



CONSTRUCTION INDUSTRY DISPUTE AVOIDANCE AND RESOLUTION

# Dispute Avoidance through Collaborative Working: A Comprehensive Guide to ROPE Management™

*Protocol 1*

V1.0 – January 2026



**CINDAR**

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**Dispute Avoidance through Collaborative Working**

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Printed: January 2026 in Wales.

*The ROPE Management™ Collaboration Tools (Protocols)*

Protocol 1: Dispute Avoidance through Collaborative Working: A Comprehensive Guide to ROPE Management™

Protocol 2: Project Management Guidelines for Collaborative Working

Protocol 3: Project Processes for Collaborative Working

Protocol 4: Collaborative Risk Management

Protocol 5: Change

Protocol 6: Pain/Gain Arrangement for Collaborative Contracting

Protocol 7: The Collaborative Relationship Monitor

Protocol 8: Project Issue and Dispute Resolution

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**Special thanks to:**

All the people who contributed to this document.

First Edition (v1.0) 2026



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## Dispute Avoidance through Collaborative Working

*ROPE Management™ – Fostering Effective Collaboration for Success*

### Executive Summary

This Protocol 1 document presents a comprehensive case for a paradigm shift in the construction industry; from adversarial, dispute-ridden project delivery to a model founded on pro-active collaboration and dispute avoidance. It argues that the hidden costs of administering traditional contracts, exacerbated by miscommunication and conflict, represent a significant drain on project value and industry morale. While the seminal reports of Latham (1994) and Egan (1998) laid the ground work for this change decades ago, their principles have been only partially adopted and were subsequently disrupted by economic crises, a skills shortage and a hardening of risk-averse attitudes.

In response to these challenges, this paper introduces ROPE Management™ as the operational framework and DART™ (Dispute Avoidance and Resolution Toolbox) as the supporting mechanism to ensure projects “Start Right, Stay Right and End Right”. We move beyond the platitudes of “better communication” to provide a detailed exploration of what collaborative working truly entails, distinguishing it from mere cooperation and analysing the critical role of trust. Finally the document outlines a suite of seven further practical protocols developed by CINDAR to embed these principles into practice, offering a tangible path towards more efficient, profitable and enjoyable projects for all stakeholders.

### Introduction: The Pervasive Cost of Conflict

Even in the simplest of traditional lump sum contracts, there exists a submerged iceberg of hidden costs required merely to administer the contract. These are not costs associated with physical construction but with the bureaucratic machinery of control: drafting and responding to formal communications, managing variations, quantifying delays and maintaining defensive records. These baseline administrative burdens are endemic to the system.

However, they are exponentially exacerbated when project difficulties inevitably arise. Miscommunication, late instructions, poor information, delayed payments, and lack of progress are not mere inconveniences; they are the primary drivers of contractual friction. In the traditional adversarial model, each issue becomes a potential point of conflict, triggering a formalistic and often confrontational response. Claims are prepared, positions harden, and legal advice is often sought pre-emptively. This defensive posture consumes immense time, energy, and financial resources that should be directed towards the project’s successful delivery.

Conflict, therefore, is not an anomalous event but a predictable and costly outcome of a broken system. Knowing how to manage it is no longer sufficient; the key to smooth contract performance and enhanced value lies in knowing how to avoid it altogether.

This is the purpose of DART™ - our Dispute Avoidance and Resolution Toolbox. It represents a holistic approach to project management, with tools designed for every stage of a project’s lifecycle. At the heart of DART™ lies ROPE Management™, the overarching methodology that binds



these tools together. ROPE Management™ is the proactive discipline of aligning project teams, processes and behaviours to ensure a project “Starts Right, Stays Right and Ends Right”. It is the practical implementation of a philosophy that prioritises collective success over individual defence, creating an environment where disputes are identified and neutralised before they can crystallise into formal conflicts.

