

# CAN DO CONSORTIUM CONFLICT PREVENTION AND RESOLUTION MECHANISM

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## BACKGROUND

The Church Agencies Network Disaster Operations (CAN DO) is a consortium of eight Australian church agencies seeking to collaborate and coordinate in disaster management to enhance community resilience to disasters and conflict.

CAN DO has recognized that the consortiums success is dependent on a number of issues including shared values as articulated in the CAN DO Road Map and strong communication between members and effective conflict resolution mechanisms. This paper provides a proposed conflict prevention and resolution mechanism for the CAN DO consortium. It draws on academic and practice papers relating to best practice. The mechanism relates to the prevention and resolution of conflict between Australian-based members of the consortium. It does not extend to the field-based partner churches and organisations that may be engaged in CAN DO operations.

Some factors that may lead to conflict in consortiums are outlined below. These can be used as a basis for discussion as part of conflict prevention or resolution processes.

- **The number of consortium members:** Coordination is more complex when a large number of actors are involved. There is also more opportunity for members of the consortium to perceive different levels of contribution.
- **The composition of the consortium:** In a diverse consortium, differences, e.g. in the degree to which consortium members prioritize partner capacity strengthening, may generate misunderstandings and conflicts. On the other hand, in a homogenous alliance, competition between members may create difficulties.
- **Dominant members (e.g. in relation to resources or visibility)** may hamper effective collaboration where structures and decision-making processes are not clearly defined and respected.
- **A lack or excess of procedures:** a lack of straightforward procedures can create or fuel conflicts, while excessive, confusing bureaucracy is likely to generate frustration among members.
- **The degree of consultation:** members who feel excluded from decision-making processes may lose their motivation.
- **Resources:** If some consortium members must contribute an amount of time, money and other resources they consider excessive or that may conflict with the needs of their own organization, tensions may arise.

## CONFLICT PREVENTION

### Shared vision and strategy

CAN DO has articulated a shared vision in its Road Map, MoUs and work plan. Steps to ensure a common understanding of the shared vision and strategy include:

- Keeping the CAN DO Road Map current
- Ensuring that new employees within member organisations are provided with an orientation pack including the Road Map, draft Communications and Coordination Framework and a current work plan
- Involving all member organisations in strategy reviews, policy development, operational planning and generation of ideas

### Communication

CAN DO has a draft Communications and Coordination framework to guide ways of working together. Steps to ensure clear and consistent communication include:

- Monthly update reports provided by the CAN DO Manager
- Monthly coordination calls organized by the CAN DO Manager
- CEOs updates during CAN CEO meetings
- Communications list is updated and shared on a regular basis
- Regular workshop events to ensure face to face engagement

### Decision-making processes

CAN DO has a Coordination Unit and Steering Committee with clear decision-making processes. Accountability processes are also outlined in the Communications and Coordination Framework. Steps to ensure decision-making is efficient and transparent include:

- Socialisation of organizational structures with clearly defined roles and responsibilities
- All decisions are communicated to all member organisations by the Manager CU
- Clear procedures and strategies for emergency response as outlined in the Emergency Response Procedures (ERPs), the Pacific Capacity Fund and communications

## PRINCIPLES FOR CONFLICT RESOLUTION

The following principles should guide the conflict resolution process:

- Conflict should be resolved at the lowest possible level (see levels in following section)
- Conflict should be resolved quickly rather than allowing them to escalate through inaction
- Conflict outcomes should provide fair hearing to all parties concerned and allow for the perspectives of all relevant stakeholders

- Conflict should be handled sensitively, and where possible and appropriate, resolved in a confidential context
- Conflict resolution processes should be transparent so that every member of the consortium knows how it works<sup>1</sup>

## Categories of conflict

The following categories outline a range of different types of conflict

1. **Interpersonal** - relating to (a) personality clashes affecting consortium team work and (b) individual's disagreements over goals, objectives, or approaches
2. **Inter-group/Inter-organisational** – relating to disagreements by different agencies over goals, objectives, or approaches
3. **Role Conflict** – either amongst CU staff, between CU and Lead Agency or between members and CU/LA
4. **Conflicts of interest** – of members or CU staff relating to specific tasks or assignments

## LEVELS OF CONFLICT RESOLUTION

The levels outlined below are progressive – conflict resolution processes should commence at the lowest relevant level in the first instance.

### 1 Individual/Bilateral

Employees at any of the consortium member organisations are expected to recognize and acknowledge conflict and try and resolve it responsibly.

**Relevant to:** personal behavior with respect to CAN DO coordination or projects; project partnership questions or issues that can be resolved bilaterally.

