



MRS Accredited Company Partner Complaints Procedure

Introduction

1. Under a Scheme introduced by the MRS in April 2005, a Market Research Business may become a scheme member and known as an MRS Accredited Company Partner by entering into an agreement with MRS.
2. By being a scheme member, an MRS Accredited Company Partner agrees, inter alia, to comply with the MRS Quality Commitment including an obligation to comply with the MRS Code of Conduct (the Code)¹. If an MRS Accredited Company Partner breaches the MRS Quality Commitment and/or the Code, MRS may issue it with a formal notice requiring it to remedy the breach. Alternatively, in the most serious cases, MRS may terminate the agreement unilaterally and without a period of notice.
3. A third party may make a complaint to MRS concerning the conduct of an MRS Accredited Company Partner if there is an alleged breach of the Code and/or MRS Quality Commitment. In such cases, this complaints procedure will be applied in order to investigate the complaint and to decide whether the MRS Accredited Company Partner has breached the MRS Code and/or MRS Quality Commitment, and if it has, what action is appropriate to be taken. This may include, in the event of a breach, a recommendation to the MRS Main Board that a formal notice be issued requiring the MRS Accredited Company Partner to remedy the breach or that the agreement be terminated.
4. MRS Accredited Company Partners are required to cooperate with MRS in relation to any investigations undertaken pursuant to this complaints procedure. Failure to do so may be treated by the MRS as a breach of the MRS Quality Commitment and/or the Code.
5. MRS has separate Disciplinary Regulations in accordance with which it investigates complaints or issues concerning the conduct of individual MRS members.

¹ References to the "MRS Code of Conduct" or "Code" in this procedure are to be read as including all associated regulations and binding guidelines in place from time to time.

6. Some complaints may concern the conduct of both an individual MRS member and an MRS Accredited Company Partner. In this event, MRS will refer any issues relating to the conduct of an individual MRS member to be dealt with under the Disciplinary Regulations and will deal with any issues relating to the conduct of an MRS Accredited Company Partner under this complaints procedure.
7. MRS shall keep the complainant informed in relation to the progress of their complaint as it deems appropriate.
8. If for any reason the scheme membership agreement between MRS and an MRS Accredited Company Partner terminates in the course of an investigation or determination of a complaint under this complaints procedure, MRS is entitled, notwithstanding such termination:
 - a. to continue with its investigation and/or determination including notifying the complainant and/or wider publication of the decision as provided for under this complaints procedure; and/or
 - b. to publish in such form and manner as it considers appropriate the fact and circumstances of the termination.
9. Documents or information provided by an MRS Accredited Company Partner and/or a complainant during the course of the investigation or determination of any complaint shall be treated as confidential to the extent that MRS will not disclose or use such documents or information other than in the ordinary course of its investigation and determination and to the extent that it is necessary to show or disclose the contents of such documents or information to any third party in connection with such investigation or determination. MRS may also refer to such documents or information as are reasonably necessary in order to communicate the determination and the reasons for it to the MRS Accredited Company Partner, complainant and/or in wider publication of the determination as provided for under this complaints procedure. In all such cases the MRS Accredited Company Partner and/or complainant will be taken to have waived any right to claim confidence to the extent that disclosure or use of the documents or information is reasonably necessary for the purposes set out in this paragraph.

Complaints

10. Any person may make a complaint in writing² to the Standards Department of MRS

² MRS will consider accepting a complaint made otherwise than in writing on a case-by-case basis where this would be a reasonable adjustment to make in all the circumstances.

concerning the conduct of an MRS Accredited Company Partner if there is an alleged breach of the MRS Code and/or MRS Quality Commitment.

