

Explanation of the MfN Register Complaints Procedure

Why a complaints procedure?

The MfN register has a complaints procedure that is intended to resolve complaints related to MfN-registered mediators in an accessible and informal way. This allows the MfN register to promote and safeguard general mediation quality.

On entry in the MfN register, mediators agree to adhere to the Code of Conduct for MfN-registered mediators. They must conduct mediations in accordance with the MfN Mediation Rules. The top priority is the exercise of care in the performance of their duties. As with any professional group, it may nevertheless occur that a participant in a mediation is unsatisfied with a mediator's performance.

Independent complaint handling is vital for both the party submitting the complaint and the mediator in question. The MfN register has a complaints procedure for use in these cases. The purpose of the complaints procedure is to resolve the complaint.

Submitting a complaint

If, as a mediation participant, you have a complaint regarding the performance of an MfN-registered mediator, please discuss this with the mediator first. Contact, additional information or an explanation of the ins and outs of specific processes can often clear up any issues.

If it does not, you can submit a complaint to the MfN register. You can do this by filing a written notice of complaint with the MfN register. In this notice, you must provide your own details, the name of the mediator, the mediation agreement (if available), a brief description of the mediation, the end date of the mediation and a brief description of the complaint.

What will happen after filing the notice of complaint?

The office logs the notice of complaint. Objective criteria are used to determine whether the complaint should go to the MfN register (if it pertains to an MfN-registered mediator and a mediation under MfN conditions) and whether the required information is provided in full.

Within one week, the office sends the complainant a confirmation of receipt and at the same time forwards the complaint to the mediator, indicating the name of the intended complaint handler. The office also asks the complainant, mediator and complaint handler to report any relationships that would pose an obstacle to impartial complaint handling (such as if they are personally acquainted), within one week. In such cases, the office will appoint a different complaint handler without delay.

The office forwards the complaint to the complaint handler within three weeks of receiving the complaint.

The complaint is handled by a neutral, external complaint handler appointed by the MfN register. Complaint handlers are experts with broad knowledge and experience in the world of mediation.

Handling

The process is accessible and informal. The complaint handler contacts the complainant and mediator within one week after receipt of the complaint. The complaint handler confers with the complainant to determine whether the complaint can be handled as part of the complaints procedure. If it cannot, the complaint handler will discuss the option of a disciplinary tribunal. Within two weeks after receipt of the complaint, the complaint handler will inform the complainant, mediator and office of whether the complaint has been accepted for processing.

If it is decided to have the complaint handled by the complaint handler, the complaint handler will do this properly. Both the complainant and the mediator will receive the opportunity to provide an explanation. In certain cases, complaints can be handled by telephone, if the complainant and mediator agree to this.

The purpose of the complaints procedure is not to get a verdict of 'right' or 'wrong'. It is intended to arrive at a satisfactory resolution of the complaint. The handler will not issue any binding decisions or impose any penalties.

Complaint handling must be completed within six weeks. The complaint handler can extend this period one time by up to four weeks. As soon as the complaint is resolved, the complaint handler will close the file. If a resolution is not reached within the applicable timeframe, the handler will close the file at the end of the timeframe.

Special circumstances (such as illness or holiday) may prevent adherence to the timeframes given in the complaints procedure. The complainant and mediator are expected to extend leniency to one another if special circumstances arise that result in longer timeframes.

The complaint handler duly documents the process applied and any agreements made with the complainant and/or mediator and sends these agreements to the complainant and mediator. The complaint handler sends the mediator, the complainant and the office a notification once complaint handling is complete.

Internal information and archiving

The complaint handler will keep all documents during complaint handling. After completion of complaint handling, the office will keep the original complaint and a copy of the written notice of completion that the complaint handler sent to the office. The complaint handler destroys the other documents.

Mediator Disciplinary Proceedings Institute

After completion of complaint handling, the complainant will have the option to submit the complaint in writing to the Disciplinary Committee of the Mediator Disciplinary Proceedings Institute ('Stichting Tuchtrechtspraak Mediators') within 18 months after the end of the mediation. In this case, the Rules of the Mediator Disciplinary Proceedings Institute will apply. It is up to the complainant to decide whether to pursue this option. The MfN register does not offer advice on this.

Privacy and confidentiality

Complaint handlers must observe the confidentiality of any and all information of which they become aware in the complaint handling process. This confidentiality obligation also applies to the Board and the office. Complaint handlers called before proceedings at the Mediator Disciplinary Proceedings Institute will not make a statement. The mediator and complainant are released from their confidentiality obligations with regard to information needed to handle the complaint.

Information exchanged during handling of the complaint is confidential. However, any agreements with the complainant and/or mediator are not confidential. These may be submitted in any disciplinary proceedings. If the complainant and mediator do in fact want to keep the agreements confidential, they can agree to this in writing.

The complaint is handled privately. This means that no other persons will participate in the complaint handling. Both the complainant and the mediator can, however, enlist assistance in the handling of the complaint. This person must also accept the confidentiality obligation.

An employee of the office will perform all work activities that the procedure assigns to the MfN register. The employees of the office are bound to the confidentiality obligation.

Costs

The complaints procedure is designed to enable informal, accessible and responsible complaint handling. For this reason, the MfN register covers the costs of the complaint handler. The complainant and mediator must cover their own costs.

(The above text is for information and explanatory purposes. The text of the MfN Register Complaint Procedure is authoritative.)