



MODEL PROCEDURE: COMPLAINT HANDLING BY MEDIATION INSTITUTE UNDER AMDRAS

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PART 1: OVERVIEW

Introduction

When responding to complaints, personnel act in accordance with complaint handling procedures as well as any other internal documents providing guidance on the management of complaints.

Personnel should also consider the AMDRAS and any relevant legislation and/or regulations when responding to complaints and feedback.

Communication

Information about our complaint process should be accessible, written in easy English and provided in a variety of formats. Our complaint management policy is accessible from:

- our website
- in leaflets, newsletters or other relevant media generated by our organisation.

Information made publicly available about the complaints management system should include:

- where complaints can be made
- how complaints can be made
- when complaints can be made
- when acknowledgement of complaints can be expected
- what information should be provided by the complainant
- our process for handling complaints
- time periods associated with the various stages in the process
- where appropriate, possible options for redress
- the complainant's options for review, both internally and externally and
- how the complainant can obtain feedback on the status of their complaint

PART 2: Complaint Handling Process



Receive

Unless the complaint has been resolved at the outset, we will record the complaint and its supporting information. We will also assign a unique identifier/number to the complaint file.

The record of the complaint will be entered by the staff member who receives the complaint as a ticket in the client relationship system.

The ticket will document:

- Contact information about the person making a complaint and the date received
- Issues raised by the person making a complaint and the outcomes they want
- Any other relevant information to properly respond to the matter, and
- Any additional support the person making a complaint requires.
- When and how the complaint was resolved and the ticket closed.

Mediation Institute will allocate a staff member and track the progress of each complaint until its finalisation.

Updates of the status of the complaint should be made available to the complainant upon request and at regular intervals, at least at the intervals following the pre-set deadlines.

Note: Organisations may wish to consider recording complaints resolved at first point of contact, the frontline. Such record keeping will arguably add to the pool of data organisations regularly analyse to identify system issues and track more accurately the complaint handling activities of staff.

1. Acknowledge

We will acknowledge receipt of each complaint promptly, at a maximum within 2 working days. Should this target not be met, we will offer an explanation or apology.

The person making the complaint will be asked for their preferred communication medium e.g. email or letter.

2. Assess and investigate

2.1 Initial assessment

After acknowledging receipt of the complaint, we will confirm whether the issues raised in the complaint are within our scope.

We will also consider the outcomes sought by the person making a complaint and, where there is more than one issue raised, determine whether each issue needs to be separately addressed.

When determining how a complaint will be managed, we will consider:

- How serious, complicated or urgent the complaint is
- Whether the complaint raises concerns about people's health and safety
- Impact on the individual, the general public or our organisation
- The risks involved if resolution of the complaint is delayed
- Personnel that should and should not be involved in managing the complaint, and
- Whether a resolution requires the involvement of other organisations

After the initial assessment, the person allocated should consider how to address the issues raised in the complaint. This could include working with the complainant to see if the issues can be appropriately addressed, informal inquiries or a formal investigation of the complaint.

The nature and scope of any enquiry or investigation will depend on the circumstances of each case, the issue complained about, the parties involved and potential outcomes.

2.2 Addressing the complaint

After assessing the complaint, we will consider how to manage it. We should handle all complaints in a manner intended to address the complaint appropriately as quickly as possible.

We may:

- Give the person making a complaint information or an explanation

- Gather information about the issue, person or area that the complaint is about, or
- Investigate the claims made in the complaint.

We will keep the person making the complaint up-to-date on our progress, particularly if there are any delays.

We will also communicate the outcome of the complaint using the most appropriate medium. Which actions we decide to take will be tailored to each case and take into account any statutory requirements.

