DISPUTE RESOLUTION

Your guide to Investigation, Neutral Evaluation, Mediation, Arbitration and Complaint Handling services by tCI

www.midasresolve.com
There are four different entry points for our services, as depicted above. These are naturally progressive but individual stages can be triggered independently.

- **CHECK** is our free online service which uses a unique computer model to determine if there is potentially a problem with a consultation.

- **INVESTIGATE** is a two-part service which involves engaging a tCI expert to perform a light-touch assessment and/or a more thorough neutral evaluation of a consultation or engagement exercise.

- **MEDIATE** is our core service and is aimed at helping parties resolve their differences amicably using an experienced tCI facilitator to develop rectification agreements and recommendations.

- **ARBITRATE** is our premium service and involves using a tCI expert panel to decide on an outcome via a virtual hearing.

There are 12 consultations challenged by judicial reviews in 2020, with an estimated average cost of legal fees for each case being £30,000. It can take up to 6 typical months' delay for court proceedings.

**FOR CONSULTORS**

The process of public consultation is full of safeguards to ensure that it is trustworthy and consultee interests are safeguarded. However, sometimes things can go wrong. Seriously flawed consultations can end up with a legal challenge but there are also legitimate disputes involving poor practices which can go unheard. Our new suite of alternative dispute resolution services covers all the possibilities without replicating the costs, delay and bad press associated with resolving issues publicly in Court.

**FOR CAMPAIGNERS**

It is increasingly complex landscape of rights it is often hard to determine if a public consultation is flawed or vulnerable to challenge without expert assessment. We offer two low-cost routes to help you quickly understand if there are grounds for compliant and confirm or deny any suspected malpractice based on a decade of experience evaluating consultations and their compliance with legal principles in the United Kingdom.

Bogged down with complaints? Also ask about our managed complaints handling services.
VULNERABILITY CHECK

Our automated vulnerability check is a FREE web-based decision support tool which can help you understand the extent to which a consultation might be vulnerable to criticism or challenge.

It can help consultees normalise their views and diffuse any tension as a result of public accusations such as poor practice or it can be used to support the case for further action or investigation.

Consultations are assessed based on the completion of a self-assessment questionnaire. In practice, the statutory or managerial context can be important. The output of the checker determines if the consultation is either:-

- Not realistically vulnerable;
- A consultation that may be vulnerable to challenge;
- A consultation with significant vulnerabilities;
- A consultation with many significant vulnerabilities.

INDEPENDENT ASSESSMENT

This service involves the rapid assessment of a consultation by one of our independent assessors to check the degree of validity of any claims or arguments made against a consultation.

This low-cost service is provided as a means to ratify the automated vulnerability check and helps identify further areas for follow-up investigation which can be taken into consideration during neutral evaluation or to support the pursuit of other remedies, including legal action.

- Customers do not receive a written report but will benefit from a conversation and short presentation of findings via telephone or webinar.
- Turnaround in 10 working days
- Simple to book online, can be used as a precursor to neutral evaluation
- Wide range of experts to choose from
- Fully confidential

www.midasresolve.com
Neutral evaluation provides a detailed and unbiased, written report by one of our highly specialised experts.

**NEUTRAL EVALUATION**

Our neutral evaluation service provides a full, written report on the state of a consultation by a qualified tCI investigator. It includes the review of documentary evidence.

We offer a free follow-up briefing to customers when there is a valid cause for escalation and are able to advise on the next steps, such as legal action, mediation or arbitration.

Investigators assigned to each case by tCI have first-class research skills and are qualified in all aspects of consultation and engagement, holding various relevant certificates such as in the law of consultation.

Our experts are carefully chosen from a pool of practitioners who have domain experience in a number of areas such as local government, health, planning, aviation, police, fire and transport.

The investigation is assisted by our unique library of legal and best practice precedence which allows us to compare similar consultations listed in our MIDAS consultation data warehouse.

1 - This service is only for the purpose of investigating process-related disputes and is not a replacement for legal advice. We reserve the right to refuse assignments should they attempt to compromise our integrity or if there are any declared conflicts of interest.
The standard cost of neutral evaluation services is £3495+VAT but may be higher for more complex cases.

Mediation and arbitration services are augmented by our unique library of legal and best practice precedent which allows us to compare similar consultations listed in our MIDAS consultation data warehouse.

Judicial review pre-action protocol

The courts take the view that litigation should be a last resort. The parties should consider whether some form of alternative dispute resolution (‘ADR’) or complaints procedure would be more suitable than litigation, and if so, endeavour to agree which to adopt. Both the claimant and defendant may be required by the court to provide evidence that alternative means of resolving their dispute were considered.

Why would I choose mediation?

If a problem cannot be resolved informally, you can use mediation. Mediation can be used at any stage in a disagreement, but it’s best to start it as soon as possible. The earlier the disagreement is dealt with, the less chance there is of things getting worse.

Mediation is based on the principle of collaborative problem-solving, with a focus on the future and rebuilding relationships, rather than apportioning blame.

Mediation can provide a swifter response to conflict and can nip potentially damaging disputes in the bud. It has been shown to reduce levels of grievances and can help avert an expensive and time-consuming legal remedy.

During mediation we will facilitate a conversation between the parties (individuals or organisations) towards an agreed resolve in the form of a Memorandum of Understanding.

Our trained Mediators plays an active role in guiding the process. Using joint problem-solving approaches, the Mediator asks questions to identify the interests and real issues of disagreement, and helps parties to identify and evaluate options for resolution and settlement. The Mediator does not suggest solutions, although they may float ideas.

Mediation is flexible, voluntary, morally binding but normally has no legal status, confidential, (generally) unaccompanied, owned by the parties.

Mediation sessions can be held online - or offline at our conveniently located premises. There is a basic charge for the set-up which includes up to 7 hours of session. Additional sessions are based on an hourly charge, if required.

Anything said during the mediation is confidential to the parties, and anything said that the parties would not otherwise have known cannot be used in any other context.

Stages of mediation

1. First contact with the parties
   - Introductions & to learn about the process
2. Hearing the issues
   - Understanding the agreements and disagreements
3. Exploring the issues
   - Communicating and changing perceptions
4. Building and writing an agreement
   - Problem solving
5. Closing the mediation
   - Responsibilities for implementation of any resolve
Incremental reforms to the process of judicial review, coupled with a power grab over local decisions by ministers threaten to diminish the ability for consultees to exercise their rights and seek fair remedies when consultations are seriously flawed.

To make matters worse, the fate of respected intermediaries such as the IRP (who have, in our view, worked responsibly to scrutinise health consultations) is now sealed, leaving a void for those seeking to resolve internal squabbles.

Most Judges know little about the detailed operational requirements of consultation and engagement. We believe that our alternative mechanism for dispute resolution is timely and much needed, particularly as most process related disputes have the potential to be settled much earlier and more amicably.