Making "Complex" Decisions – Tools for Tribunal Members

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Does complexity theory, an emerging basis for understanding complex systems such as rainforests, computer systems and the spread of infectious disease, have anything to teach us about what goes on in the tribunal hearing room?

As Tribunal members we try to run hearings and mediations fairly and efficiently, but sometimes control seems elusive and we are surprised by unexpected developments. Complexity theory tells us that some situations are complex, rather than complicated, and they will unfold in non-linear, unpredictable and ambiguous ways. The "unknown unknowns" and multiplicity of outcomes present a challenge to our usual practices. Often it is only after the event that we can look back and see how things happened the way they did.

The first step is to recognise this possibility and what it means, the second step is to ask – can anything be done? We will look at some tools and approaches that may help in responding to these kinds of situations in tribunals.