilities of the Court which include:

- **arrangements for children**
- **the distribution of property of the parties**
- **spousal maintenance**
- **child maintenance and child support reviews, and**
- **the protection of a party.**

The FCoA operates in 20 locations around Australia including one national, 11 metropolitan and eight regional courts and registries.²⁴

Three primary approaches to dispute resolution are used in the FCoA. These are:

- **case assessment conference**
(conducted by a mediator for matters involving children; or jointly by a Deputy Registrar and mediator for matters involving children and property)
- **mediation**
(conducted by a mediator for matters involving children), and
- **conciliation**
(conducted by a Deputy Registrar for matters involving property).

According to the Auditor-General, 93.5% of all cases of the FCoA were resolved by means other than judicial determination.²⁵

In 2004, 40 per cent of final applications in the FCoA involved a case assessment conference, 50-60 per cent underwent mediation and 36 per cent involved a conciliation conference.²⁶

Future provision

The establishment of the Family Relationship Centres (FRCs) will impact on current dispute resolution operations of the FCoA in a number of ways. The current capacity for voluntary pre-filing mediation through referral to community service organisations will become a requirement under the Family Law Act, on passage of proposed amendments, that can be satisfied through attendance at an FRC or other accredited family dispute resolution practitioner. FRCs may also carry out services currently provided in-house or referred to other services for resolution or post resolution.

²⁴ *Ibid para 1.5*

²⁵ *Auditor-General Audit Report No.46 2003-04
 Performance Audit Client Service in the Family Court of Australia and the Federal Magistrates court*

²⁶ *Ibid para*

b) The Federal Magistrates Court (FMC)

The FMC was established by the Federal Magistrates Act 1999 (FM Act), and heard its first cases in July 2000. It was established as a lower level independent federal court to provide a simpler and more accessible service for litigants and to ease the workload of both the FCoA and the Federal Court of Australia.²⁷

The FMC has rapidly taken significant responsibility for family law matters, easing the load on the Family Court and providing a vehicle to address less complex disputes. After just four years of operation it was handling 40% of all family law applications (2004 statistics) and over 80% of all matters handled by the FMC were in the area of family law.²⁸

The FMC does not provide in-house dispute resolution services itself. These are carried out on its behalf by contracted service agencies, which have tendered for the provision of these services, and the Family Court. Thirty-five agencies are currently contracted. The vast majority of these agencies (33) are also funded through the FRSP and the tendering guidelines for the FMC were based on the FRSP Approval Requirements to ensure a consistency in quality arrangements.

Two principal dispute resolution approaches are used: mediation for matters involving children and conciliation for matters involving property. Counselling services are also supported.

Future provision

Like the FCoA, the FMC will be affected in its dispute resolution operations by the establishment of the FRCs, although because all its dispute resolution services are externally provided the direct impact is likely to be less.

c) Family Court of Western Australia

The Family Court of Western Australia is the third court-level service agency involved in the provision of dispute resolution services and was established in 1976. The Family Court of Western Australia is vested with State and Federal jurisdiction in matters of family law and deals with divorce, property of a marriage or de facto relationship, residence, contact and other matters relating to children, maintenance and adoptions.

The Department of Justice (WA) provides administrative and logistical support for the operation of this court, which is federally funded.

Dispute resolution approaches used by the Family Court of Western Australia are case assessment conferencing and mediation/counselling.

d) Family Relationships Services Program (FRSP) Services

The Family Relationships Services Program is the main delivery mechanism for Family dispute resolution services outside the courts.

The FRSP has been operation since the 1960s initially to provide marriage guidance but has expanded significantly in terms of scope, reach, and breadth since that time.

²⁷ *Ibid para 1.7*

²⁸ *Ibid para 1.10*

The FRSP has two principal objectives. These are to:

- **enable children, young people and adults in all their diversity to develop and sustain safe, supportive and nurturing family relationships, and**
- **minimise the emotional, social and economic costs associated with disruption to family relationships.**²⁹

The FRSP is a joint program of the Commonwealth Department of Family and Community Services (FaCS) and the Commonwealth Attorney-General's Department (AGD). The Program is managed through a Business Partnership Agreement between the two departments.³⁰

Provision of all FRSP sub-program services is currently delivered by some 100 contracted community and religious organisations over 400 sites. All of these organizations are members of the three main Industry Representative Bodies (IRBs) – Relationships Australia, Family Services Australia and Catholic Welfare Australia.³¹ There are currently eleven sub-programs in the FRSP.

The principal sub-program currently providing services in dispute resolution is Family Relationships Mediation (FRM).

The Family Relationships Mediation sub-program focuses on *assisting separating/divorcing couples reach agreement on matters including parenting, care and residence of children, finances and property without the need for litigation in the Family Court.*³² This sub-program has a legislative base operating in accordance with the requirements of the Family Law Act, 1975, in particular Sections 12 and 13.

In 2003/4, the Family Relationships Mediation Service was provided to 6,530 clients, representing 5% of all FRSP service delivery.³³ Clients are usually referred from the courts, legal practitioners or other agencies and the target audience is separating parents or those on the point of separation.

Other sub-programs which encompass dispute resolution as part of a range of interventions and supports are:

- **Conciliation Services (CS)**
- **Regional Primary Dispute Resolution Services (PDR)**
- **Adolescent Mediation and Family Therapy (AMFT), and**
- **Contact Orders Program (COP).**

Future provision

The introduction of Family Relationship Centres (FRCs) will provide a central gateway for families seeking dispute resolution services. This major initiative will lead to substantial expansion of dispute resolution services as this will be core business of the FRCs. Other existing dispute resolution services in the FRSP are also being expanded through additional funding of \$13.4 million over 4 years.³⁴

²⁹ Department of Family and Community Services website: www.facs.gov.au/frsp

³⁰ The FRSP program operates as partnership with a mix of joint and individual responsibilities for funding, policy and individual sub-programs. These are explained in *Urbis Keys and Young op cit p 20/21.*

³¹ *Urbis Keys and Young op.cit. p1*

³² *Ibid. p 188*

³³ FRSP Report, 2003/4, Note data is based on data management system FaCSlink and may be incomplete due to problems by service agencies in working with the system

³⁴ Australian Government, "A new Family law system - Government response to Every picture tells a story, Response to the report of the House of Representatives Standing committee on Family and community Affairs inquiry into child-custody arrangements in the event of family separation," Commonwealth of Australia, June 2005, p2

e) State and Territory funded or auspiced services

While the Commonwealth has clear jurisdiction over family law related matters various State and Territory funded organisations provide dispute resolution services, including some in family disputes.

NSW

NSW has a long history of developing Alternative Dispute Resolution practice through Community Justices Centres which were established as a pilot in 1980 and then permanently in 1983 as a business centre of the NSW Government's Attorney General's Department under the *Community Justice Centres Act 1983*.

CJCs provide quality free mediation and conflict management services for metropolitan and regional NSW.³⁵CJCs' services are defined as "mediation and conflict management services". This description is intended to cover the full range of mediation services presently offered by CJCs, including "facilitation, pre-mediation, dispute analysis, and dispute counselling, mediation and post-mediation"³⁶.

CJCs provide a community focused generalist mediation service. The main focus is neighbour disputes which accounted for 44% of all files in 2003-2004. Significantly, 28% of all matters in this same period were related to family disputes (65% of which involved separated or separating spouses and 14% involved children or young people and their parents).³⁷

CJCs have developed a specific indigenous mediator program and to date has trained 70 Aboriginal Mediators. CJC has also identified 2 positions for the Co-ordination of the Indigenous Program and a Research Assistant position. These newly created positions are in recruitment phase. The CJCs directorate is also advised by an Aboriginal and Torres Strait Islander Network.³⁸

Similar organizations to CJCs operate in some other States although their breadth of coverage may not be as great. QLD for example, has Dispute Resolution Centres and Victoria has Dispute Settlement Centres. However in the case of Victoria, family disputes are not addressed on the grounds that other services provided by the relevant courts and community agencies that meet the Family Law Act requirements for the provision of these services.

f) Private Dispute Resolution Services

There are many dispute resolution practitioners in private practice but any person providing mediation services within the family law context must meet the Family Law Act Regulations. The current Regulations impose a number of requirements to practice including tertiary qualifications but there is no accreditation scheme in operation, and there is no way of monitoring compliance with the provisions.

³⁵ *Community Justices Centres Policies and Procedures on mediator accreditation, August 2004*

³⁶ *NSW LAW Reform Commission Report 106 (2005) Community Justice Centres Para.2.42*

³⁷ *Ibid para.4.1 & 4.2*

³⁸ *Ibid para 9.9 & 9.10*

3.2.2 Family Counselling Services

a) Family Courts of Australia (FCoA)

Counselling services are provided to clients by FCoA mediators as part of their responsibilities. Referred to as conciliation counselling this work involves a variety of intervention strategies depending on the needs of the particular children and their families.

b) Federal Magistrates Court (FMC)

No family counselling services are provided in-house at the FMC. At the conclusion of a matter, the Federal Magistrate may order the client/s to attend post-order counselling to provide practical assistance to enable them to comply with the Court's orders. Approximately of 0.6 per cent of matters in the FMC undergo post-order counselling.³⁹

c) Family Relationship Service Providers (FRSP)

Background on the FRSP is set out in Section 3.1.1. c). The principal FRSP sub-program addressing family and family related counselling services is Family Relationships Counselling (FRC) which is the largest of all FRSP sub-programs.

The Family Relationship Counselling sub-program has a legislative base in the Family Law Act, 1975 (Sections 12 & 13) and focuses on counselling of all aspects of the family relationship lifecycle including:

- **marriage-based relationships - pre-marriage, marriage, separation, divorce, and remarriage**
- **de facto relationships – same cycle without formal divorce, and**
- **child/ren – care, well-being, development.**

This sub-program had 69,721 clients in 2003/4 accounting for 53.9% of all FRSP clients.⁴⁰ The target audience is broadly in keeping with the broad focus of the sub-program. Other subprograms with a counselling element include:

- **Regional Primary Dispute Resolution (PDR) Services**
- **Adolescent mediation and family therapy (AMFT)**
- **Men and Family Relationships (MFR), and**
- **Contact Orders Program (COP).**

Counselling in these sub-programs forms part of a broad range of interventions and supports for families and the target audience of each varies.

Future provision

FRSP Counselling services will expand significantly as part of the 'new family law system' with 35 new counselling services being funded over the next four years alongside 45 new Men and Family

³⁹ *The Auditor-General Audit Report No.46 2003–04, op.cit para. 4.9*

⁴⁰ *FRSP Preliminary National Report 2003/4, published electronically FRSP website, 2005 p14*

Relationships Services.⁴¹

d) Private services

There are numerous family relationships counsellors working in private practice. The focus of this work will range across the spectrum from premarriage/cohabitation guidance to therapeutic interventions to assist families to stay together or the provision of professional counselling advice in post separation circumstances.

Private family counsellors seeking to operate within the meaning of the Family Law Act must be authorized by the Attorney-General.

3.2.3 Children's Contact Services

Children's Contact Services (CCS) is one of the newer sub-programs of the FRSP, first coming into operation as a pilot of ten services in 1996. This was expanded by another 25 services to a total of 35 in 2001, with existing pilots gaining further funding. This new type of service has been set up to ensure the existence of safe, secure environments which enable parents who are in conflict situations after separation to conduct contact arrangements with their children, as provided by court orders (80.6% of clients are through court orders)⁴². They provide a neutral environment in which separated parents are assisted and supported in having contact.

Four key functions of CCS have been identified, the importance of each varying depending on the client's reason for using the Service. All four functions are carried out by CCS staff from the perspective of the children's best interests and the model used in CCS is always one of child-inclusive practice.

The four functions are:

- **protecting children from parental conflict at changeovers**
- **providing a safe environment for the child (and others) from physical/emotional conflict/abuse**
- **enabling contact to take place through facilitating child/parent relationships under conditions that are safe, enjoyable and conducive to children's needs, and**
- **providing a neutral environment irrespective of the circumstances that brought the family to the service.**⁴³

CCS clients in 2003/4 were 9191 representing 7.1% of all FRSP clients and a more than doubling of clients in this service in 4 years.⁴⁴

Future provision

This sub-program will expand significantly with 30 new CCS Centres being established as part of the 'new family law system', bringing the total network to 65 agencies.

