



ADR-ODR International Mediation Appointment Complaints Policy and Procedure

1. ADR-ODR International Ltd provides a comprehensive procedure for investigating and acting upon mediator complaints and will ensure that all complaints are taken seriously and are properly handled in accordance with the procedures set out below.
2. The following principles underpin the policy:
 - (i) complaints are important feedback which can enhance the quality of ADR-ODR International's services;
 - (ii) complainants will not suffer disadvantage as a consequence of making a genuine complaint;
 - (iii) ADR-ODR International will seek to resolve complaints in a timely manner with the resources available;
 - (iv) ADR-ODR International shall endeavour to assist complainants to resolve their complaints informally before they invoke the formal procedures; and
 - (v) those ADR-ODR International staff or associates tasked to investigate complaints shall do so impartially and objectively.
3. A complaint in relation to the following issues will be covered in the procedures set out in this policy:
 - (i) the delivery or administration of the mediation to which the complainant was a party or representative
 - (ii) the conduct of a mediator during the mediation

4. Informal Complaint

Making the complaint

In the first instance, complaints should be raised informally with the case manager.

The person to whom the complaint is made will seek to resolve the matter informally as soon as possible and normally within 15 working days of the complaint being made. In seeking to resolve the matter they may liaise with other members of staff.

If the complainant is not satisfied that the matter has been resolved by the informal process he/she may make a formal complaint.

5. Formal Complaint

Making the complaint

A formal complaint must be made in writing.

Responding to the complaint

A member of ADR-ODR International, or a senior person appointed by ADR-ODR International, will investigate the formal complaint. They shall have no material interest in the outcome of the complaint and shall not be bound by any legal rules of evidence.

Complainants should normally expect to receive an acknowledgement of the receipt of the complaint within five working days of receipt of a completed formal complaint form, and the outcome of the investigation into the formal complaint in writing normally within 28 working days. Complainants will be informed if, for any reason, there is likely to be a delay in the process.

ADR-ODR International will decide the most appropriate procedure to investigate the complaint. Where the complaint is against a mediator, he/she will be approached and given the opportunity to respond to the complaint.

In order to investigate the complaint, the complainant may be contacted for further information or clarification.

A person appointed by ADR-ODR International to investigate the complaint will report his/her findings and recommendations and ADR-ODR International will notify the complainant in writing (normally by email) of the outcome of the complaint, any relevant information that informs the findings and the action, if any, to be taken.

The outcomes of a complaint may include the complaint being:

- (i) upheld in whole with a statement as to the remedy;
- (ii) upheld in part with a statement as to the remedy and an explanation regarding those parts dismissed;
- (iii) dismissed with a statement as to the reasons.

If the complainant is satisfied with the written response from ADR-ODR International, then the complaint is deemed to be resolved.

A complainant who considers that their formal complaint has not been properly investigated under the formal complaints procedure may appeal to the Chief Executive of ADR-ODR International, to review their complaint. There is no prescribed form.

Appeals to the Chief Executive against the outcome of a formal complaint will only be considered where:

- (i) there were procedural irregularities in the investigation of the formal complaint; or
- (ii) new evidence can be presented which could not reasonably have been available to the investigator of the formal complaint.

Where the appeal does not satisfy at least one of the grounds and is rejected, ADR-ODR International shall issue a Completion of Procedures Letter.

In order for the Chief Executive to consider the appeal, the complainant must specify:

- (i) the grounds on which the complaint should be reviewed; and
- (ii) the resolution that the complainant seeks; and either:

- (i) the procedural irregularities that occurred in the investigation of the formal complaint; or
- (ii) the new evidence that has become available that was not considered in the original investigation.

If the Chief Executive is not provided with all of this information, he or his nominee may dismiss the appeal for lack of grounds.

The appeal must be sent to the Chief Executive within 10 working days of the notification of the outcome of the formal complaint. It will only be considered outside the 10 working day timeframe if there are good reasons for not complying, which are supported by objective and authoritative evidence.

The Chief Executive, or nominee, will review how the formal complaint has been investigated and the decision reached. The form and conduct of the review is at the discretion of the Chief Executive, or nominee. The complainant will be notified of the outcome of the review in writing by the Chief Executive, or nominee, (normally by email) within 28 working days of receipt of the appeal. The complainant will be informed by Chief Executive, or his nominee if, for any reason, there is likely to be a delay in the process.

The Chief Executive, or nominee, may as a result of his/her investigation:

- (i) confirm the outcome of the formal complaint; or
- (ii) substitute his/her own decision for that of the original investigator; or
- (iii) order a new investigation.

Where the Chief Executive, or nominee, confirms the original outcome of the formal complaint there shall be no further mechanism for appeal and ADR-ODR International's internal complaints procedure shall be deemed to have been exhausted. The complainant will then be issued with a 'Completion of Procedures Letter' by ADR-ODR International.