## The Need for Change: An Historical Perspective and Modern Imperatives

The call for reform in the UK construction industry is not new. The foundational work was laid by Sir Michael Latham’s 1994 Report “Constructing the Team” which sharply criticised the industry’s adversarial nature and recommended sweeping reforms for fairer contracts and partnering. This was powerfully reinforced by Sir John Egan’s 1998 report “Rethinking Construction” which shifted the focus towards process efficiency and performance measurement, drawing parallels with manufacturing and lean production.

The Construction Best Practice Programme, born from these reports, established a dual-theme roadmap for improvement:

1. Business Process Enabling Themes focusing on the soft infrastructure of the industry (Culture and People, IT, Health and Safety), and
2. Project Management Improvement Theses focusing on the hard processes of delivery (Procurement, Risk Management, Supply Chain Management, Whole Life Costing).

At the turn of the millennium, there was genuine momentum. Pioneering companies like Wates, under the leadership of the late Dave Smith, actively championed partnering initiatives. New contractual forms, such as the PPC2000, which formally incorporated a “Partnering Adviser”, emerged. The industry seemed poised for a transformational shift.

The global crisis of 2008 acted as a brutal circuit breaker. Its immediate impact was a severe contraction in construction activity, widespread unemployment, and financial distress for countless firms. The ensuing era of austerity, followed by the complexities of Brexit and the COVID-19 pandemic, created a prolonged period of uncertainty and financial pressure. During this time a generational shift occurred. Many experienced professionals who understood and championed the Egan and Latham reforms left the industry, taking their institutional knowledge with them.

They were replaced by a new generation, often more adept with emerging technologies like Building Information Modelling (BIM) but with little historical context for the earlier reform movements. In this high-pressure environment, a regressive mindset took hold. The focus narrowed to lowest price tendering, and a dangerous misconception spread: that Design and Build contracts magically transferred ‘all’ risk from the Employer and that a lump sum price was an immutable fixed cost, immune to the consequences of client driven change or unforeseen site conditions. Collaborative risk management was often sacrificed at the altar of perceived cost certainty.



## **Dispute Avoidance through Collaborative Working (Protocol 1)**

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So, what remains of those initiatives today? The construction industry now faces a perfect storm: it must contain spiralling costs, manage acute skills shortages, and simultaneously deliver on monumental government ambitions for new homes, critical infrastructure, and the transition to net zero. The adversarial model is fundamentally ill-equipped to meet these challenges. It is too slow, too costly and too destructive of human capital.

It was in this context that CINDAR was born. Its mission is to revive and modernise the principles of Egan and Latham for a new era, promoting a style of collaborative working that has dispute avoidance as its core objective and offers innovative, practical methods for resolution when disputes do arise.



## The Principles and Profound Benefits of Collaborative Working

### *Defining the Core Principles*

Collaborative working is a strategic approach, not a vague aspiration. It is built upon several interdependent, non-negotiable principles:

1. **Mutual Trust and Respect:** This is the bedrock. Trust is not given blindly but built through consistent, demonstrable actions. It involves creating an environment of psychological safety where open communication, honesty and transparency are rewarded, not punished. Respect entails valuing the expertise and perspective of every stakeholder, from the Client's Representative to the apprentice on the site.
2. **Shared Goals and Aligned Objectives:** All parties must move beyond their individual corporate goals (profit, reputation) and align around a unified project vision. This requires the early establishment of the desired project outcomes that explicitly defines project success metrics for time, cost, quality safety, and sustainability that everyone buys into. It answers the question, "What does a win look like for us, collectively?"
3. **Open and Transparent Communication:** This goes beyond regular meetings. It mandates the proactive sharing of information – both good and bad. Utilising cloud-based common data environments (CDEs) for BIM is an example of the technological manifestation of this principle. The cultural manifestation is the elimination of "unwelcome surprises" and the encouragement of early warning of problems.
4. **Joint Problem Solving:** When challenges arise -as they always will – the collaborative team gathers to solve them together, rather than retreating to silos to assign blame. This approach leverages the collective intelligence of the entire team, fostering innovation and leading to more robust, cost effective solutions than any single party could develop alone. However, this does not override contractual principles and obligations as at the end of the day, the cost of such issues, however, resolved, has to be borne by someone. Joint problem solving is not an opportunity to evade responsibility!
5. **Equitable Risk and Reward Sharing:** Traditional contracts often seek to dump risk on the party least able to manage it. Collaborative contracts recognise that risks are best managed by the party most able to control them. Equitably allocating risk, and then creating financial incentives (pain/gain mechanisms) that reward collective success, fundamentally aligns interests and motivates all parties to contribute to the project's overall health.

