

Complaints Procedure

1. Statement of purpose

The College of Mediators [the College] sets, promotes, maintains and improves the highest standards of professional conduct for those practising and working in the field of mediation. This procedure aims to help maintain and encourage those high standards. This procedure sets out when and how complaints relating to a mediator's practice should be dealt with by the College.

2. Scope and application

2.1 All practising members of the College are subject to this procedure; it applies to individual practising members of the College only.

2.2 The College expects that all mediation services will have complaints procedures of their own and expects that these will be used before the College becomes involved. Every effort should be made for a complaint to be dealt with promptly and directly first by the mediator[s] concerned and, if applicable, by her/his mediation service.

2.3 The College will consider a fresh complaint only when all other complaints procedures have been exhausted. It is not, therefore, an appeal procedure in relation to any prior complaints procedures.

2.4 The College will make no recommendations regarding restitution of mediation fees; this complaints procedure relates solely to mediation practice.

2.5 A professional practice consultant [PPC] is deemed to be a mediator for the purposes of this procedure and 'mediation practice' shall include a PPC's practice as both a mediator and a PPC.

2.6 A complaint can be made by a client or a mediator [including a PPC], who has cause to believe that a mediator's practice has been in breach of the Code of Practice of the College.

2.7 There is no charge for using this complaints procedure.

2.8 Where a conflict of interest arises in managing a complaint, every effort will be made by the College to deal with it fairly and to properly address the conflict of interest.

2.9 A complaint must be made within 6 months of the practice from which the complaint arises. If a complaint is made after this time limit an explanation for the delay must be given and the College will have discretion to take this into account.

2.10 Once a complaint is raised with the College every effort will be made to resolve it in an informal way through direct contact with all concerned (see point 4.6 below). The resort to informal attempts to resolve the complaint will not jeopardise the right of the complainant to proceed with the Complaints Procedure as set out below.

2.11 For a complaint to be investigated fully, details will need to be disclosed to the Complaints Panel. The College will ensure the confidentiality of the investigation process.

3. How a complaint should be made.

3.1 A complaint must be made by email to the College. If other means are needed the College will be pleased to give assistance upon receiving a request to do so.

3.2 The College will require full information concerning those involved, including the name[s] of the mediator[s] concerned, and demonstrating that all the prior complaints procedures have been fully exhausted. Supporting documents must be presented in full. Once full details have been received, the College will contact directly all those involved including the Professional Practice Consultant concerned.

4. Management of complaints

4.1 Any person wishing to make a complaint about a member of the College should first contact the College by phone or email to register her/his complaint.

4.2 A representative of the College will make initial contact with the complainant by phone or email, sending a copy of this complaints procedure as well as the College's Code of Practice.

4.3 Upon receipt of a full outline of the complaint by email, the College will acknowledge receipt by email within 7 days.

4.4 The mediator[s] and their Professional Practice Consultant[s] will be informed that a complaint has been made and a copy of the complaint will be sent to them for comment.

4.5 A response to the complaint from the mediator[s], in consultation with their Professional Practice Consultant[s], will be expected in writing normally within 28 days of the date of the email from the College. If the response to a complaint is made after 28 days an explanation for the delay will be given.

4.6 A representative of the College will make direct contact with all those concerned and will make an informal attempt to resolve the complaint [including an offer of mediation], where this is appropriate.

4.7 Should the matter remain unresolved, this representative of the College will send all the relevant written information received and a record of any discussions/actions taken to the Chair of the Complaints Panel. The Complaints Panel will consider the complaint on the basis of written submissions only unless otherwise agreed with the College [as in 3.1 above]. The representative of the College undertaking the preliminary enquiries as set out above will not participate as a member of the Complaints Panel in the formal consideration of the complaint.

4.8 All complaints received by the College will be dealt with as promptly as possible. The aim is to do so within 3 months of receipt of the complaint. Any delays will be notified to all concerned.

4.9 The College will consider as final the decision of its Complaints Panel.

5. The Composition and Function of the College Complaints Panel

5.1 The Complaints Panel will be appointed by the Directors of the College and will agree its own Chair and will be composed of a maximum of four members.

5.2 An alternative member or members must be used if there is any question of any conflicts of interest. In the event that a complaint is made about a serving member of the College Board, arrangements will be made for a third party to investigate it.

5.3 If the complaint is upheld, the Complaints Panel may recommend that the mediator[s] make[s] such amends as are considered appropriate and may also apply sanctions as considered appropriate.

5.4 The deliberations of the Complaints Panel will be confidential.

6. Notification of proceedings

The College will disseminate [anonymously] to its members general professional practice issues learned from matters raised under the Complaints Procedure.