



# ResoLex

Avoiding Risk – Avoiding Disputes –  
Early Intervention to Resolve Disputes

A combined risk analysis and early intervention service  
utilising RADAR and Conflict Avoidance Panels (CAPs)



# Introduction

Working in partnership, RICS Dispute Resolution Service and ResoLex have pioneered a new service designed to minimise the likelihood of disputes on major infrastructure projects and property development projects. Disputes can be expensive and slow to resolve, and they can have a negative impact on brand reputation and working relationships. This service allows projects to proactively manage risk from the outset, ensuring multiple layers and safeguards are in operation to identify and resolve potential disputes early.

**Protect project objectives: This joint service safeguards the programme and the budget and aligns all effort into project delivery.**

**Innovative combination of experience and expertise**  
Whilst the combined service is innovative, the principles are proven to be effective and this partnership draws on the expertise and experience of both organisations.

## Early identification and resolution

The service provides a contractual mechanism for early identification and resolution of differences on a project without the need for formal dispute resolution.

## Technology supported information mining

The technology platform gathers information through an online questionnaire. This saves time and allows team members at all levels, from those on the ground to project leaders, to raise concerns in a confidential and anonymous environment.

## Independent Third Party

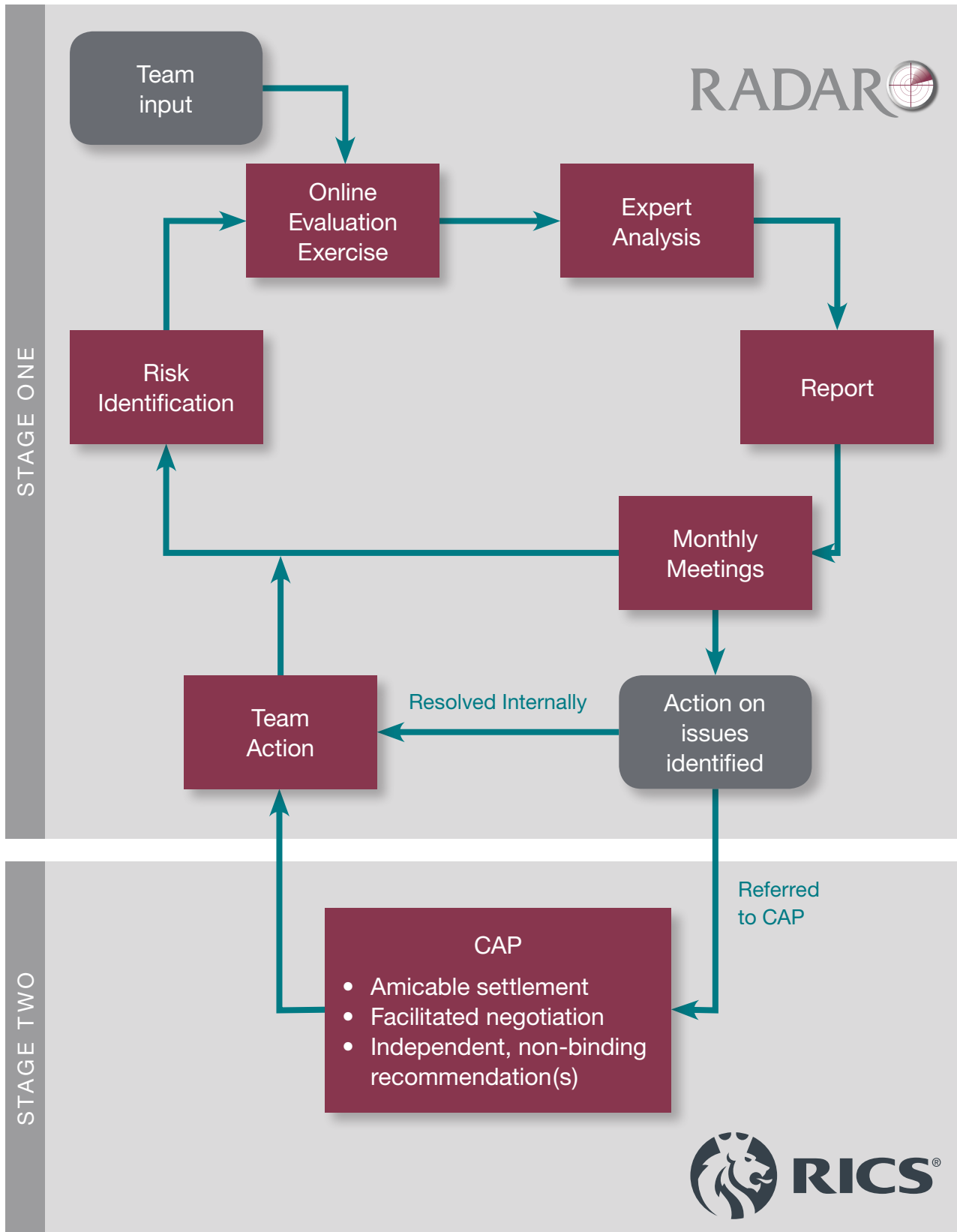
Both organisations, and those analysing data and making recommendations, are independent, impartial and free of any conflicts of interest in the project.

