

Principles

The Resolution Policy in relation to concerns and complaints is based on the following principles:

- We will make sure the earliest possible resolution is sought to any concern or complaint and that it provides a fair and appropriate outcome for you and our member, whether by formal or informal methods.
- We will respond to you and our member in line with the vision, mission and values of the organisation and our Code of Practice, all of which emphasise the need for respect, objectivity, honesty and integrity.
- We will treat you and any member with respect and fairness, and with due regard to the confidentiality of sensitive or legal information.
- We will consider each complaint without reference to race, religion, belief, gender, sexual orientation, disability or age.
- We will ensure what we do, and the decisions we make, are transparent and reasoned and we will promptly inform you, and the member involved, of the progress we make.
- We will make sure you, and any member, have the chance to put forward any concerns fully and that you, and they, are listened to.
- We will do all we can to minimise the stress of the process and will offer personal support to you and our member throughout.
- We will reflect upon, and try to learn from, each complaint so we can continue to promote and encourage high standards of practice by our members.

Purpose

The procedure aims to:

- Be accessible, clear and straightforward.
- Encourage a cooperative and conciliatory resolution of any concern or complaint, as soon as can be achieved.
- Be efficient and within published timescales wherever possible.
- Ensure full, fair and balanced consideration of complaints.
- Respect your confidentiality and the duty of our members to respect and protect that confidentiality.
- Respect our members, their right to be treated fairly and in a balanced way and to be properly assisted to respond to, and - where possible and appropriate - resolve any complaint at an early stage.
- Provide an effective and appropriate response, and an outcome that is within the limits what we are able to do.
- Protect, improve and promote the high standards of practice required of Resolution's members.
- Contribute to Resolution's performance goals and measurement in relation to the good practice of its members.
- Identify areas of weakness, in order to support Resolution's members' development and improvement.

The purpose of the procedure is to provide an informal route to discuss your concerns and a formal route through which you can bring a complaint to the attention of Resolution.

Who and what we can and can't take complaints about

We take all complaints seriously, but we are unable to investigate any complaints about our affiliate members (other than Resolution mediators). Complaints about an affiliate member of Resolution should be referred to their Regulatory or Governing Body for investigation in the first instance (we will help you find the right organisation if we can). If the complaint is upheld by their governing body and we are notified of the outcome our Practice Standards Panel will consider the outcome and whether their membership of Resolution should be terminated as a result.

We also ask that everyone involved respects the principles of fairness, honesty, integrity and respect. We are unable to continue to deal with complaints where it becomes clear that there has been bullying, harassment, or malicious or abusive behavior towards a member or member of staff. We also reserve the right to report any behaviour of this type to the appropriate authority where it is necessary to protect the safety of Resolution's members, volunteers, staff or those involved in the complaints process. We will follow our unacceptable behaviour policy and procedure in these circumstances.

Voicing Your Concerns

The informal route provides an opportunity for you to discuss your concerns with us and explore how we may be able to help to resolve or record them. All concerns can be dealt with informally and is the starting point for any complaint or concern.

When you first get in contact with us one of our team, usually the Complaints Administrator will contact you to discuss your concern or complaint and consider next steps with you; including whether the formal procedure can or should be used.

Some complaints or concerns can only be dealt with informally. This will generally be the situation if your case and any proceedings have either not yet come to an end or ended more than 12 months ago. If either applies in your case, then we can only deal with your concern informally unless there are exceptional circumstances (see step four in the procedure set out below and please feel free to contact us if you need further information).

If it isn't possible to resolve your complaint or concern informally we have a formal process to follow. From the very beginning we will discuss with you what we can do, the limits of our procedure, and what you might expect as an outcome.

Formal Procedure

1. In the event that you wish to make a formal complaint, you will be invited to send a completed information form to us. We can assist you with completing the information form if you wish. If you need the form in large print format, please let us know. We will acknowledge receipt **within seven days**.
2. We will assess the complaint, speak to you to if we need any further details, and discuss with you the outcome you hope for.
3. We will also need to find out whether:
 - The person you would like to make a complaint about is a current member of Resolution
 - Proceedings (and, in some cases, correspondence) are at an end

- The issue you'd like to complain about happened within the last 12 months
- Any outstanding report/s to organisations such as the SRA or Office of the Legal Ombudsman have been answered by them

We carry out these checks because we cannot formally deal with any complaint unless (or until) these requirements are met. If this is the case, we will proceed to point 5.

