CAPABILITY MATURITY MODEL

9 STANDARDS

CAPABILITY AREAS	Standard 1	Standard 2	Standard 3	Standard 4	Standard 5	Standard 6	Standard 7	Standard 8	Standard 9
35 CAPABILITY AREAS	**Consistent with Te Tiriti o Waitangi**	**Accessible to all potential users**	**Impartial**	**Independent**	**Information about parties and disputes is used appropriately**	**Timely**	**Promote early resolution and support prevention**	**Properly resourced to carry out the service**	**Accountable through monitoring and data stewardship**
	Dispute resolution processes	Build awareness	Perception of users	Perception of users	Confidentiality	Design and operations	Supporting early resolution	Funding model	Data capability and data practices
	Relationships with Māori	Facilitating entry	Processes	Funding and governance	Privacy	Reducing delays	Data and monitoring	Allocation and level of funding	Availability, accessibility and openness of data
	Equitable outcomes	Equitable access	Staff and practitioners	Processes	Official Information Act	Reasonable timeframes/limits	Sector coordination	Competence	Trust - Partnership, participation and protection
	Māori/Crown relationship	Support and assistance		Staff and practitioners		Information about progress		Capacity building	
				Conflict of Interest		Monitoring, evaluation and reporting		Growing maturity	

1

Standard 1|Consistent with Te Tiriti o Waitangi

Dispute resolution schemes demonstrate a commitment to Te Tiriti o Waitangi/Treaty of Waitangi and the Treaty principles (including partnership, active protection and participation). Schemes design and deliver Māori culturally responsive dispute resolution for all Māori users. This includes recognition of Te Ao Māori and use of tikanga and te reo Māori in the design, resourcing and delivery of dispute resolution processes.

The objective of Standard 1 is to support the dispute resolution system to deliver dispute resolution services that are culturally responsive and adopt Te Tiriti-consistent approaches. For schemes that are delivered directly by government, there is an additional objective to support the Māori-Crown relationship. Standard 1 is also intended to ensure that dispute resolution schemes are inclusive, responsive, and fit for purpose.

This standard particularly, and the Framework generally, draws heavily on the *Māori Crown Relations Capability Framework for the Public Service – Organisational Capability Component* developed by Te Arawhiti (the Māori Crown Relations Agency).[1]

The Te Arawhiti Framework is primarily aimed at the public service with the objective of a significant culture change that will position it to support the Māori Crown relationship. Te Arawhiti makes clear that their framework is not prescriptive and can be adapted to the needs, priorities and circumstances of agencies and organisations. The capabilities described below draw on this framework while adapting it to the different needs of the dispute resolution system.

[1] Te Arawhiti, *Māori Crown Relations Capability Framework for the Public Service - Organisational Capability Component* https://www.tearawhiti.govt.nz/assets/Tools-and-Resources/Maori-Crown-Relations-Capability-Framework-Organisational-Capability-Component.pdf.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
1.1 Dispute resolution processes	1.1.1 Awareness of Māori approaches to dispute resolution, incorporation of Te Ao Māori/Tikanga into DR processes	No or limited awareness of Māori approaches to dispute resolution.	Aware of Māori approaches to dispute resolution and can incorporate some elements of Te Ao Māori and tikanga Māori into dispute resolution processes.	Able to provide a tikanga-based dispute resolution process.	*Operates at maturity level 3* **AND** tikanga is fully integrated into processes (where appropriate). Should partner with Māori to deliver these processes.
	1.1.2 Reflecting the Te Ao Māori needs of users in service design and delivery	No or limited consideration of Māori user experience within their design and delivery.	Considers how Māori could use its services and has clear and reliable points of contact for Māori.	Service reviews consider whether the right services are provided for Māori.	Partners with or empowers Māori to participate in the design and delivery of services.
	1.1.3 Staff Māori cultural capability and knowledge of Te Ao Māori	Staff have no or limited Māori cultural capability, knowledge of Te Ao Māori and tikanga Māori.	Staff have some Māori cultural capability, knowledge of Te Ao Māori and tikanga Māori.	Staff have good Māori cultural capability, knowledge of Te Ao Māori and tikanga Māori.	*Operates at maturity level 3* **AND** the scheme works with Māori and other schemes to build Māori cultural capability, knowledge of Te Ao Māori and tikanga Māori.
	1.1.4 Training opportunities to improve and retain Māori cultural capability and knowledge of Te Ao Māori and tikanga Māori	No or limited training and development opportunities are provided to build staff understanding of Te Ao Māori and tikanga Māori.	Some ad-hoc training and development opportunities are provided to build base level understanding of Te Ao Māori and tikanga Māori for staff.	Structured/formal training and development is provided on an ongoing basis to ensure staff have an appropriate knowledge of Te Ao Māori and tikanga Māori for their roles.	*Operates at maturity level 3* **AND** provides leadership to other schemes to build Te Ao Māori and tikanga Māori capability.

	1.1.5 Ensuring cultural safety of participants	No or limited understanding of cultural safety[1] and how to keep participants safe throughout the process.	Some understanding of cultural safety and incorporates some practices (e.g., self-examining the impact of their own culture on interactions and service delivery).	Good understanding of cultural safety. There is a commitment by staff to acknowledge and address any of their own biases, attitudes and assumptions that may affect the quality of services provided.	*Operates at maturity level 3* **AND** the understanding of cultural safety is informed by users and communities that is supported by best practice. Staff engage in ongoing self-reflection, self-awareness, and hold themselves accountable for providing culturally safe care.
1.2 Relationships with Māori	1.2.1 Relationships and engagement with Māori/Māori organisations to better their services for Māori users	No or limited engagement with Māori and Māori organisations.	Undertakes some engagement with Māori on the design, delivery and performance of dispute resolution processes.	There is early engagement and/or partnership with Māori on most aspects of design, delivery, and performance of dispute resolution processes.	Knows when and what type of engagement is appropriate. There is early and ongoing engagement and/or partnership with Māori on all aspects of design, delivery, and performance of dispute resolution processes.
	1.2.2 Relationships and engagement with Māori/Māori organisations with an interest in dispute resolution	No or limited engagement with Māori and Māori organisations with an interest in dispute resolution.	Can identify Māori and Māori organisations with an interest in dispute resolution. Consults or engages with them to improve Māori cultural capability.	Has strong relationships with Māori organisations with an interest in dispute resolution or other relevant subject matter. Can identify Māori aspirations, expectations and priorities in the relevant dispute or subject matter area (e.g., family, employment, or financial services).	Identifies partnerships with Māori and Māori organisations with an interest in dispute resolution or relevant subject matter. Shares learnings from these relationships and facilitates connections between these organisations and the wider dispute resolution system where appropriate.
	1.2.3 Procurement - level of consideration of Māori participation in government procurement	Where dispute resolution services are contracted by government, there is no or limited consideration of how to operate an inclusive procurement process that enables Māori enterprises to participate.	Is aware that (where dispute resolution services are contracted by government), procurement processes should be accessible to Māori providers (see Procurement Rule 17)[2] **BUT** does currently not do this in a systematic, consistent way.	Where dispute resolution services are contracted by government, procurement processes are structured to enable inclusion of Māori service providers in the supply chain (see Procurement Rule 17).	*Operates at Maturity Level 3* **AND** shares approaches and methods with other DR schemes; liaises with Māori service providers to ensure equal opportunities for participation in government procurement exists (see Procurement Rule 17).
1.3 Equitable outcomes	1.3.1 Awareness of institutional racism/structural discrimination and its impact upon affected groups	No or limited awareness of institutional racism/structural discrimination[3] and its impact on the accessibility and provision of dispute resolution services.	Some awareness of institutional racism/structural discrimination and its impact on the accessibility and provision of dispute resolution services.	Good awareness of institutional racism/structural discrimination and the impact on all aspects of dispute resolution and its outcomes.	*Operates at Maturity Level 3* **AND** has working relationships with organisations who have an interest raising awareness about institutional racism/structural discrimination and the affect it has upon outcomes.
	1.3.2 Action to mitigate/address institutional racism/structural	No or limited action is taken to identify and mitigate institutional racism/structural discrimination in the organisation or practices (where it occurs).	Some action is taken to identify and mitigate institutional racism/structural discrimination in the organisation and practices (where it occurs).	Consistent action is taken to identify and remedy structural discrimination in the organisation and in their dispute resolution practices (where it occurs).	There is a strategy or action plan informed by users and communities in place to identify and remedy institutional racism/structural discrimination in the organisation and practices (where it occurs). There is ongoing

---

[1] Cultural safety is a concept that was developed in the nursing and health sectors but is now used more broadly in social services. The concept of cultural safety is broader than cultural competency and focuses on the awareness and addressing of personal biases, attitudes, assumptions, stereotypes, prejudices, structures and characteristics and an understanding of how this impacts on decision-making, interactions, relationships and outcomes. See, for example, Medical Council of New Zealand, *Statement on Cultural Safety* (October 2019) < https://www.mcnz.org.nz/assets/standards/b71d139dca/Statement-on-cultural-safety.pdf>.

