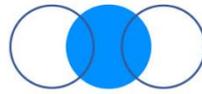


Code	CO.001
Title	Complaints Procedure
Status	Active
Prepared by	Stuart Hanson
Approved by	Andrew Buckingham
Date Approved	09.11.17
Revision Number	Version 1.0
Date last amended	01.11.17
Date of next review	01.11.19
Contact Officer	Stuart Hanson
Distribution Status	Controlled



1. Complaints Procedure

Direct Mediation Services is committed to the highest standard of service and care. However, we recognise that at times people will be dissatisfied and will want to complain. We welcome these complaints and will take every opportunity to learn from them.

The complaints policy and procedures provide the framework within which anyone who has experienced dissatisfaction with Direct Mediation Services' services can raise their concerns and the framework within which complaints from clients.

2. Introduction

Direct Mediation Services provide mediation. We are committed to the equality of opportunity for all prospective and current clients.

The mission of Direct Mediation Services is to recognise the needs of clients and to provide them with support in a positive environment in order to achieve their goal. The core values include;

- client focus;
- integrity and mutual trust;
- honesty and respect/openness and transparency;
- recognising and valuing the contributions of all.

This policy and procedures provide the framework within which anyone who has experienced dissatisfaction with Direct Mediation Services' services can raise their concerns and the framework within which staff should deal with complaints from clients.

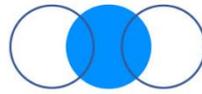
3. Legislative Framework

This policy operates in a framework which recognises that the relationship between the client and Direct Mediation Services is a contractual one.

4. Aim of Policy

We aspire to the highest standards of service but we also recognise that on occasions clients will want to complain. Should this occur Direct Mediation Services will treat the complaint seriously, investigate as appropriate and if necessary will address the issues highlighted to prevent similar problems in future.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 2 of 16



5. Scope

A complaint may be defined as “an expression of dissatisfaction that needs a response”. The expression of dissatisfaction may take the form of an informal, verbal or written complaint (including e-mail).

A complaint may relate to any aspect of our activity and may be made by anyone.

Complaints arising from perceived discrimination for reasons relating to age, gender, status, race, disability, sexual orientation, religious or political beliefs, should be dealt with using this policy.

6. Policy Statement

The principles underlying the procedures for Complaints and Appeals include;

- the notions of fairness and reasonableness,
- the resolutions of problems swiftly and informally, at local level and recourse to an appropriate formal procedure if not,
- that complaints and appeals will be treated seriously and may be made without fear of recrimination,
- that complaints and appeals should not be made frivolously or vexatiously,
- the right to put one’s case in writing and to have a written response with reasons,
- the right to have the outcome of a complaint reviewed by a higher body,
- that procedures are made widely available to all,
- that complaints and appeals form part of Direct Mediation Services process of quality review and improvement,
- that complaints and appeals will be given priority and will be dealt with within agreed timescales.

7. Procedures

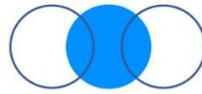
In the first instance every attempt should be made to resolve complaints informally through a dialogue with those immediately concerned.

Anyone is entitled to representation at any of the stages of these procedures. Anyone under the age of 16 must have representation.

The appendix to this policy sets out a 4 stage framework as follows:

- Stage 1 Informal ;
- Stage 2 Formal ;
- Stage 3 Appeal ;

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 3 of 16



- Stage 4 Rights to raise concerns with the Family Mediation Council (FMC).

For any instances where it is felt that the complaints procedure does not set down a precise course of action, reference should be made to the underlying principles of fairness and reasonableness: when in doubt the basic principles of appeal and fair hearing should apply.

8. Compliance

We have the responsibility to receive complaints, treating them seriously and dealing with them promptly and courteously in accordance with the procedure set out below.

We have a direct responsibility for resolving a complaint, and leading or contributing to an investigation into a complaint when this is considered appropriate. They should maintain a confidential record of complaints dealt with to inform Direct Mediation Services' quality improvement processes.

