



**PRACTICE GUIDE ON  
COMMUNITY AND RELATIONAL  
DISPUTES**

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## **PRACTICE GUIDE ON COMMUNITY AND RELATIONAL DISPUTES**

### **A. PURPOSE OF THE GUIDE**

1. The purpose of this Practice Guide is to provide a set of guidelines on how the Judicial Dispute Resolution (JDR) process may be applied and implemented in respect of community and relational disputes.
2. These guidelines should be implemented and adapted in each jurisdiction as appropriate to promote the overarching objective of early, amicable, cost-effective and fair resolution of court disputes in full or in part so that judicial time is saved and outcomes for parties are maximised.
3. These guidelines are not intended to be exhaustive. The legal framework and court procedures of each jurisdiction are to be considered when applying these guidelines.

### **B. COMMUNITY AND RELATIONAL DISPUTES**

4. Community and relational disputes encompass conflicts that arise between individuals who share ongoing relationships or proximity, where the preservation or management of future interactions is often as important as resolving the immediate legal issues. These disputes typically involve parties who cannot easily avoid each other and must continue to coexist in shared spaces or maintain some form of relationship.
5. Such disputes commonly include neighbour disputes involving noise complaints, boundary issues, property maintenance concerns, or interference with the enjoyment of property. They also encompass harassment cases, family disputes outside of matrimonial proceedings, workplace conflicts, and conflicts arising within residential communities such as condominiums or housing estates.
6. A distinguishing feature of community and relational disputes is their tendency to escalate over time if left unresolved, often involving emotional and psychological elements that extend beyond the immediate legal issues. The parties frequently seek forward-looking remedies such as injunctive relief or protection orders rather than purely compensatory damages for past wrongs.
7. These disputes often have underlying social, emotional, or psychological dimensions that require consideration alongside the legal issues. The adversarial nature of traditional litigation may exacerbate tensions between parties who must continue to interact, making alternative approaches to dispute resolution particularly valuable.

8. The resolution of such disputes benefits from processes that emphasise relationship repair, future-focused solutions, and the involvement of support services that can address the broader context of the conflict beyond its legal dimensions.

## **C. MANAGING COMMUNITY AND RELATIONAL DISPUTES**

### ***(i) Specialised courts or tribunals***

9. Jurisdictions may establish specialised courts or tribunals dedicated to handling community and relational disputes, recognising that these cases require different approaches from traditional civil litigation. Such specialised forums can develop expertise in managing the unique challenges these disputes present and implement procedures tailored to their resolution.
10. These specialised courts or tribunals should be designed to provide a more accessible, informal, and supportive environment for parties who may be experiencing ongoing stress from their disputes. The physical environment and procedures should be less intimidating than traditional courtrooms to encourage participation and open communication.
11. For various reasons, it may not always be possible to set up specialised courts or tribunals. Some jurisdictions may wish to consider dedicating special sittings to hear community and relational disputes.
12. Judges assigned to these specialised forums should receive training in conflict resolution, communication techniques, and understanding the psychological and social dynamics that often underlie community and relational disputes.

### ***(ii) Restricting legal representation***

13. Many jurisdictions restrict legal representation in community and relational dispute proceedings to maintain informality, reduce costs, and level the playing field between parties. Such restrictions recognise that these disputes often involve everyday situations that parties should be able to articulate without legal training.
14. Where legal representation is restricted, parties should still be permitted to obtain legal advice outside of court proceedings. The restriction typically applies only to representation during hearings and case management conferences.
15. To compensate for the absence of legal representation, courts should provide clear guidance materials, simplified procedures, and support mechanisms to help parties navigate the process effectively.

### ***(iii) Judge-led proceedings***

16. Community and relational disputes benefit from judge-led proceedings where the judge takes an active role in managing the case, identifying issues, and facilitating resolution. This approach is particularly important when parties are not legally represented and may struggle to present their cases effectively.
  17. Judges should adopt an inquisitorial approach, actively seeking to understand the underlying issues and exploring potential solutions rather than simply adjudicating on the evidence presented. This may involve asking questions to clarify facts, identifying common interests between parties, and suggesting practical solutions.
  18. The judge-led approach should extend throughout the pre-trial process, with judges taking proactive roles in case management conferences and settlement discussions. However, judges must maintain impartiality while being more active in proceedings.
  19. Judges should be trained to avoid language that apportions blame and instead focus on problem-solving and future-oriented solutions. This is particularly important given that parties typically must continue their relationship after proceedings conclude.
  20. Thorough preparation is essential for effective judge-led proceedings. Judges should review witness lists and case materials in advance to assess whether proceedings will involve vulnerable witnesses or parties particularly susceptible to the stresses of relationship disputes in a court setting. Where appropriate, judges may convene pre-trial conferences to establish tailored procedures, such as directing parties to narrow issues beforehand or to prepare questions in advance, particularly when parties are self-represented.
  21. Judges should be alert to identifying common interests between parties and focus on forward-looking solutions rather than apportioning blame for past actions. In neighbour disputes particularly, judges should emphasise that parties will continue to be neighbours regardless of the outcome and should work towards finding sustainable arrangements for future coexistence.
- (iv) Emphasising court adjudication as a last resort*
22. Given the ongoing nature of relationships in community and relational disputes, court adjudication should be positioned as a last resort after other resolution methods have been attempted or considered. The adversarial nature of court proceedings can further damage relationships that parties must maintain.
  23. Courts should implement robust upstream intervention mechanisms that encourage parties to attempt resolution through negotiation, mediation, or other appropriate dispute resolution methods before formal proceedings commence. This may include mandatory cooling-off periods or required participation in appropriate dispute resolution processes.

