

Merlin Mediation Process Guidance

Receipt of Complaint

Any potential or actual subcontractor wishing to raise a complaint of breach of the Merlin Standard against a Prime Contractor should do so by completing an on-line proforma (**Merlin Standard Complaint Report**) to be submitted via the Merlin Mediation email inbox: [_ sheffieldsteelcityhouse.merlinmediation@dwp.gsi.gov.uk](mailto:sheffieldsteelcityhouse.merlinmediation@dwp.gsi.gov.uk)

Complaints can be raised via this route against any DWP Prime contractor of employment related services accredited or seeking accreditation as a contractual requirement or on a voluntary basis.

However cases should only be referred for potential mediation, where recourse to the Prime Contractor's own complaints handling procedures has failed to achieve resolution.

Once the complaint has been received, the DWP Work Programmes Division (WPD) Merlin Lead will consider whether the complaint is a specific Merlin issue or not.

If the complaint is considered to be outside the criteria of Merlin accreditation, the DWP WPD Merlin Lead will investigate seeking appropriate commercial advice where applicable.

If the complaint is a Merlin issue it will be formally referred to the Merlin Mediation Service delivered by the Independent Case Examiner (MMS/ICE).

If the complainant goes directly to the DWP Account Manager, MMS/ICE, or to emqc Ltd – the Merlin assessment and accreditation service provider - they will be signposted to complete the proforma and submit it via the email inbox.

Dealing with the complaint

MMS/ICE will mediate between both parties and DWP as necessary. Once investigations have been completed, a final report will be sent to both parties formalising the agreement that has been reached.

Notification of Outcome

MMS/ICE will inform the DWP Account Manager and DWP Merlin Standard Team of the decision/outcome of their investigation within 55 days of completion.

If the issue has been resolved, MMS/ICE will notify the parties of the positive outcome and the decision will be logged by the Account Manager and WPD Merlin Lead.

If the issue has not been resolved MMS/ICE will provide a written overview of the case, which will again be logged by the Account Manager.

Further Activity

If the outcome is positive, the DWP Account Manager will update their records accordingly.

Where the mediation process has failed to reach a mutually agreeable solution the case will be referred back to the Merlin Contract manager and through collaboration with the Account Manager an action plan will be agreed and communicated to the complainant and Prime concerned. The Account Manager will commence improvement activity, which incorporates issues raised in the closure report including relevant action planning. The MMS/ICE closure report will form part of the consideration and evidence for ongoing review of the Prime Contractor's accreditation status, and future assessment.

Any Prime Contractor who seeks Merlin accreditation, whether mandatory or voluntarily is expected to abide by the Standard and negative reports from the Mediation Service could result in failure to maintain or achieve accreditation/reaccreditation at their next Merlin Standard assessment.

Where a clause on adherence to the Merlin Standard is included in the Prime Contractor's contract with DWP, any breach by the Prime Contractor of this clause, shall be a material breach of the Contract and shall entitle the Authority (at its absolute discretion) to exercise its rights under the provisions of the Contract.

MERLIN MEDIATION PROCESS

Complainant raises a Merlin Standard related dispute against Prime contractor and submits details on dedicated pro-forma. WPD Merlin Lead captures and logs complaint

Consideration made by WPD Merlin Lead in consultation with the DWP Merlin Team as to whether complaint

Merlin Complaint

Merlin Complaint referred to formal Merlin Mediation Service/Independent Case Examiner (MMS/ICE)

MMS/ICE mediates between both parties and DWP as necessary. Final report to both parties on complaint/dispute and formalising agreement reached.

Closure report sent to AM, and Merlin Standard Team

Non-Merlin Complaint

If complaint is considered to be outside the criteria of Merlin accreditation, WPD Merlin Lead to investigate and seek appropriate commercial advice where applicable.

Issue Resolved

Record retained of report. AM informed for Provider Status Report.

Issue not Resolved

AM commences improvement activity, which incorporates issues raised in closure report including relevant action planning. Report forms part of the consideration and evidence for Prime contractor's next bi-annual Merlin accreditation application.

MMS/ICE informs parties, by standard lines that not resolved and provide written review with comments on case, including apportioning blame, and copied to AM/MSP. View of FMS recorded and noted by AM.