

## Complaints procedure MfN

### Article 1-Definitions

The terms in this complaints procedure are defined as set out below:

- a. MfN: Mediatorsfederatie Nederland (Mediators Federation Netherlands)
- b. Code of Conduct: the Code of Conduct established by MfN for MfN-registered mediators
- c. regulations: the MfN mediation regulations established by MfN
- d. complaint: any expression of dissatisfaction about the performance of a mediator in that capacity, communicated in writing to MfN by or on behalf of the complainant
- e. complaints handler: the person appointed by MfN, responsible for handling a complaint
- f. complainant: participant in a mediation or his<sup>1</sup> representative who files a complaint
- g. authorised representative: a person authorised in writing on behalf of the complainant to file a complaint
- h. mediator: the mediator listed in the MfN register against whom the complaint is directed
- i. disciplinary tribunals: the Disciplinary Committee and the Appeals Board of Stichting Tuchtrechtspraak Mediators (Foundation for disciplinary oversight and complaint procedures for mediators (STM)).

### Article 2 - Purpose of the complaints procedure

The aim of this complaints procedure is to resolve complaints in a manner that is easy to access.

### Article 3 - Procedure

- 3.1 In principle, a complaint will only be considered if submitted in writing to MfN within twelve months of the end of the mediation from which the complaint arose. This rule does not affect the disciplinary tribunals' decision on the admissibility of a complaint. The mediation ends when one of the situations referred to in Article 8 of the regulations has been met.

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<sup>1</sup> Whenever this document refers to 'his', this is also taken to include 'her' and 'their'.  
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- 3.2 In any case, the complainant must state:
- his name, place of residence, telephone number and e-mail address;
  - the name of the mediator;
  - the mediation agreement;
  - a brief description of the mediation;
  - the end date of the mediation;
  - a brief description of the complaint.
- By submitting the complaint, the complainant agrees that the mediator will be informed about the (content of the) complaint submitted.
- 3.3 MfN records the date of receipt of the complaint.  
MfN will send the complainant an acknowledgement of receipt within one week and forward the complaint to the relevant mediator within one week.  
MfN will also state the name of the intended complaints handler.  
The complaints handler, the complainant, and the mediator are asked to indicate within a week whether there are any ties that could impede the impartial handling of the complaint. If this is the case, MfN will engage another complaints handler.  
Within three weeks of receiving the complaint, MfN will forward the complaint to the complaints handler.
- 3.4 Within one week of receiving the complaint forwarded by MfN, the complaints handler will consult with the complainant to determine whether the complaint can be handled within the scope of the complaints procedure. If this is not the case, the complaints handler will discuss the possibility of initiating proceedings with the Disciplinary Committee in accordance with the STM Regulations. The complaints handler will inform the complainant, the mediator and MfN in writing within two weeks of receipt of the complaint whether or not the complaint has been taken into consideration.
- 3.5 The complaints handler, complainant and mediator are all involved in the handling of the complaint. The complaint will be resolved within six weeks after the complaints handler has received the complaint. The complaints handler can extend this period once by a maximum of four weeks. If the complainant and the mediator agree, the complaint can be resolved over the telephone.
- 3.6 The complaints handler will make every effort to handle the complaint to the satisfaction of the complainant and the mediator. The complaints handler is not authorised to make a binding decision or impose sanctions. The complaints handler may make recommendations or give his opinion on aspects of the complaint. However, no rights can be derived from such recommendations and opinions.
- 3.7 When the complaint handling process has ended or it has not been possible to start the complaint handling, the complaints handler will send written feedback to the complainant, the mediator and MfN.
- 3.8 In the written feedback, the complaints handler informs the complainant and the mediator that, if the complaint concerns an alleged violation of the Code of Conduct, the complainant can submit it to the STM after the complaint handling process has ended. This with due observance of the STM Regulations.  
The chair of the Disciplinary Committee may decide that a complaint submitted more than eighteen months after the end of the mediation will not be considered.

- 3.9 MfN will cover the costs of the complaints handler. Costs incurred by the complainant and the mediator will be payable by them.
- 3.10 After the complaint handling process has ended, the complaints handler will destroy all documents relating to the handling of the complaint as soon as possible, but no later than within two years.

#### **Article 4 - Privacy and confidentiality**

- 4.1 In accordance with Article 7.8(c) of the regulations, the mediator and the complainant are released from their duty of confidentiality to the extent necessary to handle the complaint.
- 4.2 The complaints handler is obliged to maintain confidentiality with regard to all information that has come to his attention whilst handling the complaint. This obligation also applies to persons employed by MfN or those otherwise involved with MfN. This obligation does not apply if the complaints handler already had or could have had this information independently of the complaint.
- 4.3 The information exchanged during the handling of the complaint is confidential. Any agreements made whilst handling the complaint are not covered by confidentiality and may be included in any disciplinary proceedings, unless otherwise agreed by the parties.<sup>2</sup>
- 4.4 The complaint will be handled in private.
- 4.5 In a procedure at the STM, a complaints handler can neither be summoned nor make a statement.
- 4.6 Both the complainant and the mediator can obtain assistance (in a non-legal sense) in the handling of a complaint. The complainant and/or mediator who is assisted guarantees that this person will fully adhere to the duty of confidentiality as agreed in the mediation from which the complaint arose.

#### **Article 5 - Internal information and filing**

- 5.1 After the complaint has been dealt with, MfN retains the original complaint and a copy of the written feedback for a period of three years. Other documents will be destroyed.
- 5.2 MfN maintains an overview of all complaints received.
- 5.3 MfN provides an annual, anonymised report on the handling of all complaints received.

#### **Article 6 - Final provisions**

This complaints procedure is established and may be amended by MfN. In cases not provided for in this complaints procedure, the MfN board will decide.

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<sup>2</sup> Any agreements made during the complaint handling process may be submitted in a possible disciplinary procedure as provided for in Article 7.8(c) of the regulations.