

PURPOSE

Mediation is a process (either informal or formal) in which two or more parties endeavour to resolve a dispute. Often mediation occurs informally on an ongoing basis at the regional level. However, under *The Vulnerable Persons Living with a Mental Disability Act*, the Executive Director of Adult Disability Services may, on request, appoint a mediator to facilitate the settlement of disputes concerning:

- whether the person for whom support services are requested is a vulnerable person (i.e., eligible for the Community Living disABILITY Services Program); or
- the Individual Plan or the design or implementation of support services (i.e., where the Plan involves the provision of support services through Community Living disABILITY Services).

PROCESS

Regional offices should attempt to resolve disputes informally, by encouraging the Community Service Worker to work through the dispute with the individual and others involved in the dispute (e.g., support network). Disputes typically are resolved on an informal basis through cooperation promoted by the individual planning process. The individual planning process ensures that the individual's wishes and choices are considered in the design and implementation of support services (refer to Section C66, Individual Planning). Where required, the Regional Program Manager, Regional Director, or Community Area Director may also become involved in facilitating a settlement of the dispute.

Where the dispute cannot be resolved informally at the regional level, the following process of mediation can be initiated. A settlement of a dispute under mediation is not binding on the government or on any person.

1. Any person may apply to the Executive Director of Adult Disability Services for the appointment of a mediator to facilitate a settlement of the dispute.
2. The appointed mediator may determine the process to be followed with respect to facilitating a settlement of the dispute.
3. The mediator must advise the parties to the dispute, the Executive Director of Adult Disability Services and the Executive Director of Winnipeg Services/Rural and Northern Services in writing once the results of the mediation process are known. Where no emergency exists, the mediation process and the notification of all parties about the results, should occur within a reasonable time frame after the appointment of a mediator.

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