

## GUIDE TO FACILITATED MEETINGS

The Victorian Small Business Commission (VSBC) arranges and conducts Facilitated Meetings as part of its alternative dispute resolution function. The Small Business Commissioner appoints a Facilitator and the VSBC provides meeting rooms and administrative support.

### What is a Facilitated Meeting

A Facilitated Meeting is a flexible process whereby a Facilitator guides the Meeting Participants through a meeting process in an environment which ensures that everyone has an opportunity to speak and express their views and ideas so that the purpose and objectives of the meeting may be achieved.

The Facilitator will not hand down a decision, and the meeting may not necessarily end with any concluded agreement, or settlement, but the Facilitator will assist the Meeting Participants to better identify issues, highlight the problems and their impact, and discuss ideas and possible solutions, so that future conduct and decisions are better and more effective and have greater support. Although Facilitated Meetings are not Mediations, if nevertheless, the Meeting Participants reach a concluded agreement the Facilitator will assist the parties to enter into written Terms of Settlement of the dispute.

Facilitated Meetings may be useful in disputes between two parties, but Facilitated Meetings are a particularly useful process where there are a number of businesses with similar disputes or grievances with one organisation or business. A Facilitated Meeting may greatly assist in the identification or clarification of issues, the development or variation of codes of conduct and the identification of possible solutions to problems or grievances.

### Purpose and Objectives of the Facilitated Meeting

The VSBC will assist the Meeting Participants to establish the PURPOSE and OBJECTIVES of the Facilitated Meeting prior to the date of the Facilitated Meeting. It is important that the Meeting Participants are aware of the purpose and objectives at the commencement of the meeting. It is also important that the Meeting Participants are well prepared, with their statements, relevant documents and notes or dot points of their ideas and views.

### Preparation for a Facilitated Meeting

Meeting Participants should:

- Consider having legal or other professional representation – if they think that they need such representation. They should make all the arrangements in advance so that their representatives can prepare and make themselves available for the Facilitated Meeting. There is no requirement for the Meeting Participants to be legally represented.
- Consider having a support person attend the Facilitated Meeting with them.
- If they think they might have some language difficulties, contact the VSBC well before the date for the Facilitated Meeting and ask for an Interpreter to also attend. The VSBC will provide this service free of charge.
- Think about what the other Meeting Participants would like to achieve and consider their own position in relation to views and positions of the others.

- Be realistic about their position and views and be prepared to listen to and consider other positions and views.
- Attend the Facilitated Meeting in good faith and be prepared to constructively contribute to the discussions.
- Take note of the length of time the Facilitated Meeting is set down for, namely 3.5 hours or a whole day (6 hours) it may sometimes go for a longer time, or it may end earlier. They should take this into consideration when making their plans for the day. If they travel by car, they will have to make appropriate parking arrangements.
- Take note that they will have to pay the Facilitated Meeting fee before the meeting commences. The amount of the fee and the payment instructions are provided in the Facilitated Meeting invitation letter.

### Benefits of Facilitated Meetings

Effective – The process will often clarify the issues and even limit the issues that need to be subsequently resolved either by agreement, by mediation, or litigation.

Empowering - Meeting Participants in a Facilitated Meeting directly engage in the discussions and have the opportunity to express their views and ideas.

Efficient – A Facilitated Meeting may create the impetus for change and reduce delays in the resolution of matters where there are a large number of issues and considerable uncertainty about ways and means to resolve them. Otherwise lengthy delays in resolution may result in greater and more adverse impact on businesses.

Affordable – VSBC Facilitated Meetings are relatively inexpensive and particularly time saving.

Informal but Structured – VSBC Facilitated Meetings are conducted in suitable meeting rooms with full administrative support. It is not necessary to have legal representation at the Facilitated Meeting; however some Meeting Participants may feel more comfortable if they are accompanied by a lawyer, or another representative of their choice.

Flexible - The Facilitator does not apply strict rules but adapts the process to the particular circumstances and purpose of the Facilitated Meeting.

Confidential - the discussions that occur during a Facilitated Meeting cannot be used in any subsequent legal proceeding.

### Cancellation / Rescheduling Fee

If the Facilitated Meeting is cancelled or rescheduled at the request of any Meeting Participant in less than five working days before the date for the Facilitated Meeting, the person requesting the cancellation or rescheduling will have to pay a late cancellation fee, which is equivalent to the full fee for the Facilitator retained for the Facilitated Meeting. If the request comes from more than one Meeting Participant, they will share the cost of the late cancellation. The VSBC does not encourage rescheduling of Facilitated Meetings and requires compelling reasons to do so.

### Can a Facilitated Meeting be adjourned

There may be situations where the Facilitated Meeting needs further time to reach its agreed objectives and the Meeting Participants require this further time. The Facilitator, by agreement from all the Meeting Participants, may adjourn the Facilitated Meeting for a further session. Such further session will be arranged by the VSBC following the same procedure as for the first Facilitated Meeting session.