⁴¹ *Australian Government Response op cit.*

⁴² *Sheehan G., Carson R. Fehlberg B., Hunter R., Tomison A., Ip R., Dewar J., Children's Contact Services Expectations and Experience, jointly published by Australian Institute of family Studies, Griffith University, Melbourne University, Attorney-General's Department, June 2005 p77*

⁴³ *Ibid 53-60*

⁴⁴ *Ibid – comparison with previous years based on data in Urbis Keys and Young p 12*

3.3 Workforce Data

3.3.1 Family Dispute Resolution services

a) Family Courts of Australia (FCoA)

The total number of staff directly employed by the FCoA was 747 in 2003/04.⁴⁵

Dispute Resolution practice (mediation) is managed by the Principal Mediator with mediation managers operating in each major registry. There are 9 Mediation Managers. The Court employed 82 dispute resolution practitioners (mediation) (September, 2005) representing 10.98% of total workforce.⁴⁶

Family Court Mediators are distributed throughout Australia and operate at the central registries, as part of the FCoA mediation circuit, in mediation outreach and in remote Aboriginal and Torres Strait Islander communities in conjunction with Aboriginal and Torres Strait Islander Family Consultants.⁴⁷ There are currently six family consultants with additional positions planned. The role of the Aboriginal and Torres Strait Islander family consultants is to *liaise between the Family Court and indigenous people faced with family breakdown that could result or has resulted in interaction between the indigenous family and the various services provided by the Court. Consultants have been appointed to work in the Northern Territory and North and Far North Queensland as part of the mediation services in those areas.*⁴⁸

Dispute Resolution services are also conducted by Registrars in conjunction with their statutory and court related responsibilities. Registrars *conduct conciliation, pre hearing, mediation and joint conferences, either separately or as part of a multi-disciplinary team.*⁴⁹

Employees of the FCoA are employed under the *Public Service Act 1999* with the majority of the FCoA workforce party to the Certified Agreement. Mediators are employed at APS levels Executive Level 1 which at the time of preparing this report had a salary range of \$70,658-\$76,258. Mediation managers are employed at Executive level 2. Registrars are also employed at Executive level 2 which has a salary range of \$93,856 - \$97,922 plus a 2% judicial allowance. Family consultants are appointed at APS Level 5 which has a salary range of Specific work level standards, and work capabilities for registrars and mediators are currently under preparation.⁵⁰

The direct employment of Dispute Resolution (DR) practitioners has been a continuing issue with various stakeholders identifying different perspectives. For example, the Auditor General's report of the FCoA of 1996/7 considered whether such services were better contracted out. Staff of the FCoA and the House of Representatives Standing Committee on Legal and Constitutional Affairs disagreed.⁵¹

⁴⁵ *Family Court of Australia Annual report 2003-2004 p 35*

⁴⁶ *Information supplied by Human Resources, Family Law court, September 2005*

⁴⁷ *FCoA Annual report op.cit p 15-16*

⁴⁸ *FCoA position description for Aboriginal and Torres Strait Islander family consultant*

⁴⁹ *FCoA position description for Registrars*

⁵⁰ *Family Court of Australia Certified Agreement 2005 – 2007 p 11.*

⁵¹ *House of Representatives Standing Committee on Legal and Constitutional Affairs, Report on a Review of Audit Report No 33 1996/7 Administration of the Family Court Of Australia.*

b) Federal Magistrates Court (FMC)

The total number of staff directly employed by the FMC was 55 in 2003/04.⁵² The FMC does not employ any DR practitioners directly. Mediation services are carried out by contracted agencies and the Family Court. The Court employs a PDR co-coordinator who is responsible for managing the tendered services and liaising with Mediation managers of the FCoA.

Employees of the FMC are employed under the Public Service Act 1999.

c) The Family Court of Western Australia

This court has a section responsible for Mediation/Counselling Services. Its staffing complement covers a director, a manager and 13 staff.

d) Family Relationship Services (FRSP)

FRSP dispute resolution employment

The FRSP is the largest employer of dispute resolution practitioners operating inside the regulated family law system. As previously mentioned some FRSP services are dedicated dispute resolution services whilst others offer dispute resolution as part of a range of therapeutic and educational service interventions to families.

FRSP Employment data has been made available to this project by the Attorney-General's Department.⁵³ This information has been supplied by the Department of Family and Community Services (FaCS), and collected and collated through the FaCSlink data system. The data does not breakdown employment information. Accordingly, it is impossible to determine any specific profile such as gender, age, diversity, full time or part time employment patterns.

The data supplied covers professional employment only which encompasses persons employed in accordance with the current education requirements for professional practitioners under the FRSP Approval Requirements. The data supplied covers 89 FRSP service providers. A detailed breakdown of service agency by sub-program by professional employment is provided at Appendix K.

Based on these figures, professional employment for the 2004/2005 year in the principal FRSP dispute resolution sub-program of Family Relationships Mediation was 200 persons. Employment in Conciliation Services numbered eighty-four professional workers. In Regional Primary Dispute Resolution Services (PDR) employment was 141 persons. Employment in sub-programs offering mixed services is set out as part of data on Counselling employment.

3.3.2 Family Counselling Employment

a) FCoA

Employment data set out above on dispute resolution practitioners also encompasses practitioners offering counselling as part of dispute resolution.

⁵² Australian Public Service Commission, *State of Services Report 2003/04, Appendix 1, Commonwealth Government 2004*

⁵³ Data sets made available through FaCSlink Support Services, Department of Family and Community Services. Data provided set out agency information by sub-program by number of professional workers by number of services

b) FMC

As previously indicated, the FMC contracts out its services. No employment data was available for this report from the contracted agencies.

c) FRSP

As the largest FRSP sub-program, Family Relationships Counselling (FRC) is also the largest employer of professional staff. Based on figures supplied by FaCS and set out in Appendix K, the number of professional workers in this sub-program is 1, 141 in the 89 services listed. As the data does not differentiate professional staff, care should be taken in reading these figures. It is assumed the professional staffs in this counselling sub-program are counsellors.

The numbers of professional staff in the other FRSP sub programs which provide counselling as part of mixed services are:

FRSP Sub-Programs	No. of professional staff
Adolescent Mediation and Family Therapy (AMFT)	116
Men and Family Relationships (MFR)	153
Relationships Skills Training (FRST) and Men & FRST	111
Family Counselling - drought and sugar cane	57
Community Orders Program (COPs)	32

d) Organisational employment information

Family Services Australia (FSA) is one of the three IRBs covering service delivery under the FRSP. In 2003/2004 the FSA undertook a survey of its membership organizations providing FRSP services and reported the outcomes in June 2004. This data has been provided to the project and offers a more comprehensive overview of employment patterns and issues that assist in filling some of the gaps in the FaCs data.⁵⁴

The FSA survey data identified that the majority of its staff work part time (41%) with full-time work representing 31%. A further 13% work on a casual basis and 8% on contract.

Clinical practitioners (professional staff including counsellors, therapists and social workers) account for 32% of all employment in FSA member organizations with a further 32% working in service delivery as team leaders, co-ordinators and group facilitators. This is separate from general management which accounts for 26% of all employment and administration and finance (10%).

Clinical practitioners are employed principally through state awards (59%) with a further 12% each through individual contracts and state-based enterprise agreements. A further 17% are employed through a mix of federal awards and certified agreements.

The average salary of clinical practitioners in FSA organizations is \$40,345, which is significantly

⁵⁴ *Human Resources Across the Family Relationships Services Program, Family Services Australia 2004*

below their counterparts working in the FCoA.

Occupational Health and Safety was identified as a significant employment problem with poor OHS conditions identified by 34% of employees and a number of other issues of concern including violence (24%), excess travel (18%) and overwork i.e. additional hours (33%).

FSA members have a strong focus on FRSP service delivery that aims to support families through early intervention. The majority of employees' time across the FRSP is present in the sub-programs Men and Family Relationships, Children Contact Services (CCS) and FRC. This may vary with other IRBs.

The Australian Counselling Association (ACA) has also recently surveyed its membership⁵⁵ through a paper-based survey to 1000 ACA members with distribution through the ACA magazine *Counselling Australia*. The survey had a 24.1% return rate and provides a snapshot of 'the counsellor profile'. The survey considered age, gender, marital status, children, sexual orientation, location, ethnic and religious background, education and employment. The results showed a demographic of:

- **a predominately female profession (75.5%)**
- **a middle aged workforce – average age 48.9 years, and**
- **the majority of Caucasian background with only 1.7% of Asian background and 0.8% of Aboriginal and Torres Strait Islander background.**

The results raise some issues about diversity of practitioners and whether the diversity of the client base in family counselling services is adequately represented in this profile.⁵⁶ The results also reflect the general characteristics of community service occupations.⁵⁷

The survey results on education identified that 34.4% had a Bachelor's degree with a further 18.3% holding a Master's degree and 4.6% a PhD. Diploma qualifications were held by 21.6% with the same number holding Certificate qualifications. The results do not indicate the number of respondents with multiple qualifications but did show that university provision accounted for 41.5% of counselling education and training whilst the majority (47.7%)was supplied by VET providers- mainly private (41.9%). These results give support to the importance of VET provision in this area and the decision to develop competency based VET qualifications. The key areas of further training need were identified as being working with adolescents, children and family counselling practice.⁵⁸ These results confirm the focus of this project.

Respondents practiced in a number of areas with 80.5% undertaking individual counselling and over half also providing couple/family counselling (50.6%). Most worked using a mix of theoretical models.

The type of practice most commonly undertaken was solo (62.7%) with only 12.9% working in a community environment such as the FRSP. These results tend to suggest there are a large number of practitioners providing family counselling services who are not working directly under the umbrella of the family law system. The survey results supported the FSA survey with 48.4% indicating salary of \$40,000 or less

⁵⁵ The survey was carried out by Pelling N., School of Psychology, University of South Australia and the results reported in the author's paper: *Australian Counselling Association: Counsellor Survey*

⁵⁶ *Ibid* p19

⁵⁷ See *Community Services and Health Industry Skills Council (CSHISC) Industry Skills report May 2005, ANTA 2005*

⁵⁸ *Ibid* p20

Psychotherapy & Counselling Federation of Australia (PACFA) is the umbrella body for a large number of individual counselling and psychotherapy member organizations. Like ACA, PACFA has also undertaken a timely survey of its membership with the data released to this project.⁵⁹ The results show a consistency in terms of the workforce demographics with 77% female and an average age of 52.7 years. Forty-two percent of respondents classified themselves as counsellors with 43% in private practice and 19% employed by a community agency.

The qualification profile showed a greater emphasis on tertiary, and in particular, post graduate qualifications than the ACA survey results. A total of 59% identified holding a post-graduate qualification with 36% having a Masters degree and 33% having a specialist qualification in family counselling and 30% in couples counselling. A total of 26% held private provider training qualifications or Diploma qualifications.

Similar to the ACA survey, the respondents indicated the importance of an eclectic/integrative model as their preferred theoretical framework (26%), although more used a psychodynamic approach.

e) General employment data

The Australian Bureau of Statistics (ABS) categorises counsellors within a group of occupations identified as Social Welfare professionals. The others in this group are social workers, psychologists and welfare and community workers.

The number of counsellors in 2003/4 in Australia was 17,300 out of a total workforce in this group of 62,700.⁶⁰ A little over half (36,900) of the total group worked in the community services sector, with other sectors such as education being important in the counselling field. The statistics do not break down counselling into specializations such as family practice.

General employment data on counsellors drawn from the ABS Census and cited in the ACA survey⁶¹ identifies that counsellors are predominately middle aged with 29.4% aged between 45-54 years old and only 4.7% under 25. Over two thirds are female (69%) and geographic distribution is very uneven with the vast majority residing in the eastern States – 31% in NSW; 30% in Vic and 18% in Qld.

Employment is split fairly evenly between full-time and part-time work, 46.9% to 53.1% respectively. The ABS data does not address counselling practice specializations or theoretical orientations

Appendix K provides tables of employment data.

3.4 Overview of work in these fields

3.4.1 The client, the focus and the context

The critical feature of the work encompassed by this project is its complexity; complexity in the needs of clients who use dispute resolution, counselling and CCS services, complexity in the issues and problems that are the subject matter of the services sought; complexity in working with multiple clients within family systems, and complexity in the operating environment of family law.

⁵⁹ PACFA Workforce Survey May 2005: Margot Schofield, University of New England, PowerPoint presentation

⁶⁰ CSHISC report op.cit p52 and p17 Source is DEWR Job Outlook 2004

⁶¹ ACA survey p5

The **clients** of all services share a number of common needs and issues. The work of practitioners is set against both the foreground needs (the relationship issue/conflict) and the background needs (other interconnected problems and considerations of diversity) that clients bring with them. Clients do not usually have a single issue or problem but a range of multiple needs.

Services provided are not to a single client but a family of clients who have individual needs and interconnected relationship and/or dispute resolution needs. The focus of the intervention is both about the family relationship and the individual's needs within that relationship. Connected issues may impact on the interventions including alcohol and drug issues, domestic violence and abuse, mental health issues, disability issues, different needs based on culture and kinship.

The increasing focus on the child/ren also differentiates these areas from other similar interventions in other contexts. Children are, in both dispute resolution services and CCS, and in many counselling contexts, the focus of the intervention and, sometimes, the subject of the intervention. Family Relationship practitioners in these three areas must always operate in a child-focused framework, i.e. a framework in which children's needs are always taken into account and their voices heard but which may not involve them directly. Increasingly, service delivery is also being framed around a child-inclusive framework in which child/ren are included as part of the solution because their views are paramount and may also assist parents in making appropriate decisions in divorce and separation matters.⁶² In the case of CCS children are the principal clients.

The **focus of the intervention** is extremely difficult; the intervention is about addressing people's innermost needs, and in the context of relationship breakdown, family conflict, and the future of children, it is highly emotive. Whether the role is dispute resolution, counselling or facilitating contact between a parent and child, the consequences of inappropriate interventions, whether therapeutic or non-therapeutic, are profound for those affected.

The **systemic** focus of these roles also differentiates them from other dispute resolution or individual or group counselling interventions or children focused services. The practitioner must work with the family as a whole, with each as individuals and their individual reality and must consider the linkages between the family/its individual members, the extended family and the wider community.

Finally this work takes place either directly or indirectly against the complex world of **Family Law** and the specific responsibilities these practitioners have within this context.

3.4.2 Dispute resolution approaches used in family related matters

There are many approaches to (alternative) dispute resolution which are used to reflect different needs and circumstances. In all applications, the fundamental tenet is the dispute resolution practitioner plays the role of the neutral/impartial third party. The principal approaches used in family law and family relationships are:

Case conferencing: is currently used by the Courts as the first step in the legal process. Case conferencing involves a conference with the parties in which issues are defined, the parties agree on the issues and agree on whether dispute resolution is appropriate and which dispute resolution process should be used.

This will change with the introduction of proposed amendments to the Family Law Act which, from

⁶² Mackay. M., *Through a Child's Eyes, Child Inclusive Practice in Family Relationships Services, commonwealth of Australia, 2001 p 9.*

1 July 2007, will require separating parents to first undertake dispute resolution (with appropriate exceptions) before being able to take a parenting matter to court.

