

The Cumbria Compact Positive Dispute Resolution

What happens when things go wrong?

This document contains a description of what to do if you think that an organisation has broken the commitments made through the Cumbria Compact, or if you think an organisation is not meeting the requirements of the Cumbria Compact Codes of Practice.

Aims

- To enable better implementation of the Compact by identifying areas for improvement
- To define clear expectations for the resolution of any difficulties
- To provide a mechanism to enable the Compact Steering Group to respond formally to more serious breaches of the Compact agreement

Scope

Even in the best relationships, partners will disagree from time to time, or breaches of the Compact may happen unintentionally. Developing solutions acceptable to both parties can improve understanding and help build stronger relationships. It is important that there is an effective way to solve disagreements about using this Compact. By committing to it, organisations are agreeing to try and solve disagreements in a constructive manner.

As with any process that deals with dissatisfaction or mismatched expectations, the aim will always be to ensure efficient resolution, preferably informally, for all parties concerned. The process should be comprehensive enough to respond to all complaints without being burdensome for partners. The process should be focused on improving outcomes for the Compact as a whole.

Dispute Resolution procedures

If things go wrong

- Be reasonable. The Compact was launched in Cumbria in 2006. Since then a number of organisations have signed up and it will take time for all partners to adapt the way they work to make sure they meet the Compact requirements. They may already be working towards addressing the problem.
- 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?
- 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 8 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.

First Stage:

If possible, raise the issue with the partner organisation that you feel has breached the Compact in order to resolve the issue at the earliest stage.

Be specific about where you feel their organisation has not kept to 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. If this is not feasible or is unsuccessful, contact the identified Compact Champion within the organisation (see the Cumbria Compact and supporting publicity material for information).

Staff or volunteers should approach their own Compact Champions in the first instance to voice their concern. Compact Champions will work with each other to identify whether the concerns can be addressed quickly and easily.

Compact Champions will be familiar with their own organisation's Formal Complaints Procedure. They will establish whether this is an appropriate route to take at this early stage. Compact Champions should keep the Compact Steering Group informed of any actions and responses during the first step process.

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

Second Stage:

If you are unhappy with the response you have received from the first step, you can go to the second step. To ask the Compact Steering Group to get involved, please contact either:

Lorraine Smyth

Community Programmes & Performance
Manager
Community Unit
Chief Executives Office
Cumbria County Council
County Offices
LA9 4RQ
(01539) 713435
Lorraine.Smyth@cumbriacc.gov.uk

Jozi Brown

Senior Representation Officer
Cumbria CVS
27 Spencer Street
Carlisle
Cumbria
CA1 1BE
(01228) 512513
JoziB@cumbriacvs.org.uk

Your complaint will be acknowledged usually within seven days. A mutually acceptable timescale for Steering Group to respond will be agreed.

In order to consider the case, the Steering Group will need copies of the following information:

- Copies of the correspondence about the alleged Compact breach (letters to and from the organisations involved)
- Evidence of the alleged Compact breach (this should have already been considered by the organisation concerned)
- Any additional information / evidence which has become apparent since the original complaint

You may want to contact the Steering Group if:

- You want to make sure that a formal record is made of what you consider to be a Compact breach.
- You want to discuss the complaint and ask the Compact Steering Group members to give their opinion on whether a Compact breach has taken place.
- You want the Compact Steering Group to mediate in discussions around how to solve the alleged breach of the Compact.

The Steering Group will want to know your preferred course of action and will follow this where possible. If this is not possible they will tell you why. It is important to bear in mind that the Compact Steering Group 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. The Compact Steering Group's response will include details of how the organisation in question intends to resolve the complaint and address the issue in future. The Steering Group will keep you informed during the process and aim to reach resolution **within the agreed timescale**. The Steering Group also reserves the right to refuse consideration of complaints.

My complaint is about an organisation that is part of the Cumbria Compact Steering Group – how will this be dealt with?

The Compact Steering Group comprises a range of diverse groups, from different sectors. The Compact Steering Group 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 hearing, it may be necessary to choose members of the Compact Steering Group from different sectors. Compact Steering Group members will follow a **Code of Conduct** to ensure fairness, consistency and confidentiality. A copy of this is available on request.

Third Stage:

If you are unhappy with the response that you have received from the Compact Steering Group go to the third step. There are several options available:

Formal Complaints Procedures

Each of the organisations that has signed up to the Cumbria Compact has its own general Complaints Procedure. You are entitled to use these procedures.

Independent Advice and Support

Organisations can access independent support and advice as listed below:

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

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

NCVO Compact Advocacy Programme: Third Sector organisations can contact the NCVO Compact Advocacy Programme for advice and support. They can also refer to the Public Law Project if there is a breach of public law. Telephone: 020 7520 3161, E-mail: evsAdvice@ncvo-vol.org.uk , Website: www.ncvo-vol.org.uk

If the complaint is about the Cumbria Compact Steering Group (for example: if you feel they have not dealt with your concerns in a satisfactory way) your complaint will be considered by the Cumbria Third Sector Network Executive (Cumbria Compact Steering Group is sub group of the Cumbria Third Sector Network).

They will keep you informed during the process and aim to reach resolution within 30 days. If you are still not happy with the result – you can still follow up on the other options available (points 1 and 2 above).

First step: Informal discussion takes place
(If unsuccessful - go to second step)



Second step: Complaint Received

- Acknowledge complaint - usually within 7 days
- Outline agreed timescale
- Include a copy of the Code of Conduct
- Ask for any further information needed



Contact Compact Steering Group members via e-mail and convene sub group



Sub group meet

- Consider evidence of Compact breach and make further enquiries as appropriate to the individual case
- Contact complainant with an update if what is happening
- Respond within agreed timescale



Contact complainant with sub group's findings. Complaint upheld or denied. The Compact Steering Group's response will include details of how the organisation in question intends to resolve the complaint and address the issue in future



Third step: (If complainant is unhappy with the result)



Appeal to Cumbria Third Sector Network Executive.
Response within 30 days



Complainants follow up on independent support and advice available, and / or Complaints procedure