

## ROLE-PLAY FEEDBACK GUIDELINES

FOR ADR CENTER TRAINERS

### Introduction

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ADR Center trainers are required to provide thoughtful feedback to trainees that performed the role of the mediator in an ADR Center accredited training program. The feedback provided should be provided in consideration to the ideal balance between the **encouragement** and **development** of the trainee, both of them being essential goals for the trainee's potential to develop their skills during the course and long after its completion. To achieve this consistently and fairly across all of the role-plays in the training programs, all trainers are asked to follow the guidelines<sup>1</sup> set below:

Relevant and developmental feedback to the training participants at the end of each role-play simulation in accordance with the guidelines set out in these instructions is an essential part of the training program itself. The comments need to be **measured, balanced, constructive** but also **substantive** in order to enable the participating students to learn and to develop their skills.

It is very important that the feedback provided by ADR Center trainers is:

- Clear and succinct
- Measured and focused
- Balanced (fair)
- Constructive and digestible
- Respectful
- Substantive
- Based on the scoring criteria and good mediation and business practice

Trainers should be particularly vigilant in avoiding personal comments, preferences or statements that may be perceived as inappropriate and insensitive to differences in culture, gender, age, national origin, race, religion and ethnicity. Trainers should be aware that in giving feedback, the training participants perceive you as experienced professionals and consequently will take it very seriously.

### Achieving fairness and consistency

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Fairness and consistency will be achieved by systematic application of these guidelines that will ensure that the trainers' feedback is:

- Constructive and effective
- Appreciated and understood by training participants
- Providing solid points to take into their next mediation.

The method by which trainers are asked to provide feedback is based on the style developed by the National Institute of Trial Advocacy (NITA®). A well-defined and recognized feedback protocol delivers consistency and maximizes trainees' learning. The adherence of ADR trainers to the format set out below is vital because:

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<sup>1</sup> The Role-Play Feedback Guidelines for ADR Center Trainers were developed in consideration to Judges' Feedback Guidelines developed by International Chamber of Commerce's (ICC) International Center for ADR for the ICC International Commercial Mediation Competition

1. Research has shown that in skills assessment, trainees can assimilate no more than two or three learning points at a time. It is for this reason you are asked to refer to no more than two or three points of feedback per mediator observed.
2. Using the NITA® method assists in the giving of clear and direct feedback that is balanced and non-judgemental, without being harsh or perceived like being harsh. It avoids diluted or mixed messages.
3. Trainees must receive feedback that they can use in their next role-play simulation to enable them to develop their skills.

ADR Center wishes all training participants to feel that their experience was worth the effort of their attendance and contribution to the course. ADR Center is thanking all trainers for the extra effort given to make the role-play debrief and feedback sessions a positive and constructive experience for all participants in ADR Center training programs.

### Methodology to deliver verbal feedback to mediators and other role-play participants

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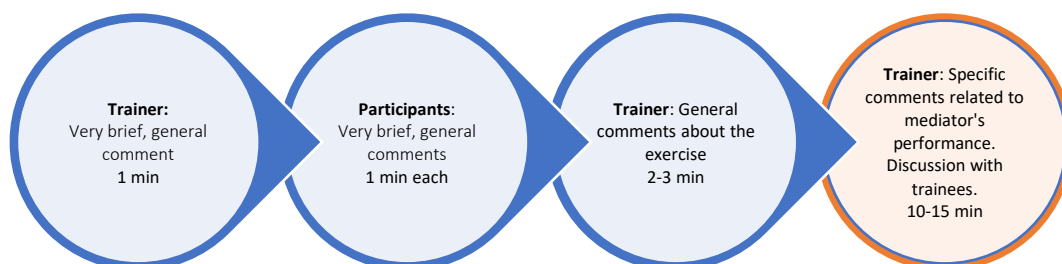
During each mediation session, each trainer should identify two-three examples of behaviours or conduct by mediators that either:

- **were effective** or produced a positive impact on the mediation (i.e. something that could be developed and used again); or
- **would benefit from improvement** (i.e. something that the mediator could think about not doing again or doing differently in the future)

Ideally, in case of co-mediation, when providing feedback, to each mediator, ADR Center Trainers should choose different behaviours or conduct upon which to provide feedback, although this is not essential.

Start your feedback by providing very one very brief general comment about the exercise and then provide the opportunity for participants to voice their views briefly at the end of the exercise. Have been given “a voice”, they will be better prepared to receive your more detailed comments about the role-play and their performance. Instead of thinking about how could structure their feedback, ADR Center trainers should really focus on the participants’ views that are providing a lot of information about how they see things as well as about their assumptions and expectations.

