



# CURRENT DISPUTE RESOLUTION PROCESS - GUIDE FOR APPLICANTS

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## INTRODUCTION

Use this guide to help you through the steps to raise a dispute through Fire and Emergency New Zealand's current dispute resolution process. To see if your concern fits within the current dispute resolution process, see the [What matters does the current dispute resolution process deal with?](#) section below.

This guide is for people who:

- have a dispute with matters or regulations under the Fire and Emergency New Zealand Act 2017
- are helping others using the current dispute resolution process.

For an overview of the current dispute resolution process, see [Process overview](#).

### What matters does the current dispute resolution process deal with?

The current dispute resolution process deals with:

- matters and regulations under the Fire and Emergency New Zealand Act 2017, except those set out under [What matters doesn't the current dispute resolution process deal with?](#) below
- complaints or Fire and Emergency New Zealand volunteer issues, when the complainant or volunteer believes their matter has not been reasonably considered by the complaints or volunteer issues process. For example, where they think the process has not followed its own principles, of independence and fairness.

**Note:** The manager of the current process is an independent specialist in conflict management and dispute resolution.

### What matters doesn't the current dispute resolution process deal with?

The current dispute resolution process does not deal with:

- employment matters that can be dealt with under the Employment Relations Act 2000
- offences under the Fire and Emergency New Zealand Act 2017
- the performance or exercise of a function, duty or power by a Minister
- frivolous matters
- vexatious matters
- matters that would be better dealt with by the courts, for instance, because they involve difficult issues of law
- making a [Protected disclosure](#).

## Will you share my personal information with other people?

We collect information relevant to the dispute for the purpose of resolving the dispute. We collect it directly from the person who raises the dispute, from people about whom a dispute is raised, from witnesses and people who can provide expert relevant input, and from relevant information held by Fire and Emergency.

We respect your privacy and personal information and understand that information about disputes is sensitive.

We ask you if we can share your personal information with Fire and Emergency personnel who are involved in your dispute and other people involved in the current dispute resolution process.

We store the information we collect in Fire and Emergency's secure case management system. The case management system is only accessible to a limited number of authorised and appropriately trained staff.

For our privacy information, see [Privacy](#).

If you decide we...	then we...
can share your information with necessary people	continue with the current dispute resolution process.
can't share your information with necessary people	cannot continue with your dispute because we need to have all relevant people involved to be fair and effective as per the guiding principles, see <a href="#">How do I know I will be treated fairly?</a>

## Process overview

An overview of the steps is:

Overview	Step	Details					
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">You are treated fairly in the interim dispute resolution process</p> <div style="text-align: center;"> <div style="background-color: #1a237e; color: white; padding: 10px; margin-bottom: 10px;">Apply to the interim dispute resolution process</div> <div style="color: red; font-size: 2em; margin-bottom: 10px;">↓</div> <div style="background-color: #1a237e; color: white; padding: 10px; margin-bottom: 10px;">The Independent Manager helps you use the current dispute resolution process to resolve the dispute</div> <div style="color: red; font-size: 2em; margin-bottom: 10px;">↓</div> <div style="background-color: #1a237e; color: white; padding: 10px;">Your dispute is resolved or a decision is made that your dispute cannot be resolved</div> </div>	1	<p><a href="#">How do I apply to the current dispute resolution process?</a></p> <ul style="list-style-type: none"> <li>• <a href="#">Contact us</a></li> <li>• Within seven working days of receiving your application, the Independent Manager of the current dispute resolution process contacts you to let you know your application is either: <ul style="list-style-type: none"> <li>○ accepted, or</li> <li>○ not accepted, and the reason why.</li> </ul> </li> </ul>					
	2	<p><a href="#">How does the current dispute resolution process work?</a></p> <p>The Independent Manager of the current dispute resolution process talks to the people involved about the process and their role. This needs to happen before we can go ahead.</p> <p>We talk with you about what type of resolution pathway you wish to use. Your options are mediation, facilitation and adjudication. The people involved in the dispute agree to the form of resolution.</p>					
	3	<p><a href="#">What kinds of resolutions may be reached?</a></p> <table border="1" data-bbox="678 1232 1396 1601"> <thead> <tr> <th data-bbox="678 1232 981 1332">If the dispute has used the process of...</th> <th data-bbox="981 1232 1396 1332">then...</th> </tr> </thead> <tbody> <tr> <td data-bbox="678 1332 981 1489">mediation or facilitation</td> <td data-bbox="981 1332 1396 1489">you and the other people involved agree, or don't agree, on an outcome.</td> </tr> <tr> <td data-bbox="678 1489 981 1601">adjudication</td> <td data-bbox="981 1489 1396 1601">the adjudicator makes a decision.</td> </tr> </tbody> </table> <p>Sometimes:</p> <ul style="list-style-type: none"> <li>• a decision is not reached. In these cases, a further, more formal type of resolution option may be appropriate and the Independent Manager of the current dispute resolution process will organise this</li> <li>• we cannot facilitate the resolution of a dispute. In such cases, we advise you of this decision, and end the process available through Fire and Emergency New Zealand.</li> </ul>	If the dispute has used the process of...	then...	mediation or facilitation	you and the other people involved agree, or don't agree, on an outcome.	adjudication
If the dispute has used the process of...	then...						
mediation or facilitation	you and the other people involved agree, or don't agree, on an outcome.						
adjudication	the adjudicator makes a decision.						

