

Compact for Leeds

Mediation and Disputes Resolution Toolkit

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Introduction

The Compact for Leeds, launched in September 2003, sets out and clarifies for the first time the responsibilities and expectations of both Leeds Initiative public sector agencies and the voluntary, community and faith (VCF) sector when working together.

Leeds is a diverse city with many cultures, languages, races and faiths. The Compact for Leeds recognises, celebrates and values this diversity and aims to include all groups that find themselves under-represented and excluded, for the benefit of people who make up those groups and for communities and individuals in Leeds as a whole.

The Compact for Leeds is built on four key principles:

- Promoting Equal Partnerships
- Encouraging effective use of resources
- Improving the quality of communication, consultation and information exchange
- Recognising the role and value of volunteering and community activity.

This document refers to the work with the voluntary, community and faith sector (VCF). The Compact for Leeds recognises the many functions of the faith sector and fully supports and promotes the community activity generated by faith groups and organisations. The Compact for Leeds cannot support activity that leads to the promotion of any particular faith.

Across Leeds there is a very diverse VCF sector that plays a key role in the city. Activities range from:

- Building 'social capital', by promoting self organised community and collective action, encouraging volunteering and active citizenship
- Providing services to the public and particular groups in the community, meeting social and individual needs
- Advocacy on behalf of communities and the individuals they represent, for example through campaigning and lobbying activities or through formal representation in decision making forums
- Contributing expertise and experience to policy development
- Providing employment and income
- Delivering public and publicly funded services

Aim of the Mediation and Disputes Resolution Toolkit

The Compact for Leeds is about building relationships and developing good practice. It is a voluntary agreement between Leeds Initiative public sector partners and the wider VCF sector across Leeds. However, it must be recognised that there may be times when the spirit of the Compact is breached and relationships tested.

The purpose of this document is to explain how VCF organisations and public sector organisations, who have signed up to the Compact for Leeds, can raise issues of concern when they feel the Compact for Leeds or the associated codes of practice are not being properly followed.

The aim of this Mediation and Disputes Resolution Toolkit is to resolve any concerns that may arise in connection with the Compact for Leeds as speedily and fairly as possible, consistent with the principles of openness and fairness.

It is about making sure those relationships and actions change for the future and organisations' cultures are influenced by the Compact for Leeds.

In developing the Mediation and Disputes Resolution Toolkit it is recognised that often it may not be possible to turn around decisions that have been made and actioned. However acknowledging responsibilities is an important part of building relationships. In the spirit of the Compact it is expected that any organisation found to be at fault will do whatever possible to put the situation right or ensure that things change for the future.

Toolkit for the voluntary, community and faith sector

If you have a complaint about how your organisation has been treated by any public sector organisation signed up to the Compact for Leeds, then this toolkit will help you to decide how to complain, who to complain to and the correct process to follow.

To decide the most appropriate complaints procedure, you need to consider the following:

Does your issue concern maladministration?

You need to establish if there has been any form of maladministration. Here is a summary of the kind of concerns that might be considered:

- Failing to deal with letters and enquiries
- Breaking promises
- Lacking corporate action or proper liaising between departments
- Taking too long to do something or a delay in taking action
- Failure to compile or maintain accurate records
- Giving out incorrect information
- Failing to follow the correct policies and procedures
- Failing to make a decision in the correct way
- Failing to investigate
- Insensitive handling

Maladministration is also being treated unfairly. This could be unfair treatment in the way a procedure is carried out.

- Bias – when someone is suspected of influencing decisions because of prejudice
- Lack of fair hearing

If your complaint is a case of maladministration, you should first make a complaint to the organisation who you feel has acted wrongly. Each organisation will have their own complaints procedure. Once you have received a response and if you are not satisfied with it you can then complain to the Parliamentary and Health Service Ombudsman or the local government ombudsman.

The Ombudsman provide a service to the public by undertaking independent investigations into complaints that government departments, a range of other public bodies in the UK including local authorities, and the NHS in England, have not acted properly or fairly or have provided a poor service. Their advice and investigations are impartial and their service free and confidential.

For more information about the Parliamentary and Health Service Ombudsman, ring their advice line on: 0845 015 4033 or visit their website: www.ombudsman.org.uk.

For more information about the local government Ombudsman, ring their advice line on: 0845 602 1983 or visit their website: www.lgo.org.uk.

Does your issue concern a breach of the Compact for Leeds?

You should refer to the Compact for Leeds and the associated codes of practice before deciding. See Appendix 1 for a summary of the Compact for Leeds.

If you consider your complaint is a breach of the Compact for Leeds, you should first make a request to use the local Mediation and Disputes Resolution Panel.

Mediation and Disputes Resolution Panel

If you wish your complaint to be considered by the Mediation and Disputes Resolution Panel, you first need to make a request in writing to the chair of the Compact Implementation Group.