11. Subject to paragraphs 12 to 15 below, MRS shall consider and, where appropriate, investigate any complaint under paragraph 10 above, provided that it is made within six months of when the issue occurred or could have reasonably come to the attention of the complainant. MRS may, in exceptional circumstances and at its discretion, accept complaints outside that period.
12. MRS will not usually consider a complaint made by a complainant who does not consent to their identity being made known to the MRS Accredited Company Partner and/or does not consent to the disclosure to the MRS Accredited Company Partner of all documents and information provided to MRS in the investigation.
13. MRS will not usually consider a complaint if there are legal proceedings contemplated or ongoing in respect of, or closely linked to, the matter.
14. MRS will usually require a complainant to satisfy MRS that it has taken all reasonable steps to try and resolve the matter with the MRS Accredited Company Partner before MRS will consider the complaint under this complaints procedure.
15. MRS may require a complainant to confirm in writing³ what, if any, interest they have in relation to a complaint.
16. MRS may at any stage invoke this procedure itself (and be treated as complainant) in respect of any issue which it considers warrants inquiry under this complaints procedure.

Initial investigation by the Standards Department

17. The Standards Department shall carry out such initial investigations, if any, as it considers appropriate, informing the MRS Accredited Company Partner, where questions are raised directly with it (as appropriate), that such questions are asked under this complaints procedure and that a finding of a serious breach of the MRS Quality Commitment and/or the Code could have implications in relation to the agreement. Where such questions are asked, MRS will provide the MRS Accredited Company Partner with a brief summary of the nature of the complaint against them.
18. As part of any initial investigations, the Standards Department may request a meeting

³ MRS will consider accepting confirmation made otherwise than in writing on a case-by-case basis where this would be a reasonable adjustment to make in all the circumstances.

with the MRS Accredited Company Partner and/or complainant.

19. The Standards Department shall determine if the complaint is to be referred to MRSB or should not be referred as:

- a. the allegations are inadmissible as the evidence provided does not clearly support a potential breach of the Code and/or the MRS Quality Commitment;
- b. the allegations do not refer to specific behaviour or actions covered by the Code and/or the MRS Quality Commitment;
- c. the allegations are a misuse of this complaints procedure;
- d. the allegations are 'out of time' (see paragraph 11);
- e. there are legal proceedings contemplated or ongoing in respect of the matter (see paragraph 13);
- f. processing the complaint further would be disproportionate and not in the public interest;
- g. the allegations fall outside of MRS's functions/remit; and/or
- h. the allegations are trivial or vexatious.

20. If the Standards Department determines that a complaint should not be referred to MRSB, it shall reject the complaint and notify the complainant and the MRS Accredited Company Partner in writing, providing brief reasons.

21. If the Standards Department determines that the complaint is to be referred to MRSB, it shall follow the process in paragraph 23.

22. The decision as to whether or not to refer allegations for investigation is final.

Appointment of MRSB Quality Commitment Investigations Committee

23. Upon completion of its initial investigations (or if none are made, upon receipt or initiation of the complaint), the Standards Department shall report to the Chair of MRSB who shall appoint a sub-committee of members of MRSB, to be called the Quality Commitment Investigations Committee (QCIC), to consider the matter further and to report to MRSB with its findings and recommendations.

24. QCIC in each case shall be comprised of any three members of MRSB (not having an interest in the matter).

Further investigation by the QCIC

25. QCIC shall consider the matter referred to it under paragraph 23 above, and shall carry out such investigations or further investigations, if any, as it considers appropriate, and by whatever means it considers appropriate.
26. Where questions are raised for the first time in any case with an MRS Accredited Company Partner, it shall be informed that such questions are asked under this complaints procedure and that a finding of a serious breach of the MRS Quality Commitment could have implications in relation to the agreement. Where such questions are asked, MRS will provide the MRS Accredited Company Partner with a brief summary of the nature of the complaint against them.
27. The identity of the complainant shall be made known to the MRS Accredited Company Partner unless QCIC determines that there are compelling reasons why the complainant should not be so identified.
28. QCIC may at any stage request a meeting with the MRS Accredited Company Partner and/or the complainant.
29. If at any stage, QCIC decides that there may be a potential breach of the MRS Quality Commitment and/or the Code which it is not appropriate to resolve informally (under paragraph 34 below), and of which the MRS Accredited Company Partner has not previously been notified by the MRS and invited to respond, the Standards Department shall write to the MRS Accredited Company Partner:
 - a. setting out the conduct complained of;
 - b. providing the MRS Accredited Company Partner with copies of any documentation received or obtained by MRS that the Standards Department considers to be relevant; and
 - c. inviting the MRS Accredited Company Partner to provide a written response within a specified period, which will be no more than 21 days Accredited Company Partner from the date of the notification.
30. Upon receipt of the MRS Accredited Company Partner's written response (or if none is received within the prescribed period), the QCIC will undertake such further investigations, if any, as it considers necessary.
31. If, upon completion of its investigation, the QCIC is minded to find a potential breach of the MRS Quality Commitment and/or the Code, it shall provide the MRS Accredited Company Partner with a copy of its draft report allowing the MRS Accredited Company Partner 14 days in which to provide a written response.