## How do I apply to the current dispute resolution process?

An application to the current dispute resolution process can be made in writing. Your options include:

- online form: [Current dispute resolution process application](#)
- paper form: Current dispute resolution process application.docx
- email, mail or delivery to the Independent Manager, see [How do I contact the Independent Manager of the current dispute resolution process?](#)

## How do I contact the Independent Manager of the current dispute resolution process?

You can:

email:	<a href="mailto:Manager@resolutionscheme.nz">Manager@resolutionscheme.nz</a>
write to or visit:	Fire and Emergency New Zealand Level 12, 80 The Terrace PO Box 2133 Wellington Attention: Independent Manager of the dispute resolution process.
call:	0800 119 976

**Note:** If you have any difficulties putting your concerns in writing the Independent Manager of the current dispute resolution process can take notes for you, or you could ask a friend or relative to help you.

## What happens when I lodge a current dispute application?

The Independent Manager of the current dispute resolution process contacts you:

- to talk about:
  - what you want out of the process
  - timeframes
  - the role of the Independent Manager of the current dispute resolution process and other dispute resolution personnel
  - your right to a support person, representative, or advocate
  - whether you need any further information
  - any further information we need
- to let you know whether your application has been accepted or declined. If your application has been declined, we explain the reasons why and discuss your options with you
- regularly throughout the process so you know what is happening with your dispute.

## How long does a dispute take to be resolved?

Timeframes are:

From the day we receive your application, within...	we will...
7 working days	acknowledge most applications.

From the day we receive your application, within...	we will...
7 working days	tell most applicants whether their application has been accepted into the current dispute resolution process or declined, with reasons.
20 working days	try to resolve 75% of disputes.
40 workings days	try to resolve 95% of disputes.

**Note:** Rare cases may need more than 40 working days to complete.

## How do I know I will be treated fairly?

The current dispute resolution process is guided by the following principles:

Principle	We put these principles into practice by...
Accessibility	<p>making it easy to:</p> <ul style="list-style-type: none"> <li>• access and understand the current dispute resolution process</li> <li>• contact us. Disputes may be raised in different ways, e.g. verbally and in writing</li> <li>• know when you can and can't use the process</li> <li>• use the process.</li> </ul>
Independence	<ul style="list-style-type: none"> <li>• engaging people who aren't employed by us to run the mediations, facilitations and adjudications</li> <li>• making sure the Independent Manager of the current dispute resolution process does not take sides with any people involved in a dispute.</li> </ul>
Fairness	<p>making sure:</p> <ul style="list-style-type: none"> <li>• everyone involved knows what's going on and gets to have their say</li> <li>• the process is reasonable and lawful</li> <li>• the process is equitable, objective and unbiased.</li> </ul>
Accountability	<ul style="list-style-type: none"> <li>• publishing information about the number and types of disputes received while respecting the privacy of participants in the current dispute resolution process</li> <li>• clearly establishing accountability within Fire and Emergency for handling disputes</li> <li>• monitoring disputes and resolutions and reporting to management so Fire and Emergency can learn from disputes</li> <li>• reporting any systemic problems to the Board of Fire and Emergency and the Department of Internal Affairs.</li> </ul> <p><b>We do not publish personal or confidential information or include it in reports.</b></p>


Principle	We put these principles into practice by...
Efficiency	<ul style="list-style-type: none"> <li>tracking the progress of disputes</li> <li>using the right type of resolution process to resolve disputes</li> <li>resolving disputes as quickly as possible</li> <li>trying to have 75% of disputes resolved within 20 working days of receipt and a further 20% within 40 working days of receipt (rare cases take longer).</li> </ul>
Effectiveness	<ul style="list-style-type: none"> <li>trying to resolve at least 80% of disputes accepted into the current dispute resolution process</li> <li>getting the performance of the current dispute resolution process independently reviewed from time to time and seeking stakeholder feedback on opportunities to improve the process.</li> </ul>

## How does the current dispute resolution process work?

### What are my options for dispute resolution?

The current dispute resolution process helps you to resolve disputes. We offer three options, which the Independent Manager of the current dispute resolution process talks with you about.

