Propartif skills
Fair Treatment Approach

September 27th 2022

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Topics

- What is Propartif/ Fair Treatment approach?
- Why Fair Treatment Approach?
- How?
- Institutionalization

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Fair treatment approach: what is it?

- a communication/negotiation approach, focusing on:
  - **interest** based negotiations instead of position based
  - improvement of mutual **relationship**

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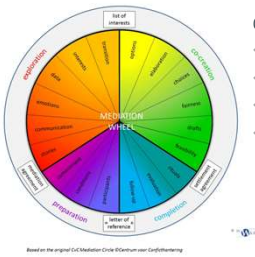
PHASES in Propartif



©CvC Mediation circle

- Starting Phase
- Exploration Phase and turning point
- Negotiation Phase
- Final Phase

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Fair treatment approach:

- Ombuds in NL
- Implementation with most governmental bodies in the Netherlands: savings millions of Euro’s
- Ombuds in Indonesia
- South Africa

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Formal procedures (complaint, appeal)

Citizen complaints

Public authority reacts defensive

Movements towards each others are not likely to be made…

Fairness is not the issue, only legality is (public authorities domain)

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Fair Treatment Approach / Propartif (pre-)mediation in complaint handling

- Public authority gets a human face
- Not only legality, but also **fairness** may be discussed
- Public authority might have complaint’s about citizen’s behaviour too
- Behind mutual complaints hide mutual desires: **“Fair play on both sides”**

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Disputes between citizens and public authorities

- Is there any underlying conflict at all?
- If there is a conflict, which are the characteristics and what is the best way to manage them?
- Connection conflict/relation

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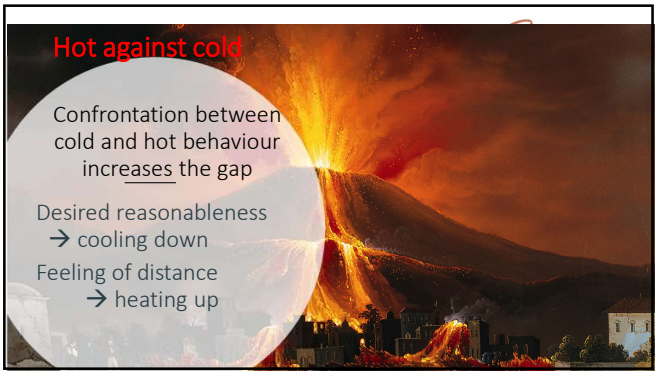

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Hot against cold

- “It’s not fair!!”
- "It is lawful and if you do not believe so, you can start a litigation process."
- Alternative: “What do you mean: not fair? What is your concern?

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Restored system

Public authority may be amenable again

Citizen may be accommodating again

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A citizen may start to move:

- If public authority treats him with respect and truly hears his story
- If public authority makes clear that citizen is treated equally compared with others in the same situation
- If public authority is transparent and keeps its promises

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A public authority may start to move
If citizen acknowledges it’s role and task and accepts the restrictions of the legal framework
If citizen treats its representatives with courtesy
If citizen takes responsibility for his own position and behaviour

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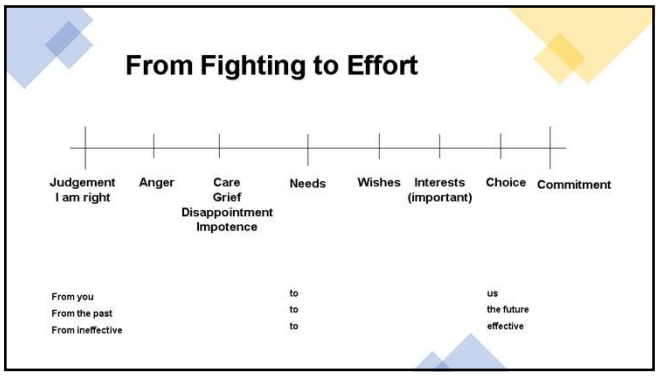
From Fighting to Effort
Judgement I am right
Anger
Care Grief Disappointment Impotence
Needs
Wishes
Interests (important)
Choice
Commitment
From you
From the past
From ineffective
to
to
to
us
the future
effective

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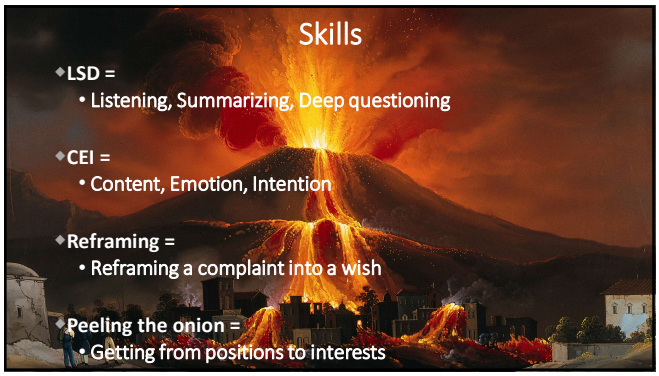
Skills
LSD =
• Listening, Summarizing, Deep questioning
CEI =
• Content, Emotion, Intention
Reframing =
• Reframing a complaint into a wish
Peeling the onion =
• Getting from positions to interests

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Institutionalization

- Important to institutionalize the Fair Treatment Approach
- When complaint: choose between formal procedure or FTA?
- FTA trained civil servants

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