

# COMPLAINTS POLICY

MediateUK Ltd views complaints as an opportunity to learn and improve for the future, as well as a chance to put things right for the person that has made the complaint.

Our policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at MediateUK Ltd knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do

## DEFINITION OF A COMPLAINT

A complaint is any expression of dissatisfaction, whether justified or not, about any aspect of MediateUK Ltd.

A complaint against a mediator must relate to breaches of the FMC's Codes of Practice or Standards Framework that occurred within the last three months. For the avoidance of doubt, complaints that relate to the way mediation was conducted as a whole, the date the three months runs from is the last joint or shuttle mediation.

## WHERE COMPLAINTS COME FROM

Complaints may come from any paying client, a former client or a qualifying third party. A complaint can be received verbally or in writing using phone, email, or post.

A qualifying third party who can make a complaint against a mediator is:

- A prospective client who has been directly affected by a mediator's professional behaviour
- A person who has been invited to participate in a mediation process, for example another professional who attends a mediation such as a translator
- Where a third party is involved in a complaint, confidential information will not be disclosed.

Under FMC/FMSB guidelines:

- Complaints against a mediator contacting a potential participant, do not need to be investigated.
- Complaints against a mediator who has not invited a potential participant and has issued a court form to the other participant, do not need to be investigated.

## CONFIDENTIALITY

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

## RESPONSIBILITY

Overall responsibility for this policy and its implementation lies with Belinda Atkins, Managing Director, MediateUK Ltd.

## CONTACT DETAILS FOR COMPLAINTS

Written complaints may be sent to:

MediateUK Ltd, Access Business Centre, Willoughby Road, Bracknell RG12 8FB

or by e-mail to [admin@mediateuk.co.uk](mailto:admin@mediateuk.co.uk)

Verbal complaints may be made by phone to:

0330 999 0959

or in person to any of MediateUK Ltd's staff.

## RECEIVING COMPLAINTS

Complaints may arrive through channels publicised for that purpose or through any other contact details or opportunities the complainant may have.

Complaints received by telephone or in person need to be recorded. The person who receives a phone call or in person complaint should:

- Write down the facts of the complaint
- Take the complainant's name, address and telephone number
- Note down the relationship of the complainant to MediateUK Ltd (for example: client, member)
- Tell the complainant that we have a complaints procedure
- Tell the complainant what will happen next and how long it will take
- Where appropriate, ask the complainant to send a written account by post or by email so that the complaint is recorded in the complainant's own words.

For further guidelines about handling verbal complaints, see Appendix 1

## STAGES TO RESOLVE COMPLAINTS

### STAGE ONE

Complaint raised through MediateUK Ltd Head Office (inc via the mediator) and is likely to fall into one of two areas:

1. Administration/procedural – these complaints are handled by the business support specialist concerned
2. Mediation/mediator related – these complaints are forwarded to the mediator and the first stage reply will be from them.

### STAGE TWO

If the client is not satisfied with the reply from Stage One, the complaint can be escalated to

1. Administration/procedural - the Operations Manager
2. Mediation/mediator related – a company PPC

### STAGE THREE

Should the client remain unhappy, the complaint can be escalated to Board level, where it will be considered by the Managing Director. This is the end of the process for all administrative/procedural complaints against MediateUK Ltd

### STAGE FOUR

For complaints against mediators, the client can take the matter to the FMSB, which is part of the governing body and an independent organisation.

*We reserve the right to vary the above stages if we feel a complaint is better escalated at an earlier stage, or if we feel it should be answered by a different professional within the company. If we do this, we will explain why, in our response.*

## RESOLVING COMPLAINTS – DETAILED PROCEDURES

### STAGE ONE

In many cases, a complaint is best resolved by the person responsible for the matter being complained about. Often, additional information or a more detailed explanation can facilitate greater understanding of why something has happened.

Where a complaint is raised through MediateUK Ltd Head Office (inc via the mediator) it is likely to fall into one of two areas:

1. Administration/procedural – these complaints will be handled by the business support specialist concerned
2. Mediation/mediator related – these complaints will be forwarded to the mediator and the first stage reply will be from them. Their reply will come via the business support team.

In either case, if the business support specialist or the mediator feel the complainant would be better served by referring it to their immediate supervisor, they can do so.

The following steps must be followed

1. All complaints are copied to the Operations Manager within a week of receipt
2. Complaints are logged formally and assigned a reference number
3. The Operations Manager will record the name of the person answering the complaint and the date of receipt
4. If the complaint relates to a specific person, they should be informed and given a fair opportunity to respond
5. Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement should
  - a. State who is dealing with the complaint
  - b. Tell the person complaining when they can expect a reply
  - c. Include a copy of this complaint procedure

Ideally, complainants should receive a definitive reply within 30 working days. If this is not possible because for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken because of the complaint.

Following 'best practice' advice from the governing body, once a complaint is made against a mediator, that mediator can no longer be involved in the case from which the complaint has arisen.

### STAGE TWO

If the complainant feels that the problem has not been satisfactorily resolved at Stage One, they can request that the complaint is reviewed by the immediate supervisor of the person who responded to the complaint. Escalation will be to:

1. Administration/procedural - the Operations Manager
2. Mediation/mediator related – the company PPC to whom the mediator reports

An acknowledgement should be sent to the complainant within 7 days of the request to review the response to the original complaint. This acknowledgement will go from the person conducting the review and it must let the complainant that the reply will be sent within 21 days (3-weeks) from the date of the request to review.

## STAGE THREE

Should the complainant still remain unsatisfied, they can request a review at Board level. At this stage, the complaint will be passed to Alistair Carter.

The request for Board level review should be acknowledged within a week of receiving it. The acknowledgement should say who will deal with the case and when the complainant can expect a reply.

The person who receives Stage Three complaints may investigate the facts of the case themselves or delegate a suitably senior person to do so. This may involve reviewing the paperwork of the case and speaking with the people who dealt with the complaint at Stages One and Two.

If the complaint relates to a specific person, they should be informed and given a further opportunity to respond.

The people who dealt with the original complaint at Stages One and Two should be kept informed of what is happening.

Ideally, complainants should receive a definitive reply within 15 working days. If this is not possible because, for example, an investigation has not been fully completed, a progress report should be sent with an indication of when a full reply will be given.

Whether the complaint is upheld or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusions from the investigation, and any action taken as a result of the complaint.

The decision taken at this stage is final, unless the Board decides it is appropriate to seek external assistance with resolution.

## STAGE FOUR

For procedural/administrative complaints, there is no further appeal beyond the Board Level review at Stage Three.

If the complainant is not satisfied by the response given to their complaint, they can ask the FMSB to consider the complaint if certain criteria are met, and MediateUK Ltd can provide details on how to do this.

## MEDIATION OF THE COMPLAINT

Where both the mediator and complainant agree, mediation can be used to resolve the complaint.

## VARIATION OF THE COMPLAINTS PROCEDURE

The Board may vary the procedure for good reason. This may be necessary to avoid a conflict of interest, for example, a complaint about the Chair should not also have the Chair as the person leading a Stage Two/Three review, or where a relevant person is away or unable to respond in a timely manner.

## MONITORING AND LEARNING FROM COMPLAINTS

Complaints are reviewed annually to identify any trends which may indicate a need to take further action.