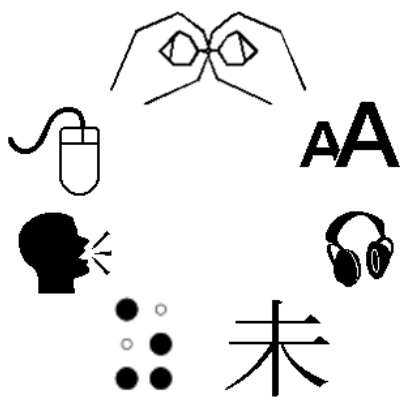


Resolution Procedure



If you would like help to understand this document, or would like it in another format or language, please contact the Third Sector Liaison Officer in the Herefordshire Council Community Regeneration Team on 01432 383038 or email: compact@herefordshire.gov.uk

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1 What is the Herefordshire Compact?

- 1.1 The Herefordshire Compact is a mutual agreement between local voluntary and community, public and private sectors in Herefordshire to support and improve partnership working between the sectors.
- 1.2 The Herefordshire Compact is also a framework which guides how the sectors work together through the codes of practice, of which this is one.

2 Redressing disagreements and disputes related to the Herefordshire Compact

- 2.1 The Herefordshire Compact is a commitment to continually improve relationships between the voluntary, community and not for profit organisations and public sector bodies.
- 2.2 This document is a practical tool to achieve this.

3 When things go wrong

- 3.1 Compact breaches are rarely deliberate. Many disputes can be settled amicably by simply raising the issue with the other party and this should always be the first step. This procedure gives a framework for settling disputes which are more complex and may need mediation or an objective view to find a resolution. It also provides a way for lessons to be learnt, similar disputes to be avoided in future and positive working relationships to be maintained.
- 3.2 Using the procedure set out here will help this to happen. It is not intended to decide a winner or a loser, but is intended to help find a positive way forward that maintains and improves the working relationship.
- 3.3 Whilst we encourage disputes to be resolved through this process it is also important to recognise that other means including legal redress, are always an option to either party.
- 3.4 Any complaints regarding Compact compliance are monitored and recorded so that we know if this resolution process and our contribution to it have been useful. We can use this information to help us review our effectiveness, but we will keep details confidential.

4 An overview of the resolution process



5 Who does this procedure apply to?

- 5.1 The procedure outlined here applies to all those organisations, or their umbrella organisations, who signed up to the Herefordshire Compact. It is to be used solely to address issues related to the Compact and supporting codes. If a dispute relates to a performance issue in respect of a service contract or service level agreement, it will be necessary to use the mechanisms of the contract or agreement as the basis for resolving the dispute.

6 The Stages of the Dispute Resolution process

6.1 Initial Stage – Informal resolution

- 6.1.1 It is always preferable for a dispute to be resolved quickly and informally by the organisations involved.
- 6.1.2 Initial enquiries about difficulties or disputes between any Public, Private or Third Sector Organisation can be made at any time to the Chair of Herefordshire Compact Working Group c/o Third Sector Liaison Officer, Herefordshire Council, PO Box 4, Plough Lane, Hereford HR4 OXH. Or by email - compact@herefordshire.gov.uk
- 6.1.3 The enquiry may be redirected to an appropriate colleague from a partner organisation in order to support you with the quick and satisfactory resolution of the dispute. It is important to note that at no point will the raising of a concern have any repercussions on your organisation in future, other than helping us all to change the way we do things for the better in terms of Compact compliance,

When informal and open dialogue does not succeed in resolving a conflict, the following three stages should be followed:-

6.2 Stage One – The issue is identified

- 6.2.1 You will be asked to explain in writing, as clearly and concisely as possible, the dispute itself as well as any relevant background information. You should include
- a summary of the issues in the dispute,
 - the Compact code, principle or commitment which you feel has been breached
 - details such as names of those involved, dates of relevant events and others who may have been consulted.
 - details of what action has been taken so far
 - copies of any correspondence sent or received relating to the dispute.

