

**Dispute Resolution Process for Shadow Integration Board**

1. All disputes between partners arising out of, or relating to, Integration arrangements may be escalated - by either Partner (Scottish Borders Council and NHS Borders) – initially to the Chief Executive of each of the Partners for resolution.
2. If a dispute which has been escalated to the Chief Executive(s) cannot be resolved within 14 days, the dispute may be escalated to the Shadow Integration Board for resolution.
3. If the dispute cannot be resolved by the Shadow Integration Board, the dispute may be referred to an expert (“the Expert”) who shall be deemed to act as expert, and not as arbiter; and,
  - (a) the Expert shall be selected by mutual agreement;
  - (b) within 14 days of the Expert accepting the appointment, the Partners shall submit to the Expert a written report of the dispute;
  - (c) both Partners will then give the Expert all necessary assistance and further information which the Expert requires to consider the dispute;
  - (d) the Expert shall be instructed to deliver his/her determination to the Partners within 14 days after submission of the written reports;
  - (e) save in the case of manifest error, decisions of the Expert shall be final and binding and shall not be subject to appeal;
  - (f) the Expert shall have the same powers to require any Partner to produce any documents or information to him/her and the other Partner as an arbiter and each Partner shall in any event supply to him such information which it has and is material to the matter to be resolved and which it could be required to produce on discovery; and
  - (g) the fees of the Expert shall be borne by the Parties in such proportion as shall be determined by the Expert having regard (amongst other things) to the conduct of the parties.
4. It should be noted that separate dispute resolution processes for all staff is in place within their employing organisation. It is not intended that such staff disputes will be considered by the Shadow Integration Board.