[2] Procurement Rule 17 < https://www.procurement.govt.nz/procurement/principles-charter-and-rules/government-procurement-rules/planning-your-procurement/increase-access-for-new-zealand-businesses/>

[3] Structural discrimination is when an entire network of rules and practices disadvantages less empowered groups while serving at the same time to advantage the dominant group. Structural discrimination on the basis of race, ethnicity, skin colour or national origin is also called institutional racism. Structural discrimination can occur unintentionally, and includes informal practices that have become embedded in everyday organisational life, Human Rights Commission, *A fair go for all? Rite tahi tatou katoa? Addressing Structural Discrimination in Public Services* (July 2012) < https://www.hrc.co.nz/files/2914/2409/4608/HRC-Structural-Report_final_webV1.pdf>

		discrimination and the impacts it has			assessment/audit/self-reflection to identify institutional racism/structural discrimination and action is taken to provide redress.
	1.3.3 Measurement activities undertaken to understand effectiveness of services for Māori	No or limited measure of effectiveness of services for Māori.	Data and insights that measure the effectiveness of services for Māori are consistently collected.	How data and insights are gathered is designed with Māori and from an effectiveness for Māori perspective. Data collection and management approaches reflect the Indigenous Data Sovereignty principles.[4]	*Operates at maturity level 3* **AND** data and insights are meaningful and useful for Māori, the scheme/provider and regulatory system owners. They are used to inform any necessary changes to expedite the achievement of equitable outcomes.
	1.3.4 Addressing disparities of access and outcomes for Māori	There are suspected disparities of outcomes for Māori, or it is not known if there are disparities.	Some attempt is made to identify disparities of outcomes for Māori and some actions or initiatives are implemented to address the disparities.	The equity of access and outcomes for Māori is regularly monitored. Where a disparity of access or outcomes is identified, measures to address the disparity are expedited.	*Operates at maturity level 3* **AND** Māori stakeholders acknowledge that there is no significant or long-term disparity of access or outcomes for Māori users/parties.
1.4 Māori Crown Relationship and the Treaty of Waitangi [5]	1.4.1 Understanding the importance of, and the scheme's relationship or obligations to, Te Tiriti o Waitangi and the Māori Crown relationship	No or limited understanding of Te Tiriti o Waitangi and the Māori Crown relationship and how it relates to your scheme.	Some understanding of the relevance or connection between your scheme and Te Tiriti o Waitangi and the Māori Crown relationship. For example, understands the scheme or provider's (and/or the responsible agency's) current relationships with Māori, commitments to Māori, Te Tiriti o Waitangi responsibilities and Māori Crown relationship-related legislative requirements.	Good understanding of the relevance or connection between your scheme and Te Tiriti o Waitangi and the Māori Crown relationship. A Te Tiriti o Waitangi lens is regularly applied to the scheme or provider's business (such as considering how the articles and principles of Te Tiriti apply to different parts of its business, how its business impacts rangatiratanga, and where there are opportunities to advance Treaty compliant approaches).	*Operates at maturity level 3* **AND** the scheme or provider has embedded Te Tiriti o Waitangi as a framework in its work programme and strategy. Māori stakeholders consider that the scheme or provider understands and acts on its Māori Crown relationship priorities and/or adopts Te Tiriti compliant approaches to its work.
	1.4.2 Building and retaining organisational capability to uphold Te Tiriti o Waitangi and Māori Crown relationship	The scheme has little or no capability to implement the requirements of the Māori-Crown relationship and Te Tiriti o Waitangi that are appropriate for the scheme.	Some time and resources are directed at building the capability to implement the Māori Crown relationship and/or its Te Tiriti o Waitangi responsibilities based on the scheme's understanding of how it relates to its context.	The scheme has the capability to fully implement its understanding of Māori-Crown relationship and Te Tiriti o Waitangi priorities, e.g., by having a Māori adviser. The necessary resources are made available (see Standard 8) and it has a succession plan for retaining this capability.	*Operates at maturity level 3* **AND** learnings about how best to build individual and organisational Standard 1 capability is proactively shared with other parts of the dispute resolution system and/or regulatory systems.

---

[4] Indigenous Data Sovereignty principles

[5] **Note on the Māori-Crown relationship capability:** The dispute resolution system is made up of a large number of schemes that have diverse roles, functions and processes. Dispute resolution schemes also differ with regard to their proximity to, and role in, the Māori Crown relationship. Schemes that are delivered by a government agency are part of the Crown and therefore have a role in supporting the Māori-Crown relationship and meeting Te Tiriti/Treaty responsibilities (for example, schemes that are part of the Ministry of Business, Innovation and Employment). Other dispute resolution schemes are established within a statutory framework but are run and funded privately. These schemes are further removed from the Māori-Crown relationship, but still have obligations to be culturally appropriate, accessible and inclusive for Māori. How a scheme demonstrates this capability will differ and depend on its role in the Māori-Crown relationship and Te Tiriti/Treaty responsibilities.

Standard 2 | Accessible to all potential users

Dispute resolution schemes are accessible, visible and affordable for all people who may need to use them. Dispute resolution schemes proactively identify and respond to the diverse needs of people, whānau and communities.

The Standard 2 capabilities are mostly those features or activities of a scheme or provider that contribute to improving accessibility for users and potential users. These capabilities have a focus on ensuring that schemes facilitate access for, and responds to the needs of, under-served communities and those people and communities who may experience additional barriers to accessing dispute resolution services. For example, new migrant communities, disabled peoples, young people/rangatahi, the elderly and people with low legal capability.

Accessibility is one of the most important dispute resolution standards and can include promoting awareness of dispute resolution processes, improving the ease of use and minimising the direct and indirect costs for the user/party.

These capabilities have been informed by the *Key Practices for Industry-based Consumer Dispute Resolution* (February 2015), Te Arawhiti's Māori-Crown Relations Capability Framework and are consistent with the New Zealand Disability Strategy.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
2.1 Build awareness	2.1.1 Public awareness activities undertaken	There is no or limited promotion of the scheme/provider.	There is public promotion and/or outreach to raise awareness of services. This includes information on the options available to users such as cost variations and assistance services available.	The scheme has a communications/outreach strategy that aims to raise awareness for all potential users. The scheme engages in a range of awareness-raising or outreach activities which are undertaken across different channels.	*Operates at maturity level 3* **AND** adapts its approach to the cultural, linguistic and accessibility needs of the audience, and collaborates with relevant organisations and other schemes to build awareness.
	2.1.2 Understanding public awareness	The scheme does not know how well it is known to potential users. Public awareness is not known or measured.	The scheme is somewhat aware of how well it is known and is concerned with increasing awareness.	The scheme has a good understanding of how well it is known and the user journey to find the scheme. This understanding is informed through research from various sources.	The scheme has an accurate understanding of how well the service is known and the user groups who are not aware of the service. This is informed through research and consultation with relevant user groups, communities, organisations and other schemes to improve its understanding
	2.1.3 Provision of information resources	The scheme provides limited information about itself, these resources are not easily accessible and/or do not meet the needs of potential users. Information about the scheme (eligibility, how to apply etc.) is difficult to understand.	Information and resources about the scheme and its processes are easy to find and understand and is provided in different formats to meet the needs of potential users.	Information and resources about the scheme and its processes are kept up to date, provided in a range of formats to meet the diverse accessibility needs of users and are provided across different channels to expand their reach. Relevant users and organisations are consulted in the design and production of these resources.	*Operates at maturity level 3* **AND** relevant users and organisations co-design these resources. They are periodically evaluated and amended based on feedback from users and the community.
2.2 Facilitating entry	2.2.1 Understanding and addressing application cost as a barrier to entry	No recognition that cost may be a barrier for user entry. The scheme does not consider altering costs/service fees for users.	Recognition that cost may be a barrier and does adaptation of resourcing processes to adjust pricing and provide a lower cost for users e.g., reduction of application costs.	The scheme has a good understanding of how costs impact upon user entry and have amended/subsidised certain prices to improve access (for all users or certain categories of users). The scheme provides cost-effective services and can direct users to assistance services if needed.	*Operates at maturity level 3* **AND** has a comprehensive understanding of how costs impact upon user entry informed by information collected directly from relevant users (e.g., through feedback surveys and consultation on how affordable the application process was).
	2.2.2 Understanding and addressing other barriers to entry	Little or no awareness of the barriers to entry for people who may want to use the scheme. Limited or inadequate (e.g., one or	Some awareness of the barriers to entry for potential users and provides some assistance services (e.g., two to-three) and/or resources	There is good awareness of the barriers to entry for potential users. Provides many support services (e.g., three or more) or a high-quality	*Operates at maturity level 3* **AND** also conducts research into emerging barriers. Assistance services

