

Notes on the Council for Medical Schemes (CMS) dispute resolution workshop - 2016

The Council for Medical Schemes (CMS) regulates the medical schemes industry in South Africa in accordance with the Medical Schemes Act. In line with their mission to ensure that complaints raised by members of the public are handled appropriately and speedily, they have instituted an internal mediation process. This allows parties access to a mediator to assist them reach settlement on their issues in dispute before the appeal phase of the dispute is launched. The project has been very successful and 54 percent of cases referred to mediation are resolved while 14 percent are withdrawn as a result of the mediation process. Considering that the cost of hearing an appeal case can amount to about R250 000 per case, the savings in terms of financial resource, not to mention time, is significant.

The CMS convened a workshop for medical schemes to equip schemes with the necessary knowledge and skills to effectively mediate disputes with members.

The session was opened by the chairperson of the Appeal Board, Judge Bernard Ngoepe, who highlighted that alternative forms of dispute resolution are becoming more and more important. He reminded the gathering that mediation is not a new process which has always been used in African society where people in dispute had to live in the same village and look each other in the eye. He said that mediation is highly suitable for parties who have an ongoing business relationship as is the case in medical schemes.

The CMS team, consisting of Craig Burton Durham (a Conflict Dynamics accredited mediator), Thembi Phaswane and Alicia Schoeman, explained the current mediation structures in the Council and encouraged schemes to continue using these. They also encouraged schemes to establish dispute resolution mechanisms within their own procedures in order to assist to decrease the 5089 complaints and enquiries that the CMS received in the past year.

Trevor Bailey, a former member of the Appeals Committee and a Conflict Dynamics accredited mediator, outlined the legal parameters and the advantages of mediation to the industry. Tanya Venter, the CEO of Tokiso and a Conflict Dynamics mediator and faculty member, who provides the external mediators to the council, explained how the system works and showcased an on-line system that could be utilized by the schemes to manage their members' complaints.

Conflict Dynamics director, Marion Shaer outlined the benefits that training would have for the system. She encouraged medical schemes to ensure that their employees have the skills to assist speedy resolution and the correct attitude towards minimizing disputes and saving resources for all involved.

Conflict Dynamics is proud to have a number of its accredited mediators involved in this initiative.

Trevor Bailey's paper which offers a legal and process overview, is available [HERE](#). Craig Burton Durham's presentation is available [HERE](#).

Marion Shaer.