

Claims Administration and Dispute Avoidance

Balancing Performance and Mitigating Risk

Introduction

The majority of projects in the building, engineering, and allied industries are complicated, involving a range of stakeholders in challenging and dynamic physical and economic contexts, not to mention the difficulties businesses confront in the post-pandemic, high energy cost world. This is one of the reasons you should try to minimise potential conflicts during the contract and tendering stages. You should also make sure that your business recognises the value of prompt and efficient communication directed at preventing conflicts, as well as mechanisms to stop claims from getting worse by putting general principles of effective claims management and mitigation into practice, which, when followed, will eliminate or minimise potential claims.

A clear and thorough description of the work to be done, a reasonable timeline, and an appropriate project execution methodology specific to the type of project and the level of risk involved are some of the principles of claim mitigation and dispute avoidance. Other principles include fairly drafted contract terms that provide a logical sharing of risk for potential changes and unknown site conditions, force majeure-type delays, periodic reporting, fair notice provisions, and approval times, which also serve as a basis for minimising claims; making sure the contract is written in language that is clear and unambiguous; and risk mitigation through the use of a risk management plan, which divides the risk between the parties according to who has the most control over the risk involved.

This training course on claims management and dispute avoidance focuses on the processes, knowledge, and abilities needed by a claims management team to actively apply these concepts and create corporate strategy, which directly affects a company's bottom line in terms of cost control.

The following will be covered in this Course N Carry Claims Administration and Dispute Avoidance training course:

- The general nature of contract disputes, how to avoid them, and how to defend them
- Analysing the claims risk within the parameters of the task
- Essential practices for reducing risk
- Re-negotiation and negotiation to handle claims and maintain positive connections
- Recognising the distinctions between the relevant basic conflict resolution procedures
- Creating a policy to effectively handle claims

Objectives

After completing this programme in claims administration and dispute avoidance, you will be qualified to:

- Recognise the risk that claims and claims administration pose to the business as a matter of policy.
- Determine which claims need to be defended or pursued.
- Understand how to make and defend the most typical claims.
- Recognise the organised conflict avoidance framework.
- To prevent conflicts, improve your negotiating and decision-making abilities.
- Utilise suitable methods of resolving disputes to reduce claims

Training Methodology

The most useful abilities now used by project managers and contracts are covered in this training programme. Packed with resources and methods, group activities, and discussions will enable a "hands-on" learning experience. The participants will be taken on a journey of discovery by understanding the true need to upgrade their level of knowledge and understanding claims management and avoidance using the most appropriate methodologies for their companies. This will be accomplished through the use of the most recent learning practices, current material, and real-world case studies.

Organizational impacts

This training programme on claims administration and dispute avoidance will help the company by:

- Shorter management time spent processing claims
- Comprehending the terms and principles of contracts
- Enhanced control over timely and cost-effective delivery
- Decreased Organisational Risk from Potential Liabilities
- Stronger connections with suppliers and contractors
- Enhanced use of negotiating techniques

Personal Impact

After completing this training programme in claims administration and dispute avoidance, students will:

- Recognise how to use contract terms to lower the likelihood of dispute
- Possess the ability to establish and oversee claims policies
- Analyse claims that will be challenged and those that will be negotiated successfully.
- Bolster their basic claim management abilities
- Increased capacity for contract management and negotiation
- Understand how to keep the project moving forward and make sure it is finished quickly.

A wide range of professionals can benefit from this Course N Carry Claims Administration and Dispute Avoidance training course, but the following will be particularly helpful:

- Supervisors of Contracts
- Supervisors of Projects
- Engineers for Projects
- Professionals in the Project Management Team
- Experts in Contract Management
- Experts in Claims Management

Course Outline

Day 1

Overview of Claims Management in the Construction Sector

- Overview of construction claims handling
- Conflict phases and resolutions
- The bases of conflict and the forces that shape behaviour
- Character of tortious and contractual liability
- Rules and observance

Day 2

Preventing Claims

- Planning and documentation requirements
- Equitable and sensible sharing of risk.
- Contractor requirements and scope assessment
- Information sharing for the purpose of the contract
- Obligations of parties and interested parties.

Day 3

Mitigation

- Planning and technique for projects
- Specific conditions of the contract

• Plan for risk management

- Insurance, guarantees, and indemnities.

Day 4

Follow-up and Reply

- Dispute resolution and reacting to a breach of contract
- Identification, extent, accountability, and feasibility of the claim
- Quantification of a claim: monetary award and/or time extension
- Persuasion and negotiation
- Force majeure, exclusion, waiver, disclaimer, and frustration

Day 5

Modern Problems with Conflict Avoidance After the Pandemic

- Commerciality and policy in conflicts
- Seven strategies to enhance the outcome of claims
- In the post-COVID world, insurance
- Flexibility in contracts and clauses for variations
- Complete and conclude the Q&A period.