### *The Tangible Benefits*

Adopting these principles is not an act of altruism; it is a strategic business decision that yields significant returns:

1. **Improved Project Outcomes:** Studies consistently show that collaborative projects have a higher probability of being delivered within budget and on time, whilst also achieving higher quality standards. The reduction in transactional and conflict costs feeds directly into the bottom line.
2. **Enhanced Innovation:** A collaborative environment, free from the fear of blame, empowers individuals to suggest new ideas, materials and methods. The cross-



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pollination of diverse perspectives is a powerful engine for innovation and continuous improvement.

3. **Increased Efficiency:** Streamlined communication, joint problem solving, and the reduction of rework and delays all contribute to a leaner, more efficient construction process. Decisions are made faster and with better information.
4. **Reduced Conflicts and Disputes:** By building trust and maintaining open channels, misunderstandings are minimised, and small issues are resolved before they escalate into major disputes. This preserves relationships and saves immense amounts of time and legal expense.
5. **Stronger Stakeholder Relationships:** Successful collaboration builds social capital. Clients are more likely to become repeat clients, and team members seek to work with each other again, creating a virtuous cycle of continuous improvement and shared success.

### Co-operation vs Collaboration: A Critical Distinction

A fundamental flaw in many “collaborative” initiatives is the assumption that recognising the objectives is the same as understanding and implementing the process. It should be remembered that contracts will still be put in place and rights and obligations incurred. It’s how you deliver them that counts. Thus it’s not about “being friendly”. although if you start off as work colleagues and end up as friends that’s a bonus. True collaboration requires a foundational shift in organisational context.

For organisations to genuinely embrace collaborative working they must:

1. **Foster a Cross-Functional Culture:** Create an environment that allows for calculated risk-taking and views mistakes as learning opportunities without immediate sanction. This requires leadership that empowers teams.
2. **Develop a Deep Customer Focus:** Every decision should be evaluated through the lens of the end Client’s needs and the project’s ultimate value, moving beyond the parochial interest of any single discipline.
3. **Commit to Relentless Improvement:** The driving question must be, “Is this approach going to deliver a better outcome than our current, traditional method?” This requires a commitment to measuring performance and being honest about results – something we call “honest information”.

Collaborative working allows individuals to bring their personal values – such as integrity, creativity and a desire to build – to their job, along side their technical skills. This is where the methodology of “Appreciative Inquiry” becomes crucial. Instead of a deficit based focus that looks for what is wrong and who is to blame (a culture still endemic in construction), Appreciative Inquiry seeks to identify what is working well, to understand why, and to do more of it. It is a strengths based approach that builds momentum and positivity.

Scepticism towards collaboration among “battle hardened” professionals is understandable. Some may profit from conflict; other may simply never have been shown a viable alternative.



### CASE STUDY:

The project was an £8m crematorium on a green-field site in the North of England. The site was beset with problems – most notably ground water. The arguments that arose as to who owned the risk were so detrimental to the project that the Site Manager and the Employer’s Agent almost came to blows. A change of Employer’s Agent was made bringing in someone who had strong interpersonal skills and a belief in the benefits of collaborative working.

Despite a rocky start, things gradually improved. Programme picked up, quality was high. Further challenges (most notably electricity supply) arose requiring Contractor and Client to work together with several external stakeholders to ensure these issues were satisfactorily overcome.

The project completed, albeit some months late and despite the Contractor having lined up its lawyers to launch an adjudication on the ground water issue, the project ended with no disputes and a very happy Client. The final account was settled in a Teams meeting.

