

COMPLAINTS POLICY

Mediate UK 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 Mediate UK 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 Mediate UK.

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
- 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 Alistair Carter, Managing Director, Mediate UK.

CONTACT DETAILS FOR COMPLAINTS

Written complaints may be sent to:

Mediate UK, Access Business Centre, Willoughby Road, Bracknell RG12 8FB

or by e-mail to admin@mediateuk.co.uk

Verbal complaints may be made by phone to:

0330 999 0959

or in person to any of Mediate UK'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 Mediate UK 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

RESOLVING COMPLAINTS

STAGE ONE

In many cases, a complaint is best resolved by the person responsible for the issue being complained about. If the complaint has been received by that person, they may be able to resolve it swiftly and should do so if possible and appropriate. If they feel the complainant would be better served by doing so, they should refer the complaint to the Office Manager.

Whether or not the complaint has been resolved, the complaint information should be passed to Belinda Atkins within one week.

On receiving the complaint, we record it in the complaints log. If it has not already been resolved, they delegate an appropriate person to investigate it and to take appropriate action.

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

Complaints should be acknowledged by the person handling the complaint within a week. The acknowledgement should say who is dealing with the complaint and when the person complaining can expect a reply. A copy of this complaint procedure should be attached.

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 as a result of the complaint.

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 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 Two 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 person who dealt with the complaint at Stage One.

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

The person who dealt with the original complaint at Stage One should be kept informed of what is happening.

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 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.

MEDIATION OF THE COMPLAINT

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

COMPLAINT TO FAMILY MEDIATION STANDARDS BOARD (FMSB)

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 Mediate UK can provide details on how to do this.

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 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.