

**Overview**

This Unit is about resolving disputes in transportation practice through detailed evaluation, negotiation and presenting evidence. You will need to demonstrate that you are able to fully assess all available information relating to the dispute, obtaining further information or evidence as required. You will also be required to progress the dispute through regular contacts with all parties and negotiation. You will also need to prepare and present evidence and re-assessment of evidence to resolve the dispute.

You will need to summarise and assess the dispute raised, using additional expertise if required. You will need to identify options and possible outcomes along with proposed recommendations for settling the dispute.

You will need to evaluate all information, justifying in reasoned, summarised arguments with recommendations for further action. This will involve consulting experts and assessing their advice.

You will be required to progress the dispute through regular contact with all parties, negotiation, the proposal of options and a revised process for moving forward. This will involve reviewing evidence, consolidating your case and drafting recommendations for settlement.

You will need to conduct interviews to obtain further evidence explaining the dispute procedures fully. You will also need to develop a presentation strategy which contains arrangements for further written submissions. You will also be required to present the evidence clearly and concisely, responding to questions along with a re-assessment of results in order to resolve the dispute.

## Performance criteria

- You must be able to:*
- P1 summarise the type and nature of the dispute, assess the strengths and weaknesses of the case and make a judgement about the potential outcomes
  - P2 identify what expertise and support will be needed at different stages of the dispute
  - P3 assess the implications of proceeding with the case
  - P4 identify potential options for settling the dispute which are based on relevant information and assess the responses and risk involved
  - P5 recommend and specify a process for settling the dispute which has been agreed and prepare written terms and conditions
  - P6 advise against proceeding where the dispute is neither valid nor credible, and offer realistic advice on alternative approaches
  - evaluate all the information which is relevant to the dispute
  - P7 Evaluate all the information which is relevant to the dispute identify information which will support the case and summarise and justify it in a reasoned argument
  - P8 consult with experts, in cases which require expert interpretation and judgement, by providing the experts with a clear, valid and accurate summary
  - P9 assess the arguments and the advice received from experts, produce justifiable conclusions and recommendations for further action
  - P10 disclose information which is relevant to the dispute only to those who have a right to see it
  - Negotiate the resolution of a dispute
  - P11 prepare documents about the dispute which have a clear rationale, and which include valid supporting information
  - P12 review reactions and proposals from opposite parties and recommending a response
  - P13 ask questions to test the consistency and resilience of the opposite parties' position and to probe for possible movement
  - P14 summarise and record points of agreement
  - P15 recommend acceptance of offers which are judged to be the best available
  - P16 draft formal acceptance letters accurately and in a suitable style, and send them promptly to all parties
  - P17 suggest realistic options and processes for settling the dispute when offers are not acceptable and assess the advantages and

disadvantages of each alternative

Develop and present evidence to resolve disputes

P18 Interview people involved in the dispute and witnesses using an appropriate questioning style which encourages honest and accurate responses

P19 advise people involved in the dispute and witnesses on the procedures, appropriate responses and their roles in hearings, interviews and legal proceedings

P20 develop a presentation strategy, and agree the strategy with people involved in the dispute and witnesses

P21 consult with experts by providing them with accurate summary information in cases where more information and expertise is needed

P22 arrange for written submissions which are accurate, contain valid and relevant information and which follow reasoned arguments

P23 present the case clearly and concisely

P24 respond to questions arising from the presentation which interpret the evidence in order to resolve the case

P25 assess the results following a formal case presentation and identifying key issues which are likely to be relevant in any further action further action further action further action

## Knowledge and understanding

- You need to know and understand:*
- Evaluate potential implications for the resolution of disputes
  - K1 how to summarise the type and nature of the dispute (application)
  - K2 how and why to assess the strengths and weaknesses of the case (analysis)
  - K3 how to make a judgement about the potential outcomes (evaluation)
  - K4 what to identify as the expertise and support expertise and support expertise and support expertise and support that will be needed at different stages of the dispute (understanding)
  - K5 how and why to assess the implications of proceeding with the case (analysis)
  - K6 what to identify as the potential options for settling the dispute options for which are based on relevant information (understanding)
  - K7 how and why to assessing the responses and risk involved (analysis)
  - K8 how and why to recommend a process for settling the dispute which has been agreed (synthesis)
  - K9 how and why to specify a process for settling the dispute process for settling the dispute process for settling the dispute process for settling the dispute which has been agreed (evaluation)
  - K10 how and why to prepare written terms and conditions (application)
  - K11 how to advise against proceeding where the dispute is neither valid nor credible (synthesis)
  - K12 how and why to offer realistic advice on alternative approaches (synthesis)
  - Evaluate information relating to a dispute
  - K13 how and why to evaluate all the information which is relevant to the dispute (evaluation)
  - K14 what to identify as the information which will support the case (understanding)
  - K15 how to summarise information which will support the case (application)
  - K16 how and why to justify information which will support the case in a reasoned argument (evaluation)
  - K17 how to consult with experts, in cases which require expert interpretation and judgement, by providing the experts with a clear, valid and accurate summary (application)