Mediation is used as the principal approach in relation to resolving disputes around parenting by the courts, as an alternative to litigation. Mediation is also widely used in community-based family relationships practice. The process involves the parties in a relationship dispute jointly identifying and working through the issues with the assistance of the mediator. The mediator has no advisory or determinative role but may assist the pathway to resolution selected by the participants. The emphasis in all mediation is that the parties decide the outcome. Agreements reached in mediation are generally regarded as non-binding legally. Mediation can be conducted by a single mediator and through co-mediation (two mediators). Mediation may involve the parties to the dispute communicating face-to-face or communicating in separate locations through shuttle mediation (mediator works with the parties separately).

The proposed changes to the Family Law Act raise a number of points about the application of mediation in this context. Firstly the amendments, if passed, will require parties with parenting disputes to participate in a dispute resolution process before commencing court proceedings. The requirement to attend dispute resolution (with a dispute resolution practitioner who meets the requirements of the Act, such as a mediator) is a significant change and aims to assist parties to resolve their dispute by drawing up a parenting plan without the need to go to court. This is consistent with the Australian Government's commitment to assist parents to resolve parenting disputes in a non-adversarial manner and help parents reach agreement without the need for legal proceedings wherever possible.

Parents who wish a parenting plan to have legal effect may apply to the court for a consent order in relation to their parenting arrangements.

After the commencement of the new arrangements, it will be a term of any parenting orders made by a court that they are subject to later parenting plans. The effect of this is that a parenting order will terminate to the extent of the inconsistency with a later parenting plan. The court can modify or exclude this provision if it does not consider that it is in the best interests of the child.

Conciliation is a dispute resolution process in which the conciliator as a third party not only manages the process of communication between the parties but also gives advice to assist in resolving the dispute. Conciliation has two applications in the family law context. In some courts it is used as the dispute resolution process for resolving disputes around financial issues. It is also referred to as conciliation counselling and may involve therapeutic interventions around conflict issues with the conciliator providing advice and direction on emotional, relationship, psychological or legal issues. Conciliation can be voluntary or court ordered and like mediation may involve the parties together or separately.

Whilst settlement is the objective of family dispute resolution processes, this may not always be possible. In the context of family related matters the complexity and emotion surrounding the dispute makes resolution extremely difficult.

3.4.3 The work of Family Relationships Counsellors

Like Alternative Dispute Resolution (ADR), counselling has a broad reach and is practiced in many different ways to address different contexts, different cultures, religions, or body/spirit needs. The different approaches and the theories that sit behind each of them are numerous.

Counselling as a generic practice involves working with clients to develop responses to difficult life circumstances. Issues may include depression, *self-esteem, anxiety, grief and loss, communication and relationships, work and career, stress, life transitions, parenting, spirituality and difficulties caused by addictions, trauma and abuse*.⁶³ It is a very large canvas.

Counselling is regarded as a therapeutic intervention, and like ADR; it is a process which aims to address/improve the clients' situation. Different therapeutic processes may be used, based on particular theories and conceptual bases

In family relationships counselling, a combination of these issues is usually evident, more so if the context is at the point of, or post, separation. In family relationships counselling, practitioners work with the immediate family members, individually and together and, sometimes, with significant others, to move forwards, change behaviours and develop coping skills. The process involves discussing the practical and emotional issues involved, clarifying the issues and, in psychotherapeutic-based counselling the roots of those issues.⁶⁴

As with family dispute resolution, the process is made more complex by the systemic nature of the work. It is not the same as one on one counselling nor is it the same as group counselling which may focus on the same counselling issue or need, such as an addiction, but where the clients have no interrelationship with each other. It involves both individual and group techniques but has another set of dimensions which must be addressed, namely the relationship or relationships, where children are involved. Where counselling is practiced against the background of separation and/or parenting issues, the environment is highly emotional and the needs of the clients complex and multi-faceted.

The starting point for counselling is there is no one 'right' perspective....Each parent's individual experience of the relationship and separation is likely to be different. Similarly, their feelings as to what is significant, their beliefs about what is important for the future, and what they think is in the best interests of the child/ren will likely be very different.⁶⁵

3.4.4 Children's Contact Services Work

Children's Contact Service (CCS) practitioners enable children to establish, develop and maintain a relationship with the parent they do not reside with in an environment that is safe and secure and provide opportunities for the child and apparent to engage. Their work is carried out in locations that are designed to support this safety and security. CCS practitioners' work responsibilities include preparing and organizing that environment which may include opening and closing, meeting and greeting, ensuring physical separation and preparing the contact environment, ensuring suitable activities and equipment are available.

The supervised contact process has a number of stages, each one important in the child/parent relationship. Briefly these include facilitating the initial contact which can be very difficult, especially if the child has had limited or no contact with a parent or if previous contact is against a background of domestic violence. This aspect of the work also involves ensuring physical separation between the parents to maintain safety of their child and each other.

⁶³ PACFA, PACFA National Register of Psychotherapists and Counsellors, March 2005 p 11

⁶⁴ Information drawn from PACFA, *Ibid* and Children First, A resource manual for the Contact Orders Program, Commonwealth of Australia, 2004 Glossary.

⁶⁵ *Ibid* p 26

Facilitating ongoing supervised contact in each separate session involves meeting different needs – the child's needs always being first. The CCS worker may need to intervene positively to assist the development of the child/parent relationship through developing parenting skills and controlling inappropriate behaviours, as well as role-modelling appropriate behaviours. As the relationship develops, the level of direct intervention is reduced enabling the child/parent to become more self-sufficient. Ongoing supervised contact always includes observation of the contact and monitoring the situation for risks and taking appropriate interventions to terminate the sessions in situations where risk of a conflict situation is tangible or the child is distressed. CCS workers must make judgements in each and every session about where and when an intervention is needed.

Assisting the families to move on to self-management may be an outcome of the developmental processes taking place in the supervised contact environment, depending on the clients' needs and the Centre's approach. Where appropriate this aspect of the work involves facilitating the growth of clients to become self-managing and may include mediation skills. Self-management may never be appropriate for some clients.

CCS staff also manage changeovers where parents come to the Centres to 'handover' the child from one parent to the other for contact outside the CCS premises. This work involves monitoring at either end of the point of contact to ensure child is safe, comfortable about the contact and secure. Other aspects of the work include:

- **intake assessment to determine suitability once a referral has been made:**
this is a critical role to ensure suitability to the services provided and to manage risks to clients and staff. This role is commonly carried out by the coordinator.
- **referrals to other services:**
CCS clients have multiple needs and referrals to other therapeutic services such as counselling, mediation, substance abuse programs, anger management programs and parenting education enables a more holistic service that goes beyond contact
- **provision of client reports and clinical records**
- **participation in team and staff development opportunities, and**
- **working under clinical supervision.**

The work of these practitioners carries enormous responsibilities and a theoretical understanding of human and child development and psychology and the impacts of domestic violence on children frame the work that is carried out. Specific skills in areas such as conflict resolution and managing power dynamics are essential. CCS practitioners need to respond to and reflect the child's needs and communicate with and engage children of different ages. CCS practitioners need skills in working with resistant and involuntary clients, clients with diverse backgrounds, and clients with other therapeutic needs⁶⁶.

⁶⁶ *The recent detailed Report on Children's Contact Services op.cit provided the frame of reference for the material on CCS. This comprehensive report provides a very detailed and comprehensive overview of this arm of the FRSP.*

3.4.5 Common features of work in each practice area

Critical aspects of this work include the impartiality of the practitioner. In the family law and relationships context the dispute resolution process is an impartial process; family counsellors must operate in an impartial way, recognizing the various needs of each family member but never taking sides; CCS staff must also demonstrate impartiality to both parents no matter what the circumstances were that have instigated use of the service. However, impartiality in relation to child/ren is not applicable where the child is at risk – in all three areas.

Each of these practice areas encompasses a range of generic skills and knowledge that are common. Each of the areas also operates with the same client base and reflects common requirements for working with these client needs. Each of the areas operates in an environment where one of the others may be needed to effect the specific practice. For example, in family dispute resolution, a resolution may not be achievable because the unresolved issues require counselling first. The very nature of the conflict may require counselling to address the underlying causes of the dispute. There is also overlap in the specialized skill base of each area of practice area. A dispute resolution practitioner or CCS worker may use counselling skills and a counsellor or CCS may use mediation skills. However use of these skills as an adjunct to the focus of practice does not mean the practice itself can be integrated – there still needs to be separation.

3.4.6 New forms of working

Some of the literature refers to the interdisciplinary work arrangements in this area and the need to establish new ways of working that reflect the clients' needs not the organizational structures which have been established to ostensibly meet those needs.

Recent initiatives include pilot programs in the Contact Orders Program (COP) that are designed to provide an integrated service that address the client's needs through provision of combinations of services managed holistically through a case management approach. The approach in this program is not one of referral but of case managing the interventions together which may include education, counselling, dispute resolution within a single service.⁶⁷

Other services have also considered whether integrated service delivery should be provided as part of the service model, for example, whether CCS should provide counselling services directly. In some cases, where different services are managed by the same umbrella organization the outcome can be achieved seamlessly; in others clients may end up in multiple services without any integrated practice framework in place.

⁶⁷ *Children First A resource Manual for the Contact Order Program Commonwealth of Australia 2004*

Section 4 :

Education and Training Profile

4.1 Overview

This section of the Scoping Report outlines existing education and training competency standards and service provision of direct relevance to the project. The section is divided into two focus areas of counselling and dispute resolution – the material identified covers these areas broadly and, where information has been identified, in the specific area of family relationships. Children's Contact Service is not covered as training is in-house at this point in time.

The purpose of this section is to map existing standards and training to identify what exists, to draw on this material as inputs into the draft Qualifications and Competency Framework, where appropriate, and to identify stakeholders with existing courses and qualifications who need to be consulted in the next stage of the project.

The focus of this research has been in the VET sector. The role of Higher Education in the provision of specialist qualifications in family counselling and Alternative Dispute Resolution is recognized and a list of these is included, see Appendix I.

4.2 Competency Standards

4.2.1 Community Services (CHC02) Training Package

A comprehensive analysis of the CHC02 Training Package was undertaken to identify existing competency standards that relate, in the first instance, to the broad occupational areas of counselling and dispute resolution. Further analysis focused on the specific skills and knowledge required of workers in a Family Law System as described in various position specifications and as provided by existing practitioners in counselling and dispute resolution. The initial analysis identified an extensive list of existing competency standards from the CHC02 package that in part described some elements of standards relating to counselling and dispute resolution. However, a further analysis based on a more concentrated mapping of specific skills, functions and tasks of both counselling and dispute resolution in the Family Law System context identified a huge gap in the existing standards. Complete lists of related competency standards from the CHC02 Training Package are at Appendix D.

Mediation standards

Certificate IV Community Mediation (refer to list of competency standards at Appendix D) is the only qualification that exists with a specialization in dispute resolution within the CHC02 Training Package. The standards included in the qualification are broad based "mediation" skills and describe the

specific process and steps of mediation in a broad community context. These standards alone do not provide the depth or level of specialist dispute resolution work required of practitioners in the Family Law System where mediation is only one of several dispute resolution options expected to be implemented in "family relationship dispute resolution". These existing standards are focused on community mediation and as such are entirely appropriate for community dispute resolution. These existing standards do not however, capture the specialist skills required to undertake the complex role of dispute resolution practitioner in the Family Law context.

Counselling standards

CHCCSL601A – Work within a structured counselling process

CHCCSL602A – Facilitate the counseling relationship

CHCCSL603A – Provide support for clients implementing a course of action

CHCCSL604A – Reflect and improve upon counselling skills

The above listed counselling standards identified in the CHC02 Training Package are basic introductory level counselling skills suitable for counselling individuals under supervised practice. It is acknowledged that these basic standards in counselling are important foundations to effective practice; however, they are inadequate as a standards framework alone for family counselling in the Family Law/Relationships environment. Practitioners in the field of family relationship counselling in the Family Law environment have described a degree of complexity in client presentation of issues and dynamics in family/group counselling in situations where significant conflict and trauma are present. Any standards framework for counselling in this context would need to include the specialisations and skills required to manage these complexities and the intensity of counselling interventions. The family counselling situation includes management of a diverse range of presenting factors, personalities, behaviours, communication styles, interactions, personal histories, abuse, domestic violence, and age ranges. The Family Relationship Counselling role is a highly specialized discipline requiring a specific set of standards to capture the technical skill base not currently reflected in the existing counselling standards for the CHC02 Training Package.

General Standards from the CHC02 Training Package

As previously mentioned an analysis of the existing CHC02 Training Package identified a gap in specialist standards for counselling and dispute resolution relevant to the Family Relationship/Law context. However, some standards covered critical areas of need relating to client base and these have been included at Appendix D. Some of the units listed may require reworking or further development to accommodate contextualization.

The CHC02 Training Package is an important base and starting point for the development of new national standards and framework for qualifications in Family Relationships/Law Counselling and Dispute Resolution. The analysis has identified a number of potentially broad based standards (as listed at Appendix D) for inclusion in the framework and has demonstrated a significant gap in the standards for specialised and technical skills base in counselling and dispute resolution sufficient to meet industry and legislative requirements.

4.2.2 ACT Mediation Standards

Mediation Competency Standards were developed by the ACT Community Services and Health Industry Training Advisory Board in 1995 and precede the development of the Cert IV Community Mediation. Any development of new standards will need to address the legal requirement in the ACT as the current ACT standards form a base for accreditation in the ACT. Review of the ACT mediation

standards, identified similar core units to the Cert IV Mediation Standards from CHC02 Training Package. Similar to the Cert IV Community Mediation standards, these standards focused on general "community mediation" rather than a specialised focus on family dispute resolution processes relating directly to the Family Law Context. The ACT application of standards states:

The standards relate to the actual conduct of mediation sessions. They do not relate to pre-mediation intake functions such as initial contact with parties and scheduling sessions, nor to post mediation follow up.

