



Combined Focus Group Report (National and International) - Germany, Italy and Poland

OPEN EDUCATIONAL RESOURCE

This document follows the licensing scheme of Creative Commons



Organisations: Resolutia (Italy), Steinbeis-Beratungszentrum Wirtschaftsmediation (Germany), Mediatorzy (Poland)

Dates: 12, 19, 20, 22, 27 January 2021 (average duration : 2 hours)

Focus group composition: 40 people; (17 women, 8 men – to be updated)

In the Polish focus group, the participants differed in terms of mediation training and years of practice – more detailed information is in the appendix of the report. They were mainly from civil, family and commercial mediation fields, with a minimum of 3 and maximum 5 years of practice experience.

For the Italian focus group, the participants were all experienced mediators, as it was considered that no added value could have been given by newly trained mediators. This is because of the Italian Law on mediation training: the duration and most of the contents are provided by law, and the training standards are not changed since 2010.

The German Focus groups consisted of experienced mediators with diverse portfolios.

The International focus group also consisted of experienced mediators from various backgrounds and nationalities like Germany, Poland, Italy, France and Austria.

A complete participant list is to be added to the Appendix.

Summary of the meeting

In a pre-focus group meeting, the organisers discussed potential questions and scenarios on which the participants could be invited to share their thoughts. The segment belows tries to present the various reponses from Germany, Italy and Poland together.

Question 1: *How well did you feel equipped for your own mediation practice on completing your training? On a scale 1 to 5 (not equipped at all to fully equipped)*

Response: Quantitatively an average score of **2,5 or 3** was achieved.

Some qualitative responses were –

- ✓ In the Polish group, half of the group (4 people) did not feel equipped (estimation 1/2), two people felt ambivalent (3 and 3/4), two people felt equipped (4/5 and 5). The mediators' confidence in running the mediation process at the start of their mediation practice was in

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



most cases low. Additional training or apprenticeship was needed.

- ✓ The participants spontaneously distinguished self-confidence in conducting the mediation process from self-esteem, which was based on a more holistic view of their resources.
- ✓ All participants reported problems with starting their mediation practice. The main difficulties were no access to mediation cases, no substantive support, no place to conduct mediation - generally difficulties with access to an internship. Two people were / are on paid internships in training organizations, with rather poor experience.
- ✓ Some participants, immediately after the primary training, were looking for further trainings that could help them to go into the practice.

Question 2: *What knowledge and skills did you lack when starting your own mediation practice?*

Response:

- ✓ Mediation internship with experienced professionals as well as supervised development after starting their own practice. The participants indicated that the training was useful in preparation for the profession of mediator in terms of transferring knowledge and skills, but not in introducing them to practice.
- ✓ The possibility to see the entire mediation process during the training through:
 - demonstration of mediation acted out by trainers during the training
 - mediation simulation with feedback and proposed directions of action from the trainers to the trainees
 - the possibility of watching “live mediation” on film
- ✓ Learning skills through:
 - feedback from the trainers during / after simulations (role play)
 - feedback from the trainers to each trainee, indicating strengths and weaknesses
- ✓ Skills to deal with parties’ emotions - use of an empathetic communication
- ✓ Ability to write mediation agreements
- ✓ Abilities to cooperate with courts - accounting, knowledge of administrative and legal procedure

Also, communication skills and mock mediations, different mediation approaches, negotiation skills emerged as top deficiency areas.

Interestingly, in their mediation training, participants did not find any component for reflection on their personal resources, challenges or deficiencies that affected their position or attitude as a mediator.

Question 3: *What kind of dissatisfaction did you end your training with?*

Response: The basic training provided interesting insights but lack of time for practice and not enough time for deepening certain contents were pain points.

Question 4: *Which elements of your mediation training did you find particularly valuable for your practice?*

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Response:

- ✓ The examples from the trainers' own practice were valuable - creating clinical illustrations for the topics presented in the lectures.
- ✓ An important element of the training (at least two people spoke about it, although the impression was that it was an important aspect for everyone) was the attitude of the lecturer/trainer ("passion"). It was mainly manifested in how much the participants feel that trainers want to share their know-how.
- ✓ The use of communication techniques in mediation.
- ✓ Negotiation role-playing games.
- ✓ Knowledge of the psychology of conflict.
- ✓ Classes with practitioners showing various applications of conflict resolution skills - various mediation specializations.
- ✓ The role of the third neutral.

Question 5: *How would you estimate the proportions of knowledge and skills training in the training you had completed? Do you feel that the proportions of knowledge versus practice were well balanced? Was the mediation training long enough? How long did it take?*

Response: An average ratio of knowledge to skills was **70% -30%**.

More time for practice during the training was strongly highlighted.

- ✓ Only two participants mentioned the opposite, namely 70% of skills and 30% of knowledge. Further discussion concentrated on the importance of training practical mediation skills.
- ✓ Participants noted that not only the proportions of theory-practice, but the quality of skills training – the possibility of real learning, also from the trainers who introduce a new quality to the participants' own work through feedback – is relevant and important.

Question 6: *Is the country you mediate in culturally homogeneous? Was that question of cultural diversity covered in your mediation training?*

- ✓ Half of the Polish group said that their training also included topics related to cultural differences. All these people had the reflection that it was only “mentioned” - there were no practical references to mediation practice.
- ✓ In Italy this topic was not covered in basic training.
- ✓ German group stated they need this type of training.