32. Upon receipt of the MRS Accredited Company Partner's written response to a draft report provided under paragraph 31 above (or if no response is received within the prescribed period), the QCIC shall finalise its report to the MRSB with confirmation of whether or not it finds a potential breach of the MRS Quality Commitment and/or the Code and if it does, what action it recommends be taken. QCIC shall draw MRSB's attention to any aspects of the matter which it considers particularly complex or important. The QCIC will also make a recommendation as to the appropriateness or not of MRSB deciding the case (pursuant to paragraph 39) by email circulation.
33. Where QCIC does not find a potential breach of the MRS Quality Commitment and/or the Code, there is no requirement to provide the MRS Accredited Company Partner with a draft report prior to QCIC reporting to MRSB.

Informal Resolution by QCIC

34. If, at any stage, it appears to QCIC that the matter relates to a minor, trivial or isolated breach of the MRS Quality Commitment and/or the Code which does not warrant further inquiry or action under this complaints procedure, it may, if it considers it appropriate in all the circumstances, informally advise the MRS Accredited Company Partner of the breach and of any steps it should take to remedy the breach and/or other corrective action it should take.
35. The Standards Department shall also inform the complainant (where applicable) that the matter has been dealt with by informal resolution.

Cases raising issues regarding the conduct of an individual MRS Member

36. The Standards Department or QCIC may decide at any time that the matter relates to, or includes an issue (or issues), which concern(s) or may concern the conduct of an individual member of MRS which issue(s) should be dealt with in accordance with MRS Disciplinary Regulations. In this event, the Standards Department or QCIC shall:
- a. proceed to investigate the issue(s) concerning the conduct of the individual member in accordance with the relevant provisions set out in MRS Disciplinary Regulations;
 - b. as it deems necessary inform the member of any actions taken, or to be taken with regard to the MRS Accredited Company Partner in connection with the matter under this complaints procedure; and
 - c. inform the MRS Accredited Company Partner of the issue(s) which is/are to

be investigated under the MRS Disciplinary Regulations.

Decision by MRSB

37. MRSB shall consider the findings and recommendations of the QCIC made under paragraph 32 above and shall decide whether or not the MRS Accredited Company Partner has acted in breach of the MRS Quality Commitment and/or the Code.
38. MRSB may, in its ultimate discretion and under advice from the QCIC and/or Standards Department, undertake its functions pursuant to paragraph 37 by email circulation. Where email circulation is not appropriate, as decided by MRSB, MRSB shall conduct its functions pursuant to paragraph 37 by means of an in-person, virtual or hybrid meeting as it sees fit.
39. Deciding cases by email circulation is likely to be appropriate in one or more of the following circumstances:
- a. the QCIC has recommended that there is no breach of the MRS Quality Commitment and/or the Code;
 - b. the subject matter of the complaint is not deemed to be of a serious nature;
 - c. the MRS Accredited Company Partner has admitted the alleged breach/breaches;
 - d. any alleged breach is of a purely technical, minor or isolated nature;
 - e. the matter is factually straightforward;
 - f. there is not a substantial dispute of the facts;
 - g. there have been no previous complaints brought in relation to the MRS Accredited Company Partner concerned; and/or
 - h. there are no other factors present that would suggest the case would be better dealt with at a meeting of the MRSB.
40. Where a case has been determined as an appropriate case for decision by email circulation, any member of MRSB can, at any point, request that the case be remitted for decision at a meeting of the MRSB. Any such request should be made to the Chair of the MRSB with reasons and in writing.
41. The procedures and requirements in this complaints procedure apply equally to MRSB decisions made by email circulation as they do to decisions made at a meeting of the MRSB.
42. If MRSB is minded to decide that the MRS Accredited Company Partner has acted in

