

Alternative dispute resolution

draft

Many people claim that alternative dispute resolution is the best way to settle a case out of court. This assignment will explain the fundamental facts about alternative dispute resolution (adr) and break down what (adr) is in simple terms for everyone. To understand there are many types of (adr) there is mediation conciliation arbitration and negotiation, and these will be explained in detail as we go further through this assignment. It is said that it is an easier way to resolve a dispute which only came into place in 2015

www.financial-ombudsman.org.uk/who-we-are/governance-funding/adr

Firstly, let's take a look at what (adr) is, there are many types of ways and different criteria's fall under say for instance if you have a dispute with an airline company and want to complain because you have been treated wrongly, they should send you a response to tell you if (adr) is available. It can take up to 8 weeks (about 2 months) for a response if no reply after that you can take your complaint to the (adr) directly. With that airline company there could be multiple things to complain about for example destruction or damage or loss of property these all fall under the guidelines.

www.caa.co.uk/passengers/resolving-travel-problems/how-the-cao-can-help/alternative-dispute-resolution/

Mediation

Mediation is used when 2 people are having a conflict and cannot resolve the situation. It is an alternative to going to court. Mediators or usually solicitors or someone that has had the training to become a mediator will run the session. A session usually starts with a joint session with a "neutral third party" discussing terms and flexibility. The mediator will try and help find level ground for both parties which will work both ways. Some of the roles of the mediator is to define the problem, frame the issues, and finalize a term of agreement.

I. Lewis J.D Sept 13 2023 what is mediation?

A famous mediation case was Mr Bates vs the Post Office, where the member of staff/postmasters were accused of stealing thousands of pounds from the Post Office and were even wrongly convicted which broke down as they could not come to an agreement.

v. Jessop 5th Jan 2024

Conciliation

On the other hand, we have conciliation, conciliation is only used where there is a certain type of legal dispute. You will have a conciliator that will try to negotiate the two sides to come to arrangements. This is different from a mediator. A mediator will "often suggest solutions" conciliation usually consists of workplace related incidents. A trained conciliator will go through the following in the case. Conversations with each side, will explain the legal process and point out the issues, will try to settle the case without going to court and help close the case between you and your employer. A conciliator will always be independent and will not take any side and the parties involved and any conversations should be private and confidential.

www.mylawyer.co.uk/mediation-conciliation-and-arbitration-a-A76056D76241/