

COMPLAINTS PROCEDURE

This procedure sets The purpose of such a procedure is to provide a means of processing any complaint about an infringement of the IPMO Code of Professional Conduct on the part of an IPMO Mediator member. It is the guiding principle of this Complaints Procedure that, where possible or appropriate, an amicable solution will be sought.

DEFINITIONS

Refer to the Code of Professional Practice for IPMO Mediators

1 THE COMPLAINT

STEP 1: Where a party wishes to make a complaint about an IPMO Mediator in respect of the service provided, or in respect of conduct that it is alleged is an infringement of the Code of Professional Practice, then the Complainant must first raise that complaint with the Mediator within 2 months of the event/s the subject of the complaint. The Mediator must respond to the complainant within 21 days of receiving that complaint. If the Complainant is not satisfied with the outcome of their complaint, the matter may be referred on to the IPMO Complaints Officer. This must be done within one month of the conclusion of consideration of the complaint under Step 1, and in any event no later than 6 months from the event/s giving rise to the complaint. A Complainant may ask that their complaint is considered outside these timelines, which shall solely be at the discretion of the Board. The Complainant must submit their complaint in writing using the required Complaints Form, and all documents relating to the complaint must be submitted with that form and sent to the designated Complaints Officer.

2 THE COMPLAINTS COMMITTEE

STEP 2: The Complaints Committee shall be appointed by the Board and will consist of;

- (a) 6 mediators with diverse practice backgrounds, IPMO Mediator Q or Certified members of IPMO, none of whom shall be Directors, who will be asked to serve for a period of 3 years, and may be re-appointed for one further term, and
- (b) An External committee member, who is not a practising mediator, with relevant experience, or knowledge of, redress procedures, who will act as Chairperson for the committee, appointed for a period of three years, who can be re-appointed for one further period of three years only.

Each member of the Complaints Committee will sign a declaration of confidentiality. The Board will appoint a Complaints Officer, who will receive any complaints and will be responsible for ensuring the implementation of the complaints process and will ensure that it is expedited in a timely manner. Meetings shall take place on Zoom unless otherwise required. Members of the Complaints Committee will receive standard Civil Service rates for mileage and subsistence, and the Chairperson and the

Complaints Officer will additionally receive an hourly attendance fee for meetings, which will be set and paid for by the Board.

3 THE COMPLAINTS PROCEDURE

3.1 Stage One

When a complaint is received, it will be referred to the Complaints Officer. Only written and signed complaints will be considered. The Complaints Officer will seek written authorisation from the Complainant to provide the letter of complaint to the Mediator, or Mediators (where the case was co-mediated), the subject of the complaint. If the Complainant does not respond within 21 days, then the Complaints Officer will write to the Complainant by registered post to ascertain if he or she wishes to bring the complaint further. If, after a further 14 days, the necessary authorisation is not forthcoming, the Complainant will be informed in writing that the complaint cannot be considered further. If the complaint is against the Complaints Officer or any member of the complaints committee, they will step back from their functions on the committee until such time as the complaint is dealt with. The Chairperson may appoint another person to act as the Complaints Officer, if required.

When, and if, the required authorisation is received, the Complaints Officer shall send the written complaint by registered post to the Mediator/s, who will be asked to respond in writing within 21 days of receiving the complaint. This response will be provided to the complainant by registered post. If the Complainant is satisfied with the written reply, the Complaints officer will communicate that outcome to the Mediator/s. If the complainant is not satisfied, then the procedure will move on to Stage 2.

3.2 Stage 2 – Informal

At the discretion of the Complaints Officer, and within a further 6 weeks up to two exploratory informal meetings, lasting no more than an hour, involving either or both parties may be held with the Complaints Officer. The complainant may be accompanied to such meetings by a support person, and the mediator may be accompanied by a fellow IPMO member or support person of their choice. All attendees are under an obligation to maintain confidentiality of all information to which they become exposed during the meetings.

If the Complainant is satisfied with any further response of the Mediator/s, or with the exploratory meeting/s (if any took place), the Complaints Officer will communicate that outcome to the mediator/s. If the Complainant is not satisfied, then the procedure will move on to Stage 3.

