

Dispute Resolution (governance)



"Conflict is dealt with in a constructive way."

Kaua e rangiruatia te hāpai o te hoe; e kore tō tātou waka e ū ki uta

This whakatauki is about working together to succeed.

Intent

We are committed to reaching a speedy and just resolution of disputes at governance level, which are unable to be resolved through respectful discussion and debate. Trustees will act in good faith and aim to resolve issues in the best interests of the organisation.

Responsibilities

The board will apply this policy as necessary.

Management will support the board's application of this policy eg by helping to source mediators and facilitators.

Principles

The following principles will be applied when dealing with conflicts and disputes:

Early resolution – conflict must be addressed in an early and timely way to prevent undue escalation and deterioration of relationships.

Respect– rights to privacy, to hold different opinions, and to be treated with dignity must be respected.

Good faith– people must act in good faith and treat each other fairly. Power dynamics should be acknowledged and addressed through dispute resolution processes.

Responsibility – people are encouraged to take responsibility for raising and resolving issues of conflict and engaging the supports they need for this.

Requirements

Address issues

If an issue or dispute arises between board members, arrangements will be made to deal with the issue in accordance with the above principles. Arrangements, such as the following, will be considered:

- a separate hui/meeting between the parties
- a meeting of all board members to air and resolve the dispute
- external facilitation.

To support early resolution, arrangements should be implemented within 28 days of the dispute arising.

Mediation

If the parties are unable to resolve the dispute as above, mediation will be tried. Disputing parties must, however, agree to participate in the mediation. Mediation may be conducted by a person who is external or internal to the organisation. The person must:

- have mediation skills,
- not be involved in the dispute,
- agreed by the parties or, in the absence of agreement, be a person appointed by the board.

The mediation process

The mediation process must:

- give the parties every opportunity to be heard, and

- allow due consideration by all parties of any written statement or other representation submitted by a party, and
- ensure that natural justice is accorded to the parties to the dispute.

The mediator will guide and facilitate a process to assist the parties to resolve their dispute in the best interests of the organisation.

The mediation process will be confidential and conducted without prejudice.

The mediator and/or parties will inform the Chair of the outcome who will, in turn, inform the other Trustees/board members.

Other options

If the mediation process does not result in the dispute being resolved, the parties and board may seek to deal with the dispute in another way or at law. In exceptional circumstances and if in the best interests of the organisation, a decision may be made to terminate the membership of one or both disputing parties.

Compliance

Social Sector Accreditation Standards – Level 2, Governance and management structure and systems, 3.0

Helpful links

[Responsibilities](#)

Trust Deed

Review

Date: January 2022

Next review: by December, 2023