

VADR COMPLAINTS POLICY AND PROCEDURE

This Complaints Policy is designed to provide the public and VADR members with an avenue of redress in regard to any VADR member, engaged to conduct a mediation or other alternative dispute resolution process, who does not meet VADR Code of Conduct standards.

The policy aims to ensure a fair, constructive and timely process that facilitates appropriate resolution for all parties, and is based on the principles of accessibility, independence, fairness, accountability, efficiency and effectiveness. It should be read in conjunction with the the Australian National Mediator Standards.

Complaints may be raised about any aspect of the mediation, including the pre-mediation intake procedure and post-mediation finalisation of the matter. These may include, but are not limited to:

- information provided by the mediator,
- appropriate documentation delivery and preparation,
- delays caused by the mediator,
- poor communication
- demonstrated incompetence in the conduct and management of the mediation,
- procedural fairness,
- inadequate service, and
- impartiality and ethical issues (such as conflict of interest).

VADR will respond to all complaints promptly, and maintain regular contact with complainants throughout the resolution process. The confidentiality of all parties will be respected at all stages of this process.

When there is a Complaint

VADR may receive a complaint by phone, in person or in writing (including email or other written material).

Firstly, resolution may be attempted between the complainant and the alternative dispute resolution service provider involved.

If this is inappropriate, or is unsuccessful in resolving the issue, a complaint should be made in writing to the Committee, and include:

- the name and contact details of the complainant,
- the name and contact details of the person/s who is the subject of the complaint,
- details of the complaint,
- details of attempts to resolve the matter, and
- an indication of outcomes that would resolve the matter.

A complaint must be handled independently, not by the subject/s of that complaint. Where required, the Committee will appoint a Complaints Sub-Committee of two nationally accredited members to review the case and meet with the parties.

The Complaints Sub-Committee will apply the rules of procedural fairness and an appropriate method of dispute resolution to ensure a timely, constructive and fair outcome

for all parties. The Sub-Committee may determine the matter on the basis of the evidence brought before them. The Sub-Committee will take the requirements of the Australian National Mediators Standards will be taken into account in reaching its decision.

Before a Complaint is Heard

The complainant and the practitioner involved will sign an agreement with the Complaints Sub-Committee outlining how the complaint will be handled and specifying that:

- Handling of the complaint is strictly confidential.
- No identifying information will be disclosed.
- Information is 'privileged' and will not form part of any legal proceedings.

Role of the Complaints Sub-Committee

To:

- Record relevant information about the complainant and details of their complaint (and maintain ongoing records of the complaint resolution process).
- Explain to involved parties how the process works.
- Find out what action or outcome the complainant seeks.
- Where appropriate, handle the complaint quickly and informally by correcting an error, offering an apology, or undertaking that a systemic issue will be reviewed.
- Be responsible for any necessary internal follow-up to advise of a correction or to action any undertakings, while maintaining appropriate confidentiality.
- adopt a co-operative problem-solving approach if further action is required,. Options may include requesting clarification of issues, or encouraging the complainant to raise the matter directly with the individual concerned. Agree on the appropriate next steps, such as:
 - arranging a direct negotiation with the other person/s involved,
 - briefing the President of VADR and, if appropriate, engaging his or her assistance in resolving the issue, or
 - arranging an appropriate dispute-resolution process (e.g. assisted negotiation, mediation, neutral investigation, external referral).

The Committee decision will be final.

After a Complaint is Heard

- No more than 10 working days after the process is complete, the Complaints Officer will contact the complainant and the subject/s of the complaint to ensure the issue is resolved to the complainant's satisfaction, and if it is not, to advise the complainant of available avenues for redress and of any further action VADR will take (e.g. completing relevant documentation, reviewing procedures, publishing the outcome).
- The President will regularly assess complaints to determine the need for improvements in VADR practices, policies or procedures.