All complaints will be treated in strictest confidence and in accordance with the provisions of the Data Protection Act 1998. Any information relating to a third party will also be treated in confidence and in accordance with the Act. The information provided will only be used for the purposes of dealing with the complaints and for monitoring.

The Complaints Policy and Procedure will be made available to all clients during their initial meeting.

9. Monitoring of Complaints

Complaints will be monitored as part of Direct Mediation Services' commitment to quality improvement. An annual report will be produced that will analyse complaints by type of incident and by the gender, race and if applicable disability of the complainant. This report will be considered as part of their impact appraisal of the race relations policy.

10. Review

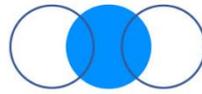
The policy and associated procedures will be reviewed triennially in line with Direct Mediation Services' review procedures.

11. Procedures for Implementing the Complaints Policy

11.1 Stage One (Informal Complaint)

In the first instance every attempt should be made to resolve complaints informally through a dialogue with those immediately concerned.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 4 of 16



If you are unhappy with any aspect of the service that you have received, you should raise your concern with Direct Mediation Services as soon as possible and not normally later than within two weeks of the incident.

Clients should speak to their mediator in the first instance who may refer the matter on. The mediator dealing with the complaint should make every reasonable effort to resolve the complaint promptly and will keep you informed of how long the investigation is likely to take. If a complaint is about a member of staff it should be referred to their line manager. If you are not sure who the line manager is, please speak to any member of staff.

11.2 Stage Two (Formal Complaint)

If you are unhappy with the outcome of the investigation you may wish to make a formal complaint. This procedure includes a form for you to make a formal complaint. Direct Mediation Services will not respond to anonymous complaints.

Once your form has been received by Direct Mediation Services we will;

- let you know within 3 working days that we have received your complaint;
- tell you when you will receive a reply to your complaint;

You will normally receive a reply to your complaint within 10 working days, telling you;

- whether we uphold your complaint;
- what we plan to do about the issues raised in your complaint;
- if we do not agree with your complaint, why not;
- how you can appeal if you are unhappy with my decision.

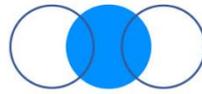
As far as possible a response will be given within 10 working days but if the complaint is particularly complex this may take longer.

11.3 Stage Three (Your Right of Appeal)

If you are dissatisfied with our response to your complaint you can appeal in writing. Your appeal must state the reasons of your appeal. If it is found that there are justifiable grounds for your appeal a nominated representative will be nominated to investigate the complaint. Following determining there are no grounds of appeal or from the findings of the investigation Direct Mediation Services will decide to either:

- dismiss the complaint as unfounded;
- refer the complaint back to an area and propose an amicable settlement;
- uphold or partially uphold the complaint, offer an apology, recommend appropriate steps are taken to address the issue to avoid a similar problem arising in future.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 5 of 16



The decision of the directors is final and you will be advised in writing of the outcome within 10 working days.

11.4 Stage 4 - Taking a Complaint Further

Complaints (including claims of breach of the Family Mediation Council (FMC) Code of Conduct for Family Mediators) may be made by mediation clients (including persons attending mediation information and assessment meetings or other initial consultations), by other mediators (including PPCs), or by others affected by or privy to the member's actions. Complainants do not need to be affected personally by the actions of the member where they are making a claim that the member is in breach of the FMC Code of Practice.

If the person is dissatisfied with the mediator's response they should explain in writing why their concerns have not been addressed. This will be passed to a company director for resolution following consultation with the mediator's Professional Practice Consultant. The company director will respond within 14 days.

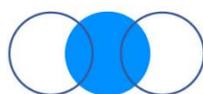
On reviewing the concerns, the business owner may call upon an independent Professional Practice Consultant to review the concerns and advise the company. In this event written consent will be sought from clients to release their papers to a third party for scrutiny.

The Independent Professional Practice Consultant will report within 14 days of receiving the case file to the referring Company Director who will write to the complainant confirming their decision within 7 days of receiving the report.

In cases where a breach of the FMC Code of Practice has been identified the mediator will be referred to their member body.