**Potential tools:** Direct negotiation; third party support for negotiation from HR or relevant Manager(s)

<sup>1</sup> Adapted from Fair Work Australia <http://www.fairwork.gov.au/how-we-will-help/templates-and-guides/best-practice-guides/effective-dispute-resolution#goodprocess>

Example: if behavior of individual was perceived as offensive or upsetting within the context of a CAN DO workshop or event. This could be raised directly with the individual concerned and negotiated and resolved bilaterally.

## 2 Manager Coordination Unit

Employees at any of the consortium member organisations may raise a potential or existing conflict with the Manager of the Support Unit. This may become necessary if parties to a conflict have been unable to resolve a conflict bilaterally.

**Relevant to:** personal behavior that cannot be resolved at individual/bilateral level; an issue that impacts on program quality; an issue that may impact on the broader cohesion of the consortium; a financial issue with broader program implications; and other daily management issues. In the event that the issue involves a member of the Coordination Unit the issue should be raised with direct managers in respective organisations to support a resolution process or be taken directly to level 3 – Steering Committee.

**Potential tools:** Appropriate negotiation; Mediation

Example: if a member organization or their field-based partner is not implementing a project in alignment with best practice and has been unresponsive to suggestions and engagement on the issue. This could be raised with the Manager of the CU who may mediate a discussion between the two parties or chose to bring in a third party to mediate a solution.

## 3 Steering Committee

The Manager of the Coordination Unit (or other consortium member) may raise a potential or existing conflict with the CAN DO Steering Committee. This may be necessary if the issue has not been resolved at the CU level or relates to a conflict involving the CU.

**Relevant to:** issues that cannot be resolved at individual or coordination unit level; issues in relation to the coordination unit that may go directly to the Steering Committee; issues with strategic or consortium-wide implications; issues with high risk implications.

**Potential tools:** Mediation (internal or external); non-binding arbitration

Example: if a member organization is implicated in practices that will have high reputational risk for CAN DO and have been unresponsive to engagement by the Coordination Unit. The Steering Committee may engage an external mediator to seek a solution.

## 4 CAN CEOs:

The Chair of the Steering Committee may raise a potential or existing conflict with the CAN or CAN DO CEOs. This will be as provision of information with respect to potential legal and risk implications associated with the conflict. The CAN CEOs may refer the matter to a jointly selected external resource person, and will make final decisions with respect to proceeding to legal action in the event that a conflict cannot be resolved.

**Relevant to:** issues with high risk implications.

**Potential tools:** External resource persons, Legal action

Example: if a member organization is implicated in fraud, or if there are conflicts between church entities connected to CAN DO.

### High risk implication conflict that must be raised with the Steering Committee

- Sexual harassment and bullying
- Child protection
- Financial misappropriation
- Serious misconduct leading to reputational risk
- Significant conflict with church officials affecting consortium level partnership, reputation

## METHODS OF CONFLICT RESOLUTION

Consortia use a variety of conflict prevention and resolution mechanisms outside of formal arbitration. Various forms of alternative dispute resolution (ADR) are commonly employed as conflict resolution mechanisms.

Alternative dispute resolution helps parties resolve conflict or come to an agreement without formal legal action. CAN DO may use the following methods (or tools):

**Direct negotiation** – Participation is voluntary and occurs through direct party to party negotiation. A third party may provide support to the negotiation process, such as relevant managers, or HR departments

**Mediation** – A third party mediator, such as the Manager Coordination Unit or an external party facilitates the resolution process, but does not impose a resolution on the parties. The mediator leads the parties in a structured mediation process to help the group achieve agreement and resolution of an issue by providing a safe setting for discussion of differences

**Non-binding arbitration** – An appointed arbitrator makes a determination of the rights of the parties to the dispute, but this determination is not binding. The outcome is in effect an advisory opinion of the arbitrator's view of the each of the parties' cases. Non-binding arbitration is used in attempts by parties to reach a negotiated settlement.

**Legal action** – Appropriate legal action may be taken if alternative dispute resolution has been ineffective. It is a tool of last resort.

## REVIEW AND FEEDBACK PROCESSES

The following process outlined how the consortium will address regular reviews, and outline processes for addressing feedback.

**Review processes** - Every six months a formal review of the consortium will be conducted via an online confidential survey platform to capture member feedback on aspects that are/are not working for the consortium; meeting processes and format; operations of the SC and CU; working groups and other consortium structures as needed; strategic direction and; communications.

Once a review process is completed via the online survey, the results will be shared with entire consortium. Improvements or actions agreed on should be taken within 6 months

**Direct communications** – For individual concerns regarding specific feedback or other issues, the following process applies:

1. Individual mail communication to MCU or SC Chair where appropriate outlining issue
2. Response by MCU or SC Chair to be provided within one week and to include outline of next steps
3. MCU to document agreements of resolution process and share with concerned parties as required.