		no) assistance or resources is provided to support users in applying for the scheme.	to support users to overcome those barriers and to make an application.	service, and resources are provided to assist users in applying for dispute resolution services.	and resources are co-designed with support users and are appropriately configured to demand.
	2.2.3 Enabling users to find the right place	The scheme's jurisdiction is not clearly stated to users and there are no effective processes or mechanisms to direct ineligible users to other appropriate schemes/services to address their dispute or problem.	The scheme's jurisdiction is stated clearly to users. For ineligible users, there are ad-hoc processes in place to direct users to other appropriate schemes/services.	There is a triage and referral system in place between similar schemes, relevant organisations and service providers, or where there are multiple providers for a scheme or multiple schemes with the same jurisdiction. This is to ensure users are directed to the right place when they are determined as ineligible by the scheme.	*Operates at maturity level 3* **AND** there are processes to review and adjust this system to improve its effectiveness. The jurisdiction of the scheme is periodically reviewed to ensure it is fit for purpose and appropriate.
	2.2.4 Facilitating entry	There are limited ways for people to apply and enter the scheme. The entry process is difficult to navigate, not in plain English, and/or onerous.	There is more than one way to apply to the scheme, such as face-to-face, written applications and online applications.	There are several entry points into the scheme, and they provide support for users with specific needs such as support people who can assist users in completing forms.	*Operates at maturity level 3* **AND** 'virtual barriers' (e.g. customer service not being available 24/7) are minimised and the entry process is flexible for diverse needs – the scheme provides strong user support.
2.3 Equitable access	2.3.1 The extent to which the scheme is aware of who is accessing its services	No understanding of which different user groups are accessing the scheme.	Some understanding of how different user groups are accessing the scheme.	Good understanding of how different users are accessing the scheme. The scheme may collect data on user demographics.	*Operates at maturity level 3* **AND** also understands user groups that are <u>not</u> accessing the scheme. The scheme will collect comprehensive data sets on user demographics and analyse it to inform improvements. The analysis may also be informed by direct engagement with user/community groups and other relevant organisations.
	2.3.2 The ways in which (if any) the scheme is ensuring equity of access for different groups	The scheme does not seek to address disparities in access.	The scheme takes some action to address obvious disparities in access.	Where disparities are found to be substantive (i.e., user demographics which are non-proportional to the eligible population, if this is known), then actions are taken to improve upon this.	*Operates at maturity level 3* **AND** the actions the scheme take to address disparities are informed by direct engagement with user/community groups and other relevant organisations and shared with other schemes.
2.4 Support and assistance	2.4.1 The extent to which the scheme considers users with diverse needs in their service design and delivery	No or limited consideration for users with diverse needs in service design and delivery. Processes are designed around the requirements of the scheme/provider, not the needs of users. Dispute resolution processes are generally not responsive to the needs of users (including cultural or language needs, accessibility for disabled peoples) and do not account for factors including age, trauma, literacy, and legal capability.[6]	There is some consideration of how users with diverse needs can access services and these services are able to accommodate some of these needs (e.g., provide cultural forms of dispute resolution, sign language interpreters, communication assistants).	Significant consideration of how users with diverse needs can access services. A diverse range of user needs can be effectively accommodated e.g., if the scheme provides online/remote dispute resolution, the scheme can loan the required equipment to users (iPad, webcam, headset etc.) when required. Culturally appropriate forms of dispute resolution and disability assistance services are formalised and widely available.	*Operates at maturity level 3* **AND** provides end-to-end support for a diverse set of user needs. The scheme has staff support persons available (or can easily access support) to assist disabled peoples as well as other needs. The scheme can refer users to social services (e.g., mental health professionals) where appropriate. Services are co-designed with users to ensure they meet their needs. The scheme has its commitments to a diverse set of needs woven into strategic and accountability documents.
	2.4.2 The extent to which the scheme	There are limited modes of service delivery (i.e., in-person) and it is not flexible to the	Multiple options for service delivery are available as standard (e.g., in-person, online,	The broader impacts of different service delivery models are identified, and this is used	The scheme provides a range of culturally and disability appropriate forms of dispute resolution.

---

[6] Legal capability is "the personal characteristics or competencies necessary for an individual to resolve legal problems effectively" and it includes not only characteristics that might be considered vulnerabilities but also psycho-social factors that might prevent someone accessing dispute resolution such as fear, shame, and a sense of insufficient power (Legal Issues Centre, University of Otago).

	both provides and monitors different modes of service delivery, which are flexible to the needs of users (e.g., online mediation, tikanga based DR, etc.).	needs of users. Alternatives to standard service delivery are provided on an ad hoc basis.	phone). Some consideration is given to the broader impacts of chosen service delivery modes, for example, impacts on privacy and data governance.	to inform the choice of service delivery for different parties and dispute types.	The scheme is open to new forms of dispute resolution and is willing to innovate to increase the accessibility and success of their service. The effectiveness of different service delivery options is evaluated regularly (including input from users) to inform continuous improvement.
	2.4.3 Level of staff competency and training in relation to different user needs, and the systems in place to assess and support staff competency	There are no or limited processes in place to measure and improve staff and practitioner levels of competency and understanding of user needs regarding culture, disability, age, trauma, literacy, and legal capability etc..	The scheme has processes in place to measure & build staff and practitioner levels of competency and understanding of user needs regarding culture, disability, age, trauma, literacy, and legal capability etc. (e.g., tracking uptake of training, user survey on cultural satisfaction).	Ongoing training and development is routinely provided to ensure staff and practitioners have appropriate competency and understand user needs regarding culture, disability, age, trauma, literacy, and legal capability. This level of knowledge should be assessed to ensure it is appropriate to their role.	The scheme staff and practitioners have strong levels of competency and understanding regarding culture, disability, age, trauma, literacy, and legal capability etc. The scheme has robust and systematic processes in place to both build and maintain high levels of staff service competency.

Standard 3|Impartial

Dispute resolution schemes are impartial. Appropriate actions are taken to maintain impartiality and mitigate the impacts where impartiality could be compromised or where there is a perceived lack of impartiality.

The capabilities for this standard (and Standard 4 on Independence) are both vital for public confidence and trust in dispute resolution schemes. Impartiality is not clearly defined through practitioner codes, legislation or case law. For the purposes of Standard 3, it means the absence of prejudice or bias towards one or other of the parties, including perceived prejudice or bias. These capabilities have been informed by the ISO Standard 10003:2018(E) *Quality management – Customer satisfaction – Guidelines for dispute resolution external to organisation* and the Australian Government *Key Practices for Industry-based Customer Dispute Resolution* (February 2015) as well as the GCDR's *Best practice guidance on dispute resolution.*

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
3.1 Perception of users	3.1.1 How feedback on users' views of impartiality is collected	There are no formal mechanisms or suitable ways for users or stakeholders to provide feedback or make complaints on impartiality or fairness.	Allows users to provide feedback on impartiality or fairness, but this is not actively sought and might only be through one channel (e.g. a feedback button on a website).	Routinely seeks out this information through a range of channels and methods. These could include user feedback during the process, stakeholder surveys, workshops etc.	*Operates at maturity level 3* **AND** seeks the views of users on how best to get their feedback. This could include being more proactive (e.g. phoning users to get responses). Ideally the feedback would be independently collected.
	3.1.2 Understanding of users' views of impartiality	Has little or no knowledge of the views of users or stakeholders on impartiality or fairness.	Has some sense of users' views of its impartiality or fairness (e.g. through anecdotal evidence) but this is not based on systematically collected information.	Can say with a high degree of certainty that it has a good understanding of users' views of its impartiality and fairness and can demonstrate this. Is starting to understand the views of potential users.	*Operates at maturity level 3* **AND** has a good understanding of the views of potential users, the general public and relevant stakeholders.
	3.1.3 How feedback on users' views of impartiality is used	Little or no analysis is done on the views of users on impartiality or fairness from feedback or complaints.	Some analysis is done on the views of users on impartiality but there are no systems in place to ensure that action is taken based on the analysis	Analysis is done on feedback received and consideration is given to what changes could be made when there are perceived or actual compromises to impartiality. Reports publicly on the results.	*Operates at maturity level 3* **AND** users views are sought on any changes. May also collaborate and share information and methods with other schemes.
3.2 Processes	3.2.1 Publishing processes	Does not publish any information about its processes or written information does not exist.	Information about processes is published, but it is not sufficient to allow them to make informed decisions. It may lack detail (e.g. criteria for decisions) or be difficult to find or understand.	The processes to be followed, roles of parties and the practitioner and possible outcomes are explained early in the process and this information is made directly available to parties. The information could also be included in procedural documents (e.g. Agreements to Mediate, scheme rules) and made publicly available. It will include the scope of any decision-makers authority and any criteria that may be used in decision-making (e.g. for eligibility). For voluntary processes, this information must be sufficient to allow users to make informed decisions on whether to participate.	*Operates at maturity level 3* **AND** seeks the views of users on what information they want/need about processes and how best to provide it to them.
	3.2.2 Meeting procedural	Does not meet all of the procedural fairness requirements (e.g. the parties can put their	Processes adhere to clearly outlined and transparent procedural fairness requirements.	*Operates at maturity level 2* **AND** processes to maintain impartiality also accommodate and support cultural practices or preferences (e.g.	*Operates at maturity level 3* **AND** works with users on how to integrate their practices or preferences into processes and can address problems in a culturally appropriate way.

