

MfN Register Complaints Procedure

Article 1 - Definitions

In this Complaints Procedure, the following terms and definitions apply:

- a. MfN: the Mediator Federation of the Netherlands, which keeps the MfN register.
- b. MfN register: the independent quality register of the MfN.
- c. SKM: the Mediator Quality Institute ('Stichting Kwaliteit Mediators'), the independent institute that manages and administers the MfN register.
- d. Office: the office of the MfN register tasked with administrative handling of complaints.
- e. Code of Conduct: the Code of Conduct adopted by the MfN for MfN-registered mediators.
- f. Complaint: any expression of dissatisfaction regarding the work of a mediator in that capacity, submitted in writing to the MfN register by or on behalf of a complainant.
- g. Complaint handler: the person appointed by the MfN register to handle the complaint.
- h. Complainant: a participant in a mediation process, or a representative of the former, who makes a complaint.
- i. Mediator: the mediator entered in the MfN register against whom the complaint is lodged.
- j. Rules: the MfN Mediation Rules adopted by the MfN.

Article 2 - Objective of the Complaints Procedure

The objective of this Complaints Procedure is to make complaint resolution as accessible as possible.

Article 3 - Process

- 3.1 In principle, a complaint will only be accepted for processing if submitted in writing to the MfN register within twelve months after the end of the mediation that gave rise to the complaint. This rule applies without prejudice to the decision of the disciplinary boards regarding the acceptability of a complaint. Mediation is considered ended if one of the conditions referred to in Article 8 of the Rules applies.
- The complainant will at any rate provide:
 - The name, address, telephone number and email address of the complainant.
 - The name of the mediator.

- The mediation agreement.
 - A brief description of the mediation.
 - The end date of the mediation.
 - A brief description of the complaint.
 - The office will record the date of receipt of the complaint.
- 3.2 Within one week, the office will send the complainant a confirmation of receipt and forward the complaint to the relevant mediator. The office will indicate the name of the intended complaint handler.
- 3.3 The complaint handler, complainant and mediator will be asked to report, within one week, any relationships that would pose an obstacle to impartial complaint handling. In such cases, the office will appoint a different complaint handler without delay. The office will forward the complaint to the complaint handler within three weeks after receipt. The office will provide the complaint to the complaint handler.
- 3.4 Within one week after receipt of the complaint, the complaint handler will confer with the complainant regarding whether the complaint can be handled as part of the Complaints Procedure. If it cannot, the complaint handler will discuss the option of proceedings before the Disciplinary Committee in accordance with the Rules of the Mediator Disciplinary Proceedings Institute ('Stichting Tuchtrechtspraak Mediators'). Within two weeks after receipt of the complaint, the complaint handler will inform the complainant, the mediator and the office, in writing, of whether or not the complaint has been accepted for processing.
- 3.5 If the complaint process is to move forwards, the complaint handler will handle the complaint properly. The complaint handler will hear the explanations of the complainant and the mediator. Complaint handling will be completed within six weeks after the complaint handler receives the complaint. The complaint handler may extend this period one time by up to four weeks. If the complainant and the mediator agree to such, the complaint may be handled by telephone.
- 3.6 The complaint handler will endeavour to bring about a satisfactory outcome for the complaint. The complaint handler is not authorised to issue a binding decision or impose penalties. The complaint handler can, however, offer recommendations or opinions on aspects of the complaint. No rights can be derived from said recommendations or opinions.
- 3.7 The complaint handler will duly record the date of receipt of the complaint at the office and the action(s) taken, including any agreements reached with the complainant and/or mediator, and will send any agreements to the complainant and mediator. Once complaint handling is complete, the complaint handler will send a written notice of completion to the complainant, the mediator and the office.
- 3.8 In the written notice of completion, the complaint handler will inform the complainant and mediator that if the complaint pertains to an alleged breach of the Code of Conduct, the complainant may submit it to the Mediator Disciplinary Proceedings Institute after completion of handling. This will be performed in accordance with the Rules of the Mediator Disciplinary Proceedings Institute.
- 3.9 The chair of the Disciplinary Committee may decide not to accept a complaint submitted over 18 months after the end of the mediation.

- 3.10 The MfN register will cover the costs of the complaint handler. The complainant and mediator will cover their own costs.
- 3.11 After completion of complaint handling, the complaint handler will destroy any and all documents related to the handling of the complaint.

Article 4 Privacy and confidentiality

- 4.1 In accordance with Article 7.6(c) of the Rules, the mediator and complainant are released from their confidentiality obligations to the extent necessary for handling of the complaint.
- 4.2 Complaint handlers will observe the confidentiality of any and all information of which they become aware in the complaint handling process. This obligation also applies to the Board of the SKM and the office. This obligation does not apply if the complaint handler was already aware or could already have been aware of the information independently of the complaint.
- 4.3 Information exchanged during handling of the complaint is confidential. Any agreements as referred to in Article 3.7 are not subject to confidentiality and may be submitted in any disciplinary proceedings, unless the parties agree otherwise.
- 4.4 The complaint is handled privately.
- 4.5 If a complaint handler is called before any proceedings at the
- 4.6 Mediator Disciplinary Proceedings Institute, the complaint handler will not make a statement.
- 4.7 Both the complainant and the mediator may enlist assistance in the handling of the complaint. A complainant or mediator enlisting assistance will be responsible for full compliance on the part of the assistant with the confidentiality obligation agreed to in the mediation that gave rise to the complaint.

Article 5 Internal information and archiving

- 5.1 In accordance with Article 7.6(c) of the Rules, the mediator and complainant are released from their confidentiality obligations to the extent necessary for handling of the complaint.
- 5.2 After completion of complaint handling, the office will retain the original complaint and a copy of the written notice of completion for a period of three years. Other documents will be destroyed.
- 5.3 The office will keep records of all complaints received.
- 5.4 The office will provide the Board of the SKM with annual and anonymised information on the handling of complaints received by the MfN register.

Article 6 Final provisions

The MfN register adopts and may amend this Complaints Procedure. The Board of the SKM will decide on matters not covered by this Complaints Procedure.