The range variables for all units of the ACT Mediation standards states:

The competencies relate to mediation involving small numbers of people and do not include dealing with highly specialized, very complex, multi party or highly technical issues.

ACT Mediation Competency Standards 1995

- Plan and prepare mediation
- Establish climate for mediation
- Create a framework for discussion
- Facilitate exploration of issues
- Promote negotiation
- Identify and establish outcomes
- Maintain professional standards

4.2.3 International standards in Family Mediation

The United Kingdom and Canada have both developed and implemented comprehensive mediation standards for practitioners in a variety of settings. The standards in both countries indicate clear distinctions between standards for job roles in dispute resolution and levels of complexity specifically in family relationship mediation. The FMC (Family Mediation Canada) is the nationally recognized body for the implementation and registration of accredited mediators and as such has identified the standards for Certified Family Mediators. (*FMC, Practice, Certification and Training Standards, Nov 5, 2003, www.fmc.ca/code.htm*) Use and definition of the term Family Mediation in the FMC context is far more comprehensive, and descriptive of the specialised skills and knowledge needed for family dispute resolution work than that which is described in our existing standards attached to the Cert IV Community Mediation qualification.

The United Kingdom standards for Family Mediators are less descriptive than the FMC competency standards but do provide an understanding that the Family Dispute Resolution Practitioner has a complex role. The standards focus more on the types of mediations to be managed rather than a specific skills and knowledge set for meeting competency. Both the UK and Canadian Family Mediation Standards are useful resources for informing the complex nature of work undertaken in family dispute resolution and subsequent work of this project.

4.2.4 Private competency standards

In the broad Community Services Industry and particularly the Family Relationships Sector, a wealth of competency standards have been developed by private Registered Training Organisations in the area of Family Counselling. These standards are developed based on recognized and accepted best practice in the counselling field and from the projects perspective are considered critical to informing the development of standards and qualifications. Access to this information is vital and support and cooperation is being encouraged of Steering Committee member organisations in supplying these materials. Several organisations have provided their competency standards. Their generosity and commitment to sharing these resources is greatly appreciated.

4.3 Provision of education and training

4.3.1 Community Services (CHC02) Training Package

As part of the research on existing standards in the family relationship counselling and dispute resolution area, an analysis of the existing provision of education was undertaken. This process involved accessing the National Training Information System (NTIS) and searching the entire system for training providers in counselling or mediation, including providers for the Cert IV Community Mediation and the Advanced Diploma of Community Services. The NTIS is a national system established to provide information on all recognised training qualifications, packages, standards and training providers as well as VET accredited courses and providers. Research on existing Registered Training Organisations (RTO) identified a number of RTO's offering the Cert IV Community Mediation qualification; these are listed at Appendix E.

The Advanced Diploma of Community Work offering the basic counselling units as electives is provided by several Registered Training Organisations and is listed at Appendix G.

4.3.2 Accredited VET Courses in Counselling and Mediation

An extensive list of training providers exists offering accredited courses in Counselling and associated practices. Only one course and training provider could be identified for any type of mediation or dispute resolution training. Unfortunately competency listings and materials were not available on the NTIS website. A full list of Courses and Training Providers is listed at Appendix H.

4.3.3 Higher education courses

Higher Education has traditionally been the primary provider for training and education in the disciplines of counselling and dispute resolution. Higher education courses offer a range of specialisations from generalist counselling through to combined counselling and dispute resolution qualifications. Summary research indicates that a comprehensive higher education qualification with a specific focus on the Family Centred Counselling and Dispute Resolution for the Family Law System of services does not exist. Offerings are at both undergraduate and postgraduate levels and as separate disciplines. A list of Institutions and their course offerings are at Appendix I.

4.4 Current education requirements to practice

4.4.1 Requirements of Family Law Act

Counselling

There are currently no requirements in the Family Law Act or Regulations for individuals acting as family and child counselors to meet certain educational requirements.

Mediation

The current Family Law Act requires individuals acting as a family and child mediator to meet certain education requirements. These are set out in the Family Law Act Regulations (Regulation 60). The requirements pertain to staff of community organizations or private practitioners and require the award of an appropriate degree, diploma or other qualification by a university, college of advanced education or other tertiary institution of an equivalent standard.

An appropriate degree, diploma or other qualification is defined as a course of study of at least 3 years full time study in law or a social science (such as psychology or social work), or that includes the equivalent of two full-time years of study in a social science or study that is the equivalent of 1 year full time study in mediation/dispute resolution. The Regulations specify other requirements including other training and supervised practice.

Children's Contact Services

There are currently no requirements in the Family Law Act or Regulations for individuals providing Children's Contact Services to meet certain educational requirements.

4.4.2 Community education requirements for employment as family counsellor/dispute resolution practitioner

Organisations operating under the FRSP must meet the FRSP Approval Requirements which include staff education requirements. Current Approval Requirement 4 requires that a person must hold an appropriate degree, diploma or other qualification, and demonstrates a level of competence appropriate to the commencement of the role in an assessment by the organization⁶⁸ to be employed in the agency. An appropriate degree, diploma or other qualification is defined as a course of at least three years with an orientation to behavioural or social sciences, education or other relevant degree; or a course of post graduate study of at least one year in an area of direct relevance to the specialised role to be undertaken.

The requirements for a degree, diploma or other qualification can be waived on the basis of demonstrating competence in circumstances where the work is in a remote area and suitably qualified staff are unavailable or where the person has at least 12 months current experience in a similar role. In both circumstances the staff must demonstrate appropriate competence (as defined by competencies formulated by the recruiting organisations).

Discussions held with a number of Family Relationship Service Provider agencies confirmed that their human resource and recruitment practices would require a social sciences degree as a minimum with specialist competence in the area of family dispute resolution or counselling. The basis of

⁶⁸ Department of Family and community Services _ A Guide to Approval Requirements for family Relationships Services

this approach is founded in the conceptual grounding provided by the degree which enables the practitioner to draw on a broad body of knowledge to inform practice. Discussions also identified that such a base could be established through experimental and self-directed learning but that this conceptual foundation (however achieved) was necessary in these fields.⁶⁹

The current education requirements of the Family Law Act, practice requirements of the FRSP and education requirements of individual organisations sit as background to this project. In developing a new national competency framework these requirements and perspectives have been taken into account as part of the overall examination of the work undertaken in these practice areas.

Children's Contact Services

Educational requirements for Children's Contact Services is not covered by FRSP requirements for 'family relationship practitioners'. As such requirements are set by service agencies.

Professional qualifications in psychology or social work are seen as relevant to this work and most funded CCS services would either require such qualifications or identify these as highly regarded. Some staff are employed whilst gaining their degrees. Expectations of this level of educational background appear to be less in unfunded services.

We really do seek in the contact service to have trained people and by that I mean people with three years welfare or an appropriate degree in social work or whatever... and people need to be able to engage and have a theoretical framework to reflect and understand whether this is appropriate for children and what that significance is.⁷⁰

It must be noted however, that the community services industry has expressed a better understanding of how movement between occupations can be facilitated and promoted. There is a requirement for additional development and recognition of skills that would allow greater movement, practical training pathways that promote movement between sectors, articulation between the vocational education and training sector and the higher education sector improved and a removal of the entry barriers into certain work roles such as length and cost of training required.⁷¹

⁶⁹ Discussions held with Relationships Australia, UnifamNSW on 17/18 August 2005

⁷⁰ Sheehan et al, Op.cit p.p.212

⁷¹ Industry Skills Report, Community Services and Health Industry Skills Council, May 2005

Section 5:

MAJOR FINDINGS AND RECOMMENDATIONS

5.1 Introduction

The proposed draft qualifications and competency standards framework represents the findings of the project team in conducting this initial research phase of the project. It addresses the competency standards required to address the work involved in the three designated areas as well as a separate qualification to support client assessment at intake. It packages and defines these into four appropriate qualification outcomes representative of the complexity of knowledge and skills, the specialization of work and the responsibility and accountability required. A visual representation of the Framework is provided in Diagram 1. Refer also to Draft Qualification *Family Counsellors, Family Dispute Resolution Practitioners & Children's Contact Services Project Draft Qualifications November 2005*.

The draft framework should be read as the starting point for the next phase of development and as that work progresses there may be changes to the qualifications and proposed competency standards based on the further research undertaken to develop the content.

The draft framework incorporates existing relevant qualifications and competency standards from the CHC02 Training Package.

In **Family Dispute Resolution** and in **Family Counselling**, the identified CHC02 qualifications of the Certificate IV in Community Mediation and the Advanced Diploma in Community Services (if elective counselling units are undertaken) both have relevance in providing a foundation but our research and analysis shows neither of these is adequate as the basis of competency based qualifications for practice in family dispute resolution and family counselling.

5.2 Recommendations

As identified in Section 3, the basis of this work which focuses on therapeutic interventions, its complexity in terms of having a systemic focus, the range of complexities associated with the client base and the significant responsibilities that are attached in terms of impacts on individuals' lives makes family-related dispute resolution and counselling a very 'high level' and specialised area of work.

This has been recognized in the draft qualification and competency standards framework which proposes the establishment of two Vocational Graduate Diploma Qualifications to address national competency qualification requirements in these two fields.

The capacity to include Vocational Graduate Certificates and Diplomas in Training Packages has been a very recent development with Australian Quality Framework Advisory Board (AQFAB) endorsing the

addition of both the Vocational Graduate Certificate and Vocational Graduate Diploma to the suite of qualifications recognised within the Australian Qualifications Framework (AQF), please refer to Appendix M for Fact Sheet.

The characteristic competencies or learning outcomes at the **Vocational Graduate Certificate** level include:

- **the self directed development and achievement of broad and specialized areas of knowledge and skills building on prior knowledge and skills**
- **substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of technical and/or management functions in highly varied and/or highly specialized contexts, and**
- **applications involve making significant, high level, independent judgments in major, broad or specialized planning, design, operational, technical and/or management functions in highly varied and/or highly specialized contexts. It may include responsibility and broad range accountability for the structure, management and output of the work of others and/or functions.**

The characteristic competencies or learning outcomes at the **Vocational Graduate Diploma** level include:

- **the self directed development and achievement of broad and specialized areas of knowledge and skills building on prior knowledge and skills**
- **substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of major functions, both broad and/or highly specialized, in highly varied and/or specialized contexts.**
- **further specialization within a systematic and coherent body of knowledge, and**
- **applications involve making high level, fully independent, complex judgements in broad and/or highly specialised planning, design, operational, technical and/or management functions in highly varied and/or highly specialized contexts. They may involve full responsibility and accountability for all aspects of work of others and functions including planning, budgeting and strategy.**

This descriptor is an accurate reflection of the proposed Vocational Graduate Diploma qualifications in Counselling and Dispute Resolution for the CHC02 Training Package.

Refer to Appendix L AQF Qualification Level descriptors.

The new qualifications will be based on developing a range of new practice units that reflect the specific focus of Family Dispute Resolution and Family Counselling. The development of these is seen as necessary because the existing Training Package does not encompass the specific competency standards that address the complex and specialized requirements of work within these areas. These new units will encompass the theoretical bases as well as skills required for practice, supported by the inclusion of some existing CHC02 units or modified units.

Pathways to the Vocational Graduate Diploma

Both Vocational Graduate Diplomas will recognise the current foundation units in community mediation and individual counselling and these (or equivalent) have been identified as creating pathways to the new qualifications.

Diagram 1 – Family Relationships Services Qualifications Framework suggests linkages between the existing CHC02 qualifications and the proposed new qualifications. This should not be interpreted as a direct or automatic pathway into the Vocational Graduate Diploma. As the AQFAB determined entry requirements to the Vocational Graduate Diploma make clear there are a number of pathways to entry and individuals will need to demonstrate how they meet these. In this regard an undergraduate degree is not a given.