	fairness requirements	own cases but are not told of the arguments of the other party).	These should include the following for both parties: ○ the same information is provided at the same time. ○ they can both put their case. ○ they are told the arguments, and have sufficient information to know the case of the other party. This includes access to documents that the other party is relying upon and expert evidence ○ they have the opportunity to rebut the arguments of, and information provided by, the other party.	for practitioners to have knowledge of local tikanga).	May also collaborate and share approaches and methods with other schemes.
	3.2.3 Reasons provided for outcomes	The reasons for outcomes can be provided on request, but are not routinely given to parties. Any decisions on disputes account for relevant factors (e.g. precedent, legislation, case law, industry practices etc.) and do not account for irrelevant factors.	Any outcomes reached between the parties are clear and well documented in writing (e.g. in settlement decisions). The basis and rationale for any decisions on disputes are clearly articulated in writing and routinely provided to parties.	*Operates at maturity level 2* **AND** provides reasons for any other related decisions (e.g. why an issue or dispute is considered not eligible/outside the jurisdiction of the scheme).	*Operates at maturity level 3* **AND** works with users on how to provide clear and useful information about all outcomes and decisions. May also collaborate with other parts of the system that have an interest in the outcomes.
	3.2.4 Assistance provided to parties	There is no or limited assistance available for parties to ensure they can participate fully in the process.	The scheme offers some limited assistance to parties (e.g. advocacy/navigation services).	The scheme ensures that both parties are able to participate fully in the process. To do this, it may be necessary to make the services of technical experts (e.g. lawyers, accountants, engineers) available to parties, and to fund or partially fund these services.	*Operates at maturity level 3* **AND** works with users to understand what their needs are in relation to assistance. May adopt innovative approaches to ensure that users get access to the help they need (e.g. trusts facilitating access to expert technical advice).
	3.2.5 Quality controls for outcomes	There are minimal quality controls to ensure consistency of the outcomes of processes, including decision-making.	There are some quality controls to ensure consistency of outcomes (e.g. peer review).	There is a consistent process to review outcomes/decisions for consistency, such as selective sampling or auditing of cases. Action is taken when problems are identified.	*Operates at maturity level 3* **AND** considers longer-term and wider outcomes (i.e. future wellbeing). This will probably require follow-up with users (e.g. surveying them six-months later).
	3.2.6 Availability of escalation pathways	There may not be opportunities for escalation other than to the courts (i.e. no statutory right of appeal).	There is a pathway for escalation if a party is not satisfied with the outcome. This could include a right of appeal on the process followed, or in some cases on the merits of the claim.	*Operates at maturity level 2* AND parties are advised of their ability to access these pathways and any other mechanisms for redress.	*Operates at maturity level 3* **AND** works with users on how they could best access pathways for escalation. May include working with the appellate bodies in the system to make the pathways as smooth as possible for users.
3.3 Staff/ Practitioners	3.3.1 Documented expectations of impartiality	Does not have any documents that set out expectations for staff on impartiality.	Documents and guidance on impartiality are made available to staff and practitioners (e.g. the State Services *Standards of Integrity and Conduct*). Practitioners are required to be members of professional bodies and adhere to the relevant Code of Conduct and other professional standards.	Has its own employee code of conduct (or equivalent document) stating expectations around impartiality. They are also set out in performance documents and assessed in performance reviews.	*Operates at maturity level 3* **AND** works with staff and users in developing expectations around impartiality.

	3.3.2 Availability of training on impartiality	Relevant training is not available to staff or practitioners.	Appropriate training is made available to all staff and practitioners (e.g. the nature of impartiality and what it means in the context).	Induction for all staff covers expectations in this area and additional training is regularly offered (e.g. in unconscious bias and how to mitigate it). Practitioners are provided with access to specialised training, development and professional supervision, particularly to address unconscious bias in dispute resolution processes.	*Operates at maturity level 3* **AND** works with other parts of the system on how best to train staff and practitioners on impartiality.
	3.3.3 Availability of complaints processes	There are no formal processes for complaints about staff or practitioners.	There are processes for complaints about staff, but they may not be actively promoted. There are mechanisms in place for complaints about the competence and conduct of practitioners and disciplinary processes if required, and users are made aware of these mechanisms.	Complaints processes about staff and practitioners are prominent in public material and documents provided to parties.	*Operates at maturity level 3* **AND** works with users on how to improve complaints processes. May also work with other schemes and professional bodies.

Standard 4|Independent

Dispute resolution schemes are independent. Appropriate actions are taken to maintain independence and mitigate the impacts where independence could be compromised or where there is a perceived lack of independence.

This standard (and Standard 3 on Impartiality) are both vital for public confidence/faith in dispute resolution schemes. Perceptions are as important as the reality. Independence may not be complete, but can be measured objectively based on the degree of proximity of the scheme to the parties. All schemes will have a state of independence, but it not this that is being assessed by the standard. What is being assessed are the actions taken and arrangements that are put in place to maintain independence in light of that state and how any actual or perceived lack of independence is mitigated or addressed. These capabilities have been informed by the ISO Standard 10003:2018(E) *Quality management – Customer satisfaction – Guidelines for dispute resolution external to organisation* and the Australian Government *Key Practices for Industry-based Customer Dispute Resolution* (February 2015) as well as the GCDR's *Best practice guidance on dispute resolution.* This standard in particular should be balanced against the need to be responsive to New Zealand's diverse and changing population. For example, the independence of the practitioner may not be as important for some Māori as the practitioner's knowledge of tikanga Māori.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
4.1 Perception of users	4.1.1 How feedback on users' views of independence is collected	There are no formal mechanisms or suitable ways for users or stakeholders to provide feedback or make complaints on independence.	Allows users to provide feedback on independence, but this is not actively sought and might only be through one channel (e.g. a feedback button on a website).	Routinely seeks out this information through a range of channels and methods. These could include user feedback during the process, stakeholder surveys, workshops etc.	*Operates at maturity level 3* **AND** seeks the views of users on how best to get their feedback. This could include being more proactive (e.g. phoning users to get responses). Ideally the feedback would be independently collected.
	4.1.2 Understanding of users' views of independence	Has little or no knowledge of the views of users or stakeholders on independence.	Has some sense of users' views of its independence (e.g. through anecdotal evidence) but this is not based on systematically collected information.	Can say with a high degree of certainty that it has a good understanding of users' views of its independence and can demonstrate this. Is starting to understand the views of potential users.	*Operates at maturity level 3* **AND** has a good understanding of the views of potential users, the general public and relevant stakeholders.
	4.1.3 How feedback on users' views of independence is used	Little or no analysis is done on the views of users on independence from feedback or complaints.	Some analysis is done on the views of users on independence but there are no systems in place to ensure that action is taken based on the analysis	Analysis is done on feedback received and consideration is given to what changes could be made when there are perceived or actual compromises to independence. Reports publicly on the results.	*Operates at maturity level 3* **AND** users views are sought on any changes. May also collaborate and share information and methods with other schemes.
4.2 Funding and Governance	4.2.1 Independence of funding arrangements	Funding arrangements are not clear or transparent so it cannot be determined if independence has been adequately accounted for.	Issues with the independence of the funding arrangements have been identified but not adequately addressed (or mitigations put in place).	Funding is as independent as possible from the parties. Funding considerations do not influence the outcomes of disputes in any way. This also applies to procurement and contracting processes if external suppliers/providers are used.	*Operates at maturity level 3* **AND** the views of users have been sought about the funding arrangements. The funding arrangements may be arm's length (e.g. trust arrangements).
	4.2.2 Independence of governance arrangements	There are no governance arrangements, or it is not clear how they operate.	The governance arrangements for the scheme are not sufficiently independent (e.g. they are vested in the Chief Executive and/or management team) or lack some of the features that would be expected (e.g. the governance functions are not clearly set out).	There are appropriate governance arrangements. This will probably include some form of separate entity for oversight (e.g. a Board). For statutory bodies, a government agency may have oversight/policy responsibility for the scheme. There may also be accountability to a Minister, Committee etc.	*Operates at maturity level 3* **AND** users have been involved in designing the governance arrangements. The governance arrangements may be arm's length (e.g. the Rules Committee).