Your written request should include the following details:

- A summary of the issues of the complaint
- The Compact Code of Practice, principle or guideline which is believed to be breached
- Names and roles of parties involved
- Copies of correspondence
- Action taken to date, including informal and formal steps taken to try and resolve the matter.

The Chair of the Compact Implementation Group will then consider whether the complaint is a breach of the Compact for Leeds and whether to proceed. You will be informed of their decision within two weeks of them receiving your complaint.

If the complaint is judged to be a breach of the Compact, a Mediation and Disputes Resolution Panel will be convened. The Panel will consist of five people – the Chair of the Compact Implementation Group and four nominees from the Compact Implementation Group. If a conflict of interest occurs, the Chair of the Compact Implementation Group will be replaced by another nominee.

The Panel will give objective consideration to information from both sides and if necessary, arrange a meeting with both parties to discuss the problem. The Panel will make their decision within four weeks and recommend any action the parties involved should take. If their decision cannot be reached in four weeks, an alternative timescale will be agreed.

If you are not satisfied with the outcome from the Mediation and Disputes Resolution Panel, there are two options available to you:

- The Compact Advocacy Programme
- Compact Mediation Scheme

the Leeds Initiative

Local partnerships making things happen

The Compact Advocacy Programme (CAP)

The CAP is an established programme at NCVO that helps VCF organisations that have a dispute with central or local government and advocate on their behalf.

The CAP seeks to promote better practice in issues involving local authorities, national government, regional government, other public bodies and those distributing funds on behalf of national and local government.

The CAP can act as an advocate where:

- The organisation reporting the breach is a VCF organisation
- There is evidence that there has been a breach of the local Compact and or its codes of practice
- The objectives of the complaint are clear and manageable and offer a reasonable chance of achieving some restitution for the organisation.

More information can be found on the Compact Advocacy website www.ncvo-vol.org.uk/compactadvocacy.

The Compact Mediation Scheme

The Compact mediation Scheme applies to disputes relating to the Compact between government, statutory agencies and the VCF sector. The scheme has been established to provide the opportunity to resolve a dispute where one party feels that the Compact has been breached, through the most effective method of alternative dispute resolution.

CEDR Solve administers the scheme under a contract awarded by the Home Office. More information can be found on their website: www.cedrsolve.com or tel: 020 7536 6060.

Toolkit for the public sector organisations

The Compact for Leeds is about a joint way of working together and there may be occasions where public sector organisation that have signed up to the Compact for Leeds need to refer to the Compact to resolve a problem.

To decide the most appropriate action you should first consider

Does your issue concern maladministration?

Concerns that a public sector organisation sector may have about a VCF organisation may include:

- Failing to deal with letter and other enquiries
- Breaking promises
- Lacking action or liaison amongst staff and volunteers
- Failure to compile and maintain records accurately
- Failing to follow agreed timetables
- Failing to follow the correct policies and procedures

If your complaint is a case of maladministration, you should make a complaint to the organisation who you feel has acted wrongly. Each organisation will have their own complaints procedure.

Does your issue concern a breach of the Compact for Leeds?

