

Mediation Skills (f)or Facilitated Discussion?

Rachel Weiss

"Now I have a structure for running facilitated discussions"

"These mediation skills would be really useful in facilitated discussions"

I was running our "Mediation Skills for HR" training and had never heard of Facilitated Discussions before! What were they talking about?

The participants were all HR professionals, unlike me: I'm a Scottish Mediation Registered mediator, delivering workplace mediation as an external, independent provider.

So I asked what a facilitated discussion was, and it sounded just like an informal internal mediation, where HR sat down with the two disputing colleagues, to help them agree a way forward. Except it seemed that the HR folk didn't have any models to follow, so the facilitated discussions lacked structure and they lacked confidence. They were delighted with the workplace mediation model and skills, which I was teaching them.

It got me thinking. How closely do facilitated discussions match the six defining characteristics of mediation? viz.

- * Confidentiality
- * Voluntary
- * 'Solution/Agreement' focussed
- * Disputants offer the solution themselves
- * Mediator is impartial

Facilitated discussion, led by HR, can be all of these. But HR may not be confidential or impartial, and, even more tellingly, they may not be perceived as being confidential or impartial, even when they are.

Woolfson (2015) states "It's true to say that mediation is essentially a facilitated discussion... But when some people talk about facilitated discussions, what they mean is a discussion facilitated by a manager or HR, rather than an independent mediator". In other words, the key difference is whether the 3rd party is internal to the organisation or not.

3 rd party not trained	=> facilitated discussion
3 rd party trained and accredited	=> mediation

Saundry and Wibberley (2015), on the other hand, see the defining characteristic of mediation as the training of the 3rd party facilitating it.

They state "we would distinguish between ad hoc 'facilitated discussions' undertaken by a single manager or HR professional, and 'mediation' that is conducted by a trained and accredited mediator...Mediation of this type can be bought in by an external specialist or provided through an in-house service whereby operational staff are trained and act as mediators in addition to their normal role" (ibid p1).

Internal 3 rd party => facilitated discussion
External 3 rd party => mediation

I asked my local CIPD Mid Scotland branch for their thoughts on the difference between internal mediations and facilitated discussions. Some of them considered internal mediation as a particular type of facilitated discussion, with an expected result of conflict resolution.

ACAS (2017) offer a course entitled "Facilitated Discussion and Mediation Skills for managers", saying "Based on approaches used in mediation, the day will enable managers to be confident in facilitating dis-

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ussions between staff who are working in conflict to help them find and agree their own solutions.” This implies that mediation is a type of facilitated discussion, but leaves open the question of whether facilitated discussions and mediations are the same thing or different.

My current thoughts are summarised in Fig 1 and Table 1, viz. mediation is a specialised type of facilitated discussion. Both involve at least two colleagues and a 3rd party (the facilitator or mediator) who may also be an employee in the same organisation

	Facilitated Discussion	Workplace Mediation
Purpose	Wide-ranging eg to agree purpose or strategy for a team, to resolve conflict, to formulate an action plan, to decide whether and how to implement change etc.	To resolve conflict between colleagues and/ or to improve their working relationship
Participation	May not be voluntary	Is voluntary
Structure	Often loose and very informal, but can be more structured.	Structured process
Confidential	Sometimes	Always (within stated limits)
The 3rd party's training	May be trained in mediation or facilitation	Trained in mediation, preferably registered or accredited
The 3rd party	Impartial, may be external or internal, their role is to help participants create agreements.	

Table 1: Differences and similarities between facilitated discussion and mediation

However, there is no clear consensus, since one definition of a facilitated discussion states:

“Facilitated discussion is an informal facilitated conversation between employees, or an employee and the appropriate supervisor or manager, to discuss workplace problems involving a trained mediator/facilitator as a neutral third party assigned by the Human Resources Division to guide the conversation toward a reasonable conclusion.” [Texas Dept. of Transportation Glossary 2013]

This sounds exactly the same as mediation, provided that the solutions are generated by the participants.

In our “Mediation Skills for HR” 2-day course, we explore the differences between mediation and other forms of dispute resolutions, such as arbitration, negotiation and an employment tribunal. But that’s another story...

I welcome your thoughts on the distinction (or otherwise) between facilitated discussion and mediation either via Collaborate or directly to myself or in the Scottish Mediation LinkedIn group.

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If you are interested in workplace mediation, do join us at the Workplace and Employment Initiative Group (WEIG) at Scottish Mediation. Our next meeting is on June 9th, when we will learn about Team Mediation.

References

Acas (2017) Facilitated Discussion and Mediation Skills for Managers [online] <https://obs.acas.org.uk/ViewEvent.aspx?EventId=195103> [Accessed May 6th 2017]

Saundry, R. and Wibberley, G.(2015) Workplace Mediation – Transforming the culture of conflict management? CIPD Conference paper number: CIPD/ARC/2015/8 [online] https://www.cipd.co.uk/Images/workplace-mediation-transforming-the-culture-of-conflict-management_2015_tcm18-15587.pdf Accessed May 6th 2017

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Woolfson, G. (2015) Facilitated discussions v mediation: which is better and what's the difference? [online] <https://www.linkedin.com/pulse/facilitated-discussions-v-mediation-which-better-whats-giles-woolfson>

Rachel Weiss is a coach, counsellor and Scottish Registered Mediator specialising in workplace mediation. She is a partner at Rowan Consultancy.

www.rowan-consultancy.co.uk

Rachel.Weiss at rowan-consultancy.co.uk

@Rachel_Rowan