4.3 Processes	4.3.1 Independence in the design and operation of processes	There is no apparent consideration of independence in the design or operation of the scheme' processes.	Issues with independence in the processes have been identified but not all have been addressed (or appropriate mitigations put in place). For example, reviews of cases are done by the Chief Executive.	Maintaining independence has been considered in the design and implementation of all processes. For example: a) there are independent reviews of outcomes b) comprehensive independent reviews are done of the whole scheme within agreed timeframes c) if determinations are made, applicants are able to access some form of independent review of their claim/case.	*Operates at maturity level 3* **AND** the views of users have been sought about any independence issues arising in the design or operation of processes as well as the proposed responses.
	4.3.2 Cultural responsiveness of processes	No information is sought about the cultural norms or preferences of the parties in relation to independence.	The scheme seeks the views of parties on their preferences and cultural norms related to independence. If requested, efforts are made to accommodate these BUT the scheme may not have the capability to do so (i.e. not have any staff or practitioners with tikanga knowledge or Te Reo).	Processes allow for cultural practices (e.g. holding meetings on a marae) or preferences (e.g. for practitioners to be a member of a party's community or whānau) AND the scheme has the capability to deliver them. These decisions require the consent/agreement of all participants.	*Operates at maturity level 3* **AND** works with users on how to integrate their cultural practices or preferences into processes and can address problems in a culturally appropriate way.
4.4 Staff/ Practitioners	4.4.1 Process for selecting staff	There is inappropriate influence, or a perception of this, in the selection process for staff (e.g. those previously, or currently, employed by a party are given some preference).	Parties may have some influence or involvement in the selection of staff or practitioners (e.g. be invited to sit on recruitment panels or be involved in contract selection processes such as RFPs) or due process may not always be followed (e.g. for internal appointments).	The scheme has its own staff that are selected through open and transparent processes based on their competence (e.g. qualifications, skills and experience). Practitioners cannot be relieved of duties without just cause.	*Operates at maturity level 3* **AND** practitioners are not dependent on one sources of income (e.g. they are contracted by the scheme but also work for others).
	4.4.2 Assignment of work	Little or no thought is given to the assignment of parties to practitioners or assignments may be contrary to perceptions of independence (e.g. a practitioner deals with all the claims from a particular party).	Some efforts are made to distribute work from the same party between practitioners, but systems are not in place (e.g. to adequately monitor the frequency of contact between practitioners and parties).	Practitioners are assigned to claims so as to minimise repeat service to one particular party.	There is always randomised assignment of work to practitioners.
	4.4.3 Policies and processes to protect staff	There are no policies or processes to protect staff independence.	There are policies or processes to protect staff independence, but they may be inadequate or incomplete (e.g. it may not be clear what staff do with gifts).	Comprehensive policies and processes are in place to ensure that there is no perception of compromised staff independence (e.g. no gifts allowed or gift registers etc.).	*Operates at maturity level 3* **AND** the policies are reviewed regularly with input from users.
4.5 Conflict of Interest	4.5.1 Policies and processes on conflict of interest	There are no policies or processes for identifying or managing actual or potential conflicts of interest.	Policies and processes on conflict of interest are inadequate or incomplete (e.g. practitioners may be allowed to declare conflicts of interest but parties may not have the same opportunity). The thresholds for declarations might be quite high and there is likely to be little or no transparency to the process.	There are comprehensive, clear and published conflict of interest policies for staff and practitioners (e.g. the identity of the practitioner must be disclosed to the parties in advance and vice versa). Practitioners are required to declare all possible conflicts, no matter how minor, and the process for identifying and managing conflicts is done transparently.[7]	*Operates at maturity level 3* **AND** the policies are reviewed regularly with input from users.

[7] Note that not all conflicts will require the practitioner to withdraw – some can be managed and the parties may agree to proceed in spite of them

Standard 5 | Information about parties and disputes

Where confidentiality applies, any exceptions are clearly communicated to all parties and participants in the dispute resolution process. Subject to relevant privacy and confidentiality rules, schemes can collect and gather information about dispute resolution processes and outcomes to support transparency, accountability and system improvement.

Confidentiality is considered to be a fundamental principle for mediation, but may not apply equally to other dispute resolution processes (e.g. conciliation). It is not absolute, as there are limits and exceptions to the principle, which should be clearly communicated to all interested parties. There are a range of sources for confidentiality requirements. For statutory schemes, they may be based on legislative requirements. Other schemes may incorporate them into the scheme rules. The parties may also define the requirements through confidentiality provisions in agreements signed before the dispute resolution process begins (e.g. Agreements to Mediate).

The standard has been extended to cover not just confidentiality, but also how other information about the parties and disputes held by the scheme is protected. This will include the privacy policies and practices adopted by schemes. A balance needs to be struck between protecting information, being transparent and the accountability of the scheme. In a sense, this standard is a safeguard to Standard 9, but it should not compromise the ability of schemes to collect and use dispute data and insights. These capabilities have been informed by the ISO Standard 10003:2018(E) *Quality management – Customer satisfaction – Guidelines for dispute resolution external to organisation*, the Australian Government *Key Practices for Industry-based Customer Dispute Resolution* (February 2015) as well as legislative provisions on confidentiality for schemes (e.g. in the Employment Relations Act 2000, Weathertight Homes Resolution Services Act 2006 and Canterbury Earthquake Insurance Tribunal Act 2019) and standard industry process documents (e.g. Agreements to Mediate).

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
5.1 Confidentiality	5.1.1 Policies and practices on confidentiality	There are expectations around confidentiality, but these have not been clearly articulated in a coherent policy or accepted practices. It may not be clear what the limitations of confidentiality are, or any exceptions.	There are confidentiality policies and accepted practices, but they do not address all of the relevant issues (e.g. admissibility of information in court or other proceedings). The policies may also not account for the preferences of parties.	There are comprehensive and clear policies and practices regarding confidentiality that are written in plain language. These will also cover staff who handle confidential information. They will include: a) clear limits and boundaries to confidentiality b) rules regarding the admissibility of documents and information covered by confidentiality in court or other proceedings. They should generally not be admissible unless required by law or the parties consent. They may also be specifically excluded from the provisions of the Official Information Act 1982. c) allowing the parties to agree to determine the confidentiality of the details of the outcome of the process (e.g. the agreed terms). This is consistent with party empowerment. d) clearly defined exceptions to confidentiality and advice on what should done in those circumstances. The exceptions could include possible physical harm to the parties, research and reporting, and where there is some public interest or educational/precedent value in some outcomes. For example, case notes/studies/summaries are produced and made available publicly with appropriate safeguards in place (e.g. removing/changing details, seeking consent of the parties). These exceptions should be set out and publicised (e.g. in scheme rules, in material on the website) and it should be clear what information is held on file.	*Operates at maturity level 3* **AND** the policies and practices are reviewed regularly with input from users.

	5.1.2 Transparency and/or availability of policies and practices on confidentiality	Information is not made publicly available about how confidentiality is managed.	The policies and practices on confidentiality are publicised. Processes do not, however, require that they are communicated directly to the parties.	*Operates at maturity level 2* **AND** information about the policies and practices is directly communicated to parties (e.g. by the practitioner) so they can make informed decisions about participation and what information they might disclose. Practitioners should be required to read a standard statement about confidentiality, privacy and protection of information to the parties before the process begins. There should be written evidence (e.g. declarations) that the parties and others involved in the process have understood this information.	*Operates at maturity level 3* **AND** this information is discussed at all stages of the process, starting with the initial/pre meetings.
5.2 Privacy	5.2.1 Policies and practices on privacy	There are expectations around privacy, but these have not been clearly articulated in a coherent policy or accepted practices.	There are privacy policies and accepted practices, but they do not address all of the relevant issues (e.g. how parties give consent).	There are clear and comprehensive policies and practices regarding privacy written in plain language. These will be informed by relevant legislation (e.g. the Privacy Act 2020) and data governance arrangements. They need to include maintaining a register and cover staff who handle private information.	*Operates at maturity level 3* **AND** there is 'privacy by design' (e.g. staff only see information about clients that they need to see and that information is linked to reference numbers only).
	5.2.2 Transparency and/or availability of policies and practices on privacy	Information is not made publicly available about how privacy is managed.	The policies and practices are publicised. They are not, however, communicated directly to the parties.	*Operates at maturity level 2* **AND** information about the policies and practices is directly communicated to the parties at some point in the process.	*Operates at maturity level 3* **AND** the policies are reviewed regularly with input from users
5.3 Official Information Act 1982 (OIA)	5.3.1 Application of the OIA	It is not clear if the scheme is subject to the Official Information Act (OIA) or not.	The scheme has clarity over whether it is subject to the OIA or, if it is excluded, the rationale for this is clearly explained.	The scheme has clear policies and practices regarding the OIA and how requests for information are dealt with.	*Operates at maturity level 3* **AND** collaborates with other schemes.

Standard 6|Timely

Dispute resolution processes are provided as quickly and efficiently as possible given the nature of the disputes and the processes used. Timely resolution does not compromise the quality of decision-making or dispute resolution processes.