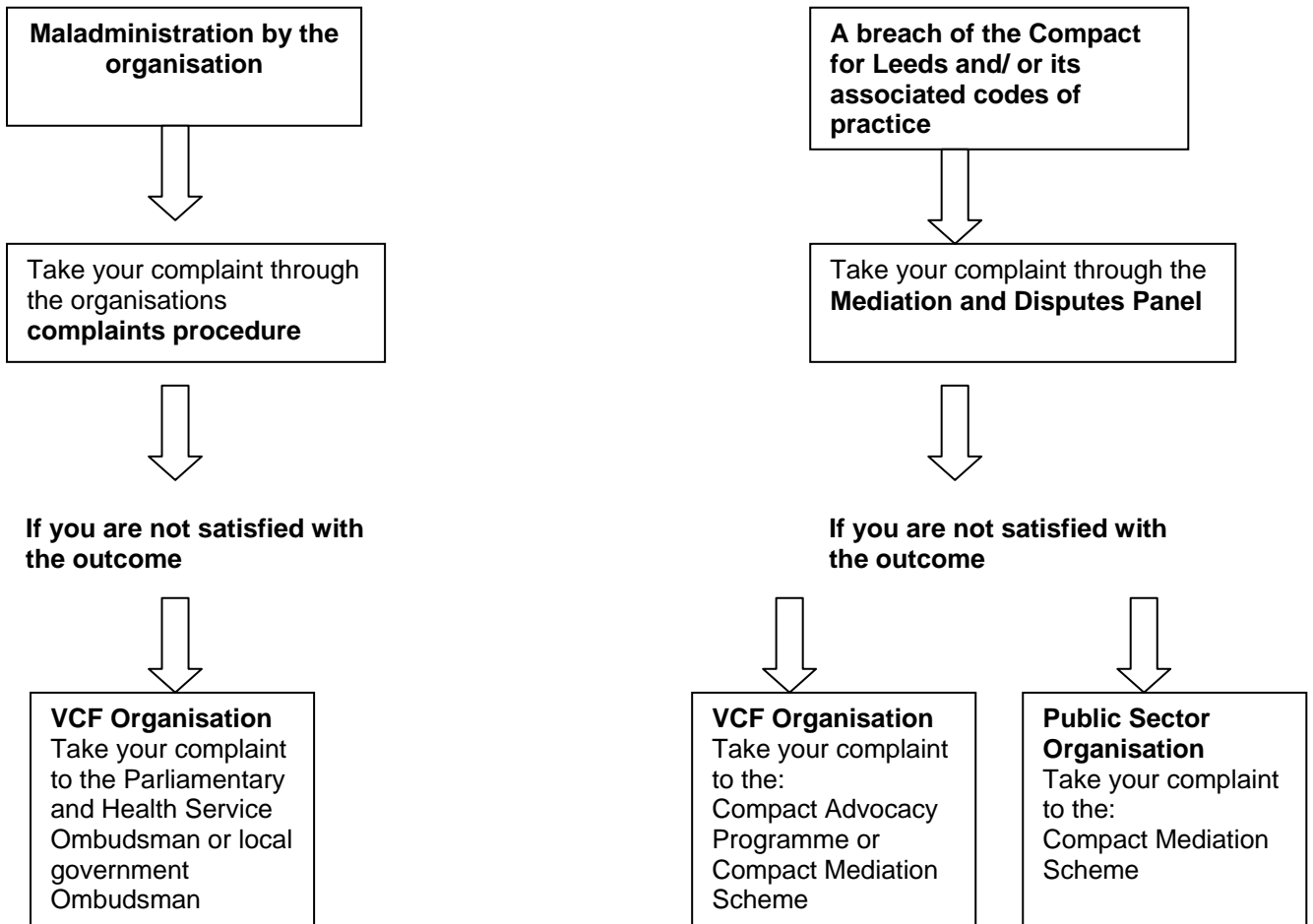
You should refer to the Compact for Leeds and the associated codes of practice before deciding. See Appendix 1 for a summary of the Compact for Leeds.

If you feel that a VCF organisation has breached the Compact for Leeds you should first take your complaint to the local Mediation and Disputes Resolution Panel – see page 5 of this toolkit for more information.

If you are not fully satisfied with the outcome of the Mediation and Disputes Resolution Panel you could then contact the Compact Mediation Scheme, see page 6 of this toolkit for further information.

Mediation and Disputes Flowchart

What is the nature of your complaint?



Monitoring and reviewing disputes

The following process will ensure that all disputes raised through the Mediation and Disputes Resolution Panel are monitored and reviewed. Outcomes and any action taken will form part of the Government's assessment of how well the Leeds Initiative is working as a Local Strategic Partnership.

Updates at Compact Implementation Group meetings

Mediation and Disputes Resolution Panel will be a standing item at every meeting of the Compact Implementation Group. Any complaints where a decision has been made will be discussed at the meetings.

Six monthly reviews by the Compact Implementation Group

The Compact Implementation Group will review all issues raised and outcomes every six months.

Annual report to Leeds Initiative

The outcomes of these reviews will be reported to the Narrowing the Gap Executive of Leeds Initiative, as part of an annual report on the Compact for Leeds

In exceptional circumstances, a separate report will be brought to the Narrowing the Gap Executive on individual breaches which are felt to be fundamental to the working of the Compact for Leeds and which the Compact Implementation Group feel that immediate consideration is necessary.

Compact for Leeds

Summary

It's about.....

- promoting **equal partnerships**
- encouraging the effective use of **resources**
- improving the quality of communication, **consultation** and information exchange
- recognising the role and value of **volunteering** and community activity

How can we promote equal partnerships?

- By making sure there is diversity within the partnership - not excluding groups or individuals
- by making sure that the service provided is the service needed - involving service users in planning and monitoring
- by developing good working relationships between all partners
- by reviewing the partnership
- By teambuilding
- By agreeing joint aims

How can we encourage the effective use of resources?

- by making sure that we achieve value for money
- by making sure that resources are properly accounted for
- by making sure that the voluntary and community sector stays independent
- by increasing sustainability and longer-term planning
- by supporting the structure of the voluntary and community sector
- by helping the voluntary and community sector to grow and develop
- by making sure there is fair access to strategic, project and contract funding
- by improving co-ordination and consistency between agencies and departments

How can we improve the quality of communication, consultation and information exchange?

- by being clear and consistent
- by having clear lines of communication and information; providing explanations; acknowledging responses and providing feedback
- by keeping information relevant and up to date
- by monitoring consultations
- by having realistic timescales
- by including as many people as possible

How can we recognise the role and value of volunteering and community activity?

- By recognising that volunteering activity is a choice that is made freely by an individual, with an organisation of their choice
- by making sure that Leeds has a diverse volunteer base
- by offering volunteers the opportunity for personal development and fulfilment through their activities
- by creating a fair relationship between volunteers, organisations and government policy and practice

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