



CODE OF PRACTICE
&
COMPLAINTS PROCEDURE
MEDIATION SERVICES



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WHAT IS THE UK REGISTER OF MEDIATORS?

The UK Register of Mediators is an independent, non-profit making organisation that aims to:

- Establish standards of professional practice
- Support its members in their professional activities
- Provide purchasers of mediation with an assurance of the quality of practice, integrity and accountability of the mediators listed on The Register
- Continually improve the quality of mediation provision in the UK.

All members of the UK Register of Mediators shall:

- Meet a set of quality standards defined by the UK Register of Mediators
- Carry out their professional conduct with commitment to the UK Register of Mediators Codes of Practice & Complaints Procedure
- Be qualified and accredited, having completed a 40-hour training course, and having gained experience of at least 12 mediation cases
- Undertake Continuing Professional Development (CPD), which may include training, mentoring, attendance at conferences and seminars, publications, and other recognised contributions to the mediation profession
- Be engaged in regular case supervision with an appropriate supervisor
- Hold adequate levels of professional indemnity insurance





CODE OF PRACTICE FOR ALL MEMBERS

- 1. Qualification & Professional Competence**
- 2. Methods of Practice – The Mediation Process**
- 3. Confidentiality**
- 4. Impartiality**
- 5. Ethical Practice for Mediators**
- 6. Conflicts of Interest**
- 7. Discrimination**
- 8. Advertising**
- 9. Fees**
- 10. Indemnity Insurance**



1. Qualification & Professional Competence

1.1 Mediation is considered to be a professional endeavour, requiring specialist training.

1.2 Members of the UK Register of Mediators will have gained a nationally recognised qualification which is at least:

- Of 40 hours duration
- Externally accredited by a recognised body such as the Open College Network or equivalent
- Delivered by qualified FE tutors who are themselves mediation professionals
- Assessed on course through role play and simulation
- Of a suitable level of complexity, being OCN Level III or equivalent.

1.3 Membership of the UK Register of Mediators affirms competence of its members. However, all members need to maintain their competence and are required to have regular and ongoing supervision of their work.

1.4 Members are encouraged to continually review their need for ongoing support and training. This includes paying attention to both professional and personal needs as a mediator.



2. Methods of Practice – The Mediation Process

- 2.1 The mediator shall ensure that all parties understand the mediation process and the role of the mediator in it. The mediator shall also ensure that the parties understand the terms and conditions of the Mediation Agreement. It is considered good practice that Mediation Agreements should be drawn up in writing and signed by all parties at the outset of mediation.
- 2.2 Participation in mediation should be emphasised as being voluntary. Mediators shall emphasise to any referrer or any agency requesting their services that parties cannot be coerced into mediation.
- 2.3 Any party may withdraw from the mediation process at any time without having to provide a justification. Mediators may also, at their absolute discretion, withdraw from the mediation without having to give an explanation.
- 2.4 The mediator shall ensure that all parties have an adequate opportunity to put their case across and to be treated fairly and equally.
- 2.5 The mediator shall take all appropriate measures to ensure that any agreement reached in mediation is on the basis of all parties' knowing and informed consent, and that all parties understand the details within the Mediation Agreement.



3. Confidentiality

- 3.1 All information relating to the mediation will be kept confidential at all times and no notes will be kept of the mediation. Any information disclosed in the mediation by one party will only be passed to the other party/parties with their permission, or if such disclosure is compelled by law or local policy.

4. Impartiality

- 4.1 Members shall act at all times with impartiality towards all parties and shall serve all parties equally during the mediation. If a member becomes aware of any reason why they cannot remain impartial, they should disclose this immediately to the parties concerned and withdraw from the mediation, unless the parties do not wish her/him to do so.

5. Ethical Practice for Mediators

- 5.1 The personal moral qualities of all mediators registered with the UK Register of Mediators are of extreme importance. Personal qualities to which members are encouraged to aspire to include:

A. Empathy

Mediators shall aim to appreciate and understand the predicaments in which the parties find themselves, but without slipping into the role of befriender or advocate.



B. Integrity

Mediators should behave impartially at all times and should specifically avoid manipulating any party into a settlement, or pursuing any aim other than the fair achievement of a neutrally acceptable agreement.

C. Competence

Mediators should work within the limits of their competence, and should be prepared to temporarily suspend or withdraw their services in the event that their competence is impaired.

D. Fairness

Mediators should offer a quality of opportunity to all participants in mediation, taking account of parties' access to the mediation process, their needs for additional support, and to respond positively to parties' differing levels of ability.