Timeliness is a key element of access to justice – justice delayed is justice denied. Delays that are seen as unreasonable could be fatal to a dispute resolution scheme, particularly as the public will lose confidence in the scheme. The overarching principle is that dispute resolution should be delivered as expeditiously as feasible given the context. What is 'reasonable' to facilitate speedy resolution will vary and depend on that context, which will include the nature of disputes, parties and the process used - timely does not necessarily mean 'fast' and should not compromise the quality of the dispute resolution process or of decision-making. This standard is closely linked to Standard 8 (Resourcing) as timeliness is likely to be compromised if a scheme does not have adequate resources.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Consistent*	Level 3 *Confident*	Level 4 *Leader*
6.1 Consideration of timeliness in design and operation	6.1.1 Consideration of timeliness in design	Other considerations guide the design of processes (e.g. the least costly approach).	Consideration has been given of whether the timeframes could compromise the quality of the processes or decision-making (if relevant).	Timeliness is a key consideration in the design of all processes.	*Operates at maturity level 3* **AND** actively makes improvements to its processes to enhance timeliness (e.g. on-line automated booking systems).
	6.1.2 Consideration of timeliness in operation	Other considerations guide the implementation of processes (e.g. the most expedient approach).	There are mechanisms in place to promote meeting timeframes. For example, staff are provided with guidance (e.g. manuals), training (e.g. on processes) and the right tools (e.g. case management software) to ensure that they can complete parts of the process within timeframes.	The time taken for each part of the processes are reasonable accounting for the key contextual elements of dispute resolution for the particular system (e.g. the nature of the parties and disputes).	*Operates at maturity level 3* **AND** consideration of timeliness accounts for the wider context of disputes (for example, needs of the parties to access external services that will assist them to engage meaningfully in the process such as counselling, legal advice).
6.2 Reducing delays	6.2.1 Reducing preventable delays	The scheme does not know if there are significant or preventable delays.	The focus is on reducing delays and backlogs rather than streamlining processes.	Preventable delays have been eliminated or reduced in all aspects of the scheme's processes.	*Operates at maturity level 3* **AND** innovations supported by detailed data analysis and evidence have been introduced to reduce delays. Assessments have been done of what aspects of the processes could be automated (e.g. notifications, letters etc.), done electronically (e.g. signatures) or moved online (e.g. offering video-conferencing) to improve timeliness.
6.3 Reasonable timeframes/ limits	6.3.1 Setting of timeframes/limits	If there are any timeframes or limits for processes, they are internal and rudimentary (e.g. for the total length of time it takes to resolve disputes).	Timeframes are set for each step in the process including acknowledgement, responding to queries or requests, investigation and resolution. General targets are set for the resolution of disputes (e.g. KPIs that X% are resolved within Y days).	Timeframes are regularly reviewed, analysis done on root causes and changes made as a consequence.	*Operates at maturity level 3* **AND** timeframes and any suggested changes are only done with user participation and validated externally (e.g. peer review with other schemes).
	6.3.2 Flexibility of timeframes/limits	The timeframes or limits are prescriptive and/or arbitrary and are adhered to irrespective of the circumstances (e.g. decisions are issued even if key information is missing).	There is flexibility in the timeframes to account for factors that may impact on timeliness but are not unreasonable (e.g. giving case officers the discretion to allow for extensions for producing evidence or responding to correspondence if the claimant has a reasonable excuse/explanation as to why they cannot be produced by a given date).	Consideration is given to the complex reasons for possible delays in adhering to timeframes (i.e. what might be reasonable) and external factors (e.g. the availability of resources such as rooms for meetings and legal representative's and advocates when they are involved in the process).	*Operates at maturity level 3* **AND** consideration is given to the wider context, including interfaces with other parts of the system, and how this affects the user journey.

	6.3.3 Publication of timeframes/limits	Timeframes or limits are not made publicly available.	The timeframes are publicised so users know what to expect.	The timeframes are publicised in a format that meets the needs of all users, so they know what to expect.	*Operates at maturity level 3* **AND** collaborates and/or coordinates with other parts of the system in publishing timeframes.
6.4 Information about progress	6.4.1 Systems of tracking progress	There are no systems for tracking the progress of applications.	There is a system for tracking the progress of applications.	The tracking systems provide regular updates to users about the progress of their applications or complaints.	*Operates at maturity level 3* **AND** seeks users' views on how best to keep them updated.
	6.4.2 Access to information about progress	It is difficult for users to access information about the progress of their applications.	Information about applications is made available to users upon request.	Users can access real time information about the progress of their application. Ideally, users are able to do this themselves using online tools.	*Operates at maturity level 3* **AND** seeks users' views on how they want track their progress.
	6.4.3 Providing reasons for delays	No reasons/explanations are provided to users for delays.	Reasons for delays are sometimes provided but in an ad hoc way.	Processes are set out to routinely and systematically provide users with reasons for any delays.	*Operates at maturity level 3* **AND** seeks users' views on how best to communicate the reasons to them and how much information they want/need.
6.5 Monitoring, evaluation and reporting	6.5.1 Collection of data on timeliness	No records are kept on the timeliness of processes.	Basic timeliness records are kept (e.g. of the total length of time it takes to resolve disputes).	Detailed data is collected on timeframes for every part of the processes as well as total timeframes.	*Operates at maturity level 3* **AND** collaborates with other schemes/parts of the system on how best to collect data.
	6.5.2 Analysis of data on timeliness	No analysis of data is possible.	Basic analysis is done on the basic data that is collected.	The data is analysed for changes and trends over time (e.g. delays becoming more frequent, unreasonable delays) and used to identify where in the processes issues might be arising.	*Operates at maturity level 3* **AND** works with other schemes/parts of the system on the analysis of data, probably sharing data, to illicit richer insights.
	6.5.3 Reporting of data on timeliness	There is no data to report on.	Basic reporting is done on the basic analysis and data that has been collected (e.g. total numbers of cases resolved per annum, average length of time to resolve them etc.).	The scheme does comprehensive reporting on its part of the system.	*Operates at maturity level 3* **AND** data and insights from other schemes, organisations or regulators is sought out and used to inform possible improvements and experiences and insights are shared across the system.

Standard 7| Promote early resolution and support prevention of future disputes

Dispute resolution schemes promote the resolution of disputes at the earliest opportunity or at the lowest level. Dispute resolution schemes support the prevention of future disputes through information, education and the distribution of actionable insights to appropriate organisations, agencies and/or regulators.

Dispute resolution schemes should promote the resolution of disputes at the earliest opportunity or at the lowest level (where appropriate). They can support the prevention of future disputes through information, education, and the distribution of actionable insights to appropriate organisations, agencies, and regulators. The Standard 7 capabilities are the features a scheme could have which contribute to these objectives and are broadly categorised as those which support early resolution, data and monitoring and sector coordination. A scheme should have ways of encouraging or supporting parties to resolve matters as early as possible as it tends to be a faster and cheaper way to resolve disputes compared to formal processes. Encouraging early resolution can also reduce resource pressure for schemes as it requires either no or minimal intervention. There are overlaps between the capabilities for Standard 7 and Standard 9 in terms of collecting data and forming insights for targeted action.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
7.1 Supporting early resolution	7.1.1 Provision of information, and other resources, to assist people to self-resolve and the extent to which these are being accessed	There is no information, or other resources to assist people to resolve early.	There is some information, or other resources to assist people to resolve early, these are promoted and provided to users. The scheme does not understand the extent to which these resources are being accessed.	There is information, or other resources available to assist people to resolve early. These are partially informed by insights from disputes and user experience. These insights are used to develop specific guidance for users to assist in early resolution. The scheme monitors use and the extent to which this helps in resolving disputes early.	A fit for purpose level of information, and other resources provided to assist people to resolve early. These are primarily informed by insights from disputes and user experience. The use and effectiveness of these resources is systemically monitored. These resources are shared with sector actors who can provide them to consumers. Information and guidance resources for early resolution are tailored to the specific type of dispute. These are made available through a variety of channels including first point of contact organisations (e.g., community advisory groups, consumer advocates).
	7.1.2 Processes in place to support early resolution of disputes	The scheme's process(es) do not support the early resolution of disputes.	The scheme's processes assist in early resolution in ad hoc ways. The effectiveness of these approaches is not measured.	The scheme's processes have been developed to contribute towards early resolution, such as a tiered system of consensual forms of dispute resolution. Effectiveness of the processes is monitored across a range of dimensions e.g., % of disputes resolved, durability of outcomes, etc.	The scheme has well integrated early resolution pathway(s) for users. Innovative and new processes are adopted to support early resolution. The effectiveness of these processes is systematically monitored. The processes and learnings are also shared with the wider system.
7.3 Data and monitoring	7.2.1 Data collection and monitoring practices	There is either no or limited data collection/monitoring which supports the identification of early resolution and prevention opportunities.	The scheme collects some data related to the identification of early resolution/ prevention opportunities but makes no or limited use of it.	The scheme has fit for purpose data collection/monitoring functions which support the identification of early resolution/ prevention opportunities. The data is analysed and used to produce actionable insights.	*Operates at maturity level 3* **AND** the scheme has an integrated data collection/monitoring system with sector actors that is used to inform the identification of early resolution/prevention opportunities (e.g. providers changing the way they interact with customers to decrease customer service-related complaints).
	7.2.2 Mechanisms to identify trends, system issues or root causes and extent to which insights from these are used and shared	There is no or ad hoc identification of trends, systemic issues, or root causes.	The scheme makes some ad hoc attempts to identify trends, systemic issues, and/or root causes but little use is made of this information.	The scheme has processes in place to identify trends, systemic issues, and/or root causes. Some analysis is done of this information to support improvements, particularly prevention of future disputes.	Systemised monitoring to identify systemic issues, trends, and root causes of disputes. Any issues identified are investigated and insights are actively shared with sector actors on a regular basis. The scheme has a programme of work to contribute to addressing the issues and the prevention of future disputes.
7.2 Sector coordination	7.3.1 Coordination and collaboration	There is no or limited coordination or collaboration with relevant sector actors (e.g., providers, regulators, community	There is some collaboration or coordination with relevant sector actors to support early resolution and prevention (e.g., encouraging providers to	There is sustained collaboration or coordination with relevant sector actors to support early resolution and prevention (e.g., through joint initiatives).	There is sustained and effective (measurable) collaboration and coordination with relevant sector

	with relevant sector actors	advisory groups) to support early resolution and prevention.	supply consumers with information on their rights and responsibilities at the point where a dispute may occur).		actors. Successes are shared with other DR schemes in other sectors.
	7.3.2 Practices in place to gather and share insights with sector actors	There are no practices to gather and share insights with sector actors to contribute towards the early resolution and prevention of disputes, or this is only done in an ad hoc way.	There are practices used to regularly gather and share disputes insights and learnings with sector actors (e.g., industry forums, communities of practice).	There are structured and consistent ways to gather and share disputes insights and learnings with sector actors (e.g., annual report to providers on types of disputes and potential problem areas to address). This information is used to strengthen understanding of the root causes of disputes within the sector.	There are well-established practices to gather and share disputes insights and learnings with sector actors. These insights are used by the regulatory system and sector actors to inform regulatory and operational changes to support the early resolution and prevention of disputes.

