



MediationWorx Complaints and Disciplinary Process

1. Introduction

The **MediationWorx** is committed to upholding the highest standards of professionalism, ethics, and accountability among its members. This **Complaints and Disciplinary Process** provides a fair, transparent, and structured procedure for addressing concerns related to the conduct of any member.

2. Guiding Principles

- **Fairness and Impartiality**
- **Confidentiality**
- **Right to be Heard**
- **Natural Justice**
- **Proportionality**

3. Grounds for a Complaint

A complaint may be submitted where a member is alleged to have:

- Breached the **MediationWorx Code of Conduct**
- Demonstrated **unethical or unprofessional behaviour**
- Violated **confidentiality** or **impartiality**
- Engaged in **harassment, discrimination, or abuse**
- Failed to follow **accepted mediation procedures**
- Committed any **criminal offence** relevant to their professional role

4. Who Can Submit a Complaint

- A party to a mediation involving the member
- A fellow MediationWorx member
- An organisation or institution engaging the mediator

5. Submission of Complaints

5.1 How to Submit

- Submit in writing via:
 - Email to: [\[admin@mediationworx.co.za\]](mailto:admin@mediationworx.co.za)
 - Online complaints form (available on the MediationWorx website)
 - Post to the MediationWorx office (address available on request)

5.2 Required Information

- Complainant's full name and contact details
- Name of the member the complaint is against
- Description of the incident or concern (with dates, if possible)
- Any supporting documents, emails, or evidence
- Whether the complaint has been raised elsewhere

6. Complaint Acknowledgement and Initial Review

- MediationWorx will **acknowledge receipt** within **5 working days**
- The complaint is reviewed by the **Ethics and Conduct Subcommittee**
- If the complaint falls outside the MediationWorx jurisdiction (e.g., relates to non-members), the complainant will be notified
- If the complaint lacks clarity or evidence, further details may be requested

7. Preliminary Assessment

- A decision is made whether:
 - The matter should be dismissed
 - The issue can be resolved informally
 - The matter proceeds to formal investigation

Timeframe: Within **10 working days** of receiving full documentation

8. Informal Resolution (if appropriate)

- Attempted through discussion, apology, or clarification
- Facilitated by a senior MediationWorx mediator or committee member
- Both parties must agree to the informal process
- Outcome recorded but not publicly disclosed

9. Formal Investigation

If informal resolution is not appropriate or fails:

9.1 Investigation Procedure

- An **Investigating Officer or Panel** is appointed (neutral and uninvolved)
- The member is formally notified and given:
 - A copy of the complaint
 - The right to respond in writing within **10 working days**
- Interviews may be conducted with:
 - The complainant
 - The respondent
 - Witnesses (if any)
- All information is treated confidentially

9.2 Suspension (if necessary)

In severe cases, the member may be temporarily suspended pending outcome (e.g., if there's risk to the public or mediation process)

10. Disciplinary Hearing

If the investigation finds credible evidence of misconduct, a **Disciplinary Panel** is convened.

10.1 Composition

- Three neutral panel members (at least one external to the matter)
- Legal or ethical advisor (non-voting, if required)

10.2 Procedure

- Both parties may make submissions (written or oral)
- Evidence is reviewed
- The member may bring representation or a support person
- Hearings may be held in person or online

11. Possible Outcomes and Sanctions

Depending on the severity and context, the panel may decide to:

1. **Dismiss the Complaint**
2. **Issue a Warning or Reprimand**
3. **Require Additional Training or Supervision**
4. **Place the Member on Probation**
5. **Suspend Membership for a Set Period**
6. **Terminate Membership and Remove from Register**
7. **Refer the Matter to Legal Authorities** (if criminal or regulatory breach)

12. Notification and Record Keeping

- Both the complainant and member are notified in writing of the outcome
- A summary is recorded in the MediationWorx internal disciplinary register
- For serious breaches, MediationWorx may publish anonymised outcomes to uphold transparency and public confidence

13. Appeals Process

- A member may appeal the decision **within 14 days**
- Appeals must be based on:
 - New evidence
 - Procedural error
 - Disproportionate outcome
- An **Appeals Panel** will review and make a final binding decision

14. Confidentiality and Privacy

All complaints and proceedings are handled with strict confidentiality. MediationWorx complies with all applicable data protection and privacy laws.

15. Continuous Improvement

MediationWorx periodically reviews all complaints and disciplinary data to improve member support, training, and ethical awareness.