- 6.2.2 This documentation should be sent to the Local Compact Working Group via the Third Sector Liaison Officer and receipt of your documentation will be acknowledged within three working days.
- 6.2.3 An impartial Dispute Resolution Panel will then be called to look at the issue. The panel will be made up of at least three members of the LCWG which will include at least one representative of the Third Sector. A Chair will be agreed from this membership. This will happen within two weeks of the LCWG receiving your paperwork.
- 6.2.4 The panel will take a view on whether the dispute is indeed Compact related. If they believe it is not, they will take the process no further, but provide a report to the organisations involved as well as the LCWG together with any advice on other bodies who might be able to mediate more appropriately.
- 6.2.5 If the panel agrees that the dispute is Compact related they may ask for more information from any of the parties concerned and will also look at whether further mediation at this point would provide a resolution.
- 6.2.6 We will contact you within ten days of the panel meeting with an explanation of what action is proposed or a request for more information. Stage 1 will be completed within 1 – 4 weeks.
- 6.3 Stage Two – Investigation and Findings**
- 6.3.1 If further mediation seems sensible, this will be facilitated by the Third Sector Liaison Officer who will reconvene the original panel, unless all parties agree that a new panel would be useful. Other partners may also be drawn into this group at this stage, especially if they can provide specialist knowledge which will help bring about a resolution. To avoid a conflict of interest no one directly involved in the complaint must be appointed to the panel.
- 6.3.2 However, in some complex cases it may become apparent during the investigation that other individuals or organisations are more directly involved than was first thought. So if at any point a member finds that they do have an interest then they must declare it. It is up to the Chair of the panel to decide whether they stay on the group or are replaced.
- 6.3.3 The panel will contact both parties to agree a date for the panel to meet, a timescale for resolution of the problem and to gather evidence. The panel will invite both parties to bring up to two representatives to attend the meeting. One of these may be from another organisation, brought in to provide support to one of the parties.
- 6.3.4 As a guide we would normally expect the Dispute Resolution Panel to reach a final decision within 30 working days of the original acknowledgment of the complaint, but this may vary depending on the issue under discussion.

- 6.3.5 If, after hearing all available evidence at the meeting, the Dispute Resolution Panel is able to reach a decision as to what actions need to be taken to resolve the dispute, the Chair of the panel will write to all parties concerned, outlining the recommendations. This will be followed up 4 – 6 weeks later by the Third Sector Liaison Officer, who will report back to the Compact Working Group as to progress.
- 6.3.6 Where the panel is unable to come to a decision and does not believe there is any further information to be brought forward, the dispute will be considered irresolvable and all parties will be notified of this in writing.

6.4 Stage Three – Other mediation options

- 6.4.1 Should the dispute remain unresolved after stage two, the matter will be referred to the Herefordshire Partnership Management Group who may decide to take further action or make further recommendations. Detailed written records of all issues brought up in trying to resolve the dispute will be kept by the Third Sector Liaison Officer. These will remain confidential, but a summary report will be presented to the Local Compact Working Group and the Herefordshire Partnership Management Group for learning and development purposes.
- 6.4.2 At this point you may decide to seek an independent view. For example you could use the national Compact Mediation Scheme or a relevant Ombudsman. Details of how to do so will be available from the Third Sector Liaison Officer.

7 Timescales


- 7.1 We aim to resolve most disputes within 40 working days (roughly 2 months). More complex issues may take longer to sort out and if this happens then the Dispute Resolution Panel will agree a timescale with the parties concerned.

Signatories to the Herefordshire Compact are:



Mike Ashton, Chief Executive

Chamber of Commerce Herefordshire & Worcestershire



Lynda Wilcox, Chief Executive

Herefordshire Association of Local Councils



Chris Bull, Chief Executive

Herefordshire Council / Herefordshire Primary Care Trust



Richard Betterton, Chair

Herefordshire Infrastructure Consortium



Sharon Gray, Area Director

Learning & Skills Council Herefordshire, Worcestershire and Shropshire



Richard Quallington, Nominated Representative

Voluntary Sector Assembly



Mark Turner, Chief Superintendent

West Mercia Constabulary

This document has been published by the Herefordshire Partnership Local Compact Working Group.

If you would like further information about the Herefordshire Compact, please contact the Third Sector Liaison Officer in the Herefordshire Council Community Regeneration Team on 01432 383038 or email: compact@herefordshire.gov.uk

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