



The voice of the voluntary and community sector



**Northumberland**  
Strategic Partnership

# **Northumberland Compact Process for Positive Dispute Resolution**

## **Redressing Disagreements and Disputes related to the Northumberland Compact**

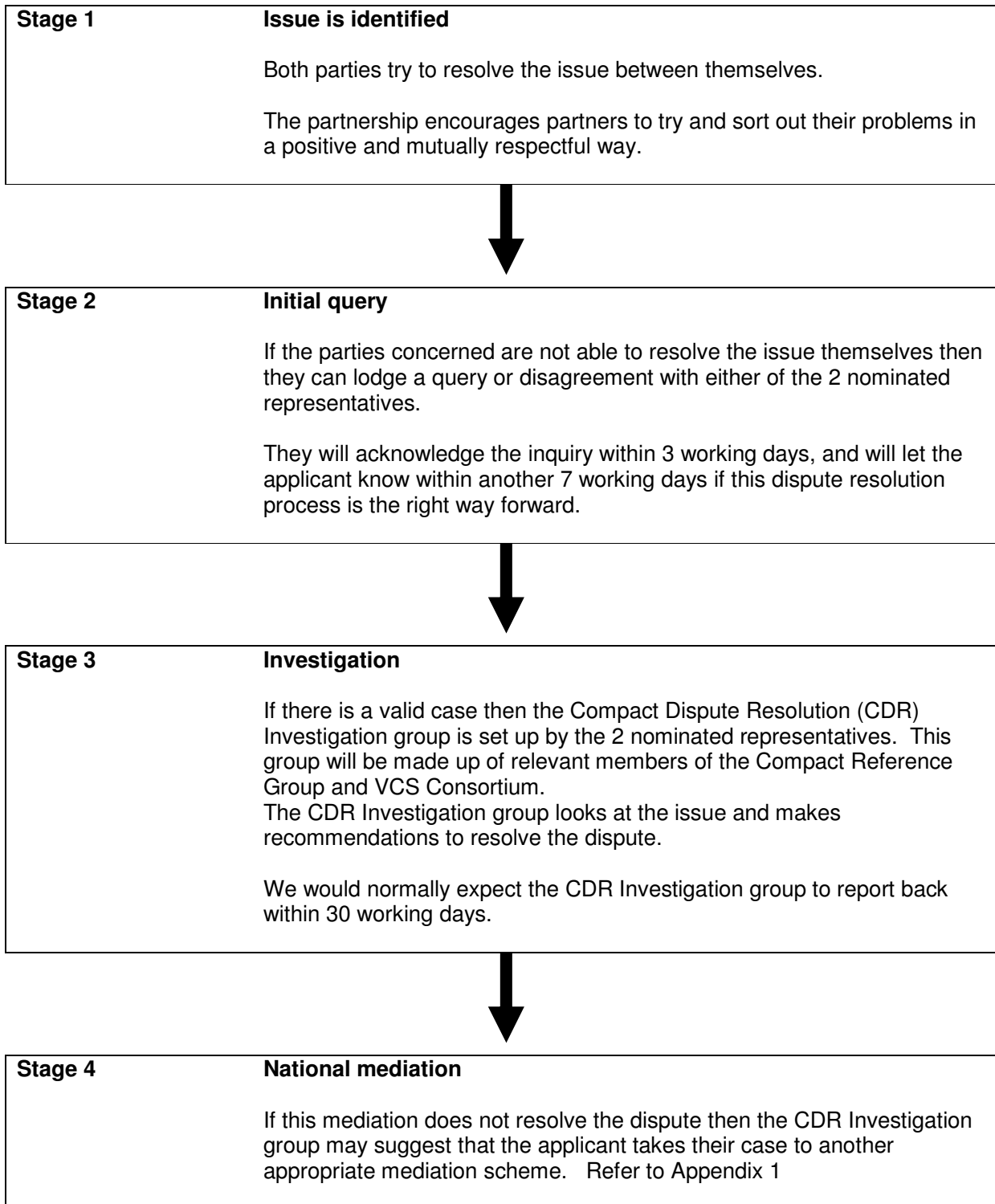
**Revised March 2010**

The Northumberland Compact is a commitment to improve relationships between public sector organisations and the voluntary and community sector. This document sets out how we resolve our disputes and disagreements.

