

## **Schedule 5 - Dispute Resolution Procedure**

- 1.1. Either Party may give to the other written notice ('a Dispute Notice'), setting out the nature and particulars of the disputed matter ('the Dispute') together with relevant supporting documents.
- 1.2. On service of a Dispute Notice, the Contract Manager and the Training Manager (together 'the Managers') shall attempt in good faith to resolve the dispute.
- 1.3. If the Managers are unable to resolve the Dispute within 30 days of service of the Dispute Notice, the Dispute shall be referred to the chief executive officer of the Employer and Managing Director of the Training Provider (together 'the officers') who shall attempt in good faith to resolve it.
- 1.4. If the chief executive officers are unable to resolve the Dispute within 30 days of it being referred to them, the Parties shall attempt to settle it by mediation in accordance with the Centre for Effective Dispute Resolution (CEDR) Model Mediation Procedure.
- 1.5. Unless otherwise agreed between the Parties, the mediator shall be nominated by CEDR.
  - 1.5.1. to initiate the mediation, a Party shall serve notice in writing ('an ADR notice') to the other Party to the Dispute, requesting a mediation;
  - 1.5.2. a copy of the ADR notice should be sent to CEDR; and
  - 1.5.3. the mediation will start not later than 30 days after the date of the ADR notice.
- 1.6. If the Dispute is not resolved within 90 days after service of the ADR notice, or either Party fails to participate or to continue to participate in the mediation before the expiration of the said period of 90 days, or the mediation terminates before the expiration of the said period of 90 days, the Dispute shall be finally resolved by the courts of England and Wales in accordance with clause 35.2.
- 1.7. The commencement of mediation shall not prevent the Parties commencing or continuing court proceedings in relation to the Dispute at any time.