Candidates may enter the qualification through a number of entry points demonstrating potential to undertake study at graduate level, including from:

- **a relevant Vocational Graduate Certificate, Advanced Diploma or Diploma, or a relevant Certificate IV or Certificate III together with significant relevant vocational practice**
- **relevant extensive vocational practice, without formal qualifications, usually following completion of a Vocational Graduate Certificate**
- **a Bachelor Degree, and**
- **other higher education qualification, often with relevant vocational practice**

(AQF New Qualifications Vocational Graduate Certificate and Diploma Fact Sheet- refer to Appendix M)

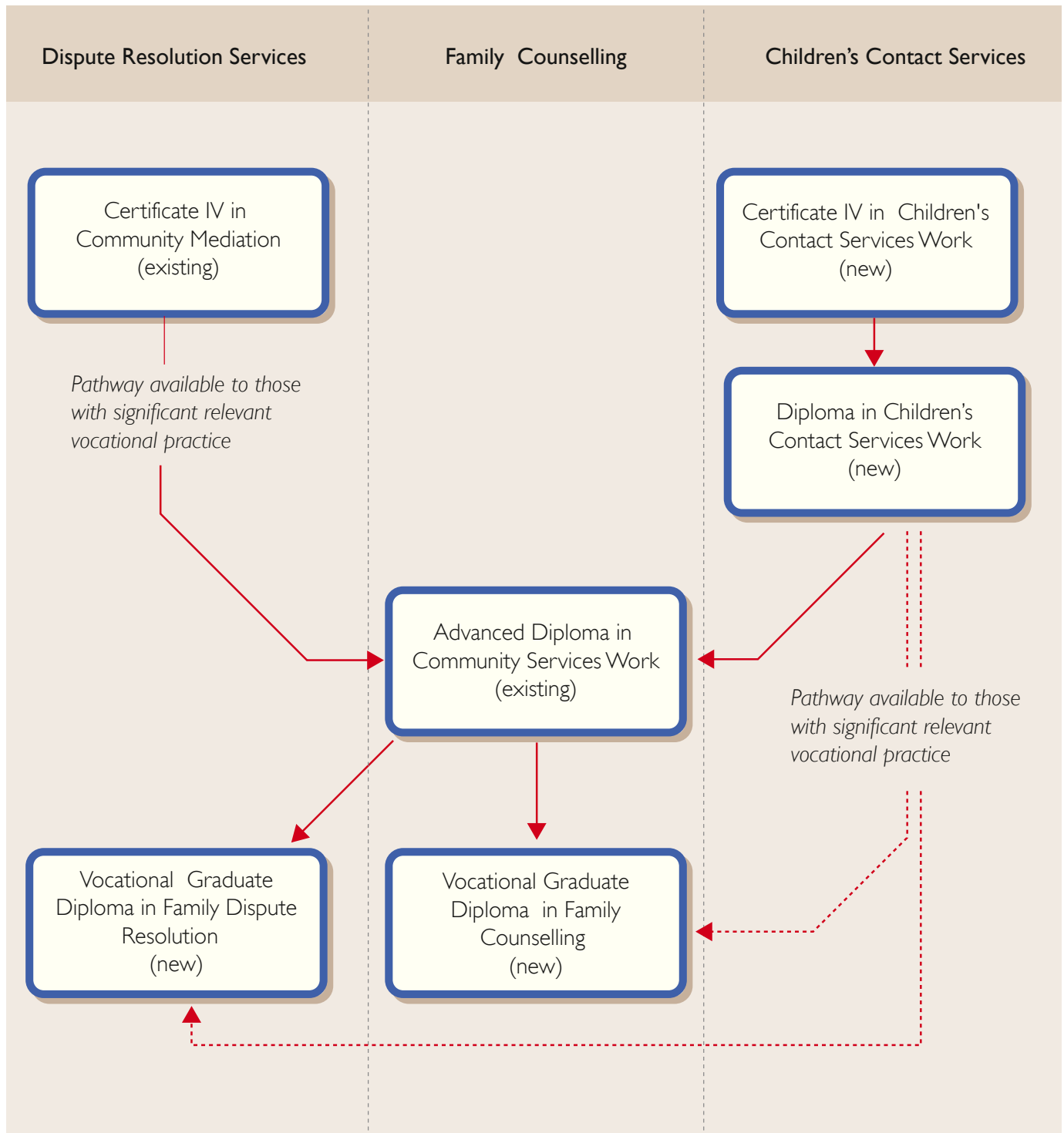
The current legislative/industry emphasis of holding an appropriate undergraduate degree qualification in one of the following - social science, behavioural science, psychology, or social work will need to be further explored to ensure the proposed Framework meets industry expectations and legislative requirements for practice.

Some consideration was given to developing a single qualification that addressed both streams of practice but this was not followed through on the basis that each is a discrete area of practice with different client outcomes and there needs to be a separation in practice.

In **Children's Contact Services (CCS)** the proposed qualification for CCS practice staff/contractors is the Cert IV and Diploma Children's Contact Services. The rationale for these qualification levels is based on the principal work roles and types of interventions practiced. Whilst CCS workers have the same client base, operate in the same milieu of family law and separation, and many of the skills they need are similar to those of a counsellor and dispute resolution practitioner, their main functions do not focus on direct therapeutic interventions.

A further cluster of competency units has been identified and will be developed in relation to **Family Relationship Assessment and Intake**. Assessment and intake/referral is carried out by all current services but will become increasingly pivotal through the formation of the Family Relationship Centres (FRCs) as the gateway into the family law system. The draft units are based on this work being able to be carried out by a non-practitioner as well as a practitioner, recognizing that intake assessment is not an administrative task but entails advice/information giving and making complex judgments. The pivotal focus of screening clients to determine specific needs and services and possible evidence of violence/abuse requires a very sound knowledge base which will be written into the relevant units but it does not require clinical therapeutic counselling or dispute resolution skills. The relevant intake/assessment units have also been incorporated into the practitioner qualifications as core units to enable organizations to develop working arrangements that are most appropriate to their needs i.e. some organizations may prefer to use job rotation for these work roles.

Diagram I : Draft Family Relationships Services Qualifications Framework



NB: Draft competency standards for work undertaken at new Family Relationship Centres should also be considered by stakeholders. Potentially as an elective bank within the new and/or existing qualifications or as a stand alone qualification addressing this new job role.

Prerequisite Voc Grad Dip Family Dispute Resolution	Prerequisite Voc Grad Dip Family Counselling
<ul style="list-style-type: none"> • Cert IV Community Mediation or Diploma of Community Work with significant relevant vocational practice in family dispute resolution <p>OR</p> <ul style="list-style-type: none"> • 3 year Bachelor Degree in one of the following; Social Science, Behavioural Science, Psychology, Social Work, Counselling, Education, Law, Dispute Resolution <p>OR</p> <ul style="list-style-type: none"> • Higher Education qualification together with significant relevant vocational practice in dispute resolution <p>OR</p> <ul style="list-style-type: none"> • Relevant extensive vocational practice in family dispute resolution, without formal qualifications 	<ul style="list-style-type: none"> • Demonstrated competence in the following competency units or their equivalent: CHCCSL601A Work within a structured counselling process CHCCSL602A Facilitate the counselling relationship <p>AND</p> <ul style="list-style-type: none"> • Have a relevant qualification and significant relevant vocational practice including: Diploma together with significant counselling experience <p>OR</p> <p>3 year Bachelor Degree in one of the following; Social Science, Behavioural Science, Psychology, Social Work, Counselling,</p> <p>OR</p> <p>Other Higher education qualification together with significant relevant counselling experience</p> <p>OR</p> <ul style="list-style-type: none"> • Relevant extensive vocational practice in family counselling, without formal qualifications

Appendix A

Project Steering Committee

Membership and Terms of Reference

Fname	Sname	Position	Organisation	Category
Paul	Targett (Chair)	Director Corporate Services	Department of Health & Human Services (CS&H Board Member)	Public Employer
Marian	Esler	Assistant Director Legal, Policy & Practitioner Support Section	Attorney-General's Department	Public Employer
Greg	Chalkier	Assistant Manager, Family Services Section	Department of Family & Community Services	Public Employer
Elaine	Harrison	PDR Coordinator	NSW Legal Aid Commission (Representing National Legal Aid)	Public Employer
Gail	Passier	Manager Mediation	Family Law Court of Australia	Public Employer
Lynn	Stephen	Coordinator Community Mediation Service	Bunbury Community Legal Centre (Representing NADRAC)	Public Employer
Deborah	Sharp	Director	Community Justice Centres (NSW)	Public Employer
Susan	Cibau	PDR Coordinator	Federal Magistrates Court	Public Employer
Bernie	Coulter	Manager, Counselling & PDR	Centrecare (Representing Catholic Welfare Australia)	Private Employer
Anne	Hollands	CEO (NSW)	Relationships Australia	Private Employer
Karen	Morris	Deputy CEO	Interrelate (Representing Family Services Australia)	Private Employer
Philip	Theobald	Executive Member, Family Law Section	Law Council of Australia	Public Employer
Clive	Price	Executive Director	Uniting Care Unifam (Representing Family Law Council)	Peak Body/Private RTO
Lynn	Littlefield	Executive Director	Australian Psychological Society	Peak Body
Joanna	Fletcher	Law Reform Coordinator	Women's Legal Service Victoria (Representing National Association of Community Legal Centres)	Peak Body
Lesley	Hewitt	Lecturer & Member	Australian Association of Social Workers (AASW)	Peak Body
Barbara	Hanson	Convenor	Australian Children's Contact Services Association INC	Peak Body
Philip	Armstrong	National Manager	Australian Counselling Association (ACA)	Peak Body
David	Axten	Lecturer & Member	Psychotherapy & Counselling Federation of Australia (PACFA)	Peak Body
Sharon	Wollaston	Lecturer	TAFE SA Mount Barker Campus	Public RTO
Loretta	Kelly	Clinical Supervisor & Trainer	Aboriginal Family Well-being Services	Private RTO
Lynn	Court	Branch Coordinator, Social & Community Services	Australian Services Union	Union

Terms of reference:

The Project Steering Committee play a very significant role in Community Services and Health Industry Skills Council Projects.

1.1 Purpose

The purpose of establishing and supporting a Steering Committee/Industry Reference Group is to:

1. ensure the Community Services & Health Industry Skills Council provides government with accurate and current information by providing access to industry advice
2. ensure industry issues are identified and resolved
3. monitor and advise on industry consultation methods used by the Industry Skills Council
4. benchmark the effectiveness of consultation approaches and outcomes
5. ensure the Industry Skills Council has access to industry networks and expertise
6. gain industry engagement in the development and implementation of specific processes and outcomes
7. validate processes and outcomes of specific projects
8. develop industry champions who will promote the take up of nationally recognised training with reference to the outcomes and activities of the Industry Skills Council and specific projects

1.2 Terms of Reference

The Steering Committee/IRG will:

1. assist in the identification of stakeholders to be consulted by the reference group
2. identify and assist in the resolution of industry issues in relation to strategic objectives of the CS&H Industry Skills Council's projects
3. provide industry input and advice on:
 - industrial issues
 - training and assessment issues
 - priority areas for industry skills development
 - appropriate methods for collection, collation and consolidation of industry information
 - validity of the content of project outcomes
4. provide feedback on the Industry Skills Council's development work undertaken for the area covered
5. Exchange information as appropriate between the Council, industry and other relevant professional groups covered.

Appendix B:

Source Register

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Appendix C:

Stakeholder Interviews

Date	Stakeholder	Representation
16 th August 2005	Susan Cibau, Dispute Federal Magistrates Court, Victoria	Public Employer
16 th August 2005	Ms Mary Lewis, CCS Coordinator, Relationships Australia, Victoria	Private Employer
17 th August 2005	Ms Anne Hollands, CEO (NSW), Relationships Australia, NSW Ms Pamela Lewis, Director of Client Services (NSW) Relationships Australia, NSW Ms Ruby-Jo Hawkett, Manager North Region (NSW) Relationships Australia, NSW	Private Employer
17 th August 2005	Mr Ron Perry, President, Psychotherapy & Counselling Federation of Australia (PACFA), NSW	Peak Body
18 th August 2005	Mr Clive Price, Executive Director, Uniting Care UNIFAM Counselling and Mediation Ms Lisa Godwin, Training Manager, Uniting Care UNIFAM Counselling and Mediation Mr David Forster, Deputy Director, Uniting Care UNIFAM Counselling and Mediation	Private Employer

Appendix D

Mapping of Existing CHC02 Units of Competency

Mapping Existing Competencies Part 1 Community Services Training Package (CHC02)

The attached assessment of existing competencies within the Community Services Training Package (CHC02) considers the relevance of skills and standards reflected in the competencies and the relationship to potential skills/knowledge/standards and work roles in the Family Counselling, Family Dispute Resolution Practitioners and Children's Contact Services Area.

Work Role Key: **FC** – Family Counsellor
 DRP – Dispute Resolution Practitioner
 CCS – Children's Contact Services
 FPC – First Point of Contact staff

- The First Point of Contact units relate to staff in agencies performing intake and first point assessments and referral where necessary
- Any units of competency either reworked or developed of course would need to align with any legislative frameworks
- These units may be used as discussion points or to assist in identifying or defining key functions within work roles

Unit of competence	Skill / Knowledge Area	Work role
CHCCOM3C Utilise specialist communication skills	COMMUNICATION	FC, CCS, DRP, FPC
CHCRF21B Promote equity in access to services	ORANISATIONAL	FC, CCS, DRP, FPC
CHCNET4A – Work with other services	INFORMATIN SYSTEMS	FC, CCS, DRP, FPC
CHCINF5B – Meet Statutory and organizational information requirements	INFORMATION SYSTEMS	FC, CCS, DRP
CHCINF1B – Process and provide information	INFORMATION SYSTEMS	FPC
CHCCM3B – Develop and facilitate and monitor all aspects of case management	DIRECT SERVICE DELIVERY TO CLIENTS	FC, DRP, CCS
CHCCS402A – Respond holistically to client issues	DIRECT SERVICE DELIVERY TO CLENTS	FC, DRP, CCS
CHCCS408A – Establish and monitor participation plans	DIRECT SERVICE DELIVERY TO CLIENTS	FC, DRP, CCS

Unit of competence	Skill / Knowledge Area	Work role
CHCCS407A – Operate referral procedures	DIRECT SERVICE DELIVERY TO CLIENTS	FPC
CHCCS8A – Provide first point of contact	DIRECT SERVICE DELIVERY TO CLIENTS	FPC
CHCCS301A – Work within a legal and ethical framework	OPERATING IN LEGAL CONTEXTS	FC, DRP, CCS
CHCPR0T13C – Operate in a legal context	OPERATING IN LEGAL CONTEXTS	FC, DRP, CCS
CHCCN2B – Advocate the rights and needs of children and young people	WORKING WITH CHILDREN AND YOUNG PEOPLE	FC, DRP, CCS
<p>Counselling units:</p> <p>CHCCSL601A – Work within a structured counselling process</p> <p>602A – Facilitate the counseling relationship</p> <p>603A – Provide support for clients implementing a course of action</p> <p>604A – Reflect and improve upon counseling skills</p>	COUNSELLING	FC
<p>Mediation Units:</p> <p>CHCMED401A – Conduct sound assessment of a dispute for mediation</p> <p>MED402A – Gather and use information for the mediation process</p> <p>MED403A – Manage communication exchanges to define the dispute</p> <p>MED404A – Facilitate the mediation process</p> <p>MED405A – Facilitate interaction between clients</p> <p>MED406A – Consolidate and conclude the mediation process</p> <p>MED407A – Reflect and improve upon professional practice</p> <p>MED408A – Identify the need for alternative dispute resolution</p> <p>MED409A – Facilitate alternative dispute resolution process</p>	MEDIATION AS A DISPUTE RESOLUTION PROCESS	DRP
CHCAOD10A: Work with clients who have alcohol and/or other drug issues	Communication, Assessment Specific issues of AOD Crisis counseling	FC, CCS, DRP,