If we have not resolved a complaint within the above timescales you may make a formal complaint to the mediator's membership organisation which is named on your agreement to mediate. (If you are unsure how identify or contact the organisation ask us for further details). The membership organisation will not make a charge for investigating complaints. A membership organisation's complaints procedure does not prejudice your right to seek civil remedy. Note, the membership organisation will normally only investigate a complaint relating to the standard of service provided by the member if the complainant has already exhausted the member's own complaints procedures.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 6 of 16



Appendix 1

Complaint Form

Name of person(s) making the Complaint:	
Address:	
Telephone No:	

Representative of person(s) making the Complaint:	
Address:	
Telephone No:	

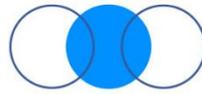
Please complete the following details so that we can monitor all complaints, in accordance with our commitment to quality of service and equal opportunity.

Gender (please tick (✓) where appropriate)			
Male	<input type="checkbox"/>	Female	<input type="checkbox"/>

Ethnic Group (Please choose from one of the following groups (ticking (✓) where appropriate))					
White		Mixed	Asian, Asian Scottish Or Asian British	Black, Black Scottish or Black British	Other Ethnic Background
Scottish		Any	Indian	Caribbean	Any Other Background
English		Mixed	Pakistani	African	
Welsh		Back-ground	Bangladeshi		
Irish			Chinese	Any other	
Any Other White Background			Any Other Asian Background	Black Background	

Disability			
No known disability		Dyslexia	<input type="checkbox"/>
Blind/partially sighted		Deaf/have a hearing impairment	<input type="checkbox"/>
Wheelchair user/have mobility difficulties		Personal care support	<input type="checkbox"/>
Mental health difficulties		An unseen disability, eg diabetes, epilepsy, asthma	<input type="checkbox"/>
Multiple disabilities		A disability not listed here	<input type="checkbox"/>

Name(s) of person(s) complained about: (if relevant)	



Appendix 2

Guidelines for Staff

It is to everyone's advantage to resolve complaints quickly and informally at local level as by doing so we can reduce stress and time consuming investigations. It is important therefore that all staff take complaints seriously and follow the agreed policy and procedures.

These guidelines should be read in conjunction with Direct Mediation Services' complaints policy and procedure. Those staff involved in an investigation should read the guidelines on carrying out investigations. For guidelines please contact Direct Mediation Services.

All Staff

(Especially those in regular contact with the public.)

If a complaint is made to you - you must pass it on immediately to the appropriate senior member of staff that is being complained about. Tell the complainant;

- that you will pass it on;
- the name of the person that you are passing it onto;
- that it will be dealt with under Direct Mediation Services' complaints procedure.

You should offer the person a copy of Direct Mediation Services' complaints procedure.

Mediator

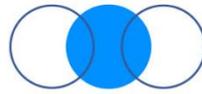
Ensure that all clients are aware of the complaints policy and procedure during the initial meeting.

Deal with informal complaints as per stage one of the procedure. The key issues are to be prompt, fair and reasonable. If you need to refer the matter to your manager do this as quickly as possible but keep the complainant informed about what is happening and likely timescales.

Tell the complainant;

- that you will pass it on;
- the name of the person that you are passing it onto;
- that it will be dealt with under Direct Mediation Services' complaints procedure.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 9 of 16

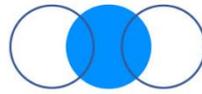


Quality Assistant

It is the role of the Quality Assistant to administer the formal stage of the complaints procedure. If you receive a formal complaint you should;

- acknowledge the complaint within 3 working days;
- pass it onto the relevant head of the area that is being complained about;
- ensure that the head of that area is aware of the complaints procedure and the relevant timescales for reply;
- ensure that a reply is sent to the complainant and maintain a copy on file for monitoring purposes;
- produce an annual report to the business owner for the purposes of quality improvement.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 10 of 16



Appendix 3

Model Reply Letter – Acknowledgement of Complaint

Dear *[insert name]*,

I refer to your complaint of *[insert date]* with regard to *[brief description of complaint]*.