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# An Overview of the Dispute Resolution Process



## **1 When things go wrong**

Disagreements are a natural part of any healthy working relationship. Simply having the Northumberland Compact in place does not guarantee that disputes will not happen. The Compact way of working is new and we should expect that disagreements or disputes will arise as part of this learning experience. Having this procedure in place, and using it, demonstrates the importance of the Compact to partners in Northumberland.

Disagreements can be useful in identifying important issues. By approaching them in a positive and mutually respectful way they can help to improve the relationship. This is why we should all refer to and use this dispute resolution process whenever it is needed. This will also help to avoid the damage that unresolved disputes can cause to working relationships. We believe that every disagreement is an opportunity to improve a relationship and learn from the process.

The procedure set out here will help this to happen. It is not intended to decide a winner or a loser; but is meant to help find a positive way forward that maintains and improves the working relationship.

Whilst we encourage disputes to be resolved through this process it is also important to recognise that legal redress is always an option to either party.

We will monitor the complaints so that we know if this dispute resolution process and our contribution have been useful. We can use this information to help us review our effectiveness, but we will keep details of each case confidential.

## **2 Why do disputes arise?**

Compact breaches are rarely deliberate. Organisations and individuals may simply not be aware of the Compact principles and what this means for them. Many disputes can be settled amicably by simply raising the issue with the other party.

## **3 Who does this procedure apply to?**

The procedure outlined here applies to all those organisations or their umbrella organisations, who signed up to the Northumberland Compact. It is meant to be used to address issues related to the Compact.

## **4 How does this process fit in with others?**

Following this procedure does not mean that your organisation's procedures cannot also be used at any stage. You may decide to undertake other mediation at the same time, or apply to another appeals or complaints procedure if your organisation feels that is right.

A benefit of mediation is that it can potentially avoid long, difficult and sometimes expensive "official" processes. Using alternative routes at the same time may get in the way of the mediation process though, so you should think carefully about what is best. The CDR Investigation group can help you decide on that.

## 5 The stages of our dispute resolution process

If an issue comes up that you feel does breach the Compact you should always try to solve this with the other party first. All those involved must always recognise the other's right to raise the issue, and should give the time to listen and respond to concerns. This is in the spirit of our Compact.

But when informal and open dialogue does not succeed then you can follow these three stages:-

### 5.1 Stage 1 – The issue is identified

If an organisation has a complaint about their treatment by another partner we encourage them to try to resolve the issue between themselves first. However, if this does not work then the complainant may choose to refer this matter to the partnership (Stage 2).

### 5.2 Stage 2 – Initial query

#### Who to contact

If you cannot resolve the problem yourself then you can apply to:

George Courtice  
Sector Development Officer  
VCS Consortium  
Community Action Northumberland  
Tower Buildings, 9 Oldgate  
Morpeth NE61 1PY  
Tel: 01670 500817  
[georgecourtice@ca-north.org.uk](mailto:georgecourtice@ca-north.org.uk)

VCS representative (nominated by VCS Consortium)

Janice Rose  
Corporate Policy Manager  
County Hall  
Northumberland County Council  
Morpeth NE61 2EF

Tel: 01670 500630  
[Janice.Rose@northumberland.gov.uk](mailto:Janice.Rose@northumberland.gov.uk)

Chair, Compact Reference Group

They will acknowledge receipt of your complaint normally within 3 working days.

They will then carry out an initial investigation, and may try to resolve the problem through discussion with the parties concerned. They will normally report back to you within a further 14 working days.

### 5.3 Stage 3 - Investigation

If that does not work or is not appropriate then they will refer the matter to the VCS Consortium Chair and the Chair of the Compact Reference Group. They will set up a small working group (CDR Investigation group) and agree a Chair.

To avoid a conflict of interest members of the CDR Investigation group should not be directly party to the subject of the dispute.

Depending on the issue, the CDR Investigation group may commission an initial report to be prepared and for recommendations to be made to the CDR Investigation group.

The CDR Investigation group should contact both parties to agree a timescale for resolution of the problem. As a guide we would normally expect the CDR Investigation group to reach a final decision within 30 working days, but this may vary depending on the issue under discussion.

