

MEDIATORS' INSTITUTE OF IRELAND APPEALS PROCEDURE

1. INTRODUCTION

The Mediators' Institute of Ireland ('The MII') was established as a not-for-profit organisation to promote the use of mediation as a process of dispute resolution in all areas by ensuring the highest standards of education training and professional practice of mediation and by increasing public awareness of mediation.

The purpose of this Appeals Procedure is to provide an appropriate and equitable avenue of appeal against decisions of the MII. This Procedure does not affect anyone's legal rights.

2. DEFINITIONS

Member - A registered member of the Mediators' Institute of Ireland, who may be a General, Associate, Certified or Practitioner Member.

The Council - The governing body of the Mediators' Institute of Ireland.

The Applicant - A person who has been directly affected by a decision of the MII and makes an appeal against that decision.

The Committee(s) - There are various committees of the MII which are charged with operational matters and making recommendations to Council.

The Appeals Panel - An independent panel appointed by the Council of the MII to deal with appeals.

The By-Laws - The By-Laws of the MII are agreed by the Members and govern the day-to-day business of the MII.

The Memorandum & Articles - The MII is a Limited Company and is also governed by its Memorandum and Articles of Association.

To see the names of current Council and Panel members or any of the MII governing documents, please call the MII or check on the MII website.

3. MAKING AN APPEAL

3.1 The decisions of the MII are made either by Council or by Committees or persons which have been charged by Council with decision-making authority. If someone who is directly affected by the decision wishes to appeal it, they (the Applicant) should notify the Administrator of the MII.

3.2 Unless otherwise specified the Applicant should notify the Administrator of their intention to appeal within 21 days of the relevant decision. The Applicant should provide in writing the nature of the decision, the name of the person or body which made the decision and their reasons for appeal.

3.3 The Administrator will acknowledge receipt of the appeal and will notify the Chair of the Appeals Panel.

3.4 The Chair of the Appeals Panel will determine if the appeal can be dealt with by the Panel. The Panel cannot deal with appeals against decisions which have been made by a person or body which did not have the authority of the Council to make a decision on behalf of the MII.

3.5 If the appeal cannot be dealt with by the Appeals Panel, the Applicant will be notified as soon as possible.

If the appeal can be dealt with by the Panel, the Appeals Process will begin.

3.6 Neither the MII nor anyone acting on its behalf can claim confidentiality in relation to decisions which are subject to appeal under the Appeals Process.

3.7 There is no charge for using the Appeals Procedure.

3.8 All appeals notified to the MII will be dealt with as promptly as possible. Any delays will be notified to all concerned. An extension of time-limits may be agreed by all the parties.

3.9 If anyone involved in the Appeals Process believes there is a conflict of interest they should declare it and step down from the process where appropriate.

4. THE APPEALS PROCESS

4.1 The Chair will appoint a Panel and will notify the Applicant and the person or body whose decision is being appealed.

4.2 The person or body whose decision is being appealed will be sent a copy of the Applicant's reason for appeal. If it is one of the MII Committees or other panels whose decision is being appealed, they must nominate one of their members to reply.

Any reply must be provided in writing and within 21 days. The Applicant will be sent a copy of the reply and may reply further within 21 days.

4.3 The Chair will set a meeting date for the Panel to deal with the appeal and will notify the Applicant and all relevant parties. Witnesses may also be called.

It is acknowledged that in some instances, the decision under appeal was reached following a previous meeting of some or all of the relevant parties, for example, a decision by the MII Complaints or Disciplinary Panels. This does not preclude a further meeting under this separate Appeals Process.

In other circumstances, no such meeting may have occurred and the Appeals Panel has the discretion to make contact with all the relevant parties before the meeting to facilitate discussions which may resolve the matter without a formal meeting taking place.

4.4 At the meeting the Panel will consider the matter on the basis of the written documents, information provided at the meeting and by way of questions to those attending.

4.6 The Panel will then meet privately to discuss the matter and make their decision. The Panel must decide whether or not to uphold the appeal. If they decide not to uphold the appeal, no further decision is made. If the appeal is upheld, the Panel must consider if any other action needs to be taken by the MII to remedy the matter. This may include directing the Council to publish their decision on the MII website.

4.7 The Chair of the Panel will notify the Applicant and the relevant person or body of the MII of the Panel's decision. The Council will also be notified. The notice should be in writing and give reasons for their decision.

5. THE APPEALS PANEL

5.1 The Council of the MII will appoint people for two years to be available to sit on the Appeals Panel. The Panel will include both Members of MII and people who are independent of the MII. The Members will be accredited Practitioner Members of at least 3 years and, as far as possible, represent of all areas of mediation practiced by MII mediators.

5.2 The Chair must be independent of the MII. The Chair will be appointed by the Council for two years.

5.3 Each matter brought to the Appeals Panel will be dealt with by a group of three people. This will include the Chair, one other independent person and a Member. In appeals against decisions of the MII Complaints or Disciplinary Panels, the Member should be experienced in the area of mediation which was subject to the complaint or disciplinary action.

5.4 The deliberations of the Appeals Panel will be confidential. Their decisions may be published on the MII website.