3. Determine outcome and provide reasons for decision

Following consideration of the complaint and any investigation into the issues raised, we will contact the person making the complaint and advise them:

- What actions were taken in response to the complaint
- The outcome of the complaint
- The reasons for our decision
- The remedy or resolutions that we have proposed or put in place, and
- Information about any options for review that may be available to the complainant, such as an internal review, external review or appeal (including to the AMDRAS Board pursuant to clause 83 of the AMDRAS Standards).

If any adverse findings are made about a recognised practitioner or a particular staff member, we must consider whether privacy obligations impact on what information can be disclosed to the complainant.

4. Close the complaint: document and analyse data

4.1 Document

At the time of closing the complaint we will record the following We will keep records about:

- The nature and details of the complaint
- Steps taken to address the complaint
- The outcome/s of the complaint (including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations), and
- Any outstanding actions to be followed up, including analysing any underlying or root causes

This will assist in responding to any further reviews or appeals as well as supporting improvements.

4.2 Implementation of outcomes and reporting

We will ensure that outcomes are properly implemented, monitored and reported to senior management and where appropriate the AMDRAS Board.

4.3 Data Collection

We will ensure that all staff are aware of the policies for identifying, gathering, classifying, maintaining, storing, securing and disposing of complaint related records.

Information collection includes:

- The steps involved in recording the handling of each complaint and appropriately maintaining these records
- Maintaining records of the type of training and instruction that individuals involved in the complaint management system have received
- Specifying our criteria for responding to requests for records made by a complainant or their agent including what kind of information will be provided, to whom and in what format.
- Specifying how and when de-identified complaint data may be disclosed to the public or other organisations to whom the complaint refers, such as the AMDRAS board, in accordance with the AMDRAS.

4.4 Analysis and evaluation of complaints

We seek to identify possible systemic issues or breaches and when identified staff should report systemic issues or breaches internally and to the AMDRAS Board when needed.

PART 3: COMMITMENTS, ROLES AND RESPONSIBILITIES

Mediation Institute Commitment

Mediation Institute is committed to ensuring that complaints are handled:

- Fairly, impartially, and without bias,
- In a timely, respectful, and transparent manner,
- In accordance with the Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS) and any other relevant legislation,
- In line with the Mediation Institute Complaint Handling Policy, the Mediation Institute Code of Ethics, and best practice guidelines.

We view complaints as opportunities to improve the quality of services, enhance professional standards, and protect the interests of service users.

Roles and Responsibilities

Clear roles and responsibilities ensure the integrity and efficiency of the complaint handling process.

Expectations of Participants

All participants in the complaint handling process are expected to:

- Engage respectfully and cooperatively,
- Provide complete and accurate information,
- Respond to communications within reasonable timeframes,
- Maintain confidentiality as required.

Mediation Institute reserves the right to manage unreasonable conduct appropriately, including limiting communications if necessary to protect the well-being of staff and to ensure efficient complaint management.

Expectations of Mediation Institute

Role	Commitment	Key Responsibilities
Leadership Team	Promote ethical practice and uphold complaint handling standards	- Ensure clear, accessible policies and procedures. - Monitor compliance with legal and ethical standards. - Respond appropriately to substantiated complaints. - Report relevant outcomes to the Attorney-General's Practitioner Registration Unit. - Review complaint trends to inform continuous improvement.
Office Staff	Facilitate access and manage early stages of complaints	- Receive and acknowledge complaints. - Assist complainants to understand the process. - Conduct conflict-of-interest checks. - Maintain accurate records in the complaints register. - Escalate complaints appropriately for investigation.

Complaint Manager	Conduct impartial investigation and assessment	- Collect and assess relevant evidence. - Apply procedural fairness and confidentiality principles. - Consult with management where necessary. - Prepare formal outcome reports with substantiation ratings and recommended actions. - Maintain professional independence throughout the process.
Mediation Institute Management	Make final decisions and manage disciplinary actions	- Review investigation findings. - Determine appropriate disciplinary, remedial, or protective actions. - Authorise notifications to regulatory authorities where required. - Oversee closure of complaint records. - Ensure system improvements based on complaint trend analysis.

