

BRIDGEND COMPACT

DRAFT MEDIATION AND DISPUTES RESOLUTION PROCESS

Introduction

The Bridgend Compact provides a framework to support strategic working relations between the third sector in Bridgend County and the member organisations of the Local Service Board.

The following Codes of Practice set out the objectives that support continuous improvement and development relating to the overarching Compact:

- Commissioning
- Partnership Working
- Volunteering
- Training

Aims of the Compact Mediation and Disputes Resolution Process

It is hoped that in the spirit of the Compact conflicts and disputes will not arise, disagreements are however a natural part of any working relationship and can be useful in identifying and addressing important issues. This process aims to:

- Prevent disputes by raising awareness and understanding of Compact principles;
- Provide a framework for managing and resolving disputes in a positive and mutually respectful way;
- Develop deeper understanding between the sectors;
- Avoid the damage and cost that stem from unresolved disputes;
- Support the incorporation of Compact principles into organisations' ways of working.

Scope and Principles of the Compact Mediation and Disputes Process

The Compact Mediation and disputes process **will**:

- Only deal with disputes arising from Compact themes and principles;
- Apply to only those parties who are signatories of the Bridgend Compact;

- Take a mediation approach, i.e. by making use of an impartial third party to assist those in dispute to find common ground and ultimately a mutually acceptable resolution;
- Make recommendations, which may include reconsideration of an earlier decision;
- Expect that Compact breaches are followed up and measures put in place to prevent them reoccurring;
- Establish agreement on the elements of the dispute that must be kept confidential while the dispute resolution process is underway;
- Make it clear to the parties that they retain any rights to other forms of redress such as to the Public Service Ombudsman for Wales, in which case the Compact Mediation and Disputes Process will cease;

The Compact Mediation and Disputes Process **will not**:

- Deal with complaints from the public;
- Deal with disputes that clearly derive from complaints about the behaviour of a member of staff and there is no evidence of a Compact breach having taken place. Complaints of this nature may need to be the subject of a disciplinary investigation;
- Deal with disputes that clearly derive from complaints about the behaviour of an individual councillor and where there is no evidence of a Compact breach having taken place. Complaints of this nature should be referred to the Council's Monitoring Officer or to the Public Ombudsman for Wales;
- Deal with any disputes that have already been subject to independent mediation, or the subject of a formal complaint, or previously referred for investigation to the Funding and Compliance Committee of the Third Sector Scheme or to the Public Services Ombudsman for Wales;
- Impose action or sanctions;
- Seek to allocate blame;
- Consider appeals relating to its recommendations.

Disputes Resolution Process

Stage 1

- 1.1 If any party thinks that a Compact principle has been breached, they should raise it with the organisation(s) concerned, stating which part(s) of the Compact they think has been breached and how. Through early dialogue and with reference to the Compact principles and Codes of Practice, it is hoped that most disputes can be resolved without involving a third party.

If, however, either party is unhappy with the outcome, they can go on to make use of Stage 2.

Stage 2

Referral to the Compact Liaison Group

- 3.1 If any party is unable to resolve the dispute they may wish the Compact Liaison Group to consider the issue by submitting the pro-forma attached as Appendix A.
- 3.2 The Compact Liaison Group will assess the issue against an agreed set of criteria in order to establish whether a Compact breach has taken place. If this is the case, the Compact Liaison Group will:
 - Examine the details of the issue, contacting appropriate parties
 - Consider the relevant parts of the Compact and its codes;
 - Decide whether any action should be taken and by whom;
 - Agree which member of the Compact Liaison Group will work with the relevant parties;
 - Make recommendations to the relevant parties;
 - Report the outcome in writing within 15 working days of the meeting. If more time is needed they will write to you to explain what is happening and when an outcome will be reached.

Implementation and Monitoring

All disputes raised through the Compact Mediation and Disputes Process will be reported to the Compact Liaison Group. Particular emphasis will be given to any lessons learned.

The Compact Mediation and Disputes Process will be reviewed annually by the Compact Liaison Group to assess its effectiveness and make any recommendations for improvement. Its implementation will be monitored and reviewed as part of the Compact Implementation Plan.

This Resolution process will be circulated to all partnerships in Bridgend County and referenced by them as appropriate e.g. in any partnership terms of reference.

The Compact Liaison Group and Local Service Board will promote the Resolution and make reference to it as appropriate.

Supporting Documents

- The Bridgend County Compact (2011)
- Code of Practice on Commissioning
- Code of Practice on Volunteering
- Code of Practice on Training
- Code of Practice on Partnership

Appendix A

Formally Raising a Concern under the Compact

Name of Organisation:

Address:

Email:

Nature of the Concern:

Which part of the Compact does your organisation consider has been breached (this may be the Compact itself or one of its Codes of Practice:

Declaration

I can confirm that I have been authorised to submit this complaint on behalf of the organisation

1st Signature

Chair's Name:

Chair's Signature:

Date:

2nd Signature

Name

Signature

Position in organisation

Date

Once completed forms should be returned to:

**Bridgend Local Service Board
Wing 3
Ravens Court
Brewery Lane
Bridgend
CF31 4AP**