

Making a Complaint

Scottish Mediation is committed to listen and learn from the experiences of people who engage with mediation. It is vital that when that experience has not met expectations, we can learn from it for the benefit of everyone.

We see the purpose of complaints about mediators as a way of ensuring that when things go wrong that lessons are learned by all mediators and that the practice of mediators improves as a result. That improvement helps to provide a better service for everyone using mediation. Where appropriate the outcome of a complaint may include a requirement for an individual mediator to undertake training and development to improve their practice. In some circumstances it may be appropriate to remove the mediator from the Scottish Mediation Register.

What is expected of Mediators is outlined our Code of Professional Conduct for Mediators in Scotland, and mediators' performance will be judged against that Code.

Our process for dealing with complaints reflects this and we aim to ensure that we provide support for people complaining and those complained about, whilst ensuring Scottish Mediation properly understands the complaint and the circumstances that led to it so that we can learn for the future and consider each case in a fair and independent way. Our process is also designed to ensure that the complainant's voice is heard.

For Scottish Mediation to hear complaints against any mediator on the Scottish Mediation Register, the concerns must first have been raised with the mediator in question. Every mediator on the Scottish Mediation Register has a complaints process which should be available on request. If the complaint is still unresolved, then it can be raised with Scottish Mediation using this procedure.

Scope of Our Complaints Process

Scottish Mediation is only able to consider a mediator's conduct against the Code of Professional Conduct. We will determine whether the complaint is either upheld, not upheld or partially upheld. If the complaint is upheld or partially upheld our response is limited to considering a mediator's membership of the register and to requiring mediators to undertake training and supervision to improve practice.

We are not able to consider financial redress against mediators on the register. If you are seeking redress, you should consider contacting Citizens Advice, obtaining legal advice or using one of the ADR schemes set up to provide this.

Turning Disagreement into Opportunity

How Does Our Complaints Process Work?

What can I complain about?

You can complain about the performance of a mediator on the Scottish Mediation Register.

Who can complain?

Anyone who is dissatisfied with the performance of a mediator on the Scottish Mediation Register.

You can complain for someone else if you:

- have their agreement to complain, or
- are allowed by law to act for them

How long do I have to make a complaint?

You can make a complaint up to six months after the event you are complaining about.

How to Complain

First steps:

If you are complaining about a registered mediator, you need to raise the matter with the mediator first. Scottish Mediation will not consider complaints until the mediator's complaints process is exhausted unless the mediator does not respond to your complaint.

What should I do?

You can complain by sending a letter or email, phoning or visiting the Scottish Mediation office.

Office: Scottish Mediation 18 York Place, Edinburgh, EH1 3EP

Phone: 0131 556 1221

Email: admin@scottishmediation.org.uk

Information about mediation standards and our complaints process is on our website www.scottishmediation.org.uk

If you are visiting the office, please phone ahead if you can, to ensure that someone is available to see you.

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What can I expect from the Scottish Mediation?

Our staff will:

- be polite and do our best to help you
- try to sort out your complaint in a way that you are happy with

If we need to investigate your complaint, we will tell you what we have found by writing to you within 20 working days.

If we can't provide you with a full response within 20 working days we will tell you:

- why, and
- when we will contact you

What will happen?

When you make a complaint, we will:

- ask for your full name and address, telephone number and email address if you have one
- ask you for as much information about what happened, where it happened and when. At this time we will see if any opportunities for early resolution are available.
- contact the mediator and ask for their response to the complaint. At this stage Scottish Mediation may suspend the mediators entry on the Scottish Mediation Register
- tell you what we will do next and when we will contact you again.

If you are complaining on behalf of another person, make sure he or she has given you permission. We will give you a form for the person to sign.

What might happen?

Your complaint will either be agreed with (upheld), partly agreed with, or not agreed with (not upheld).

Depending on the outcome, we may require a mediator to undergo retraining, to work under supervision, or another measure to help them improve. In the most serious cases, a mediator may be removed from our register.

What can I do if I remain dissatisfied with the response I receive from Scottish Mediation?

You can speak to the Chair of our Board of Trustees. In the case of a complaint about our Chair you can speak to one of our Vice Chairs. We will help you arrange this.

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What can't I complain about to the Scottish Mediation?

You can't complain about:

- services that have been provided by anyone not on the Scottish Mediation Register
- an individual mediator's ability to do a job where this should be investigated by another professional body
- You cannot use your complaint to claim money

If we can't deal with your complaint, we will let you know in writing as soon as possible.

We will always try to help you to direct your complaint to the best place if we cannot deal with it.

Who can help me with my complaint?

We will be happy to give you advice. We can also give you details of organisations that give advice and support to people who want to complain.

Your local Citizens Advice Bureau may also be able to give you help and support (find your nearest bureau on the website www.cas.org.uk or in your local phone book).

How to find out more

To view a copy of our full complaints policy please [click here](#).

To make a complaint and for guidance, contact

Graham Boyack

Director

Scottish Mediation 18 York Place

Edinburgh, EH1 3EP.

Phone: 0131 556 1221

Email: admin@scottishmediation.org.uk

Website: www.scottishmediation.org.uk

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