Unit of competence	Skill / Knowledge Area	Work role
CHCCILD1C: Identify and respond to children and young people at risk of harm	Child inclusive practice, Abuse issues Child development Child therapy Relationship systems	FC, CCS, DRP
CHCILD3A: Promote the safety, well being and welfare of children, young people and their families	Family Assessment Abuse/ child protection Domestic violence	FC, CCS, DRP, FPC
CHCHILD4A: Assess risk of harm to children and young people	NIL RELEVANCE – see notes attached	N/A
CHCCN1D: Ensure children's health and safety	NIL RELEVANCE – see notes attached	N/A
CHCCM1C: undertake case management	Case management practice	FC, CCS, DRP
CHCCM2C: Establish and monitor a case plan	Case management practice	FC, CCS, DRP
CHCCM4B: Promote high quality case management	Case management practice	FC, CCS, DRP
CHCCM5B: Develop practice standards	Systems of counseling/ mediation/supervision	FC, CCS, DRP
CHCCM6A: Undertake case management in a child protection framework	<i>NIL RELEVANCE – see notes attached</i>	N/A
CHCCW11B: Operate under a case work framework	Case management practice	FC, CCS, DRP
CHCC405A: Work effectively with culturally diverse clients and co workers	Appreciation of cultural difference	FC, CCS, DRP, FPC
CHCCS406A: Provide education and support on health, well being and parenting	Appreciating <i>difference</i> in families	FC, CCS,
CHCCS404A: Facilitate family intervention strategies	Family Assessment Relationship systems Work with families in remote areas Relationship systemic framework	FC, CCS, DRP
CHCCSA: Provide support to clients	Basic “helping” skills	FC, CCS, DRP, FPC
CHCCS602A: Work with families of clients	Working with one person – with the view of working with others	FC, CCS, DRP
CHCCw13B: Work intensively with clients	Crisis, long term and high needs intervention skills	FC, CCS, DRP

Unit of competence	Skill / Knowledge Area	Work role
CHCDFV1B: Recognize and respond to domestic and family violence	Domestic violence frameworks	FC, CCS, DRP
CHCDFV2B: Manage own professional development in responding to domestic and family violence	Domestic violence frameworks	FC, CCS, DRP
CHCDFV6B: Counsel clients effected by domestic and family violence CHCDFV6B: Provide domestic and family violence support in Aboriginal and Torres Strait Islander communities	Domestic violence frameworks	FC, CCS, DRP
CHCDFV7B: Provide domestic and family violence support in NESB communities	Domestic violence frameworks	FC, CCS, DRP
CHCDFV8B: Provide support to children affected by domestic and family violence	Domestic violence frameworks	FC, CCS, DRP
CHCDFV10B: Facilitate workplace debriefing and support processes	Not relevant	N/A
CHCFC3C: Foster and enhance children's social, emotional and psychological development	Not relevant	N/A
CHCF10C: Enhance the emotional and psychological development of children	Not relevant	N/A
CHCFC20B: Promote the ethical understandings of children	Not relevant	N/A
CHCFIN2A: Determine the needs in respect to financial issues	First point of contact	FPC
CHCIC20B: Manage complex behavioural situations	Not relevant	N/A
CHCICAB: Communicate with children	One element relevant to CCS and FC	FC, CCS
CHCPR14B: Observe children and interpret observations	Reporting skills	FC, CCS, DRP
CHCPR0T6B: Facilitate court orders	Not relevant	N/A
CHCPR0T7C: Provide supervision in a secure system	Not relevant	N/A
CHCPR0T14B: Coordinate information and service to justice agencies	Not relevant	N/A
CHCRF24B: Support parents in their parenting role	Working in isolation/remote areas with parents	CCS, FC

Appendix E :

Registered Training Providers offering the Cert IV Community Mediation Qualification

- **Australian Institute of Workplace Learning Pty Ltd trading as Workplace Australia Group**
Burwood NSW
- **Community Mediation Service, Tasmania Inc trading as Positive Solutions: Mediation, Counselling, Training**
Hobart, Tas
- **Mt Isa Institute of TAFE**
MT Isa, Qld
- **Cooloola Sunshine Institute of TAFE**
Mooloolaba, Qld
- **Em – Four Pty Ltd**
Goulburn NSW
- **Esset Consulting Pty Ltd**
Launceston, Tas
- **Gitana Holdings Pty Ltd**
Ipswich, Qld
- **Regional Extended Family Services Inc**
Ringwood, Vic
- **TRAHCS Incorporated**
Dickson, ACT
- **Uniting Church NSW trading as Unifam Counselling and Mediation Service**
Parramatta, NSW

Appendix F:

Existing Competencies from CHC02 included in Draft Qualifications Framework

CHCORG28A	Reflect and improve upon professional practice
CHCCS405A	Work effectively with culturally diverse clients and co workers
CHCCNET4A	Work with other services
CHCOM3C	Utilise specialist communication skills to build effective relationships
CHCAOD10A	Work with clients who have alcohol and other drug issues
CHCCW13B	Work with clients intensively
CHCCS501A	Assess and respond to individuals at risk of self harm and suicide
CHCCILD2C	Support the rights and safety of children and young people within duty of care requirements
CHCDFV2B	Manage own professional development in responding to domestic and family violence
CHCILD3A	Promote the safety and well-being of children and young people and their families
CHCCOM4B	Develop, implement and promote effective communication techniques
CHCDFV2B	Manage own professional development in responding to domestic and family violence
HLTFA1A	Apply basic Firsts Aid
CHCADMIN3B	Undertake administrative work
CHCMED407A	Reflect and improve upon professional mediation practice

Appendix G:

Registered Training Organisations offering the Advanced Diploma Community Services Work

- **Australian Centre for Advanced Studies Inc**
RIVERTON, WA
- **Australian Institute of Workplace Learning Pty Ltd trading as Workplace Australia Group**
BURWOOD, NSW
- **Baffy Pty Ltd trading as Integrated Care Management**
LAMBTON, NSW
- **Christian City Church Sydney Ltd trading as Christian City Church Ministry Training College, Creative Arts, Pastoral Care & Counselling, Planting**
OXFORD FALLS, NSW
- **Department of Employment and Training trading as Southbank Institute of TAFE**
SOUTH BRISBANE, QLD
- **East Gippsland Institute of TAFE trading as East Gippsland Institute of TAFE**
BAIRNSDALE, VIC
- **Esset Consulting Pty Ltd trading as Esset Australia**
LAUNCESTON, TAS
- **Individual Solutions Australia Pty Ltd trading as Individual Solutions Australia**
KIAMA, NSW
- **Institute of TAFE Tasmania**
HOBART, TAS
- **Mission Australia trading as Mission Australia**
SYDNEY, NSW
- **Relationships Australia (SA) Inc trading as Australian Institute of Social Relations**
HINDMARSH, SA
- **Victoria University trading as Victoria University**
FOOTSCRAY, VIC
- **Wodonga Institute of TAFE trading as Wodonga Institute of TAFE**
WODONGA, VIC

Appendix H :

Accredited Courses and Training providers in Counselling and Mediation

Course	Training Provider
(30398QLD) Advanced Diploma of Counselling	Cooloola Training and Counselling Service
(80668ACT) Advanced Diploma of Counselling and Family Therapy (Christian)	ACT Accreditation and Registration Council
(90700NSW) Advanced Diploma of Counselling	College of Holistic Counselling
(40184SA) Advanced Diploma of Counselling and Communication	Love Kranz Consulting Pty Ltd
(30073QLD) Advanced Diploma of Professional Counselling	Australian Institute of Professional Counsellors Pty Ltd
(30481QLD) Certificate III in Counselling Skills	Campion College Pty Ltd
(90701NSW) Certificate IV in Counselling	College of Holistic Counselling
(30399QLD) Certificate IV in Counselling	Helyna Monica May Burton trading as Cooloola Training and Counselling Service
30484QLD) Advanced Diploma of Counselling and Psychotherapy	(0078) Campion College Pty Ltd
40186SA) Certificate IV in Counselling and Communication	2310) Love Kranz Consulting Pty Ltd trading as Kaylene Kranz and Associates
(90401NSW) Certificate IV in Counselling Skills	(90198) NSW Health trading as NSW Health
40458SA) Certificate IV in Counselling with Transactional Analysis	(5059) Redman Enterprise Pty Ltd
(30083QLD) Certificate IV in Relationship Counselling	(7097) Baptist Community Service Queensland trading as Baptist Community Service Queensland
(50969) Course in Counselling and Aboriginal Social and Emotional Well-being	Kimberley Aboriginal Medical Services Council Inc trading as Kimberley Aboriginal Medical Services Council Inc
(51220) Diploma in Aboriginal Counselling	(51374) Emotional and Social Well-being Centre, Nguleelgoo Health Council
(51282) Diploma in Analytic Counselling	(1957) Churchill Clinic Pty Ltd trading as The Churchill Clinic
(51432) Diploma in Transpersonal Counselling	(51434) Dr Ralph Gregory Locke

Accredited Courses and Training providers in Counselling and Mediation

Course	Training Provider
(51283) Graduate Diploma of Analytic Counselling	(1957) Churchill Clinic Pty Ltd trading as The Churchill Clinic
(91161NSW) Diploma of Systemic Counselling Skills	(2697) Uniting Church NSW trading as Unifam Counselling & Mediation Service
30506QLD) Diploma of Professional Counselling	(0670) Australian Institute of Professional Counsellors Pty Ltd as trustee for AIPC Trust Queensland trading as Australian Institute of Professional Counsellors Pty Ltd
(40315SA) Diploma of Narrative Approaches for Aboriginal People (Counselling, Group & Community)	(40103) Nunkuwarrin Yunti of South Australia Inc
(30483QLD) Diploma of Counselling and Psychotherapy	(0078) Campion College Pty Ltd trading as Ashby Allan Institute
(90367NSW) Diploma of Counselling and Group Work	(7111) Relationships Australia NSW trading as Australian Institute for Relationship Studies, The
(80665ACT) Diploma of Counselling and Family Therapy (Christian)	(88037) Australian Institute of Family Counselling Ltd
(40185SA) Diploma of Counselling and Communication	(2310) Love Kranz Consulting Pty Ltd trading as Kaylene Kranz and Associates
(90708NSW) Diploma of Counselling	(90720) College of Holistic Counselling trading as College of Holistic Counselling
(91097NSW) Certificate IV Aboriginal Family Mediation	(90914) Community Connections North Coast Inc

Appendix I :

Higher Education Institutions and Courses

Southern Cross University

- Bachelor of Social Science with Counselling and Mediation Studies Major
- Bachelor of Legal Studies with a Dispute Resolution Major

University of Western Sydney

- Graduate Certificate in Commercial Dispute Resolution
- Graduate Certificate of Mediation
- Graduate Diploma in Mediation Practice

University Of Technology Sydney

- Graduate Certificate in Dispute Resolution
- Master of Dispute Resolution

Macquarie University

Graduate School of Management

- Post Graduate Diploma in Conflict Management
- Macquarie University School of Law also offers various courses

Charles Sturt University

Faculty of Commerce, Postgraduate programs.

- Graduate Certificate in Dispute Resolution (by distance education)

Bond University

School of Law, Centre for Dispute Resolution.

- Master of Laws (Dispute Resolution)
- Post-Graduate Diploma in Dispute Resolution
- Undergraduate subjects in Dispute Resolution: Alternative Dispute Resolution, Negotiation and Mediation.
- *Short courses* about mediation, negotiation and arbitration

University of Southern Queensland

Department of Law, Faculty of Commerce

- Master of Commercial Law (distance education) includes a subject 52210 Dispute Resolution

University of Queensland

Law School

- A five day intensive highly interactive and skills focused mediation course with written assessment and mediation simulation. Participants who successfully complete the course and who have been legal practitioners for at least five years (and hold current membership of the Queensland Law Society may apply to the Law Society to become a Law Society Approved Mediator

University of Adelaide

- Professional Certificate in Arbitration

University of South Australia

*Faculty of Humanities and Social Sciences:
(Undergraduate, Graduate/Postgraduate)*

- Graduate Certificate in Mediation (Family)
- Graduate Diploma in Conflict Management
- Master of Conflict Management

Conflict Management Research Group

La Trobe University

School of Law and Legal Studies

- Graduate Certificate in Conflict Resolution
- Graduate Diploma in Conflict Resolution
- Graduate Diploma in Family Law Mediation
- Masters in Conflict Resolution
- Masters in Law (Conflict Resolution)
- Doctor of Conflict Resolution

Relationships Australia NSW

- Graduate Diploma of Systemic Therapy (Couple Therapy)
- Graduate Diploma of Systemic Therapy (Family Therapy)
- Graduate Certificate of Mediation
- Graduate Certificate of Clinical Supervision and Consultation

Appendix J

Sector Initiated Consultation Opportunities

Date: Thursday 28th July and Friday 29th July 2005

Commonwealth Attorney General's Department & Department of Family and Community Services
National Strategic Planning Issues Forum '*Challenges and Change Conference*', Melbourne
Di Lawson (CEO, CS&HISC) facilitated the Workforce Planning workshops by invitation

Date: Tuesday 27th September 2005

Australian Children's Services Association (ACSA), Board Meeting, Adelaide
CS&HISC Project Team invited to present draft Children Contact Services qualifications with Board
Members and begin preliminary validation workshops

Date: Friday 7th October 2005

Australian Counselling Association, Melbourne
Di Lawson (CEO, CS&HISC) to address Board Members and present Project Framework and
Background

Date: Monday 21st October 2005

Family Relationships Centres Taskforce, Parliament House
Di Lawson (CEO, CS&HISC) presented project to the Federal Family Relationships Centres
Taskforce

Date: Wednesday 2nd November 2005

Community Services & Health National TAFE Community Practice, Adelaide
Liza James (Project Coordinator, CS&HISC) presented project to the TAFE network

APPENDIX K:

FRSP EMPLOYMENT 2004/5¹

5 Tables of employment data.

Table 1 provides data on professional employment in the following FRSP services:

- Family relationships Mediation (FRM)
- Conciliation Services (CS)
- Regional Primary Dispute Resolution (PDR)
- Adolescent Mediation and Family Therapy (AMFT)
- Family Relationships Counselling (FRC)
- Men and Family Relationships (MFR)
- Relationships Skills Training (FRST) and Men & FRST

Table 2 provides data on professional employment in Children's Contact Services (CCS).

