

Collaborative Practice East Bay

FACILITATION PROTOCOLS

Vision

To provide a safe and confidential place for collaborative professionals to:

- (1) Have a facilitated discussion to debrief a case; or*
- (2) Address process issues or problems that develop in a specific collaborative case or CPEB committee; or*
- (3) Address the working relationship between or among collaborative professionals including refining differences in approach between various professions or roles, communication or any other issues.*

Facilitation is a normative process and team or individuals participating are illustrating their active commitment to the principles of collaboration that we model for our clients. The practice group views the process as an opportunity for the enhancement of the skills and development of each professional, and the facilitation process will assist our practice group and committees to function at their highest potential. Participation in a facilitation is beneficial to the individuals participating and to CPEB as a whole

Requirement to Participate in Facilitation

Each member of CPEB has agreed to participate in good faith in any facilitation to which the member is invited when s/he signed the membership application form and the participating membership pledge.

Confidentiality

All facilitations and all aspects of a facilitation shall remain confidential. The identity of the participants, and the clients, team members, or committee members discussed in a facilitation shall not be disclosed by the facilitator, Facilitation Administrator(s), or the participants in the facilitation.

At the beginning of every collaborative case, waivers of confidentiality shall be signed by clients to allow team members to (1) communicate with one another about the case, and (2) have confidential consultations with other professional(s) as needed. (See Client Releases at the end of this document for suggested language to include in a Confidentiality Waiver.) These protocols are developed to maximize confidentiality and minimize the information that is shared outside of facilitation sessions. The goals of having confidentiality requirements for the

facilitative process are two-fold. First, confidentiality ensures the clients' information will remain protected. Second, it provides participants a safe environment within which they can take the risks essential to a productive discussion. If participants believe that their confidences are held within the boundaries of the facilitation, they are more likely to seek facilitation and be forthcoming within the process. The practice group benefits through the increased competency of its members.

Facilitation Panel

Facilitators shall be trained collaborative professionals who have demonstrated their skills in applying collaborative principles and the skills of their own profession in completed collaborative cases. In general, facilitators will be chosen from a panel of CPEB members who meet the requirements established by CPEB to be on the panel. The participants, by mutual agreement, may select a facilitator from outside CPEB so long as they agree to share the expense.

CPEB members who are interested in being on the facilitation panel shall submit a completed application to the Facilitation & Mentoring Committee, which will screen the applications and maintain a list of CPEB members on the panel. (An Application to Be a Facilitator for CPEB is attached as Exhibit A.)

Each member of the Facilitation Panel shall serve as a facilitator if chosen in a particular case, absent a conflict of interest. No member of the panel will be expected to serve more than once a year.

Beginning the Facilitation Process

Before initiating a facilitation, the CPEB member requesting the facilitation shall first speak directly with each of the collaborative professionals to be involved in the facilitation to identify the issue(s) for which the member requests facilitation or the case for which the debrief is requested.

The requesting CPEB member shall then contact one of the Facilitation Administrator(s), designated members of the Facilitation & Mentoring Committee, who will obtain basic information about the matter, including the names of the parties in the underlying case (if applicable) as needed for professional conflicts checks.

Once the Facilitation Administrator(s) has the names of the participants, the Facilitation Administrator(s) shall initiate the process for selection of the facilitator(s).

Selection of Facilitator

Either a single facilitator or more than one facilitator may be appropriate, depending on the circumstances of the particular challenges presented by the matter and the number of participants in the facilitation. The number of facilitators shall be decided by the Facilitation Administrator(s).

The Facilitation Administrator(s) will provide to the participants the names of three facilitators who have confirmed that they are available to take on a facilitation. At this point, the names of the participants will not be given to the potential facilitators.

Each participant may eliminate one name. If one person remains, that person shall be the facilitator, absent a conflict of interest with the participants or clients in the underlying case. If more than one remains, the Facilitation Administrator(s) will make the selection. If all names have been eliminated, the Facilitation Administrator(s) will assign another facilitator (a fourth name) from the CPEB facilitation panel

The facilitator who has been selected shall be screened for potential conflicts of interest.

The selected facilitator(s) will contribute the first two hours of his/her time without charge. Any time beyond two hours shall be compensated to the facilitator at his/her customary hourly rate, pursuant to the Facilitation and Confidentiality Agreement signed by the participants. (A copy of the Facilitation and Confidentiality Agreement is attached as Exhibit B.)

Alternatively, participants may select a facilitator from outside CPEB so long as the participants agree to share the expenses of the facilitator.

The Facilitation Session(s)

Once the facilitator(s) have been selected, the facilitator(s) will contact the participants to set up a time for the facilitation session. The facilitator(s) shall have wide discretion in conducting the process and in consulting and meeting with the participants.

Before the initial facilitation session, each participant shall sign a Facilitation and Confidentiality Agreement in a form approved by the Facilitation & Mentoring Committee. Additional sessions may be convened with the consent of all participants.

Evaluation

At the completion of the facilitation, the participants and facilitator will receive an evaluation form which they shall complete and return within one week to the Facilitation Administrator(s).

See Facilitation Evaluation Form, Exhibit E. This will provide a forum for feedback about the process that has taken place, along with suggestions for improvement and/or changes to the process.

For each facilitation other than a case debrief, the facilitator(s) will contact the participants one month after the conclusion of the facilitation session(s) to obtain feedback on the facilitation process.

Client Releases

All CPEB members shall include the following or similar language in their confidentiality releases/waiver signed by the clients:

We hereby authorize each member of the collaborative team to communicate by any means, including e-mail, with all other members of the team and any case facilitator(s) during the collaborative process. We understand that communication and cooperation among professional team members is an integral part of the collaborative process, and that the express goal of such communication is to assist us in understanding and resolving all issues surrounding settlement.

We understand that members of the professional team may seek confidential consultation with other professional(s) as the need may arise, either during the course of the collaborative process or after it has concluded.

This authorization and consent will terminate upon the termination of the collaborative process, except as to confidential consultations or professional team debriefing, which may occur after the conclusion of the process.

This authorization and consent may be signed in counterparts, all of which shall comprise one document.

Regardless whether members of the professional team have their own confidentiality release/waiver, we strongly suggest that, in each collaborative case, the parties to the case and each professional team member sign one agreement that contains the foregoing or similar language.

EXHIBITS TO FACILITATION PROTOCOLS

Ex. A Application to Be a Facilitator for CPEB

Ex. B Facilitation and Confidentiality Agreement for Team Professionals

Ex. C Collaborative Professionals Final Debrief Checklist

Ex. D Facilitation Administrator's Checklist

Ex. E Facilitation Evaluation Form