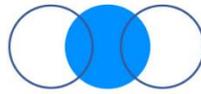
The investigating person will be *[insert name]* and you will receive a response within *[insert]* working days from the date of this letter.

Yours sincerely

Stuart M. Hanson

Direct Mediation Services

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 11 of 16



Appendix 4

Model Reply Letter – Complaint Upheld

Dear *[insert name]*,

I refer to your complaint of *[insert date]* with regard to *[brief description of complaint]*.

Having investigated this thoroughly, Direct Mediation Services upholds your complaint and will address the issues that you raised as follows:-

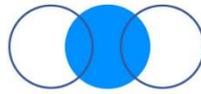
- *[insert action to be taken]*
- *[insert action to be taken]*
- *[insert action to be taken]*

I apologise for your inconvenience and thank you for bringing the issue to our attention.

Yours sincerely

[Enter name of signatory]

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 12 of 16



Appendix 5

Model Reply Letter – Complaint Not Upheld

Dear *[insert name]*,

I refer to your complaint of *[insert date]* with regard to *[brief description of complaint]*.

Having investigated this thoroughly Direct Mediation Services does not uphold your complaint for the following reasons:-

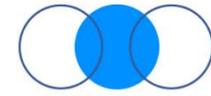
- *[Enter reasons]*
- *[Enter reasons]*
- *[Enter reasons]*

Should you wish to appeal against this decision you should write to Direct Mediation Services outlining your continued dissatisfaction with our service.

Yours sincerely,

[Enter name of signatory]

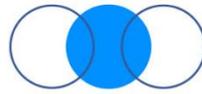
Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 13 of 16



Appendix 6

Record of Complaints

Name of Complainant	Date Complaint Received	Date Complaint Acknowledged	Investigating Person	Outcome (i.e. complaint upheld, not upheld/ appeal/any action taken)



Appendix 7

How to carry out an Investigation

Why should we investigate?

The aim of an investigation is to establish the facts without delay. It is vital that confidentiality is maintained at all times and investigations should be carried out as discreetly and sensitively as possible. The investigation should be an objective and non-judgemental enquiry into the facts of the case – the purpose is to search for evidence that supports or rebuts the complaint.

Who should undertake the investigation?

This should normally be the immediate line manager of the area or member of staff being complained about.

When should employees be advised?

Employees should be advised at the earliest opportunity that a complaint has been made against them, and that an investigation will take place.

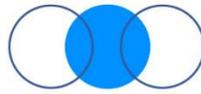
What should those involved be told about the investigation?

The employee and any witnesses should be advised of the nature and purpose of the investigation and that written notes will be taken. **Where possible, a signed and dated statement should be obtained from each individual verifying his or her account of the incident.**

How should the interview be conducted?

- Make sure you have allocated yourself enough time
- Organised a room where you won't be disturbed
- Explain why you are having the investigation
- Try to make those being interviewed feel at ease
- Inform them that they should tell you what they know not what they suspect
- Inform the witnesses that they may be asked to give evidence at an appeal or asked back to clarify points raised, at a later date.

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 15 of 16



How should the interview be conducted?

- Have any relevant documentation to hand
- Be clear about the complaint
- Take statements and collect documents
- Ask open-ended questions e.g. What is your account of the incident in question?
- Do not interrupt whilst the person is talking – listening is the key to successful investigation
- Do not interrogate the interviewee
- Clarify any contradictions that you may have by interviewing certain witnesses again.

Remember you are to gather facts – this is not a formal procedure.

What happens after all relevant parties have been interviewed?

Having interviewed all relevant witnesses, the investigator (usually the line manager) should prepare a written report for Direct Mediation Services' records.

What are the next steps?

1. Give copies of the written report to the business owner for Direct Mediation Services records.
2. Using the appropriate model letter (Appendix 4 or 5) let the complainant know the outcome within the stipulated time scale

Complaints Procedure	CO.001	Version 1.0
Prepared by: Stuart Hanson	Approved by: Andrew Buckingham	Page 16 of 16