Table 3 addresses specialized initiatives in Family Counselling in drought affected and sugar cane areas.

Table 4 covers the Specialised Family Violence Initiative and

Table 5 the Contact Orders Program.

TABLE 1: PROFESSIONAL EMPLOYMENT IN FAMILY DISPUTE RESOLUTION, FAMILY COUNSELLING & CCS

Organisation	FRSP Service type						
	FRM	CS	PDR	AMFT	FRC	MFR	FRST
ASWA					2	2	1
Anglicare MT Gambier Community Care	1				1		1
Anglicare Armidale drought & family					18		
Anglicare counselling NSW					21		
Anglicare SA						5	6
Anglicare Tas	2			3	6	1	1
Anglicare topend	2				6		
Anglicare Vic							9
Anglicare WA			2		32	4	1
Aust. Greek Welfare						1	
Berry St					8		
Bethany Family Support						3	3
Broken Hill & District Family Support Services			3				
Burnside						5	2
Cairnmiller Institute					1		
Cath's Organisation 9			1		2		2
Centacare - Adelaide	11	10			14	10	
Centacare Canberra/ Goulburn			3	7	14		
Centacare- Bathhurst			5		8	4	
Centacare – Brisbane				9	28		
Centacare Broken Bay	6				7	1	
Centacare Cairns					13		
Centacare Catholic diocese of Ballarat		5	2		13		
Centacare Catholic family services Vic		5			32		
Centacare Catholic Services Wilcannia						8	4
Centacare Central QLD					31	2	1
Centacare Sandhurst		6	8		16		2
Centacare Family Services Tas			5		27		1
Centacare Geraldton			5		8		
Centacare New England			6				
Centacare Newcastle					13		

TABLE 1: PROFESSIONAL EMPLOYMENT IN FAMILY DISPUTE RESOLUTION, FAMILY COUNSELLING & CCS

Organisation	FRSP Service type						
	FRM	CS	PDR	AMFT	FRC	MFR	FRST
Centacare NT							
Centacare Parramatta					14		3
Centacare Port Pirie		5	14			13	
Centacare Sydney	6	6		3	15		2
CentacareToowoomba			4		6		
Centacare Townsville	2	1	2		16		1
Centacare Wagga Wagga			2		11		
Centacare Woollongong					15		9
Centacare WA	13		6	13	41	10	2
Child & Family Services Ballarat Inc						9	
Children's Protection Society Geelong					2		
C.L.A.N.							6
Community Care inc							1
Community Connections North coast					1		
Community Connections Vic			5				
Community West							
Drummond St Family Relationships Centre					10		
Family Mediation Centre	29	27	1	10	2	6	
Gordon Care for Children							
Goulburn Valley Family Inc						3	2
Interrelate NSW	6		14		60	9	4
Kinnections					20		
Lifecare NSW					16		
Lifeline Bundaberg					1	2	1
Lifeline Darling Downs					2	2	1
Lifeline Sunshine Coast	2				2	4	3
Lifeworks Vic	1	1	1		39	7	7
Mackay CCS							
Mallee Family Care			2			2	
Manning Support Services						1	1
Marnja Jarndu (Men's Outreach Broome)		1				3	
Marymead Child & Family Centre							4

TABLE 1: PROFESSIONAL EMPLOYMENT IN FAMILY DISPUTE RESOLUTION, FAMILY COUNSELLING & CCS

Organisation	FRSP Service type						
	FRM	CS	PDR	AMFT	FRC	MFR	FRST
Men's Information & Support Association						12	
Mercy Family Services Qld						2	1
Migrant Resource Centre NE region					2	3	5
Newcastle Family Support Services						1	4
Port Pirie Central Mission					1		2
Positive Solutions	7		4		3		
Relationships Aust. (R.A.) ACT	8		3		17		
R.A. NSW	10	0	0	16	72	2	7
R.A. NT			10		10	4	
R.A. Qld	10	7	11		82		
R.A. S.A.	24		5		59		6
R.A. Tas	10				31	4	
R.A. Vic	19		15		106	1	2
R. A. WA	9				75		1
Resolve (Wodonga)				4			
Southern Family Life Association						1	
Sunshine Coast Family Contact Care Association							
Salvation Army THQ							
Toowoomba CCS							
Unifam Counselling & Mediation	20	10	2	2	49	4	
Uniting Care Wesley Adelaide				8	22		
Uniting Care Wesley Bowman							2
Upper Hume community health service					2		
Upper Murray Family Care			1				5
Whyalla Counselling Service				1	3		
Youth & Family Services Logan City				11		4	2
TOTALS	200	84	141	116	1,141	153	111

Employment data - other relevant FRSP services

Table 2 Children's Contact Services (CCS)	
Anglicare MT Gambier Community Care	4
Anglicare SA	5
Anglicare Vic	2
Anglicare WA	8
Berry St	2
Bethany Family Support	4
Centacare NT	3
Centacare Woollongong	9
Central West Contact Service	1
Child & Family Services Ballarat Inc	5
Community Care inc	10
Community West	3
Gordon Care for Children	2
Interrelate NSW	8
Mackay CCS	2
Mallee Family Care	4
Marymead Child & Family Centre	5
Relationships Aust. (R.A.) ACT	2
R.A. NSW	6
R.A. Qld	5
R.A. S.A.	6
R.A. Tas	9
R. A. WA	3
Sunshine Coast Family Contact Care Association	2
Salvation Army THQ	5
Toowoomba CCS	6
Unifam Counselling & Mediation	10
Upper Murray family Care	5
TOTAL	131

Table 3: Family Counselling Specific focus

Drought services		Sugar cane
Centacare Bathhurst	4	
Centacare Brisbane	2	
Centacare Cairns	1	4
Centacare Catholic Archdioces of Ballarat	3	
Centacare Catholic Family services Wilcannia	1	
Centacare Central Qld	5	4
Centacare Sandhurst	11	
Centacare geraldton	1	
Centacare port pirie	1	
Centacare Toowoomba	2	1
Centacare Wagga Wagga	5	
Centacare WA	2	
Children's Protection Society	1	
Interrelate (NSW)	1	5
Relationships Aust (Qld)	6	7
Relationships Aust (SA)	5	
Relationships Aust (Vic)	12	
Unifam NSW	2	
TOTAL	64	21

Table 4- Counselling - Specialised Family Violence

Centacare Family Services Tas	3
Centacare NT	2
Centacare WA	10
Kinnections	13
Relationships Australia Vic	19
Uniting Care Wesley Adelaide	10
TOTAL	57

Table 5 Contact Orders Program (COPS)

Anglicare WA	8
Gordon Care for Children	3
Realtionships Aust (Qld)	6
Relationships Aust Tas)	6
Unifam NSW	9
TOTAL	32

APPENDIX L:

Australian Qualifications Framework Descriptors

Australian Qualifications Framework Descriptors

AQF 3 (Certificate III)

Note: A person with competencies at Certificate level III should be able to:

- ♦ Demonstrate **some relevant theoretical knowledge**.
- ♦ Apply a **range of well-developed skills**.
- ♦ Apply known solutions to a **variety of predictable problems**.
- ♦ Perform processes that require a **range of well-developed skills** where **some discretion and judgment** is required.
- ♦ **Interpret available information** using **discretion and judgment**.
- ♦ Take **responsibility for their own outputs** in work and learning.
- ♦ Take **limited responsibility for the output of others**.

AQF 4 (Certificate IV)

A person functioning at Certificate IV level should be able to:

- Demonstrate understanding of a **broad knowledge base incorporating some theoretical concepts**.
- Apply solutions to a **defined range of unpredictable problems**.
- Identify and apply skills and knowledge to a **wide variety of contexts** with **depth in some areas**.
- **Identify, analyse and evaluate information** from a **variety of sources**.
- Take **responsibility for their own outputs** in relation to **specified quality standards**.
- Take **limited responsibility** for the **quantity and quality** of the output of others.

AQF 5 (Diploma)

A person with competencies at Diploma level should be able to:

- Demonstrate understanding of a broad knowledge base incorporating theoretical concepts, with **substantial depth in some areas**.
- **Analyse and plan approaches** to **technical problems or management requirements**.
- **Evaluate information** using it to **forecast for planning or research** purposes.
- **Transfer and apply theoretical concepts** and/or **technical or creative skills** to a range

of situations.

- Take **responsibility for their own outputs** in relation to **broad quality parameters**.
- Take **limited responsibility** for the **achievement of group outcomes**.

AQF 6 (Advanced Diploma)

A person with competencies at Advanced Diploma level should be able to:

- Demonstrate understanding of a **specialised** knowledge with **depth in some areas**.
- **Analyse, diagnose, design and execute judgments** across a broad range of technical or management functions.
- **Generate ideas** through the **analysis of information and concepts** at an abstract level.
- Demonstrate a command of **wide-ranging, highly specialised technical, creative or conceptual skills**.
- Demonstrate **accountability** for **personal and group outcomes** within broad parameters.

AQF 7 (Vocational Graduate Certificate)

Characteristics of competencies or learning outcomes at this level include:

- The self-directed development and achievement of broad and/or specialised areas of knowledge and skills building on prior knowledge and skills.
- Substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of technical and/or management functions in highly varied and/or highly specialised contexts.
- Applications involve making significant, high level, independent judgements in major, broad or specialised planning, design, operational, technical and/or management functions in highly varied and/or highly specialised contexts. It may include responsibility and broad ranging accountability for the structure, management and output of the work of others and/or functions.

The degree of emphasis on breadth as against depth of knowledge and skills may vary between qualifications granted at this level.

AQF 8 (Vocational Graduate Diploma)

Characteristics of competencies or learning outcomes at this level include:

- The self-directed development and achievement of broad and/or specialised areas of knowledge and skills building on prior knowledge and skills
- Substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of major functions, both broad and/or highly specialised, in highly varied and/or highly specialised contexts

- Further specialisation within a systematic and coherent body of knowledge
- Applications involve making high level, fully independent, complex judgements in broad and/or highly specialized planning, design, operational, technical and/or management functions in highly varied and/or highly specialized contexts. They may involve full responsibility and accountability for all aspects of work of others and functions including planning, budgeting and strategy.



New qualifications **Vocational Graduate Certificate and Vocational Graduate Diploma**

The Ministerial Council on Education, Employment, Training and Youth Affairs (MCEETYA) has endorsed the Vocational Graduate Certificate and Vocational Graduate Diploma as two new vocational education and training qualifications in the Australian Qualifications Framework (AQF), accredited through vocational education and training processes in accordance with the Australian Quality Training Framework.

The new Vocational Graduate Certificate and Vocational Graduate Diploma will be offered from 2005 by Registered Training Organisations, including TAFEs, private VET providers, and higher education providers which have become Registered Training Organisations for the purposes of offering these qualifications. All approved providers will be listed on the AQF Register of Recognised Education Institutions and Authorised Accreditation Authorities in Australia.

Frequently asked questions

ABOUT THE VOCATIONAL GRADUATE CERTIFICATE AND VOCATIONAL GRADUATE DIPLOMA

Where do the Vocational Graduate Certificate and Vocational Graduate Diploma 'sit' in the AQF?

- positioned at the same level as the higher education Graduate Certificate and Graduate Diploma
- two new graduate vocational education and training qualifications which extend beyond the six levels already accommodated through Certificates I–IV and the Diploma and Advanced Diploma
- the Vocational Graduate Certificate and the Vocational Graduate Diploma require a similar volume of learning to the Graduate Certificate and Graduate Diploma; that is, typically six months full time or the equivalent part time for the Vocational Graduate Certificate and twelve months full time or the equivalent part time for the Vocational Graduate Diploma
- entry points include, but are not limited to, an Advanced Diploma, a Diploma, Certificate IV or Certificate III with relevant industry experience; extensive relevant industry experience demonstrating potential to undertake study at graduate level; a Bachelor Degree or an Associate Degree with relevant industry experience

What are the distinctive outcomes of the Vocational Graduate Certificate and Vocational Graduate Diploma?

- high level employment-related skills and knowledge which in most cases are specified in sets of competency standards developed by relevant industry, enterprise, community or professional bodies to meet an identified training need at professional levels
- a focus on competency in a workplace environment

What do they add to the AQF?

- expanded learning pathways
- outcomes oriented to the specialised needs of industry and enterprise at graduate level
- transparency of sectoral choice between qualifications at the same level in the AQF

How are they different from other graduate qualifications?

- more focused on industry outcomes with less emphasis on an academic discipline, than the Graduate Certificate and Graduate Diploma
- offer a short-cycle Vocational Education and Training (VET) sector graduate pathway alternative to the Graduate Certificate or Graduate Diploma
- offer a VET sector pathway from the Bachelor Degree for specialist industry or enterprise competencies
- may draw on competencies from a nationally endorsed specific Training Package, from a number of Training Packages, or may sit outside Training Packages

How do they articulate with other qualifications in the AQF?