breach of the MRS Quality Commitment and/or the Code in any respect where the QCIC did not find a potential breach and provide the MRS Accredited Company Partner with an opportunity to respond under paragraph 31 above, the MRS Accredited Company Partner shall be notified with brief written reasons and allowed a period of 14 days to provide a written response prior to MRSB reaching a final decision.

43. If MRSB decides that the MRS Accredited Company Partner has acted in breach of the MRS Quality Commitment and/or the Code, then having regard as appropriate to the nature and seriousness of the matter, including any record of previous complaints concerning the MRS Accredited Company Partner, it shall reach one of the following decisions:

- a. that no action should be taken; or
- b. that the MRS Accredited Company Partner has acted in breach of the MRS Quality Commitment and/or the Code (which breach is minor, trivial or isolated) and that the MRS Accredited Company Partner shall be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant); or
- c. that the MRS Accredited Company Partner has acted in breach of the MRS Quality Commitment and/or the Code (which breach is not minor, trivial or isolated), and that:
 - i. the MRS Accredited Company Partner shall be formally advised of the breach and of the steps it is required to take to remedy the breach and/or other corrective action it is required to take (which may include issuing an apology in appropriate terms to the complainant), and/ or
 - ii. the matter shall be referred to MRS Main Board to consider whether a formal written notice of breach should be issued to the MRS Accredited Company Partner; or
- d. that the MRS Accredited Company Partner has acted in serious breach of the MRS Quality Commitment and/or the Code and that the matter shall be referred to MRS Main Board to consider whether the agreement with the MRS Accredited Company Partner should be terminated.

44. Where the MRS Accredited Company Partner concerned has previously been found to be in breach of the MRS Quality Commitment and/or the Code under this complaints procedure for allegations of a substantively similar nature to the allegations being considered, it will be open to MRSB to apply a more serious sanction than it might have otherwise done in circumstances where this was the first complaint against the MRS Accredited Company Partner. MRSB will decide as to whether an allegation is substantively similar to any previous allegations. MRSB's decision in this regard is final.
45. If any sanction imposed on the MRS Accredited Company Partner requires action or compliance by the MRS Accredited Company Partner, MRSB may determine: how a review of compliance will be undertaken; the period within which compliance is required; and any further sanction to be imposed if the MRS Company Member fails to comply.
46. Decisions of MRSB are made by simple majority. In the case of an equality of votes, the Chair shall have a second or casting vote.

MRSB decision - no breach of the MRS Quality Commitment

47. Upon a decision by MRSB under paragraph 37 above that the MRS Accredited Company Partner has not acted in breach of the MRS Quality Commitment and/or the Code, the Standards Department shall inform the complainant (where applicable), providing brief written reasons for the decision and notifying them of their right to apply to the Reviewer of Complaints under paragraph 49 below. The right of the complainant to notice under this paragraph is unaffected by the provisions in paragraph 57 below.
48. The Standards Department shall also, at the same time, inform the MRS Accredited Company Partner of the decision with brief written reasons, advising it that the matter may be referred to the Reviewer of Complaints.

Reviewer of Complaints

49. The Reviewer of Complaints (who shall be a barrister or solicitor of not less than 10 years standing) shall consider any application made by a complainant for the review of a decision by MRSB that the MRS Accredited Company Partner has not acted in breach of the MRS Quality Commitment and/or the Code, provided that it complies with the requirements in paragraph 0.

