

Compact Dispute Resolution Procedure

Introduction

The Merton Compact provides a framework for joint working between the public and voluntary sectors in Merton. It provides a standard against which the actions of signatory organisations can be judged and if used correctly, can help to prevent disputes from arising.

Even in the best relationships, partners will disagree from time to time, or failure to follow the Compact may happen unintentionally. By committing to the Merton Compact, organisations are agreeing to try and solve disagreements in a constructive manner.

Developing solutions acceptable to both parties can improve understanding and help build stronger relationships.

More information about the Merton Compact can be found at www.merton.gov.uk/compact.

Aims

This procedure has been developed to help organisations through the difficulties associated with disputes and disagreements. It has three key aims:

1. To define clear expectations for the resolution of any difficulties
2. To enable better implementation of the Compact by identifying areas for improvement
3. To provide a mechanism to enable the Compact Board to respond formally to more serious failures to follow the Merton Compact

If things go wrong

- Be realistic. As well as identifying where your Compact partner has gone wrong, think about what you're expecting from them to put it right. Would it be very expensive to do this in the way that you want? Would it involve a lot of staff or volunteer time? Are there other ways of doing this particular thing that are more achievable?
- Be reasonable. Bear in mind that there may be many good reasons why your Compact partner is not able to adhere to the Compact. For example, we all aim to provide 12 weeks for consultation, but for planning applications, the Council has a legal deadline of eight weeks, so it simply cannot provide 12 weeks for consultation. This does not mean that it will not try and meet the 12 weeks standard on other occasions, but it does mean that it will not meet the 12 weeks standard for planning applications.

Stage one

If you think you have cause for complaint; if possible try to raise the issue with the partner organisation that you feel has failed to follow the Compact, in order to resolve the issue at the earliest stage.

Be specific about where you feel their organisation(s) has not kept to the Merton Compact in terms of the principles and outcomes set out in the Compact. Give details of dates and times or send copies of any correspondence. Tell them what you think they need to do to put it right.

Questions to consider:

- Have you written down the reason for your Compact dispute?
- Have you read the Merton Compact?
- Have you contacted the other party/parties and informed them of your grievance?
- Have you put your complaint in writing and received a written response?
- Do you feel you have taken all possible measures to resolve this dispute?
- Does the organisation you are dealing with have a formal complaints process? Investigate this and consider lodging a complaint.

Please note: you are entitled to use Formal Complaints Procedures at any point during your complaint.

Stage two

Please allow time for discussion to see if you can work out your differences with the organisation you are unhappy with. If you have tried to resolve the issue but are still unhappy with the response you have received from the first step, you can go to the second step. This involves asking the Compact Board to review your complaint. The Compact Board may decide to establish a Dispute Working Group to look into your complaint. The Working Group will be convened from members of the Merton Compact Board. The Compact Board can consider if a member organisation has failed to embrace the principles or fallen short of the outcomes. The focus will be on identifying how to avoid disagreements and disputes going forward.

You may want to contact the Compact Board:

- If you want to make sure that a formal record is made of what you consider to be a failure to follow the Compact.
- If you want to discuss the complaint and ask the Compact Board members to give their opinion on whether an organisation(s) has failed to follow the Compact.
- If you want the Compact Board to mediate in discussions around how to resolve the Compact dispute.
- To consider the wider lessons to be learned for all signatories to the Merton Compact.

To ask the Compact Board to get involved, please contact:

Amanda Roberts, Policy, Strategy and Partnerships Officer
London Borough of Merton, 7th Floor, Civic Centre, London Road, Morden SM4 5DX

Tel: 020 8545 4685

Email: amanda.roberts@merton.gov.uk

Your complaint will be acknowledged usually within seven days. The Board will aim to provide a written response within thirty working days, or another agreed timescale, outlining their decision.

The Board will need – for example:

- Copies of the correspondence about the alleged failure to follow the Compact (letters to and from the organisations involved).
- Evidence of the alleged failure to follow the Compact (this should have already been considered by the organisation concerned).
- Any additional information / evidence which has become apparent since the original complaint, including details of your preferred course of action.
- Information and details about the efforts made to resolve the issues.

The Board will carry out an initial investigation. In some cases the Board may ask to meet those representing both sides of the dispute.

The Board will then decide if the organisation/s has failed to follow the Merton Compact and will provide a written response outlining their decision.

If the Board accepts there has been a failure to follow the Merton Compact, it will:

- Provide advice on what may be done to put things right, including recommendations for policy or practice improvement.
- Highlight some options if any of those involved is not satisfied that this solves the problem.
- Share wider learning for signatories to the Compact, as appropriate.

If the Board decides that the organisation(s) has not failed to follow the Merton Compact, the matter should be dealt with by other means and will consider the matter closed.

If the Board was not able to make a decision due to the complex or specialist nature of the case they will advise on another course of action.

It is important to bear in mind that the Compact Board has no power to bring sanctions against any organisation, but all organisations signed up to the Compact are committed to work together, to improve and develop partnership working between sectors.

Where the complaint is about an organisation that is part of the Merton Compact Board, it will be dealt with in the following way:

Merton Compact Board members represent a range of sectors. The Compact Board members will declare any prejudicial interest in complaints cases as they arise. This could be due to personal contacts, family contacts, work commitments or other interests.

To ensure a fair discussion, it may be necessary to choose members of the Compact Board investigating the complaint from different sectors. Compact Board members will follow the Compact Principles and Guidelines for Investigation.

Where the complaint is received via the Merton Partnership:

Where there is a complaint or disagreement relating to Compact matters attempts will be made to resolve these through discussion and agreement at the Compact Board in the first instance. Referral to the Compact Board may be through any member of the Board. In the event that the Compact Board cannot resolve a disagreement the Chair of the Compact Board may take the disagreement through to the Merton Partnership Executive Board for resolution.

Stage three

In this stage, a complainant would be encouraged to access the formal complaints process of the organisation they are dealing with.

Organisations can access independent support and advice as listed below:

Ombudsman for Local Government and Social Care: www.lgo.org.uk (free service)

Ombudsman for Health: www.ombudsman.org.uk (free service)

Compact Board - Guidelines for Investigation

The Compact Board will:

- declare any interest in any issue that arises
- separate hearsay from facts
- avoid making judgements or blame
- keep all investigations confidential
- check whether there have been any previous problems in dealings with the individual or organisation
- contact the complainant to:
 - clarify the complainant/complaint
 - clarify the outcome sought
 - explain the limitation of the outcomes available at this stage
- check whether the complainant needs support, for example interpretation and language services or access to induction loops etc
- make sure they understand the background to both parties and obtain relevant documents
- conduct dealings with both parties in as informal and relaxed way as possible
- record all information gathered, ensuring that everyone is happy with their understanding of the situation
- (Dispute Working Group only) report to the Compact Board

The Compact Board will contact all parties to advise them of the outcome.