- may be articulated within a coherent suite of the total of VET sector qualifications
- the Vocational Graduate Certificate may articulate with full credit with the Vocational Graduate Diploma in the same field
- may give access to, or articulate with credit towards, a related coursework Masters degree program, by arrangement between the awarding bodies (including the self-accrediting institutions, or other higher education providers and RTOs). These arrangements may be supplemented by agreements at the national or state and territory level

Who may undertake a Vocational Graduate Certificate or Vocational Graduate Diploma?

- people who want to develop new skills, for example suitably experienced mature aged workers, with or without existing qualifications, who want to acquire new skills to support them to stay in the work force and contribute to the economy
- people who want to upgrade or extend existing skills, for example suitably experienced tradespeople with an Advanced Diploma, Diploma or higher level Certificate who want access to a streamlined way to enhance their skills
- people who want to complement existing skills, for example higher education graduates who want access to short, specific programs in niche areas to enhance their employment-related skills and their value to employers

Who may offer a Vocational Graduate Certificate or Vocational Graduate Diploma?

Registered Training Organisations (RTOs) which, as well as TAFEs and private VET providers, may include universities and other accredited higher education institutions which become RTOs for the purpose of offering these qualifications

Can the holder of a Vocational Graduate Certificate or Vocational Graduate Diploma be 'deemed' to have a Bachelor Degree?

This question sometimes arises when a job specifies a qualification 'equivalent to or above the level of Bachelor Degree'. Like the higher education Graduate Certificate and Graduate Diploma, the Vocational Graduate Certificate and Vocational Graduate Diploma are graduate qualifications above the Bachelor Degree in the AQF. However, it is important to note that in both sectors these qualifications have a **more selective purpose** than the Bachelor Degree, and so do not have the comprehensive coverage of the academic discipline base characteristic of the Bachelor Degree.

Vocational Graduate Certificate

1 PURPOSE

To assist employers, employees, professional associations, unions, Training Package and course developers, accrediting bodies, registered training organisations and the wider public, including students, parents, and education and training bodies, to understand factors determining the level of the qualification. Also, to assist developers of Training Packages and courses of training to assign appropriate AQF qualifications within a Training Package, or to a course to be submitted for accreditation.

2 CONTEXT

The Vocational Graduate Certificate qualification is authorised in the Vocational Education and Training sector. The Vocational Graduate Certificate qualification takes into account developments under the National Training Framework – the introduction of Training Packages and the implementation of the Australian Quality Training Framework (AQTF). Training Packages use competency standards to describe the skills and knowledge needed to perform effectively in the workplace. These competency standards are packaged into units of competency. Units of competency are components of AQF qualifications. It is a requirement of the AQTF that competency standards from relevant Training Packages be used where they exist.

Qualifications developed outside Training Packages must not duplicate qualifications contained in Training Packages. Registered Training Organisations and/or State/Territory Course Accrediting Bodies will need to be satisfied that any qualification proposed outside a Training Package cannot be achieved by the customisation and flexibility offered within a Training Package, or by the issuance of a Training Package qualification together with one or more Statements of Attainment.

The National Training Quality Council, the body responsible for the endorsement of Training Packages, also has responsibility for the endorsement of national competency standards that are not part of Training Packages. These Guidelines apply equally to qualifications based on these competency standards.

In the Vocational Education and Training sector there are a number of useful reference documents which are listed in Appendix 1 *AQF Implementation Handbook Third Edition*.

3 LEARNING OUTCOMES

3.1 AUTHORITY

In the Vocational Education and Training sector, qualifications are based on nationally endorsed competency standards where they exist, or on competency standards and vocational knowledge developed by relevant industry, enterprise, training, community or professional groups. The qualifications certify achievement of learning outcomes generally identified as sets of competencies for levels of workplace performance reflected in the characteristics and distinguishing features of each qualification. The focus in the Vocational Education and Training sector is on the capacity to assess directly the performance criteria in the competencies specified within the Training Package or accredited course.

Authorisation of alignment of competency standards to AQF qualifications occurs as follows:

- National Industry Skills Councils, through the process of developing Training Packages, determine the relevant qualification for each set of national competency standards in their respective Training Packages. Through this process, a Vocational Graduate Certificate may be added to an existing Training Package or included in a new Training Package. This determination is subject to endorsement by the National Training Quality Council of the Australian National Training Authority.
- State/Territory Course Accrediting Bodies, or Registered Training Organisations with delegated authority to self-manage accreditation, through the course accreditation process determine the relevant qualifications for any combined sets of national competency standards for which there is a training need, derived either from more than one Training Package and/or other endorsed sets of competency standards. The title of the new qualification must be clearly distinct from those in the related Training Packages.
- Where there is no relevant Training Package, State/Territory Course Accrediting Bodies, through the course accreditation process, determine the relevant qualification for other sets of competency standards and vocational knowledge developed by relevant industry, enterprise, training, community or professional bodies to meet an identified training need.

3.2 CHARACTERISTICS

Characteristics of competencies or learning outcomes at this level include:

- the self-directed development and achievement of broad and/or specialised areas of knowledge and skills building on prior knowledge and skills
- substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of technical and/or management functions in highly varied and/or highly specialised contexts
- applications involve making significant, high level, independent judgements in major, broad or specialised planning, design, operational, technical and/or management functions in highly varied and/or highly specialised contexts. It may include responsibility and broad ranging accountability for the structure, management and output of the work of others and/or functions.

The degree of emphasis on breadth as against depth of knowledge and skills may vary between qualifications granted at this level.

3.3 DISTINGUISHING FEATURES

Where additional information is required to assist in determining the qualification level, the chart (right) could be used to help determine the most compatible match.

It is emphasised that the chart is not intended to be used as a checklist which all Vocational Graduate Certificate qualifications must include, nor to replace the authority statement above.

In order to assist determining the relevant qualifications, the most compatible set of features should be selected. Not all features will necessarily apply.

Distinguishing features: Advanced Diploma, Vocational Graduate Certificate and Vocational Graduate Diploma

Advanced Diploma	Vocational Graduate Certificate	Vocational Graduate Diploma
Do the Competencies or Learning Outcomes enable an individual with this qualification to:	Do the Competencies or Learning Outcomes enable an individual with this qualification to:	Do the Competencies or Learning Outcomes enable an individual with this qualification to:
demonstrate understanding of specialised knowledge with depth in some areas	demonstrate the self-directed development and achievement of broad and/or specialised areas of knowledge and skills building on prior knowledge and skills	demonstrate the self-directed development and achievement of broad and/or highly specialised areas of knowledge and skills building on prior knowledge and skills
analyse, diagnose, design and execute judgements across a broad range of technical or management functions	initiate, analyse, design, plan, execute and evaluate major, broad or specialised technical and/or management functions in highly varied and/or highly specialised contexts	initiate, analyse, design, plan, execute and evaluate major functions either broad and/or highly specialised within highly varied and/or highly specialised contexts
generate ideas through the analysis of information and concepts at an abstract level	generate and evaluate ideas through the analysis of information and concepts at an abstract level	generate and evaluate complex ideas through the analysis of information and concepts at an abstract level
demonstrate a command of wide-ranging, highly specialised technical, creative or conceptual skills	demonstrate a command of wide-ranging, highly specialised technical, creative or conceptual skills in complex contexts	demonstrate an expert command of wide-ranging, highly specialised technical, creative or conceptual skills in complex and/or highly specialised or varied contexts
demonstrate accountability for personal outputs within broad parameters	demonstrate responsibility and broad ranging accountability for personal outputs	demonstrate full responsibility and accountability for personal outputs
demonstrate accountability for personal and group outcomes within broad parameters	demonstrate responsibility and broad ranging accountability for the structure, management and output of the work of others and/or functions	demonstrate full responsibility and accountability for all aspects of work of others and functions including planning, budgeting and strategy

4 RESPONSIBILITY FOR ASSESSMENT

Assessment is the responsibility of Registered Training Organisations. These bodies must comply with the Standards set in the *AQTF Standards for Registered Training Organisations*.

5 PATHWAYS TO THE QUALIFICATION

5.1 Candidates may enter the qualification through a number of entry points demonstrating potential to undertake study at graduate level, including from:

- a relevant Advanced Diploma or Diploma, or a relevant Certificate IV or Certificate III together with significant relevant vocational practice
- relevant extensive vocational practice, without formal qualifications
- a Bachelor Degree
- other higher education qualification, often with relevant vocational practice.

Where a Vocational Graduate Certificate is in a directly related field, or is nested with a Vocational Graduate Diploma, the Vocational Graduate Certificate would normally provide up to 50% credit towards the Vocational Graduate Diploma.

5.2 Access to the qualification in the Vocational Education and Training sector could be through:

- a training program meeting the requirements of an endorsed Training Package or a training program meeting the requirements of an accredited course(s) delivered by a Registered Training Organisation; or
- where it is necessary to meet specific vocational requirements, a training program meeting the requirements of an accredited course(s) delivered by a Registered Training Organisation drawing on units of competence from more than one endorsed Training Package and/or other competency based programs accredited by States and Territories; or
- a combination of a training program meeting the requirements of an endorsed Training Package or a training program meeting the requirements of an accredited course delivered by a Registered Training Organisation, plus Recognition of Prior Learning and/or credit transfer and/or experience; or
- the Recognition of Prior Learning that provides evidence of the achievement of the competencies or learning outcomes for the qualification.

5.3 Time taken to gain the qualification will vary according to the pathway taken (see 5.4 below) and factors related to the particular industry or work area. Nominal duration statements may appear in training programs that may be part of the non-endorsed Learning Strategies component of a Training Package. Nominal duration statements are also to be included in accreditation submissions for planning purposes, but will not be used to determine the level of a qualification.

Although the duration of programs may vary, the volume of learning in the Vocational Graduate Certificate should be comparable to that of the higher education Graduate Certificate; that is, typically requiring six months' full-time training or the equivalent part time.

5.4 Examples of possible pathways include:

- work-based training and assessment
- institution-based education and training and assessment
- part institution-based education and training and assessment, part work-based training and assessment
- Recognition of Prior Learning
- Recognition of Prior Learning combined with further training as required
- accumulation of a variety of short courses and training programs.

These examples suggest only some of a wide range of possible pathways. They are not intended to be prescriptive, nor are they limited to this particular qualification level.

Vocational Graduate Diploma

The Guideline for the Vocational Graduate Diploma follows the Guideline for the Vocational Graduate Certificate except for the sections on characteristics and pathways:

3.2 CHARACTERISTICS

Characteristics of competencies or learning outcomes at this level include:

- the self-directed development and achievement of broad and/or specialised areas of knowledge and skills building on prior knowledge and skills
- substantial breadth, depth and complexity involving the initiation, analysis, design, planning, execution and evaluation of major functions, both broad and/or highly specialised, in highly varied and/or highly specialised contexts
- further specialisation within a systematic and coherent body of knowledge
- applications involve making high level, fully independent, complex judgements in broad and/or highly specialised planning, design, operational, technical and/or management functions in highly varied and/or highly specialised contexts. They may involve full responsibility and accountability for all aspects of work of others and functions including planning, budgeting and strategy.

6 AUTHORITY TO ISSUE THE QUALIFICATION

Each State and Territory has legislative responsibility for authorising the issuance of the qualification. This responsibility is carried out by Registered Training Organisations or in some instances by a body authorised under statute. The AQTF provides nationally agreed Standards for Registered Training Organisations to issue qualifications.

7 CERTIFICATION ISSUED

A qualification is:

formal certification, issued by a relevant approved body, in recognition that a person has achieved learning outcomes or competencies relevant to identified individual, professional, industry or community needs.

Individuals issued with the qualification, Vocational Graduate Certificate, will also receive documentation that identifies the units of competency that have been achieved.

Individuals who complete only some of the requirements for the qualification will receive a Statement of Attainment. The Statement of Attainment will include, either on the Statement itself or as an attachment, the whole units of competency that have been achieved.

The issuing body will be responsible for providing and maintaining records in relation to the above. See the AQTF including *Standards for Registered Training Organisations, Standard 4: Effective administrative and records management procedures.*

The degree of emphasis on breadth as against depth of knowledge and skills may vary between qualifications granted at this level.

5.1 PATHWAYS TO THE QUALIFICATION

Candidates may enter the qualification through a number of entry points demonstrating potential to undertake study at graduate level, including from:

- a relevant Vocational Graduate Certificate, Advanced Diploma or Diploma, or a relevant Certificate IV or Certificate III together with significant relevant vocational practice
- relevant extensive vocational practice, without formal qualifications, usually following completion of a Vocational Graduate Certificate
- a Bachelor Degree
- other higher education qualification, often with relevant vocational practice.

The completion of a Vocational Graduate Certificate from a directly related field, for example from the same Training Package, or in a nested program with a Vocational Graduate Diploma, would normally provide up to 50% credit towards the completion of the Vocational Graduate Diploma.

AQF Table of Qualifications		
Schools Sector Accreditation	Vocational Education and Training Sector Accreditation	Higher Education Sector Accreditation
Senior Secondary Certificate of Education	Vocational Graduate Diploma Vocational Graduate Certificate Advanced Diploma Diploma Certificate IV Certificate III Certificate II Certificate I	Doctoral Degree Masters Degree Graduate Diploma Graduate Certificate Bachelor Degree Associate Degree, Advanced Diploma Diploma

Australian
Qualifications Framework

Contact Details
 AQF Advisory Board Secretariat
 Tel (03) 9639 1606 Fax (03) 9639 1315
 Email aqfab@aqf.edu.au
www.aqf.edu.au