50. Applications to the Reviewer of Complaints must (i) be in writing⁴, (ii) set out the decision for review and the grounds for requesting the review (the grounds must be at least one of those set out in paragraph 53), (iii) where the ground under paragraph 53a is argued, provide any supporting evidence, and (iv) be received no later than 28 days after the date on which the decision complained of was notified to the complainant. The Reviewer of Complaints may exercise their discretion to consider applications made after the 28-day time limit where they consider that there are exceptional circumstances justifying such consideration.
51. Where the Reviewer of Complaints accepts an application for review, MRS will notify the MRS Accredited Company Partner of this fact, providing a copy of the application (and any additional supporting evidence provided by the complainant) and inviting them to provide any written representations within a specified period, which will be no more than 28 days from the date of the notification.
52. If, after considering an application made in accordance with paragraph 0 above, the Reviewer of Complaints is of the opinion that one or more of the grounds referred to in paragraph 53 below applies, the matter shall be remitted to QCIC with a request that it should be reconsidered in accordance with paragraphs 25-33 and 37above.
53. The grounds referred to in paragraph 52 above are that:
- a. fresh evidence of a material nature has become available to the complainant since the decision of MRSB complained of;
 - b. the process for the investigation of complaints as laid down in this complaints procedure has not been followed;
 - c. there is reason to suspect bias in the decision complained of; or
 - d. the decision of MRSB was not one which could reasonably have been arrived at upon due consideration of the facts and matters before it.
54. Where, in the circumstances referred to in paragraph 53c above, the suspected bias relates to possible lack of independence on the part of any member of the QCIC involved in making the recommendation to MRSB, the matter must be remitted to a newly constituted QCIC not consisting of any member who took part in recommending

⁴ MRS will consider accepting an application made otherwise than in writing on a case-by-case basis where this would be a reasonable adjustment to make in all the circumstances.

the decision complained of. In all other cases referred to in paragraph 53 above, the matter may, but need not necessarily be, remitted to a newly constituted QCIC.

55. In considering any matter remitted to it by the Reviewer of Complaints, the QCIC must have regard to (i) all information and representations that were previously available when it made its report to the MRSB under paragraph 32 above and (ii) any new information and/or representations which have been made since the MRSB came to its decision and (iii) any written reasons given by the Reviewer of Complaints for remitting the matter.

56. If, following reconsideration of the matter, the MRSB remains of the view that the MRS Accredited Company Partner has not acted in breach of the MRS Quality Commitment, it shall give to the complainant and the MRS Accredited Company Partner brief written reasons for its decision. The right of the complainant and MRS Accredited Company Partner to notice under this paragraph is unaffected by the provisions in paragraph 58 below.

Decision by MRSB – breach of the MRS Quality Commitment

57. Upon a decision by MRSB that the MRS Accredited Company Partner has acted in breach of the MRS Quality Commitment and/or the Code under paragraph 43 above, the Standards Department shall write to both the MRS Accredited Company Partner and complainant (where applicable), notifying them of the decision with brief written reasons. The right of the complainant and the MRS Accredited Company Partner to notice under this paragraph is unaffected by the provisions in paragraph 58 below.

Publication of decision

58. A decision by the MRSB under paragraph 43.b or 43.c(i) above, or a decision by MRS Main Board to issue a formal written notice of breach (following a referral under paragraph 43.c(ii)) or to terminate the agreement (following a referral under paragraph 43.d), may be published by MRS in such form and manner as it considers appropriate. A decision by MRSB under paragraph 37 that the MRS Accredited Company Partner has not acted in breach of the MRS Quality Commitment, or a decision under 43.a above shall not be published by MRS unless the MRS Accredited Company Partner so requests and MRS agrees.

Record of Complaints

59. A record shall be kept and retained in line with MRS' normal retention policies, of all complaints received or initiated by MRS concerning the conduct of an MRS Accredited

Company Partner and of all decisions made and outcomes reached under this complaints procedure (including cases resolved informally), which may be taken into account in future cases.