Question 7: *If were to advise someone who wants to become mediator, what would you recommend her or him as a best way to start?*

- ✓ Participants mentioned that it would be difficult for them to propose something specific - they would not be able to recommend any organization.
- ✓ Attending a basic mediation skills training and identifying a field of practice

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Concluded recommendations for training content

1. The recommended proportion of **knowledge to skills** training is **30% to 70%**.
2. The trainers of skills should share their "know-how" - provide participants with **practical tips** for conducting mediation.
3. Participants should get **individual feedback** from the lecturers regarding the skills acquired during the training
4. Training parts should be based on **negotiation games, demonstrations of mediation conducted by the trainers, and mediation simulations** conducted under the supervision of the trainers.
5. Theoretical parts should be illustrated with **examples** from the teachers' own practice.
6. Issues on **intercultural differences** should be presented in depth and refer directly to mediation practice.
7. Methodology of cross-border cases – **step-by-step guide to case management** (for example pre-mediation questionnaire, contract, contact procedure, mediation platform, follow up procedure)
8. **Culture and communication** – how culture shapes communication and negotiation processes, emotional expression.
9. Legal framework, especially **settlement enforcement** in cross-border cases
10. Technical aspects of **Online Dispute Resolution**, including safety issues but also visualization or translation tools
11. **Code of conduct** in **online cross-border mediation** – mediators' ethics with thorough understanding of fundamental mediation principles (applicable in different contexts), mediators' responsibility (in mandatory or voluntary context)
12. **Co-mediation** practice
13. Practical advice on how to deal with **unexpected situations**

The German focus group had a clear focus on intercultural issues, which play a prominent role from the mediators' point of view. In addition to the other systematically relevant topics such as legal issues, this topic was assigned high significance. Some other points that, according to the participants, still need refinement in the training process are -

1. Cultural stereotypes
2. Learning about national jokes and humour from different countries and cultures.
3. Integrating images of women and men in cultures
4. Cultural ambivalence of migrants (culture of origin country alongside culture of the country they live in)
5. Facial expressions and gestures in mediation with a cross-border context (non-verbal language)
6. Co-mediation concepts analogous to the family mediation organization [MiKK](#)
7. Legal framework of mediation in the international context

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



Additional comments

Participants suggested that the InMEDIATE training programme should enable networking activities, e.g. depositing a business card to form training groups or to find colleagues to work on a case. The formation of culturally/nationally mixed groups should also be made possible.

Some other desirable activities were suggested, such as-

1. Exercises on case collections with an international aspect
2. Gamification integrated into the learning concept
3. Make the training offer interesting also for managers, e.g. by teaching to deal with interculturality-based conflicts.
4. The legal dimension of the disputes must be addressed, also by linking the respective mediation laws of the countries concerned.
5. A Certification with the title "European Mediator" / "International Mediator" / "Cross-Border Mediator" could be a good incentive.
6. Various legal background information regarding mediation training (eg. in Italy it's highly formalized, while in Poland quite discretionary) and therefore different qualifications of mediators entering cross-border practice and diverse training needs.
7. Adopting an organizational practice of co-mediation with a more experienced mediator as a means of guiding mediators with no former international experience.

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



APPENDIX

1) List of participants in Polish focus group

Participants		Information on basic mediation training			Mediation practice	
		Organization conducting the training	Year	Duration (hours)	Year	Mediation type
1.	Woman	PCM	2016	28 + 78	2017	Civil, family
2.	Man	PCM	2015/2016	190	2021	Civil, family
3.	Woman	Fundacja Pracownia Dialogu	2017	70	2018	Civil, family, commercial
4.	Man	UW WPiA	2017-2018	190	2019	Civil, family
5.	Woman	Akademia ADR- J. Śliwa	2015	60 +20	2016	Civil, family, commercial
6.	Woman	WPiA UW	2017-2018	190	2019	Civil, family
7.	Woman	SWPS Warszawa	2016	180	2018	Civil, family
8.	Woman	CMPP	2014	40	2015	Civil, family

2) Additional questions on Mediation Association

a. Which (conflict) competencies were particularly emphasized in your MedA? What effect did the MedA have on you? How was mediation carried out?

- What does it mean for you to deal with your own conflicts independently?
- What do you consider to be the key conflict competencies, and which ones should be particularly strong in a mediator?

Increase awareness in dealing with personal, interpersonal and business conflicts.

Enhancing effective listening skills and being impartial.

b. What should be emphasized in the MedA in the future? What did you feel was missing? What challenges did you face entering the profession?

- What knowledge and skills did you lack when you began your work as a mediator?
- From your perspective, what is the foundational content that made up your mediation training? (3-5 keywords)
- What do you understand by emotional competence and what role does it play in your mediation work?

Foundational content: Understanding the key role the mediator plays in helping resolve disputes

Challenge: Overcome social skepticism in considering mediation a profession.

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.



- c. How do you assess your competencies/skills acquired through MedA,
- c.1 to work interculturally?
- c.2 to work cross-border?

Through practice.

- d. *In your view, what is cross-border mediation?*

Cross border mediation helps resolve a conflict/dispute between parties of which one resides in a Member State other than that of any other party. (EU Dir. 2008/52 art. 2).

- e. *To what extent is your mediation training based on cross-border content?*

None

Disclaimer

The European Commission support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.