4. If the requirements listed above are not met (or not yet met), we will discuss with you the informal assistance we can provide and will help you identify any further sources of help or assistance. **The process will end here in these circumstances.** In exceptional circumstances we will reserve the right to refer the matter to our Practice Standards Panel to consider whether the complaint can proceed, even if the requirements are not met. The decision of the Panel will be final in these exceptional circumstances.
5. Once we know we can take your complaint we will ask you whether you wish the details of your complaint to be sent to our member so that they might provide a response. We will also provide you with any other information that may be helpful for your support or assistance.
6. If you agree, the completed form (and any attachments) will be forwarded to the member concerned with a letter asking for a response. **We will expect our member to respond within a reasonable time (and not more than 21 days at the discretion of our Complaints Administrator).** We will provide the member with information about what is expected by way of a response. At this stage we ask for an explanation about their actions and the reasons for them so this can be provided to you. Information will also be provided about the Resolution Mentoring Scheme for our member's support and assistance.
7. We will also arrange to speak to the member involved, to discuss the complaint, how they might best respond in all the circumstances, and your view on the possible outcome.
8. **Within seven days of receiving the response** from our member, we will forward their response to you and will ask you to:
 - Confirm whether you are satisfied with the response.
 - If you are not satisfied, whether you would like the matter referred to the independent Practice Standards Panel for them to consider.
 - Whether there is anything else you think might help to bring about a resolution.
 - We ask that **you provide your reply within 21 days** of receiving the member's response. **If you are satisfied with their response the process will end at this stage.**
9. In the event that you would like your complaint forwarded to the Practice Standards Panel, we will send the original complaint and response, together with any relevant assessment or comment for the panel to consider at their next meeting.
10. The Practice Standards Panel meets regularly throughout the year and we will inform you, and the member concerned, of the date the panel will receive and assess your complaint and responses. The panel will provide an outcome statement as a result of their discussions. Please see stage 14 for the possible outcomes they can decide upon.
11. **Within seven days of receiving the outcome statement** from the panel, we will forward it to you and to the member concerned. At this point you (and our member) will have 21 days to consider and confirm with us whether the findings of the panel are acceptable to both of you (please see stage 14 for the possible outcomes). **If you are satisfied with the outcomes the procedure will end here.** If you aren't satisfied, next steps are outlined in stage 12. If the member is unsatisfied they have the right to inform the Practice Standards Panel of their

objections. The panel will consider the objections and you will be kept informed of the outcome of any discussions.

12. If you aren't satisfied with the outcome we will ask you to complete an appeal form so you can set out the reasons why you disagree, or are not content, with the decision of the Practice Standards Panel. Your completed form will be sent to an independent appeals officer. The appeals officer will then take the following steps:

- They may contact you, the member, or both of you to discuss your reasons for not accepting the decision of the Practice Standards Panel.
- They will consider whether the grounds for an appeal have been met and whether there is any reasonable prospect of an appeal succeeding. Grounds for an appeal include:
 - Procedural irregularity, i.e. this procedure has not been followed properly.
 - Irrelevant matters have been taken into account or something has been ignored.
 - A conclusion has been reached that is plainly wrong.
 - Any sanction is inappropriate.

If the Appeals Officer believes there are no grounds for appeal they will bring the complaints process to an end, and will provide you and the member concerned with their reasons and a confirmation of any next steps.

13. If there are grounds for appeal the Appeals Officer will:

- Re-assess the documentation provided by you, the member concerned, and the Practice Standards Panel
- Contact you/our member to discuss the reasons for you (or their) not accepting the findings of the Practice Standards Panel and receive any further documentation or information to support your/their reasons
- Consider with each or both of you whether there are any reasonable means of reaching a resolution
- Provide an assessment and recommendation to the Practice Standards Panel **within 28 days. This assessment and recommendation will be considered to be final.**

14. At any point in the process the member, Practice Standards Panel or Appeals Officer may agree on actions that must be taken (outcomes) as a result of your complaint. These are as follows:

- **An apology:** If an apology is required, the member will be informed that an apology should be provided within 10 days of the date of notification to them.
- **Training:** If training is required information will be provided to the member about the training or learning they should attend with the requirement that they must provide confirmation of attendance after the training has taken place (and, in any event, within three months).
- **Removal of accredited status:** If the member holds Resolution accreditation, it is possible for this status to be removed. If we take this action we will inform the member and ask them to remove any logos or references to their accreditation from their public materials within a set and reasonable timeframe.
- **Membership suspension:** If it has been decided that their membership will be suspended for a period of time the member will be informed and will be told how long the suspension will last for. If necessary, we will also inform the member that we will take further action, such as notifying other regulatory bodies.

- **Termination of membership:** Where membership is terminated, the member will be informed and will also be told if any further action, such as notifying other regulatory bodies, is to be taken by Resolution. The member will be asked to remove the Resolution logo and any reference to Resolution membership from all their public materials including any website. We will record the termination of membership and, should the member reapply, their future applications for membership will be given to the Practice Standards Panel so they can make a decision about readmission and any conditions to be met prior to re-admission. In any event, reapplication will not be considered within 12 months of termination.

All relevant information in regard to outcome will also be provided to you.

15. If, at any point throughout the process, you are unhappy with the decisions that have been made - and particularly if you have received the final decision of the independent appeals officer - we will ask you to provide feedback so we can monitor our performance and inform future complaints handling. Your comments will be passed to the Practice Standards Panel for their information. If the process has come to an end no further response, other than an acknowledgement, will be provided by the Panel or by Resolution.

Please note that in the event of termination of membership the member's Regional Chair will be informed, in confidence, of the termination of membership. The Practice Standards Panel can also make a recommendation that the outcome should be suitably redacted and published in Resolution's Membership Journal, *The Review*, or on the website; the wording of any publication would be approved by the Practice Standards Panel before publication to protect identities and appropriate confidentiality as far as possible.

Please note: *This policy and procedure replaces both the previous Complaints and Disciplinary Procedures referred to and detailed in the Articles of Association (last amended 13th April 2013). Where issues of conduct (whether in association with a claimed breach of the Code of Practice or as a stand-alone issue) arise as part of any complaint and which may require suspension or termination of membership, the procedure set out here will apply. Full information about issues of conduct that need or are required to be dealt with by a regulatory body (which Resolution is not) is included within this policy and procedure.*

Resolution reserves the right to alter, review and or amend this policy and procedure as necessary.

Members will be informed of any alterations and amendments

Policy and procedure in force from April 2014, updated October 2016