Accountability and Continuous Improvement

Mediation Institute monitors complaint handling outcomes regularly to ensure ongoing improvement.

We will:

- Analyse complaint trends and outcomes annually,
- Report de-identified trend data to senior management and external regulators where required,
- Identify opportunities for improvement in member services and standards,
- Update training, procedures, and systems based on lessons learned from complaints.

Through these actions, we commit to maintaining an effective, efficient, fair, and transparent complaint handling system.

PART 4: APPENDICES

1. [Mi Complaint Form](#)
2. [Issue Codes List](#)
3. [Assessing Harm Tables](#)
4. [Mi Code of Ethics \(aligned with AMDRAS\)](#)

Appendix 1: Complaint Form

You can complete this form to provide us with an overview of your complaint

Name of the person <u>making the complaint</u>	
Email address	
Phone number (and any instructions)	
Address	
Name of FDR Practitioner:	
Their Phone:	
Their Email:	
Date you contacted Mediation Institute	
Please provide a brief overview of the issues you would like to raise. Dot point is best.	
List any documents you are attaching to support your complaint.	
Return this form to Mediation Institute - office@medaitioninstitute.edu.au or use the online form located here - Mediation Institute Independent Complaint Handling Service and email your attachments	

Office Use

Date lodged with Mediation Institute	
Is further information required?	
Complaint Manager Allocated and Date	
Report Due Date	
Recommendations Report Date	
Date finalised	

Appendix 2: Issues Codes List

Issue Code		Description
1	Access to services or Facilities issues	Includes failure to attend scheduled appointments without reasonable notice, persistent unavailability or delays in communication, excessive wait times for service access, or restricting client access to relevant information or procedural guidance necessary to engage in the FDR process. Inappropriate facilities including lack of privacy, security or other issues
2	Communication and discrimination	Includes discriminatory conduct, disrespectful or inappropriate behaviour (e.g. bullying, rudeness, or patronising tone), poor or unclear communication, provision of misleading or incorrect information, or failure to offer reasonable communication support (e.g. interpreters or assistance for special needs) where required.
3	Cost	Includes billing practices, insufficient or incorrect information, overcharging, failure to disclose, hidden costs
4	Registered Practitioner Obligations, including professional conduct	Breaches of professional standards or the Code of Ethics, including failure to provide fair, safe, and even-handed processes; making false or misleading claims about their qualifications, accreditation, or services; engaging in sexual misconduct, harassment, or inappropriate relationships with clients; displaying aggressive, intimidating, or violent behaviour; failing to disclose or manage conflicts of interest; breaching confidentiality by unauthorised access to or disclosure of sensitive information; practising incompetently by failing to properly conduct mediation, manage risks, or protect participant safety; neglecting duty of care obligations; or failing to meet other professional conduct requirements.
5	Grievance	Includes inadequate or dismissive responses to complaints or concerns, inappropriate action taken against complainants, clients, or staff following a grievance, or improper handling of complaints or dispute processes.
6	Other	Does not fall in any of the other categories (must be detailed)

Appendix 3: Assessing Harm Tables

Consequence descriptor	
Insignificant	No damage to complainant, no financial loss, no breach of obligations by the practitioner
Minor	No financial loss, minimal harm of any type, very minor infraction (if at all) of practitioner obligations
Moderate	Small financial loss or distress or other harm or non-conformance with professional obligations
Serious	Significant breach of obligations with some consequential or potential harm to complainant or other
Major	Major breach of obligations and consequential harm to complainant or other. Potential to bring mediation / FDR into disrepute

Substantiation descriptor	
Yes	The issue is agreed to have occurred by both the complainant and the member
Likely	The issue is disputed but probably occurred based on the evidence provided
Unlikely	The issue may have occurred but is unlikely based on the evidence provided
No	The issue did not occur based on the evidence provided

Harm Matrix

		CONSEQUENCES				
		INSIGNIFICANT	MINOR	MODERATE	SERIOUS	MAJOR
Did it occur?		1	2		3	4
Yes	A					
Likely	B					
Unlikely	C					
No	D					

Response Matrix

Major Issue	Involvement of Mi management required – remedial or disciplinary action required.
Serious Issue	Mi Management attention needed – remedial or disciplinary action may be required
Minor Issue	Document for educational purposes, discuss improvements with practitioner. No further action normally required.
No substantiated issue	Practitioner to review internal processes. How could the concerns have been identified and resolved internally?