E. Non-maleficence

Above all, mediators should do no harm, and should ensure that their intervention does not worsen the predicament of any person participating in mediation.

6. Conflicts of Interest

6.1 Members shall disclose any actual or potential conflicts of interest that are known to them either before or during the mediation. Members shall withdraw from the mediation in the event that the conflict of interest would otherwise compromise their impartiality.



7. Discrimination

7.1 Members will not act with prejudice based on any client's physical ability, personal characteristics, background, values, race, religion, sexual orientation or beliefs.

8. Advertising

8.1 When advertising their services, members shall not guarantee settlement or specific results. All information provided by the member about their qualifications, training and experience shall be accurate.

9. Fees

9.1 Full information with regard to actual and potential fees and expenses shall be supplied by members and agreed with the client, usually in writing, prior to mediation taking place.

10. Indemnity Insurance

10.1 Members shall have appropriate indemnity insurance in place to cover their mediation activities. It is the responsibility of the member, if they are working within a larger organisation, to ensure that the organisation's indemnity covers the member for their mediation work.



COMPLAINTS PROCEDURE

A. STRUCTURE & SCOPE OF THE COMPLAINTS PROCEDURE

- 1 This complaints procedure is an essential part of the UK Register of Mediator's commitment to the protection of the public. Should any member's client have a complaint or grievance about the services provided by the member, the member shall inform the client of this procedure. The UK Register of Mediators can only address complaints when a member has not complied with our Code of Practice.
- 2 The aim is to provide a transparent route of remedy where a complaint is made against a member.
- 3 The UK Register of Mediators cannot deal with complaints against non-members.
- 4 The UK Register of Mediators is not a regulatory body and does not have any powers over mediators, other than withdrawing their registration from the UK Register of Mediators. Mediators registered with the UK Register of Mediators are expected to have their own complaints procedure in place.



B. THE COMPLAINTS PROCEDURE

- 1 Any client who feels that the UK Register of Mediators Code of Practice has been breached should write to the UK Register of Mediators Complaints Committee, stating the nature of the complaint, giving as much detail as possible.
- 2 The Complaints Committee will acknowledge receipt of the complaint to both the complainant and the member within 14 days.
- 3 At this point the client may be asked if he/she wishes to meet informally to discuss the complaint. If the client and/or the member both wish it, a mediator may be enlisted to facilitate this meeting. If there is a refusal to discuss the matter informally or the complainant wishes the complaint to go forward, then the complaint will be submitted to an Assessment Panel made up of three members of the UK Register of Mediators Standards Board.
- 4 The Assessment Panel will decide whether to accept the complaint to be dealt with at a Professional Conduct Hearing, refer it back for further information/clarification, or reject it. The panel has discretion to interview the complainant and/or member complained against if deemed appropriate.
- 5 If further information/clarification is requested, upon receipt of same, the complaint will be re-submitted to the Assessment Panel, which will decide whether to accept it to be dealt with at a Professional Conduct Hearing or reject it.



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- 6 Once the complaint is accepted to be dealt with at a Professional Conduct Hearing, the panel will start the formal professional conduct procedure.
 - 7 The Professional Conduct Hearing panel will consider the issues from written material presented to it. If there is any concern, this panel can call both or either of the complainants to clarify any issues. The panel will then adjudicate and inform both parties of their decision in writing.
 - 8 If the complaint is rejected, the complainant and member complained against will be formally notified in writing.
 - 9 If the complaint is resolved in the member's favour, then the complainant can accept this or be advised to seek legal advice.
 - 10 If the complaint is settled in the client's favour, then the member may be faced with sanctions, or he/she may wish to seek legal advice.
 - 11 In the case where a complaint against a member is upheld, the sanctions available to the Professional Conduct Hearing panel, according to the perceived severity of the case, are as follows:
 - i. Constructive and supportive criticism of the member
 - ii. Removal of the member from the UK Register of Mediators.
 - 12 Where it has been decided that a member will be removed from The Register, they will be informed in writing of the decision and informed that they have 14 days in which to appeal the decision.



Appeal

13 A mediator who does not agree with the decision of the Panel may appeal within 14 days of receiving the reasons for the decision. On receipt of a request for an appeal the UK Register of Mediators Standards Board will form an Appeal Panel to consider the matter.

14 The Appeal Panel's decision will be final and no further right to appeal will be available to the member.

Declaration

We agree that our organisation and its mediators as listed in our application be bound by this Code of Practice and Complaints Procedure as a condition of our organisation remaining registered with The UK Register of Mediators

Name of Organisation:.....

Name:

Position:

Signature:

Dated: