

2023

Public Skills Australia

DISPUTE RESOLUTION POLICY

Dispute Resolution Policy

Purpose

1. To outline Public Skills Australia's dispute resolution policy, which addresses how disputes and disagreements between stakeholders that occur in the course of Company operations will be managed and resolved.
2. This policy will also apply for dispute resolution processes in the context of the training product development process. In that instance, the Model Dispute Resolution Policy at Appendix C of the Training Package Products Development and Endorsement Process Policy (TPPDEPP)⁶ will take precedence, should any discrepancies occur between this policy and the Model Dispute Resolution Policy.

Objectives

3. To outline the expectations of Public Skills Australia's role in resolving disputes, the principles that guide the resolution of disputes, the options for managing disputes relating to training product development, and the use of alternative dispute resolution (ADR).

Scope

4. This policy is to be read in conjunction with the Constitution of Public Safety Skills Australia Limited and all Public Skills Australia policies; no policy is a standalone document.
5. All Public Skills Australia policies are to be read in conjunction with following Australian Government Department of Employment and Workplace Relations (DEWR) documents:
 - Jobs and Skills Councils Code of Conduct*
 - Jobs and Skills Councils Integrity Framework*
 - Jobs and Skills Councils Performance Framework*
 - Jobs and Skills Councils Program Guidelines*
 - Performance and Monitoring Framework (under development)*
 - Training Package Organising Framework (TPOF).*
6. All Public Skills Australia policies apply to staff and Company office holders, as well as contractors, subcommittees, networks, and working groups when undertaking work on behalf of Public Skills Australia.

⁶ See <https://www.dewr.gov.au/training-packages>

Expectations of Jobs and Skills Councils

7. Public Skills Australia, as an appointed jobs and skills council for the public safety, government, and corrections industry sectors, is required to develop training products through extensive stakeholder engagement.
8. Public Skills Australia has a consultation strategy, employing a number of key committees, subcommittees, networks, and technical committees that provide input into the development of training products.
9. Public Skills Australia is expected to resolve disputes where stakeholder groups have polarised views, broad consensus cannot be achieved, or state or territory governments have concerns about the final training product that impact its endorsement.

Principles guiding dispute resolution

10. In managing the disputes listed above, Public Skills Australia commits to:
 - resolving disputes as quickly as possible
 - using resources efficiently
 - limiting the issues in dispute
 - acting fairly
 - being transparent and clear about the process
 - handling information sensitively
 - enhancing stakeholder understanding of, and confidence in, the training product development process.

Options for managing disputes

11. To address disputes that arise, Public Skills Australia may:
 - undertake further consultation
 - seek further advice from technical committees, networks, or advisory groups
 - undertake further research
 - create small working groups to develop a consensus position
 - utilise ADR practitioners.

Alternative dispute resolution

12. Public Skills Australia reserves the right to contract ADR practitioners to assist in the resolution of disputes. This will be considered when the dispute has a significant impact that delays the development or approval of a training product.
13. Sought for their independence, ADR practitioners will:
 - provide a neutral perspective
 - assist in resolving the issue and finalising the process
 - communicate with stakeholders
 - provide non-binding but persuasive recommendations to Public Skills Australia.
14. Public Skills Australia may be required to make a public notification, including the public identification of the issue in dispute, if an ADR process is triggered as this will impact the finalisation of the training product.
15. The ADR process will be conducted in a timely manner (within 2 months) and the outcomes of the process will be included in the final summary of feedback to stakeholders.
16. In preparation for an ADR process, Public Skills Australia may be required to produce a brief outlining the reason ADR is required, the issue/s in dispute, the timeframe, any considerations for the ADR practitioner, contact details of key stakeholders, and any other relevant documents.
17. The ADR practitioner should be accredited in mediation and conciliation, independent, and familiar with the VET sector. The ADR practitioner will be required to produce a short report of the issue/s, the process and recommendation/s to Public Skills Australia.
18. Once recommendation/s and outcomes are achieved, this will be noted in the endorsement process to demonstrate to Skills Ministers that the dispute has been resolved.

Reviewing this policy

19. This policy will be reviewed when applicable and within 3 years.