Standard 8| Properly resourced to carry out the service

Dispute resolution schemes have the appropriate funding, skills and capabilities needed to deliver dispute resolution services that are accessible, culturally responsive, timely and effective.

This standard underpins many, if not all, of the other Standards. A scheme's ability to be accessible, responsive and timely will be directly impacted by its resourcing. Resourcing is not just about funding – schemes need to consider what skills, capacity and capabilities they need now and in the future. These capabilities are drawn from a range of sources including the Productivity Commission Report on '*Regulatory institutions and practices*', Treasury and Office of the Controller and Auditor-General guidance on funding models, and Te Arawhiti's *Māori Crown Relations Capability Framework* and DPMC's *Policy Capability Framework* particularly in relation to the 'Competence' and 'Capability' capabilities.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
8.1 Funding model	8.1.1 Rationale for the funding model	Little or no information is available about the funding model for the scheme.	There is a clear rationale for the funding model that is based on the context. The funding model will therefore create the right incentives for all actors to support the meeting of the scheme's objectives. The settings for the incentives might need to be adjusted if there was evidence that: o the scheme was over-servicing i.e. gold plating services o competition between providers was creating perverse incentives such as encouraging them to compete on the basis of outcomes for users/consumers o the independence of the scheme was being compromised by overreliance or capture by the sector/industry.	Choices about the elements of the funding model (e.g. the types and sources of funding) are consistent with the government framework for making decisions about funding. This framework could include guidance from the Treasury and/or the Office of the Controller and Auditor-General.	*Operates at maturity level 3* **AND** there are periodic reviews involving users about the choice of funding model and its effectiveness.
	8.1.2 Transparency of the funding arrangements	The funding arrangements are not transparent (i.e. it is difficult to work out the sources of funding and how they are gathered).	The funding arrangements are transparent (e.g. the sources of funding are published).	*Operates at level 2* AND if any changes are proposed to the funding arrangements (e.g. amending a levy), there is consultation with stakeholders including explaining the rationale for the proposals.	*Operates at maturity level 3* **AND** there are periodic reviews of the funding arrangements involving users.
8.2 Allocation and level of funding	8.2.1 Setting funding level	It is not clear what the level of funding is and how it is set (e.g. dispute resolution functions are combined with other activities such as outreach in budgets).	Decisions are made on funding levels based on a good understanding of the resources needed for the scheme to operate effectively and reliable forecasts of demand. How these decisions are made is clear and they are publicised.	*Operates at level 2* AND funding levels account for the needs of users (i.e. this may require funding of support services).	*Operates at maturity level 3* **AND** the funding level is reviewed regularly with input from users on their needs/requirements.
	8.2.2 Allocation decisions	It is not clear where the budget is being spent and how allocation decisions between areas/activities are being made.	Allocation decisions between areas/activities are made to ensure that the scheme delivers best practice dispute resolution services (i.e. it is able to meet the standards).	*Operates at level 2* AND allocation decisions account for the needs of parties/users now and in the future (i.e. this may require resources to be directed to prevention and promoting awareness).	*Operates at maturity level 3* **AND** allocation decisions are reviewed regularly with input from parties/users on their needs/requirements.

8.3 Competence	8.3.1 Level of competence	There is significant variation in staff and practitioner competence (e.g. some dispute resolvers are registered and trained practitioners but others are not).	Staff and practitioners have the appropriate qualifications, skills and experience to perform their roles. Training and/or certification by practitioner professional bodies may be required.	*Operates at level 2* AND staff and practitioners are appropriately recognised and remunerated for their qualifications, skills and experience. All practitioners are trained and/or certificated by practitioner professional bodies.	*Operates at maturity level 3* AND staff and practitioners have development plans in place to improve their competence. Practitioners work with colleagues on their professional development (e.g. are members of practice groups).
	8.3.2 Understanding competence requirements	The scheme is not clear about what competencies it requires.	The scheme is clear about what mix of competencies are required to provide best practice dispute resolution within the specific context.	There is succession planning and approaches to ensure retention (i.e. a low turn-over rate). The scheme is able to attract or recruit staff with the right competencies.	*Operates at maturity level 3* AND works with staff, practitioners and users to better understand competence requirements.
	8.3.3 Growing competence	There are no clear pathways for staff to develop their competence. Staff are offered ad hoc training and development opportunities.	Training and learning opportunities are provided in a structured way to grow competency.	There are career pathways for staff, high performance is rewarded and there are opportunities for progression. Staff are supported to undertake study or other activities to support developing their competence.	*Operates at maturity level 3* AND there is a staff development strategy and priority and resources are given to induction, development and training that is tailored for individuals.
8.4 Capacity building	8.4.1 Understanding of current capacity	The scheme reacts to changes in demand as they occur and is not always able to meet demand.	The scheme has the capacity to deal with current demand (e.g. enough available competent practitioners, sufficient administrative resources to manage logistics etc.).	There are some measures in place to deal with peaks in demand or changes in circumstances.	*Operates at maturity level 3* AND works with users, stakeholders and possibly other schemes to improve its understanding of capacity.
	8.4.2 Planning for future capacity	The scheme does little or no planning for future capacity needs.	Some forecasting is done of future demand by the scheme.	Actively plans for capacity, including reviewing and assessing effectiveness and impact, which is revised according to need. There is regular forecasting of future demand.	*Operates at maturity level 3* AND has capacity that is flexible and adaptable (i.e. business continuity planning for major events).
8.5 Growing maturity	8.5.1 Understanding of current maturity	The scheme has limited understanding of its current maturity.	The scheme is clear about its current maturity (e.g. has used the assessment tool).	The scheme understands areas where improvement is needed and what it must 'have' and 'do' to grow its maturity.	*Operates at maturity level 3* AND works with users, stakeholders and possibly other schemes to improve its understanding of its maturity. For example, is involved in a sector network and/or does peer reviewed self-assessments.
	8.5.2 Planning to maintain and grow maturity	The scheme does little or no planning on how to maintain and grow maturity.	The scheme does some planning on what capabilities it will need in the future to grow maturity (e.g. tikanga knowledge and Te Reo skills to be able to offer culturally responsive processes).	Has a clear plan for identifying and investing in what capabilities might be needed in the future to grow its maturity (e.g. scanning for knowledge gaps and research).	*Operates at maturity level 3* AND works with users, stakeholders and other schemes on how to improve its maturity. The scheme will have an embedded culture of continuous improvement.

Standard 9| Accountable through monitoring and data stewardship

Dispute resolution schemes collect data and information that can be used to analyse the effectiveness of services and improve performance of both dispute resolution schemes and the regulatory systems in which they operate.

Better, wide-spread, and trusted use of data can generate positive outcomes across the dispute resolution sector.

This standard is intended to support organisations (individually and collectively) to deliver value and to maximise impact - in a consistent, informed, inclusive and transparent way. Without strong data capability and a common language of measurement, it is almost impossible to undertake assessment and to measure the improvement of dispute resolution schemes against the other standards. Without this, it is also impossible to maintain and collectively refine the standards.

This standard also promotes open partnerships with tangata whenua and the public to ensure that data practices support and engender partnership and participation and protection.

