



## HIGHWAY AUTHORITIES & UTILITIES COMMITTEE

### HAUC(UK) Mediation Process

#### **1.0 Introduction**

1. This is the proposed HAUC(UK) Mediation Process to replace the existing part 13 of the HAUC(UK) Constitution, which currently does not relate to a strategic body as written. This may not apply in Scotland as the Commissioner has legal powers to determine disputes. The report was discussed at the last HAUC(UK) meeting, and has been revised as a result of those discussions.

#### **2.0 Suggested Process**

2. The suggested process and revised wording for inclusion within the HAUC(UK) Constitution as Part 13 is as follows:

#### **MEDIATION**

3. HAUC(UK)'s aim is to support the street and road works community working to promote quality workmanship and safe working practices. HAUC(UK) fully supports the avoidance of conflict and legal disputes whenever possible, in order to promote trust and confidence amongst its members, and believes conflict or legal disputes are neither in the public interest, nor help customer relations.
4. If a national HAUC or RAUC requires an independent ruling or opinion on an issue which remains unresolved following regional and national attempts at mediation, which is leading to or has led to a dispute, relating to the interpretation of the processes associated with legislation, codes of practice, advice notes and guidelines, a review panel should be formed, selected by HAUC(UK) and made up of people independent to the parties concerned. This panel will review the facts relating to the dispute as submitted by the parties via submissions in writing, and formally report back to the parties involved on its unanimous decision as to what it believes to be the correct industry interpretation. The Panel can contact the Joint Chairs of HAUC(UK) to seek further guidance should they feel the need to.
5. The options for selection of the membership of the review panel remain a matter for HAUC(UK), but it is expected that initially the panel would be made up of regional or national experts not previously involved in the prior regional or national mediation processes related to the specific dispute, with two each from the statutory undertaker and highway authority side.



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Each review panel will also include a member of HAUC(UK) as a non voting Chairman.

6. HAUC(UK) involvement would be limited to setting up and participating in panels if no agreement can be reached, supplementing, regional or national expertise, provided that the issue is deemed to be of such significance that it would have effect throughout the UK. In essence disputes should be resolved as close to the "coal face" as possible and would normally be handled in the following sequence - regionally, nationally, UK. Disputes and their status should be reported up through the regional and national level and on to HAUC(UK) for monitoring purposes.
7. National HAUCs and RAUCs should request assistance via the HAUC(UK) Secretariat, only when there is sufficient information and data available to enable a satisfactory review to take place. The names of the two entities seeking mediation will also need to be notified in order to ensure the independence of the HAUC(UK) panel.
8. HAUC(UK) will set up a panel and arrange the date for the review within one month of a request for assistance however, if additional information is required, or if the entities requesting mediation need further time to produce the necessary written submissions, the response timescale may be extended.
9. HAUC(UK) will report to the entities requesting mediation within one month from the date of the review meeting.
10. The findings of any panel will be recorded, formally reported to both parties in the dispute, and made available and communicated to all regions and nations where appropriate, in the hope that similar disputes in other regions/nations can be avoided. This can be anonymised at the request of both parties involved in the dispute. Once the outcome of the dispute has been agreed and implemented by both the parties the dispute will be closed and signed off by the HAUC(UK) Joint Chairs and placed on the HAUC(UK) website. A database of resolutions will be maintained.
11. Any decision reached will relate solely to the facts/circumstances under consideration. The decision will be that of the panel collectively and is not to be taken as the view of the employers of any individual member of the panel.

Joint Chair – HAUC(UK)

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