**Note:** The Independent Manager of the current dispute resolution process may suggest an option that would best suit your situation, however the decision about which option to use is with you and the other people involved in the dispute.

Your options are...		which is...
mediation	 <p><i>Less formal</i></p>	an informal process where the mediator helps you talk through the problems and look for ways to resolve them.
facilitation		more formal than mediation, with the facilitator looking more actively for ways that may help you resolve your dispute.
adjudication		the most formal option, where you present arguments to an adjudicator, who makes a decision.
	<i>More formal</i>	

If you agree to:

- mediation or facilitation, you don't have to reach any binding decisions, unless you agree to be bound by them
- adjudication, you have to comply with the adjudicator's decisions. Adjudicators can make decisions relating to money or property, not exceeding \$15,000 in value. If the dispute relates to a matter that exceeds \$15,000, then we will discuss options you may wish to consider.

## How is a meeting organised?

We organise:

- a mediator, facilitator or adjudicator
- a meeting time that suits all people involved in the process
- a venue.

We also talk to you about any particular needs you might have.

The people at the meeting can include:

- you
- your support person, advocate and/or representative
- the mediator, facilitator or adjudicator
- the other people involved in the dispute
- their support person, advocate and/or representative
- subject matter experts, if required
- anyone else required, such as witnesses.

## How is the meeting run?

An independent, skilled and experienced mediator, facilitator, or adjudicator runs each meeting fairly, effectively and efficiently.

Each person who is part of the dispute has the opportunity to present their views and be heard by the others involved.

## Can I have support with me at the resolution meeting?

Yes. You have a number of options for support, as follows:

- you can have family members or friends supporting you, or bring a representative or advocate
- if you are a Fire and Emergency New Zealand volunteer, the Independent Manager of the current dispute resolution process can talk to you about support, advocacy or representation options that can be made available at no cost.

## What is the role of the Independent Manager of the current dispute resolution process?

The Independent Manager:

- discusses your dispute with you
- runs the **current** dispute resolution process
- is focused on resolving your dispute
- ensures the **current** dispute resolution process complies with the guiding principles, see [How do I know I will be treated fairly?](#)
- does not take sides
- advises you about having support, e.g. a support person, an advocate or a representative
- does not represent Fire and Emergency in the dispute, or participate in resolution meetings or decision-making.



## Who else will I have contact with?

You also will have contact with:

- an independent mediator, facilitator or adjudicator
- other people involved in the **current** dispute resolution process, for example a person you have a dispute with, or a Fire and Emergency representative in the **current** dispute resolution process
- a subject matter expert in situations such as when disputes relate to legislation or regulations, or a technical matter. Subject matter experts can be arranged by any of the people involved in the dispute.

## What kinds of resolutions may be reached?

There are many different kinds of agreements or decisions that can be reached in resolution processes with various people responsible for taking action as a result. Examples are:

- Fire and Emergency commits to reviewing our policy, procedure, training or systems
- Fire and Emergency alters or reverses an earlier decision, such as one made in a disciplinary process
- Fire and Emergency personnel agree to work within Fire and Emergency law, policy and practice
- someone agrees to pay financial compensation to another person in the dispute
- where someone has suffered loss or damage, someone agrees to fix it in some way (that doesn't include paying money).

## Do you want to give feedback?

We want to make sure we're providing a good service and improving the current dispute resolution process where there is an opportunity to do so. For this reason, we'll ask you if we can contact you for feedback on the process.

If you have feedback, please contact the [Independent Manager of the current disputes resolution process](#).

## Document information

<b>Owner</b>	DCE Finance and Business Operations
<b>Last reviewed</b>	14 September 2020
<b>Review period</b>	Yearly

## Record of amendment

<b>Date</b>	<b>Brief description of amendment</b>
1 July 2017	This guide was developed as part of the implementation of the Fire and Emergency New Zealand Act 2017.
13 Sep 2017	More information about privacy (collecting and storing information) was added following a privacy impact assessment. Case Manager updated to Manager Dispute Resolution.
1 June 2020	Updated to reflect organisation changes.
14 September 2020	Updated to reflect the Independent Manager title
22 September 2020	Updated contact email