

The Report

At the conclusion of the joint ADR conference the ADR practitioner will provide a report to each participant, with a copy to the executive staff of the referring agency.

This report may:

- ▶ address whether the ADR practitioner formed the view that the participants acted 'in good faith' throughout the joint ADR conference
- ▶ detail the matters identified by the participants for resolution
- ▶ outline the agreement reached
- ▶ note any matters that were not resolved by the participants at the joint ADR conference
- ▶ provide recommendations on how the referring agency may manage any matters not resolved by the participants to the joint ADR conference
- ▶ advise whether further ADR at the OOSG should be considered
- ▶ advise on whether a referral to the Prevention and Response Service (PaRS) at the OOSG should be made.

At the conclusion of the joint ADR conference the ADR practitioner may prepare a report for submission to executive diocesan staff to offer systemic or operational recommendations.



Opportunities for feedback

The OoSG values feedback from participants to ADR. Your feedback may be provided to the Coordinator of ADR or the Director of Safeguarding. The relevant contact details are below:



Office of Safeguarding
Diocese of Maitland-Newcastle

50 Crebert Street, Mayfield NSW 2304

PO Box 29 Carrington NSW 2294

P 02 4979 1390

E childprotection@mn.catholic.org.au

www.officeofsafeguarding.org.au



Alternative Dispute Resolution

What can I expect?

www.officeofsafeguarding.org.au



What is Alternative Dispute Resolution (ADR) at the Office of Safeguarding (OoSG)?

ADR is a collective term for processes which enable those involved with a concern to resolve the issues between them without the need for a formal inquiry. ADR at the OoSG is a service designed to assist participants to resolve concerns that involve or adversely impact upon children or vulnerable adults that are engaged with the Diocese.

What are the benefits of ADR?

ADR is a process that offers an alternative to conducting an inquiry or investigation:

- ▶ ADR is flexible and responsive to the needs of the individuals involved
- ▶ ADR provides an opportunity for concerns to be resolved more quickly than most formal processes
- ▶ ADR gives participants the right to make a commitment to a decision that they have determined for themselves through the ADR process
- ▶ ADR is designed to preserve goodwill between the individuals involved, which is especially important when the individuals have a commitment to a continuing relationship for the benefit of the child/ren or vulnerable adult(s)
- ▶ ADR has a restorative focus and is not a process for testing facts or making findings.

Voluntary participation

There is no obligation to participate in ADR convened by the OoSG. Timeliness is an important feature of the ADR process so when you are invited to participate you will be asked to offer your written consent within two working days of the invitation being made.



Confidentiality

Each participant in the ADR process is required to sign a confidentiality agreement. The discussions in the ADR process are confidential. The only exceptions are the report provided on completion, or as required by law or diocesan safeguarding policy.

The role of the ADR practitioner

The role of the ADR practitioner is to manage the ADR process in a neutral manner. The ADR practitioner will be independent from each participant and will not benefit from any outcome reached. The ADR practitioner aims to allow participants to express themselves freely in a safe and supported environment. The ADR practitioner does not provide legal or other advice, make decisions of fact, or provide judgment.

Participation in 'good faith'

At all times the participants in ADR are asked to cooperate in good faith with each other and the ADR practitioner, in a genuine attempt to reach practical and lasting agreement. Each participant should be prepared to speak frankly, and to accept that a resolution may or may not be reached. If an agreement is reached, participants will be asked to sign the agreement to demonstrate their commitment to it.

The role of a support person

Each participant may nominate a support person. The role of a support person is to support the emotional wellbeing of the person participating in the ADR and not to advocate on their behalf. All support people will be required to sign a confidentiality agreement.

The voice of the child

In general, children under the age of 16 years are not participants in the joint ADR conference. However, as children get older, closer to adulthood, the ADR process affords them a greater level of independence and participation in decisions that may affect them. With parental/guardian permission the ADR practitioner may meet with a child under 16 years to receive information about their experience of the unresolved concerns.

The ADR practitioner will consider the appropriate involvement for a child in the ADR process (if any) on a case-by-case basis.

Procedural matters

Consent to participate

Each person involved with a concern that is assessed as eligible for ADR at the OoSG will receive an invitation to participate. Each participant will be asked to provide their written consent to participate in ADR for the matter to proceed to preliminary conference.

The preliminary conference

The preliminary conference is an opportunity for the ADR practitioner to meet with each of the participants individually to listen to their experience of the concerns and better understand what they would like to achieve at the joint ADR conference. Any questions about the process can be asked and answered at the preliminary conference.

ADR works best when the participants are prepared to adopt a cooperative and outcomes focused approach to problem-solving. ADR may not be the best option in circumstances where one or more participants are not able to frankly outline their needs and interests. Should the ADR practitioner become concerned about the appropriateness of ADR this will be raised with the participants prior to any joint ADR conference being held.

The joint ADR conference

The joint ADR conference is an opportunity for the participants, with the assistance of the ADR practitioner, to identify the issues for resolution, develop options, consider alternatives, and work towards an agreement which is in the best interests of the child/ren or vulnerable adult(s) involved.

Whilst participating in ADR, you will be asked to:

- ▶ present your experience and point of view in a calm manner
- ▶ be willing to listen to the experience and perspective of the other person involved
- ▶ put forward options that may assist in resolving the matters of concern
- ▶ be practical about outcomes that may be achievable and sustainable
- ▶ sign a document that sets out any agreement reached between yourself and the other person.