

DUPONT AND ASSOCIATES

INFORMATION SHEET: DISPUTE RESOLUTION SERVICES

Disputes and conflict are a part of everyday life and, when managed successfully, can produce change and/or growth that can be a positive experience. However, if an event is outside a person's previous experience with conflict, involves something very important or sensitive, or occurs at a time when other factors make an individual more vulnerable, external and independent conflict resolution assistance may be required.

Dupont & Associates engages a number of highly qualified personnel, including nationally accredited mediators and graded arbitrators to facilitate a range of dispute resolution processes.

Facilitation

Facilitation is a process in which the parties (usually a group), with the assistance of a neutral third party (the facilitator), identify problems to be solved, tasks to be accomplished or disputed issues to be resolve. The facilitator has no advisory or determinative role on the content of the matters discussed or the outcome of the process.

Mediation

Mediation is a process whereby a neutral third party (mediator) assists the parties to a dispute to identify disputed issues, develop options, consider alternatives and endeavour to reach an agreement. The mediator has no determinative role and, in most cases, no advisory role. It is a voluntary and confidential process and relies on the parties participating in good faith. Mediation is a process that is widely used: in workplace and other industrial relations disputes, where there are claims of bullying or discrimination, in disputes over Estates and succession planning, in contract disputes and where there are family or relationship break downs. Mediation can be a helpful process in most situations where there is a dispute and relationships have broken down.

Conciliation

Very similar to mediation, the process of conciliation is mainly used where a complaint is made under statute and there is guiding legislation. While a conciliator will have no determinative role on the content of the dispute or the outcome of its resolution, they may make suggestions for terms of settlement, give expert advice on likely settlement terms, and may actively encourage the participants to reach an agreement which accords with the requirements of the relevant statute.



Arbitration

Unlike the processes described above, arbitration is a determinative process where the parties to a dispute present arguments and evidence to a neutral third party (arbitrator) who makes a determination. The arbitrator is generally chosen on the basis of their specialist qualification or experience in the subject matter of the dispute.

Workplace assessments

Workplace assessments are also known as workplace conflict assessments or team assessments. A workplace assessment is a diagnostic process based on gathering information on the perceptions of employees and managers about workplace issues at the team level. The processes are often commissioned by senior managers or in-house HR professionals to improve team morale, performance and to resolve underlying conflict.

Transformative Justice

This is a process that is very effective when there is acknowledged harm and relationships need to be repaired. It is a very successful process when used in the workplace and in family relationships; it is also widely used in the criminal justice system to allow victims and offenders to have closure on events.

Accreditation and Grading

The National Australian Accreditation Scheme accredits suitably qualified mediator practitioners. Nationally accredited mediators must belong to a Recognised Mediation Accreditation Body (RMAB) as this assures a high level of ethical and professional behaviour from a mediator. Practitioners engaged by *Dupont & Associates* are all members of either the Institute of Arbitrators and Mediators Australia (IAMA) or Lawyers Engaged in Dispute Resolution (LEDR). The ACT also has a process for registering experienced mediators under the ACT Mediation Act of 1997. A registered mediator has, in the exercise in good faith of his or her functions as mediator, the same protection and immunity as a judge of the Supreme Court. The majority of our mediators are also registered. All arbitrators engaged by *Dupont & Associates* are nationally graded by IAMA.