During the Project Review meeting, the Site Manager said:

*“A new approach based on an open and honest dialogue, Doug always remained impartial and the whole mood and feel of the project lifted with the addition of just one individual.”*

Whilst the Contracts Manager added:

*“It’s a difficult role when you’re customer PM and you’re managing the construction team on site and the requirement to be impartial is not often witnessed, but it has been with Doug and therefore we always knew where we stood, and we knew that any decisions Doug made would be correct and with the right intent.”*

As grateful as I am for the compliments, the transformation from a near physical altercation to a lifted “mood and feel” was not achieved by magic or by me being “nice”. It was the direct result of systematically applying the principles outlined here - principles of open dialogue, impartiality, and a focus on shared goals. The team didn’t need to use jargon; they simply experienced the benefits of the practice.

To crystallise this distinction, consider this analogy:

1. Co-operation is like two people walking side by side to a public house. They have a common destination but their effort is independent. There is little shared benefit beyond companionship. If one should trip over on the pavement, the other may sympathise, but it doesn’t fundamentally impact their own journey. This is analogous to many construction projects where sub-contractors work in silos, focused only on their own scope with minimal proactive coordination.
2. Collaboration, however, is a three-legged race. The two individuals are physically bound together. To make progress, let alone win, they must coordinate their movements, communicate constantly, and share the effort. The stakes are higher, and the required effort is greater, but the shared benefit of victory is profound and inseparable.



This distinction can be mapped onto a 2x2 matrix:

H		
Shared Benefits	<i>Zone of Conflict</i>	<b>Collaborative Working Arrangements</b>
	<b>Cooperative Working Arrangements</b>	<i>Zone of Conflict</i>
L	L	H
	Collaborative Effort	

Figure 1 – Zones of Conflict

The bottom left hand corner (Cooperation) shows that low efforts towards collaboration yields low shared benefits. This is the status quo on many projects. In the top right corner (Collaboration) high conscious effort yields high shared benefits for all parties. This is the target zone.

However, the top left and bottom right zones (Zones of Conflict) are the dangerous areas where effort and benefit are misaligned. If one party perceives that it is investing high effort but receiving low benefit, while the other is benefitting highly with low input, resentment builds rapidly. This can lead to a catastrophic failure of the collaborative arrangement, often more acrimonious than a traditional dispute because of the perceived betrayal of trust.

## The Bedrock of Collaboration: Understanding and Managing Trust

The collapse of a collaborative arrangement is most often precipitated by a breakdown in trust. Widely acknowledged as important, trust is rarely defined or strategically managed in construction projects.

Let us begin with two foundational equations:

- A.  $\text{Accountability} + \text{Probity} = \text{Trust}$
- B.  $\text{Violation of Expectation} = \text{Conflict}$

where

1. Accountability is the state of being required or expected to justify actions or decisions.
2. Probity is the quality of having strong moral principles; honesty and decency.
3. Trust is the firm belief in the reliability, truth, ability, or strength of someone or something.
4. Expectation is a strong belief that something will happen or come to be true in the future.
5. Conflict is a serious disagreement or argument, often a protracted one ending in some form of proceedings.



Trust is not therefore in a static state. It is a dynamic resource that fluctuates based on the degree to which expectations are met or violated. This creates either positive or negative trust spirals, which are self-reinforcing feedback loops.

*The Positive Trust Spiral*

1. I have a clear, communicated expectation of you.
2. I hold you accountable for meeting that expectation.
3. You act with probity (decently, honestly, competently) and meet or exceed the expectation.
4. My trust in you increases.
5. The elevated trust leads to higher, more ambitious expectations (e.g., greater responsibility, more complex tasks).
6. Return to Step 1. The relationship strengthens and deepens.