Capabilities	Interest Area	Level 1 *Developing*	Level 2 *Advancing*	Level 3 *Confident*	Level 4 *Leader*
9.1 Data capability and data practices	9.1.1 Capability at the *individual role* level	Cannot comprehensively articulate the organisation's data capability requirements at the individual role level (e.g. 'what is needed of the analyst').	Can articulate the skillsets and capabilities required at the role level to extract value from data (e.g. https://www.data.govt.nz/manage-data/data-capability-framework/the-framework-by-capability/) **BUT** is not currently doing this.	Operates at maturity level 2 **BUT** does extract value from the data on a regular, ongoing basis (through internal or outsourced capability).	*Operates at maturity level 3* **AND** shares capability, methods, templates etc. with trusted partners and promotes better data collection and use across the system.
	9.1.2 Data Collection, Storage	Does not currently undertake formal collection, management and analysis of data **OR** collects and analyses throughput/output reporting data only.	Can demonstrate collection of a range of data, (including administrative, survey, research data) **BUT** one or both of the following is occurring: 1) data are not classified using industry/govt standards, 2) data are not stored systematically.	Maintains a comprehensive, structured DR dataset, data is collected, classified, analysed, stored, where appropriate, in accordance with appropriate government or industry standard and guidelines. Can describe processes & dataset in detail.	*Operates at maturity level 3* **AND** sources data from across the dispute resolution system, AND works with trusted partners to ensure that data management and oversight processes are shared and standardised.
	9.1.3 Use of data products to support decision making	Cannot demonstrate or meaningfully articulate significant use of (i.e. limited ad hoc use of) data products to support decision-making.	Can describe and demonstrate routine (but not fully integrated) use of data products to support decision-making.	Can demonstrate development **AND** use of data products to support decision making. Consideration of available data/evidence is formalised and integrated into decision-making frameworks.	Has, creates and uses data products to support decision making. Consideration of available data/evidence is formalised and integrated into decision-making frameworks AND shares, promotes, collaborates data analysis methods and practices with trusted partners and the public.
	9.1.4 Maintenance of Datasets and Data Assets	Cannot describe, at theoretical and practical levels, what assessment/maintenance of datasets for fitness for purpose entails or how it is carried out.	Can describe, at theoretical and practical levels, what assessment/maintenance of datasets entails or how it is carried out. BUT cannot demonstrate that comprehensive assessment/maintenance occurs (i.e., occurs ad hoc/selectively or not at all).	Can describe and demonstrate regular, comprehensive & ongoing assessment, maintenance and improvement of datasets for relevance/fitness for purpose.	*Operates at level 3* **AND** shares, co-creates & promotes approaches with trusted partners to raise capability.
	9.1.5 Organisational Data Stewardship and Governance	Cannot meaningfully demonstrate understanding/application of data governance/stewardship concepts (e.g. does not yet undertake formal collection, management & analysis of data or currently collects & analyses throughput/output data only).	Can demonstrate that leadership team and key influencers have a working knowledge of data governance/stewardship **BUT** does not currently prioritise these practices (or is developing these practices).	Can demonstrate how leadership team/key influencers understand data governance/stewardship functions (including all-of-Aotearoa and Te Ao Māori lenses) **AND** what the organisational practices and artefacts reflect these are.	*Operates at maturity level 3* **AND** promotes/shares data governance/stewardship artefacts & processes with trusted partners across the DR system to build collective capability.

	9.1.6 Measuring and Improving Performance	Cannot articulate a theoretical **AND** practical understanding of the value of using data and information to inform strategy and service delivery.	Can demonstrate an understanding of the value of data and information in informing strategy and service delivery **BUT** cannot demonstrate significant practicable application of this.	Can demonstrate collection and analysis comprehensive administrative data, **AND** the use of these data (potentially supplanted by content of surveys, research data) – to measure performance (e.g. against KPIs, Aotearoa Dispute Resolution Standards).	*Operates at maturity level 3* **AND** uses insights to test/adjust existing measurement frameworks (e.g. KPIs, Aotearoa Dispute Resolution Standards) to ensure fitness for purpose. Shares/promotes methods & practices, insights across the DR system.
9.2 Availability, accessibility and openness of data	9.2.1 Data sharing/access protocols	Cannot clearly articulate: 1) what is meant by 'open data' or 2) content of Aotearoa Data and Information Principles or cannot articulate the value of 1) and 2).	Understands and can articulate open data concepts how the data they work with can be used more widely **BUT** does not yet have open data practices.	Understands and can articulate how the data they work with can be used more widely, has protocols and processes to support re-use by others **AND** enables others to access the data where it is safe and appropriate to do so.	*Operates at maturity level 3* **AND** advises / is consulted by/ co-designs with others (including the public) on approaches to make data re-usable.
9.3 Trust - Partnership participation and protection	9.3.1 Partnership with tangata whenua	Cannot currently demonstrate meaningful participation in informal networks to discuss data and information needs with tangata whenua.	Can describe how formal and informal networks to discuss data and information needs with tangata whenua would operate **BUT** cannot demonstrate significant participation in these.	Can demonstrate participation in, and encouragement of others to participate in formal and informal networks to collaborate, co-design and co-create solutions using data and insights, with tangata whenua, on a regular basis.	*Operates at maturity level 3* **AND** can demonstrate direct engagement with tangata whenua/creation of networks to co-defining protocols for collection, storage, use, sharing of data products. *Ensures engagement minimises exclusion/maximises participation.*
	9.3.2 Partnership with All	Cannot currently demonstrate meaningful participation in informal networks to discuss data and information needs of the service users. Cannot describe the application of, or value of public participative approaches.	Can describe the application of, or value of public participative approaches **BUT** cannot demonstrate significant participation in networks to discuss data and information needs of the service users.	Can demonstrate and describe participation in formal and informal networks on a regular basis to discuss data and information needs of the public.	*Operates at maturity level 3* **AND** can demonstrate direct engagement with the public in co-defining protocols for collection, storage, use, sharing of data products. Ensures engagement minimises exclusion/maximises public participation.
	9.3.3 Integration of Te Ao Māori in Data Practices	Cannot yet demonstrate comprehensive understanding of Te Ao Māori and its value and application across data practices.	Can describe and demonstrate understanding of the importance of Te Ao Māori and how Te Ao Māori is embedded across some of its data practices. **BUT** has not yet embedded this fully, as 'just how things are done'.	Can describe and demonstrate partnership with tangata whenua to 'bake' Te Ao Māori concepts into data practices (e.g. Data as taonga, Māori Data Sovereignty). Practices guided by accepted standards /frameworks e.g. Aotearoa Data and Information Principles, Māori Ethics Guidelines for AI, Algorithms, Data and IOT.	*Operates at maturity level 3* AND *can demonstrate* working collaboratively with tangata whenua and other partners on an *ongoing basis* to shape, promote and influence how Te Ao Māori is embedded in data practices across the dispute resolution system.
	9.3.4 Design of Data Systems	Cannot yet demonstrate a comprehensive understanding or clear articulation of design-thinking and its application across data practices.	Can articulate and demonstrate understanding of the value of design-led approaches across data practices, **BUT** has not yet embedded this as 'just how things are done'.	Can articulate and demonstrate design-led approaches are embedded across data practices; user-centred design is 'just how things are done'. Uses other accepted standards & guidelines to guide design approaches (e.g. D-school, IDEO).	*Operates at maturity level 3* **AND** works collaboratively on a regular, ongoing basis with trusted partners, tangata whenua and the public to shape, promote and influence how design-thinking is embedded in data practices in the DR system.
	9.3.5 Privacy	Has limited ability to articulate application of Privacy Principles (Privacy Act 2020) (e.g. including how Privacy Impact Assessments are applied).	Can demonstrate a working knowledge of/can articulate the Privacy Principles **BUT** has only selective or limited application and monitoring of application the Privacy Principles across data and insight practices.	Can describe and demonstrate systematic application of the Privacy Principles (Privacy Act 2020) (e.g. performing Privacy Impact Assessments; monitors application/compliance	*Operates at maturity level 3* **AND** also works with DR system partners (including the public) to build privacy capability.

			on a regular basis). Recognises and reports privacy breaches.	
	9.3.6 Māori Data Sovereignty	Limited ability to articulate Māori Data Sovereignty concepts, networks (e.g. te mana raraunga) and supporting frameworks (e.g. Aotearoa Data & Information Principles, Māori Ethics Guidelines for AI, Algorithms, Data & IOT).	Can describe and articulate Māori Data Sovereignty concepts, networks (e.g. Te Mana Raraunga) and supporting frameworks (e.g. Aotearoa Data and Information Principles, Māori Ethics Guidelines for AI, Algorithms, Data and IOT); **BUT** practises selective or limited application and monitoring of these, in data governance and stewardship practices.	Understands and works to uphold the principles of Māori data sovereignty. Can articulate comprehensive knowledge **AND** demonstrate application of Māori Data Sovereignty concepts, networks (e.g. Te Mana Raraunga) and supporting frameworks (e.g. Aotearoa Data and Information Principles, Māori Ethics Guidelines for AI, Algorithms, Data and IOT).	*Operates at maturity level 3* **AND** also works with works with trusted partners (including the public) to build collective capability in Māori Data Sovereignty. *Champions* protection of Māori rights and interests in data in partnership with tangata whenua.
	9.3.7 Transparency of data practices - communicating to others	Cannot articulate importance of/cannot demonstrate communication of how data is collected/used/stored/shared - to other organisations and the public.	Understands and can articulate why it is important to communicate how data is collected/used/stored/shared **BUT** only does this in a limited way - cannot demonstrate that this is done in a comprehensive, systematic way.	Understands and can articulate why it is important to communicate how data is collected/used/stored/shared **AND** can demonstrate that this is done in a comprehensive, systematic way.	*Operates at maturity level 3*, **AND** engages with multiple parties to ensure that communications are distributed in a way that meets the needs of different interested parties. *Works collaboratively* with others to build capability across the DR system.
	9.3.8 Trust and Assurance	Cannot demonstrate measurement of levels of trust and confidence from the public, tangata whenua and other stakeholders around data quality, data governance/ stewardship arrangements.	Can describe the importance of having trust and confidence from the public, tangata whenua and other stakeholders around data quality, availability, access, data governance/stewardship **BUT** does not yet measure this or actively work to build this.	Can describe and demonstrate measurement of trust/confidence from the public, tangata whenua and other stakeholders re: data quality, availability and access, data governance/stewardship arrangements. Uses insights to inform improvement initiatives.	*Operates at maturity level 3* **AND** measurements show high levels of trust. **ALSO** works collaboratively with trusted partners (including the public) to build and develop capability.