- K18 how and why to assess the arguments and the advice received from experts (analysis)
- K19 how and why to produce justifiable conclusions and recommendations for further action (synthesis)
- K20 how to disclose information which is relevant to the dispute only to those who have a right to see it (application)
- Negotiate the resolution of a dispute
- K21 how and why to prepare documents about the dispute which have a clear rationale, and which include valid supporting information (application)
- K22 how and why to review reactions and proposals from opposite parties and recommending a response (analysis)
- K23 how to ask questions to test the consistency and resilience of the opposite parties' position and to probe for possible movement (application)
- K24 how to summarise and record points of agreement (application)
- K25 how and why to recommend acceptance of offers which are judged to be the best available (synthesis)
- K26 how to draft formal acceptance letters accurately and in a suitable style, and sending them promptly to all parties (application)
- K27 how and why to suggest realistic options and processes for settling the dispute when offers are not acceptable (synthesis)
- Develop and present evidence to resolve disputes
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- K28 how and why to interview people involved in the dispute and witnesses using an appropriate questioning style which encourages honest and accurate responses (analysis)
- K29 how to advise people involved in the dispute and witnesses on the procedures, appropriate responses and their roles in hearings, interviews and legal proceedings (synthesis)
- K30 how and why to develop a presentation strategy (synthesis)
- K31 how and why to agree the strategy with people involved in the dispute and witnesses (evaluation)
- K32 how to consult with experts by providing them with accurate summary information in cases where more information and expertise is needed (application)
- K33 how to arrange for written submissions which are accurate, contain valid and relevant information and which follow reasoned argument (application)

K34 how to present the case clearly and concisely (application)

K35 how to respond to questions arising from the presentation which interpret the evidence in order to resolve the case (application)

K36 how and why to assess the results following a formal case presentation (analysis)

K37 what to identify as the key issues which are likely to be relevant in any further action (understanding)

**Scope/range**

Evaluate potential implications for the resolution of disputes

1 Dispute - types:

1.1 Contracts

1.2 agreements

1.3 third party claims

2 Expertise and support in:

2.1 transportation

2.2 environmental

2.3 legal

2.4 financial

2.5 design

2.6 technical

3 Options and processes for settling the dispute:

3.1 re-negotiation

3.2 negotiations at higher levels of authority

3.3 conciliation and arbitration services

3.4 formal dispute resolution

3.5 legal action

Evaluate information relating to a dispute

4 Information which is relevant to the dispute:

4.1 contract documents

4.2 correspondence

4.3 instructions

4.4 contract records

4.5 technical publications

4.6 witness testimony

4.7 other evidential material

5 Dispute - types:

5.1 contracts

5.2 agreements

5.3 third party claims

6 Expertise and support in

6.1 transportation

6.2 environmental

6.3 legal

6.4 financial

- 6.5 design
- 6.6 technical
- Negotiate the resolution of a dispute
- 7 Dispute - types:
  - 7.1 contracts
  - 7.2 agreements
  - 7.3 third party claims
- 8 Options and processes for settling the dispute:
  - 8.1 re-negotiation
  - 8.2 negotiations at higher levels of authority
  - 8.3 conciliation and arbitration services
  - 8.4 formal dispute resolution
  - 8.5 legal action
- 9 Responses:
  - 9.1 accepting
  - 9.2 rejecting
  - 9.3 clarifying
  - 9.4 providing additional information
- Develop and present evidence to resolve disputes
- 10 Dispute - types:
  - 10.1 contracts
  - 10.2 agreements
  - 10.3 third party claims
- 11 Expertise and support in:
  - 11.1 transportation
  - 11.2 environmental
  - 11.3 legal
  - 11.4 financial
  - 11.5 design
  - 11.6 technical
- 12 Present:
  - 12.1 written representations
  - 12.2 hearings
  - 12.3 inquiries
  - 12.4 legal process
- 13 Further action:



Progress the resolution of disputes and present evidence

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- 13.1 appeals to higher authorities
- 13.2 appeals to different authorities
- 13.3 legal action
- 13.4 review processes

Progress the resolution of disputes and present evidence

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**Relevant Occupations** Civil engineers; Town Planning Managers

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**Suite** Transportation

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