*The Negative Trust Spiral*

1. I have an expectation of you (which may or may not have been clearly communicated).
2. Your actions, for whatever reason, violate that expectation.
3. My trust in you decreases.
4. This lack of trust damages your credibility in my eyes, and my behaviour towards you becomes more guarded and less cooperative.
5. You perceive this negative shift, and your own behaviour deteriorates in response, further violating my expectations.
6. Return to Step 1. The relationship deteriorates rapidly, often leading to conflict.

Understanding these spirals is critical. It means that trust may actively cultivated through consistent, probative actions and clear accountability. It also means that a single significant violation of expectation can undo years of accumulated trust, and that project leaders must be vigilant in identifying and addressing the early signs of a negative spiral.



## The ROPE Management™ Protocol Suite: Tools for Tangible Change

Recognising the critical need to build and maintain trust, CINDAR has developed a suite of seven integrated Protocols. These are not theoretical concepts but practical tools designed to operationalise collaborative working and provide the structure needed to avoid disputes.

<b>Collaboration Tool (Protocol)</b>	<b>Detailed Use/Benefit</b>
Protocol 1: Dispute Avoidance through Collaborative Working (This Document)	The foundational philosophy and rationale. It provides the “why” behind collaborative working, setting the cultural tone and shared understanding for the entire project team.
Protocol 2: Project Management Guidelines for Collaborative Working	This provides the “how-to” guidelines. It describes the processes for integrated team building, shared governance structures and collaborative decision making frameworks.
Protocol 3: Project Processes for Collaborative Working	A partner document to and to be read with Protocol 2, this offers a detailed roadmap. It maps out the specific workflows for collaborative planning, design development, cost planning and change management, ensuring all parties are working from the same playbook.
Protocol 4: Collaborative Risk Management	This Protocol moves risk from a defensive to a proactive exercise. It establishes a live, shared, Risk Register owned by the entire project team. Risks are identified, evaluated and allocated to the party best able to manage them, with mitigation plans developed jointly. This allows for predictable cost forecasting through shared contingency.
Protocol 5: Change	This Protocol shows project teams how to go about dealing with Change procedurally and in accordance with the main forms of Contract. It ensures that Change is dealt with in an approved way to minimise misunderstandings. It includes procedures for dealing with urgent Change needs.
Protocol 6: Pain/Gain Arrangement for Collaborative Contracting	This Protocol aligns commercial interests. It moves beyond fixed fees to create transparent pain/gain mechanisms that reward project team participants for achieving collective targets related to cost, time, quality, safety and sustainability. This drives out waste and embeds lean thinking.
Protocol 7: The Collaborative Relationship Monitor	This is the “trust thermometer”, a revolutionary tool involving regular anonymised surveys of the project team to measure the health of key project variables and relationships. It identifies underlying tensions or frustrations before they erupt into formal disputes. It provides empirical



Collaboration Tool (Protocol)	Detailed Use/Benefit
	data on the project’s social dynamic. It includes details of the Advanced Dispute Avoidance Training Modules that give effect to improvement in the several areas measured.
Protocol 8: Project Issue and Dispute Resolution	This is the safety net. It establishes a suite of clear processes for resolving issues that bypass traditional conflict methods with the goal of achieving resolution at the lowest level at the earliest time.

*Table 1 – The ROPE Management™ Protocols*

For more information on and to purchase the Protocols and Advanced Training Modules, see our [eShop](#).

### Implementation: When and How to use ROPE Management™

The greatest benefits are realised when ROPE Management™ is embedded from the very outset of a project. The ideal opportunities are:

1. At Project Inception: Even before the design team is assembled, the Client can use these principles to shape their business case, outline the project mandate and develop a procurement strategy that selects partners based on value and cultural alignment, not just price.
2. During Team Assembly: In two-stage tendering, the Protocols are used to integrate the Contractor and key Sub-Contractors early into the design and planning process, leveraging their constructability expertise and fostering a “one-team” mentality from day one.
3. Post-Contract Appointment (Retrofitting): While sub-optimal, it is still possible to introduce many ROPE Management™ principles after a traditional or single stage design and build contract has been let. However, certain aspects, for example, incentivisation, may be difficult to implement without contractual variation.

