

DISPUTE RESOLUTION FOR YARD OWNERS



Disputes and alternative ways to resolve them

Going to court may be the appropriate route to take when a dispute arises over services provided/not provided, not paid for or disputes with a livery/ farrier/ vet/ equine physio/ dentist, instructor or employee. Ideally you will have a complaints procedure signposted within your livery or employment contract.

If your yard's complaint process does not resolve the problem, mediation is an option to consider before going to court or tribunal. Increasingly the Ministry of Justice (MOJ) is encouraging alternative dispute resolution (such as mediation), as court lists can mean a very long wait. A recent court case ruled that a 25% sanction be applied to the financial award for the participant who rejected trying mediation first. Mediation is therefore increasingly part of the MOJ landscape.

Why choose mediation to resolve your dispute?

For many livery businesses, it may not be cost or time effective to appoint lawyers, waiting perhaps a year or more for a court or tribunal to hear your case and decide whether you will win or lose. You cannot be sure you will win, or even whether the matter will be finalised on the day, with appeals being a real possibility. There could be legal costs to pay, even if your case is upheld, so it may not feel like 'winning' in the end. The extended process takes a financial and emotional toll on those involved on both sides, the business, it can impact loved ones and be reputationally damaging. Time is taken away from your business to deal with this dispute.

With Mediation, it is the participants who are in control of the outcome. Agreement may be reached through the facilitation of communication by an independent third party – the mediator...



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... A resolution, acceptable to both parties, ensures that there is no 'winner' or 'loser'. Mediation is not subject to the same level of costs as legal action and can allow relationships to continue afterwards, if both parties want them to. It is therefore less combative and more collaborative in its approach and usually takes one day to draw the matter to a close.



What Mediation involves

First you will liaise with your chosen mediator (agreed by both parties). Your mediator would have an initial conversation with you both (separately) to establish if the case lends itself to mediation. If it does, the mediator will indicate whether they feel the mediation will take a half or a full day to resolve. Both parties will sign the agreement to proceed to mediation. The mediator will read any documents or correspondence provided pertaining to the dispute, such as livery contracts, in preparation for the mediation...

... Mediation can take place in person, with both parties in the room, or with the mediator moving between the participant's private rooms. Increasingly, mediation is undertaken through Zoom or Teams or by telephone. Your mediator should be able to accommodate whichever mode the participants prefer. The mediator will ask questions to establish the key issues and any proposals for resolution for the other party to consider. If an agreement is reached, both parties will sign and date the agreement which is then legally binding for implementation within the agreed time frame. This marks the end of the dispute. The mediator will then destroy or return any correspondence and documents provided for the mediation.

Where to find more information

The Society of Mediators (SoM) and the CMC are two of the main bodies accrediting mediators. Director of equine mediation at Venn Mediation UK Ltd, Diane Harvey, is professionally trained to international standards and fully SoM accredited for civil and commercial mediation. Venn Mediation UK also offers workplace mediation for the resolution of professional relationship breakdowns and grievance disputes. Nikki von Bulow is Venn Mediation's workplace mediator. If you have a situation that you think mediation could help with, Diane is happy to be contacted to discuss this informally initially.