Immediately after participants’ comments about the role-play, in their general comments, the trainers should provide one-two main comments about the role-play as a whole, about the main positive point related to the mediator’s performance and perhaps about the type of case being mediated and its particularities.



For every specific point made, the trainers' feedback should be ideally given using **all** of the four following elements:

1. **Headline:** "I want to talk to you about ..." (name one of the competency criteria or a category in ADR Center's International Accreditation Program)
2. **Playback:** Replay specifically what the trainee mediator said or did. This must be replayed accurately because it will establish credibility for what you are about to say.
3. **Rationale:** Say why it was useful or not useful. Make it short, clear and credible.
4. **Prescription:** "Next time, why not try ..." make sure that you have chosen something that you can fix or improve further. Think about giving a demonstration.

To ensure consistent, helpful feedback, trainers are asked to:

- Be direct and constructive;
- Provide a critique which recognizes the level of experience of trainees – not professional mediators;
- Devote the same attention to each mediator, in case of co-mediation;
- Provide moderate congratulations and praises to the trainee mediator, when appropriate. Remember that this may influence the feelings or the expectations of the other trainees that attended the same role-play simulation.

**Process outline for delivering trainers' general and specific comments:**

- Say which trainee you are addressing;
- Name competency criteria or a category in ADR Center's International Accreditation Program;
- Describe precisely what you saw or heard the students do or say;
- Say what they did or said worked well, or did not work so well from your own perspective;
- Make a recommendation for a different approach or choice of words or for more of the same (reinforce feedback). "Here are some of the things you might want to consider as options ..."

## Examples of Feedback using this methodology

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### Example A

#### Behaviour or conduct observed:

The mediator provides the following opening statement: "I did explain how process works in our preparatory sessions, let's not waste too much time with it now. Requesting Party, please proceed with your opening statement." Very shortly, the parties were not communicating in consideration of certain communication protocol, were interrupting each other, and when the mediator invited them to private sessions, they were reluctant to do it. Also, the mediator had to explain why confidentiality was important and how it is applied in mediation, although this conversation happened in the preparation stage.

Feedback to the mediator following the 4 steps might look like this:

1. **Headline:** [set the context by reference to the competency criteria]  
"I would like to talk to you about the mediator's opening statement."
2. **Playback:** [this must be an accurate recall of what happened or what was said]  
"During the first minute of the mediation you mentioned that you explained how process works in the preparatory sessions and too much time shouldn't be wasted with it. And then you invited the Requesting Party to proceed with the opening statement."

3. **Rationale:** [why did it work or did not work?]  
“While showing an interest for efficient use of time in the mediation session, you lost the opportunity to set the tone and establishing a productive environment, to summarize the process and boundaries to both parties, to establish the ground rules for the session and to build trust with the parties. This lost opportunity created a challenge during further mediation phases, when you needed to go back and explain again concept like confidentiality, ground rules or private sessions.”
4. **Prescription:** [What you should do/not do in your next mediation session]  
“A good and balanced mediator’s opening statement is critical for a successful mediation process. Next time, you may want to bring it in the discussion like a summary of the ground rules established by the parties in the preparation stage, just to confirm if you got them right. You may even want to demonstrate: “So, before giving you the floor to share your initial perspectives, let me summarize some of the most important ground rules for today established with you in the preparation stage. Please let me know if I got them right, it will be very important to make sure that we are all looking the same at things like the role of the mediator, process confidentiality, communication ground rules, duration of today’s session and other logistics. I promise to make it very brief. ...””

### Example B

Behaviour or conduct observed:

In one of the private sessions, the mediator shares a confidential piece of information by mistake.

Feedback to the mediator following the 4 steps might look like this:

1. **Headline:** [set the context by reference to the competency criteria]  
“One very important comment I have refers to the private sessions and how you managed sensitive information during that phase”
2. **Playback:** [this must be an accurate recall of what happened or what was said]  
“In a private session with the responding party you shared a piece of information that was provided in strict confidence by the requesting party.”
3. **Rationale:** [why did it work or did not work?]  
“The trust in the mediator and the process ability to create progress is the main driver that keeps parties engaged in the mediation process. Confidentiality is one of the most important instruments at mediators’ hand to develop that trust. This refers not only to the *external* confidentiality between the information shared between the process and the *outside world*, but also the *internal* confidentiality between parties, communicating in private sessions.”
4. **Prescription:** [What you should do/not do in your next mediation session]  
“Here are two tips related to what I like to do in order to manage this effectively. First, I like to make sure that at the end of each private session I summarize briefly the main points of that session and get specific confirmation with respect to what is confidential and can’t be shared with the other party. Second, I always find it important to keep improving the structure of my notes, the symbols I use and so on in order to ensure that I have in writing whatever needs to be kept confidential among parties, my notes included, obviously”.