Appendix 4: Mediation Institute Code of Ethics

The Mediation Institute Code of Ethics is aligned with the Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS). www.amdras.au

By joining as a Practitioner Member or Mediation Student, you agree to comply with this Code of Ethics and Conduct.

Professional Conduct

1. You must conduct yourself with honesty, integrity, and respect for the law in both your professional and private life. This includes:
 - a. Maintaining confidentiality and not using information gained through mediation for personal gain.
 - b. Avoiding threats, violence, or aggressive conduct.
 - c. Upholding your duty of care to minimise risk of harm to others, within the limits of your personal safety.
2. You must disclose to Mediation Institute at the time of application, or promptly if circumstances change, any of the following:
 - a. Criminal convictions (especially for violence, abuse, or dishonesty—these may affect eligibility).
 - b. Disqualification from any professional practice.
 - c. Previous refusal, suspension, or cancellation of NMAS/AMDRAS accreditation.
 - d. Impairments that may affect your ability to practise competently or ethically.
3. You are required to:
 - a. Comply with all applicable laws and regulations, AMDRAS standards, and professional guidelines.
4. Be honest in marketing your services including:
 - a. Represent your qualifications and experience accurately including clearly indicating whether you are or are not a Registered Family Dispute Resolution Practitioner if providing services within the Family Law jurisdiction.
 - b. Be transparent about your processes and clearly state your fees and any additional charges prior to provision of services.
 - c. Avoid promising specific mediation outcomes.
5. When holding additional professional roles (e.g., lawyer or advisor), clearly define the capacity in which you are acting.

Conflict of Interest Clarity

6. You must avoid conflicts of interest and any perception of bias. This includes:
 - a. Withdrawing from any matter where impartiality cannot be maintained.
 - b. Disclosing any actual or potential conflict to all participants, even if you believe you can

- remain impartial.
- c. Proceeding only if all parties agree, ideally with written confirmation of the disclosure.

Conduct When Mediating

- 7. Only mediate within your area of competence. Seek support or co-mediation where appropriate.
- 8. Prepare thoroughly and conduct mediation in private and appropriate settings.
- 9. Use a written **Agreement to Mediate** that outlines the process, roles, costs, and complaints procedure.
- 10. Conduct or ensure that pre-mediation assessments are conducted to ensure suitability and suspend or terminate mediation if it becomes unsafe or inappropriate.
- 11. Maintain fairness, neutrality, and support for party self-determination throughout the process.
- 12. Do not use information gained during mediation for any other purpose without written consent from all parties.
- 13. Provide expert advice or information only if:
 - a. You are qualified and insured to do so.
 - b. All participants have agreed in writing in advance.

Professional Development

- 14. You are expected to:
 - a. Meet all continuing professional development (CPD) requirements.
 - b. Actively support the dispute resolution profession by mentoring new practitioners, promoting high standards, and advocating for appropriate ADR use.
 - c. Cooperate in maintaining and improving the qualifications and standards of the profession.
 - d. Engage in feedback, supervision, and complaint processes in a constructive and professional manner, while respecting client confidentiality.

Complaint Handling

- 15. Members should familiarise themselves with the Mediation Institute Independent Complaint Handling Policy
 - a. Provide information to clients about how they can make a complaint about your services.
 - b. Deal with any complaints in an appropriate and professional manner.