### What Enlightened Clients Want

It is important to remember that for many Clients construction is means to an end – a business need and not an end in itself. Historically, Client expectations have been so low that a project without major disputes is considered a success. This is a damning indictment of the industry.

Under ROPE Management™, delivering on time, on budget and to quality is merely the baseline – the “neutral” position. What truly differentiates the best projects and delivers exceptional Client value are the factors that flow directly from collaboration. These include:

1. Having a Champion for Change: An individual or group within the project team who actively drives the collaborative culture and holds others accountable to the principles.
2. Unlocking Human Potential: Creating an environment where people are empowered, engaged and motivated to do their best work.



## **Dispute Avoidance through Collaborative Working (Protocol 1)**

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3. Deep Customer Insight: Going beyond the brief to truly understand the Client's operational needs and end-user experience.
4. Exceeding Expectations: Using innovation and proactive value-engineering to deliver outcomes that surprise and delight the Client.
5. Delivering Real Value: Introducing innovative products and processes that enhance the asset's functionality, reduce its whole life cost, or increase its societal benefit.



### Summary and Conclusion: The Collaborative Future

Sir John Egan’s report provided a visionary blueprint for a more efficient and integrated construction industry. While its full potential was not realised in the subsequent decades, its core message is more relevant today than ever before. The industry stands at a crossroads, grappling with legacy adversarial practices while facing unprecedented new challenges.

The rise of statutory adjudication as the default mechanism for resolving construction disputes, is itself yielding to the next logical step: a focus on conflict avoidance. In this vein, the Conflict Avoidance Coalition is set to drive further change in 2026.

However, as this document has argued, the advice to “communicate better” or “manage the contract properly” is insufficient. People need to know what these concepts “look like, feel like and mean in practice”. The distinction between mere cooperation and true collaboration is critical, as is a sophisticated understanding of how to build and maintain trust.

Delivery models that mandate collaboration – such as Alliancing, Integrated Project Delivery and Frameworks – are becoming the norm for major infrastructure projects globally. As the Institution of Civil Engineers notes, these models require fundamentally different skills, governance structures and leadership behaviours. It is time that such concepts are made scalable to so that the remainder in industry can benefit.

In summary, ROPE Management™ and DART are designed to meet this need. They provide the missing link between the high level philosophy of Egan and Latham and the daily reality of project delivery. They offer a structured, practical and proven path to help projects “Start Right, Stay Right and End Right”. By adopting this approach, the construction industry can finally shed its adversarial skin, reduce the massive hidden costs of conflict and build not just better projects, but a better industry for all.

### Further Reading

- Latham (1994) *Constructing the Team*
- Egan (1998) *Rethinking Construction*
- RICS (2012) *Conflict Avoidance and Dispute Resolution in Construction*
- HM Government (2022) *The Construction Playbook*
- Institution of Civil Engineers. (2024) *Six collaborative models set to transform infrastructure delivery*
- Construction Industry Council (2024) *Collaborative Futures: Competence, Capability & Capacity*
- Conflict Avoidance Coalition <<https://conflictavoidance.org>>



## About the Author

Douglas Beckwith LLB(HONS) PGDIP(BAR) LLM FRICS is a Chartered Quantity Surveyor and Barrister (non-practising).

He is a highly accomplished Project Manager and Dispute Avoidance and Resolution specialist. He has proven expertise in forensic quantity surveying, expert witness testimony and complex dispute avoidance with submissions to tribunals, courts, international arbitrations and adjudications.

He has led high value projects globally specialising in commercial dispute avoidance, risk mitigation and strategic procurement. He is an experienced Quantity Surveyor and Contract Administrator/Employer's Agent on commercial and infrastructure projects in the UK and overseas.

Douglas is the founder and Director of CINDAR, a bespoke organisation assisting project teams to incorporate dispute avoidance principles in projects of all types, sizes and values. He also operates CINDAR's unique dispute resolution method known as aADR.

CINDAR operates predominantly in the United Kingdom and in Australia.

## Contact Us

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