3.3 Stage Three – Formal

The Complaints Officer will notify the Chairperson of the Complaints Committee who will then appoint two members of the Complaints Committee to investigate the matter, hereinafter referred to as the "Investigators". Members of the Complaints Committee must declare any conflict of interest they may have in relation to any complaint and shall be ineligible to be appointed to investigate in that case.

The Complainant and the Mediator/s will be informed, and the appointed investigators will endeavour to conclude their investigation as quickly as possible generally within 6 weeks of being appointed. All investigative procedures shall be conducted in strictest confidence.

The Investigators will convene a meeting to be attended by the Mediator and the Complainant. The meeting will be chaired by one of the Investigators, will last for a maximum of three hours, and will allow a statement of complaint, response, and questions by all present. The meeting shall be recorded. The Complainant and Mediator may each be accompanied to such meetings by a support person of their choice. If the Complainant does not attend a scheduled meeting and no reasonable explanation is forthcoming, the complaint will lapse.

Following on from this meeting the Investigators shall within 14 days submit a written report and recommendations to the Complaints Committee. Should a Mediator refuse to co-operate fully in the Complaints Procedure, the Investigators will ask the Complaints office to convene a meeting of the Complaints Committee, and the Chairperson may recommend appropriate action to the Board.

4 Finding

The Committee and the Chairperson will meet, as soon as possible, to consider the report of the Investigators (who will not attend the meeting) and will make a decision based on the report, and may make the following findings;

1. The complaint is upheld, or
2. The complaint is not upheld

Where the complaint is upheld, the Committee may make any of the following sanctions;

- (a) May require the mediator to undertake further training
- (b) May require the mediator to refund part or all of the fees charged
- (c) May require the Mediator to contribute to part or all of the costs of the Complaint
- (d) May de-register the mediator for a specified period, with a specified action required
- (e) May de-register the mediator indefinitely from the organisation

The determination of the Complaints Committee will be communicated in writing to both the Complainant and the Mediator/s, and will be recommended to the Board for ratification, subject to any appeal.

5 APPEALS PROCESS AND HEARING

Either party may appeal the decision of the Complaints Committee, within 14 days of the date of the decision, setting out the basis for that appeal in writing to the Complaints Officer. Appeals will be convened within a further 6 weeks and held on Zoom unless otherwise required. The Tribunal to hear

the appeal shall be appointed by the Chairperson of the Board and shall be comprised of two members of the Board, and one external person, with relevant experience in redress procedures, who will chair the hearing. The appeal shall be held on Zoom unless otherwise required. Tribunal members shall receive Civil Service mileage and subsistence (where the meeting is not held on Zoom), and the Chair will receive an hourly attendance fee to be set by the Board. The complainant or Mediator/s may bring a support person or a solicitor or other professional, to the hearing. A Tribunal involves a full re-hearing of the dispute unless the parties agree before-hand to limit it to certain issues. The Tribunal will be provided with the original written complaint, the Mediator/s response, and the written appeal. The Chairperson will invite the appellant to make an opening statement and will ensure that the parties have ample opportunity to put questions to each other or make further statements. The Tribunal will make a decision based on the evidence before it, and that determination will be communicated in writing within 21 days of the hearing. Where the finding by the Complaints Committee was against the Mediator but the appeal is successful then the effect is that the determination of the Complaints Committee is void. Where the finding by the Tribunal was that the appeal is not successfully made and the decision of the Complaints committee is upheld, then the Tribunal may make any of the following sanctions which shall be binding on the Mediator once ratified by the Board;

- (a) May require the mediator to undertake further training
- (b) May require the mediator to refund part or all of the fees charged
- (c) May require the Mediator to contribute to part or all of the costs of the Complaint
- (d) May de-register the mediator for a specified period, with a specified action required
- (e) May de-register the mediator permanently from the organisation

IPMO mediator members who are also members of the International Mediation Institute may elect to have any complaint dealt with under that organisation's Professional Conduct Assessment.