# Two stages

This new service provides a contractual mechanism for early identification and resolution of differences on a project without the need for formal dispute resolution processes. The services offered by each organisation, with the involvement of RADAR, create an environment for proactive risk identification on the project.

RADAR's continual assessment and reporting processes identify issues at an early stage. As an issue is identified, there are multiple routes open to the team for resolution. The senior project team

may resolve it, it may be dealt with through internal negotiation between the Parties, or by referral to an independent assessment through the RICS Conflict Avoidance Panel ('CAP'). The important feature of the service is that there are pre-agreed processes available for further support and resolution. When necessary the project will draw on the expertise of the RICS membership, through the CAP, to facilitate resolution.



# Stage one: RADAR

The RADAR project horizon scanning service has been developed by ResoLex in response to its experience providing stakeholder engagement and dispute avoidance services on projects over the last 15 years. It is a unique service which bridges the gap between forensic data and stakeholder perceptions, and completes the project communications feedback loop. It provides an early warning system which picks up issues that need attention and allows them to be addressed before they damage the project.

## Technology:

- RADAR is a secure system that enables confidential, anonymous reporting, analysis and evaluation tools. It records data provided by participants via an online questionnaire and allows ResoLex panel members to efficiently interrogate the data to produce insightful project reports.
- Data is anonymised before producing the reports. This enables RADAR to provide effective horizon scanning and to tackle subjects that would rarely be raised in open meetings.

## Early Warning:

- RADAR provides an early warning system which picks up project issues that need attention so they can be addressed before they damage the project.
- The RADAR process helps the project team to identify a risk register and the underlying causes associated with these risks. This includes any tell-tale behaviour that would indicate whether the management of those issues was working well or needed additional focus.

## Confidentiality:

- Only the ResoLex panel will know the identity of a participant, and all responses are amalgamated and anonymised to avoid identification before the report is published.
- Trust comes from the team using the system and seeing the results for themselves. Experience shows a marked increase after a three-month period once participants appreciate what the system can do for them. This allows the team to be open and honest with their feedback.

## Cost Effective:

- RADAR is an online platform which means participants can provide feedback at a time that is convenient to them, whatever their location.
- Identifying risk and catching potential issues early can save money on expensive dispute resolution procedures and ensure that projects are completed without unnecessary delays.

# Stage two: CAP

If an issue cannot be resolved internally and/or would benefit from independent assessment and recommendations from an expert, the DRS Conflict Avoidance Panel process can be used. The CAP process is flexible and draws on a range of established dispute resolution methods to help resolve issues early and quickly. Depending on the issues identified, the CAP process may utilise one or more resolution techniques.

## Communication:

- The CAP process promotes open and honest communication, and encourages compromise wherever possible to avoid matters escalating into formal dispute resolution procedures such as arbitration or litigation.
- Parties engage in amicable settlement procedures such as negotiation and mediation in an effort to avoid conflict and keep working relationships and reputations intact.

## Cooperation:

- Using CAP ensures that all parties are focussed on dealing with problem issues and communicating in structured conversations without placing blame. This creates a collaborative environment where all parties work together to seek solutions to problems.

## Avoid Escalation:

- Parties agree to demonstrate a genuine willingness to prevent the need for expensive, drawn out litigation or arbitration wherever possible.

## Recommendations:

- Any outcomes of the process are not binding and decisions are not imposed. However, the process does deliver fully reasoned, independent recommendations for settlement.
- If a Party decides not to accept a CAP recommendation, they must provide a written, fully reasoned explanation for its decision.

# RICS

The Royal Institution of Chartered Surveyors (RICS) was founded in 1868, and has over 140,000 members worldwide.

RICS is the oldest and largest professional organisation for the international land, property, construction and related sectors. The primary role of RICS is to preserve and advance professional standards. As governments, commercial organisations and individuals across the globe increasingly demand the assurance of certified standards and ethics, RICS guidance, qualifications and standards set the benchmark in land, property and construction.

RICS Dispute Resolution Service (DRS) is the division of RICS responsible for providing Alternative Dispute Resolution (ADR) services throughout the world, with a focus on the built environment sector. DRS provides a wide range of conflict avoidance and dispute resolution services, including but not limited to; arbitration, adjudication, mediation and numerous bespoke services designed for individual clients.

Internationally, DRS is also responsible for:

- Advising and assisting governments, judiciaries, property professionals and consumers on the development and provision of conflict avoidance and dispute resolution services in the land, property, construction and related sectors.
- Designing and delivering high quality, branded, training, qualifications, accreditation and CPD in dispute avoidance, resolution, representation and management, to dispute resolution practitioners.



# ResoLex

ResoLex is a specialist independent consultancy supporting projects with communication, stakeholder engagement, risk identification and collaboration systems.

ResoLex created RADAR project horizon scanning system to support our clients achieve successful projects. RADAR operates on behalf of the whole team as a confidential and anonymous early warning system to align project objectives and identify issues. This helps those resolving conflict whether by the project team itself or through the facilitation of third party specialists.

## RADAR

- A proprietary project evaluation solution developed by ResoLex
- Actively helps clients identify, allocate and manage risk on their projects
- An early warning system which picks up project issues needing attention so that they are addressed before they escalate into disputes

# ResoLex



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