24. Legislative frameworks may require parties to attempt mediation or other forms of dispute resolution before filing court proceedings, recognising the particular value of non-adversarial approaches in preserving ongoing relationships.

*(v) Pre-filing mechanisms and self-help tools*

25. Online platforms can facilitate early intervention by providing secure environments for parties to communicate and negotiate before formal court involvement. Such systems should include guided negotiation tools and access to online mediation services, allowing parties to reach settlements without court attendance if successful.

26. Pre-filing assessment questionnaires can help potential claimants evaluate whether court proceedings are appropriate for their situation, whether they have exhausted other resolution options, and whether the court has appropriate jurisdiction. These assessments should guide parties through the decision-making process using simple, accessible language.

27. Courts should provide readily available information and self-help guides specifically tailored to community and relational disputes, explaining the process, available remedies, and appropriate resolution options. This information should be accessible online and in multiple formats to accommodate different needs and preferences.

*(vi) Taking a multi-disciplinary approach*

28. Community and relational disputes often involve social, emotional, and psychological elements that require expertise beyond legal knowledge. Courts should collaborate with social workers, counsellors, mental health professionals, and community mediation services to provide comprehensive support to parties.

29. Judges should be empowered to direct parties to counselling, mediation, or other support services when appropriate. This may occur at any stage of proceedings and should be viewed as part of the resolution process rather than a delay to it.

30. The input of support professionals allows judges to obtain better understanding of root issues faced by parties, enabling the development of more effective and practical solutions that address underlying causes of conflict.

*(vii) Support systems*

31. Courts should provide comprehensive support systems recognising that parties in community and relational disputes may be experiencing significant stress and may not be familiar with court processes. This includes clear information materials, helplines, and trained staff to assist with procedural questions.

32. Support persons or "court friends" can provide emotional and administrative assistance to parties during proceedings. Such schemes should allow parties to bring support persons to court proceedings, subject to appropriate safeguards ensuring these persons have no vested interest in the outcome, are not potential witnesses, and do not advocate for the party.
33. Emotional support services should be available, including access to counsellors who can help parties manage the stress of ongoing disputes and court proceedings. Such support can improve parties' ability to participate effectively in resolution processes and may be particularly valuable given the personal nature of these disputes.

#### **D. COURT ALTERNATIVE DISPUTE RESOLUTION MODALITIES FOR COMMUNITY AND RELATIONAL DISPUTES**

##### **(i) *Mediation***

34. Mediation is particularly well-suited to community and relational disputes because it focuses on communication, understanding, and collaborative problem-solving rather than determining winners and losers. The confidential and non-adversarial nature of mediation can help preserve relationships while addressing underlying concerns.
35. Mediators should be specially trained in handling community and relational disputes, with skills in managing high emotions, facilitating communication between parties in ongoing conflict, and developing practical solutions for future interactions.
36. Courts may make mediation mandatory before formal proceedings can commence, recognising its particular value in these types of disputes. Even where not mandatory, courts should actively encourage mediation and may refer cases to mediation at any stage of proceedings.
37. Mediation in community and relational disputes should focus on developing practical arrangements for future interactions rather than simply resolving past grievances. This forward-looking approach is more likely to provide sustainable solutions.

##### **(ii) *Judge-facilitated Negotiations***

38. Judges managing community and relational disputes are well-positioned to facilitate negotiations between parties, using their understanding of the case and the parties' dynamics to suggest practical solutions and help overcome obstacles to settlement.

39. Judge-facilitated negotiations should emphasise problem-solving and the development of practical arrangements for ongoing relationships. Judges can help parties identify common interests and develop creative solutions that address underlying concerns.
40. The informal nature of these negotiations, combined with the judge's active role, can help parties communicate more effectively than they might in purely adversarial proceedings. Judges should create safe environments for open discussion while maintaining appropriate boundaries.

*(iii) Counselling and therapeutic interventions*

41. Courts should have access to counselling and therapeutic services that can address the emotional and psychological aspects of community and relational disputes. These services can be particularly valuable in cases involving harassment, ongoing neighbour conflicts, or disputes with significant emotional components.
42. Where appropriate, to enhance effective communication with all affected persons, the Judge may consider involving non-parties who are affected by the disputes or who are likely to have influence on the decision to settle (e.g. spouse, parents, siblings and other family members) in the mediations or Judge-led negotiations. To avoid creating the perception of an imbalance of powers, it is advisable to obtain prior consent of the parties. The Judge may also give directions to regulate the level of participation of such non-parties, for example, allowing them to participate only as an observer or with limited rights to speak.
43. Judges should be empowered to direct parties to appropriate counselling or therapeutic interventions when these would assist in resolving the dispute or managing its impact. Such directions should be made sensitively and with appropriate safeguards for parties' privacy and autonomy.
44. Therapeutic interventions may include anger management programmes, communication skills training, or counselling to help parties develop coping strategies for ongoing difficult relationships. These interventions should complement rather than replace legal resolution processes.
45. Mental health assessments may be appropriate in some cases, particularly where there are concerns about a party's capacity to participate in proceedings or where mental health issues may be contributing to the dispute. Such assessments should be conducted by qualified professionals and used to inform appropriate support and resolution strategies.