### **5.3.1 Guidelines for initial investigation**

CDR Investigation group will:-

- Separate hearsay from facts
- Avoid making judgements or blame
- Keep all investigations confidential
- Check whether there have been any previous issues with that individual or organisation
- Contact the complainant to:
  - Clarify the complaint
  - Clarify the outcome sought
  - Explain the limitation of the outcomes available at this stage
- Check whether the complainant needs any practical support (for example interpretation and language services, advocacy or access to induction loops, etc).
- Make sure they understand the background to both parties and obtain relevant documents
- Contact the subject of the complaint to hear their side
- Conduct dealings with both parties in an informal and relaxed way
- Record all information gathered and ensure that everyone is happy with their understanding of the situation
- Report back to the NSP Board and VCS Consortium with their findings

### **5.3.2 Avoiding a conflict of interest**

To avoid a conflict of interest then anyone directly involved in the complaint must not be appointed to the CDR Investigation group.

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 CDR Investigation group to decide whether they stay on the group or are replaced.

### **5.3.3 If there is a breach**

If the Group agrees that the Compact has been breached they will provide advice and

options on what may be done to comply with the Compact (including recommendations for policy or practice improvement).

To reach their decision they may choose to meet those representing one or both sides, and they may also choose to refer the issue to a full NSP Board meeting.

However, they may decide that they are not able to make a decision due to the complex or specialist nature of the case. If this happens then the Group will advise an alternative course of action.

Everybody involved will receive the decision in writing along with reasons for that decision.

#### **5.3.4 If there is no breach**

If the Working Group decides that a breach has not taken place then the matter should be dealt with by other means. For example by referring the issue to another appropriate group or organisation. The CDR Investigation group can suggest what is the best course to take.

#### **5.4 Stage 4 – National mediation**

If this process does not resolve your dispute then you may decide to seek an independent view. For example you could use the national Compact Mediation Scheme or a relevant Ombudsman (see Annex 1 for more information). Local support would be available.

#### **6 Timescales**

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 CDR Investigation group will agree a timescale with the parties concerned.

These are our guideline timescales:

- We will acknowledge your complaint within 3 working days
- We will tell you if you have a valid case within 14 working days
- We would expect the CDR Investigation group to report back their final decision to both parties within another 30 working days

## Annex 1 Mediation Options

### National Compact Mediation Scheme through the Centre for Effective Dispute Resolution (CEDR)

CEDR is an independent non-profit organisation launched in 1990 with the support of The Confederation of British Industry. The scheme is administered by CEDR Solve under a contract awarded by the Home Office in January 2003. Its mission is to encourage and develop mediation and other cost-effective dispute resolution and prevention techniques in commercial and public-sector disputes and civil litigation. You should be aware that there is a charge for this service.

**Contact Details:-**

Website: <http://www.cedr.co.uk/>

Email: [info@cedr.co.uk](mailto:info@cedr.co.uk)

Tel: 0120 7536 6000 Fax: 0120 7536 6001

### Ombudsmen ~ Local government

If you have suffered an injustice as a result of local government maladministration then you can complain to the 'Local Government Ombudsman'. You could also ask the 'Parliamentary Ombudsman' to look into complaints about government departments, their agencies and some other public bodies in the UK if they have not acted properly or fairly or have provided a poor service.

**Contact Details:-**

Websites: <http://www.yourrights.org.uk/> or <http://www.lgo.org.uk/>

Adviceline: 0845 122 8621 0300 061 0614

### Parliamentary and Health Service Ombudsman -

**Contact Details:-**

Website: [http://www.ombudsman.org.uk/make\\_a\\_complaint/index.html](http://www.ombudsman.org.uk/make_a_complaint/index.html)

Email: [phto.enquiries@ombudsman.org.uk](mailto:phto.enquiries@ombudsman.org.uk)

Helpline: 0345 015 4033 Fax: 0300 061 4000

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### NCVO – Compact Advocacy Project

This is a scheme that provides practical support and wider campaigning to the voluntary and community sector in cases where the public sector has breached the Compact.

**Contact Details:-**

Website: <http://www.ncvo-vol.org.uk/compactadvocacy>

Email: [helpdesk@askncvo.org.uk](mailto:helpdesk@askncvo.org.uk)

Helpline: 0800 2798 798

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### Local Support:

**Contact Details:-**

George Courtice, Sector Development Officer 01670 500817 [georgecourtice@ca-north.org.uk](mailto:georgecourtice@ca-north.org.uk)

Janice Rose, Corporate Policy Manager 01670 500630 [Janice.Rose@northumberland.gov.uk](mailto:Janice.Rose@northumberland.gov.uk)