



MRS 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 Company Partner by entering into an agreement with MRS.
2. By being a scheme member, an MRS 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). If it breaches the MRS Quality Commitment, 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 Company Partner if there is an alleged breach of the Code and MRS Quality Commitment. In such cases, this complaints procedure will be applied in order to investigate the complaint and to decide whether the MRS Company Partner has breached the MRS Code and 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 Council that a formal notice be issued requiring the MRS Company Partner to remedy the breach or that the agreement be terminated.
4. MRS has separate Disciplinary Regulations in accordance with which it investigates complaints or issues concerning the conduct of individual MRS members.
5. Some complaints may concern the conduct of both an individual MRS member and an MRS Company Partner. In this event, MRS will pursue any issues relating to the conduct of an individual MRS member under the Disciplinary Regulations and any issues relating to the conduct of an MRS Company Partner under this complaints procedure.
6. MRS shall keep the complainant informed, as appropriate, in relation to each stage of this complaints procedure.

7. If for any reason the scheme membership agreement between MRS and a Company Partner terminates in the course of an investigation or determination of a complaint under this complaints procedure, MRS is entitled, notwithstanding such termination:
 - (i) 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
 - (ii) to publish in such form and manner as it considers appropriate the fact and circumstances of the termination.

8. Documents or information provided by an MRS Company Partner 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 complainant and/or in wider publication of the determination as provided for under this complaints procedure. In all such cases the MRS Company Partner 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

9. Any person may make a complaint in writing to the Standards Department of MRS concerning the conduct of an MRS Company Partner if there is an alleged breach of the MRS Code and MRS Quality Commitment.

10. Subject to paragraphs 11 to 14 below, MRS shall consider and, where appropriate, investigate any complaint under paragraph 9 above, provided that it is made within three months of when the matter arose. MRS may in exceptional circumstances and at its discretion accept complaints outside that period.

11. MRS will not usually consider a complaint made by a complainant who does not consent to his/her identity being made known to the MRS Company Partner and/or does not consent to the disclosure to the Company Partner of all documents and information provided to MRS in the investigation.

12. MRS will not usually consider a complaint if there are legal proceedings contemplated

or ongoing in respect of the matter.

13. MRS may require a complainant to satisfy MRS that it has taken all reasonable steps to try and resolve the matter with the Company Partner before MRS will consider the complaint under this complaints procedure.
14. MRS may require a complainant to confirm in writing what, if any, interest they have in relation to a complaint.
15. For the avoidance of doubt, 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

16. The Standards Department shall carry out such initial investigations, if any, as it considers appropriate, informing the MRS Company Partner, where questions are raised directly with it, 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.
17. For the avoidance of doubt, the Standards Department may request a meeting with the MRS Company Partner.
18. 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.
19. 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

20. QCIC shall consider the matter referred to it under paragraph 18 above, and shall carry out such further investigations, if any, as it considers appropriate, and by whatever means it considers appropriate.
21. If at any stage, QCIC decides that there may be a potential breach of the MRS Quality Commitment which it is not appropriate to resolve informally (under paragraph 28 below), and of which the MRS Company Partner has not previously

been notified by the MRS and invited to respond, the Standards Department shall write to the MRS Company Partner setting out the conduct complained of and shall allow a period of 21 days for the MRS Company Partner to provide a written response.

22. Where questions are raised for the first time in any case with an MRS 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.
23. The identity of the complainant shall be made known to the MRS Company Partner unless QCIC determines that there are compelling reasons why the complainant should not be so identified.
24. For the avoidance of doubt, QCIC may at any stage, request a meeting with the MRS Company Partner.
25. If, upon completion of its investigation, the QCIC is minded to find a potential breach of the MRS Quality Commitment, it shall provide the Company Partner with a copy of its draft report allowing the Company Partner 14 days in which to provide a written response.
26. Upon receipt of the Company Partner's written response to a draft report provided under paragraph 25 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 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.
27. Where QCIC does not find a potential breach of the MRS Quality Commitment, there is no requirement to provide the Company Partner with a draft report prior to QCIC reporting to MRSB.

Informal Resolution by QCIC

28. If, at any stage, it appears to QCIC that the matter relates to a minor, trivial or isolated breach of the MRS Quality Commitment which does not warrant further inquiry or action under this complaints procedure, it may if it considers appropriate, informally advise the MRS Company Partner of the breach and of any steps it should take to remedy the breach and/or other corrective action it should take.

Cases raising issues regarding the conduct of an individual MRS Member

29. 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
- o proceed to investigate the issue concerning the conduct of the individual member in accordance with the relevant provisions set out in MRS Disciplinary Regulations; and
 - o as it deems necessary inform the member of any actions taken, or to be taken with regard to a Company Partner in connection with the matter under this complaints procedure; and
 - o Inform the Company Partner of the issue(s) which is/are to be investigated under the MRS Disciplinary Regulations.

Decision by MRSB

30. MRSB shall consider the findings and recommendations of the QCIC made under paragraph 26 above and shall decide whether or not the MRS Company Partner has acted in breach of the MRS Quality Commitment.
31. If MRSB is minded to decide that the MRS Company Partner has acted in breach of the MRS Quality Commitment in any respect where the QCIC did not find a potential breach and provide the Company Partner with an opportunity to respond under paragraph 25 above, the 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.
32. If MRSB decides that the MRS Company Partner has acted in breach of the MRS Quality Commitment, then having regard as appropriate to the nature and seriousness of the matter, including any record of complaints concerning the MRS Company Partner, it shall reach one of the following decisions:
- a. that no action should be taken; or
 - b. that the MRS Company Partner has acted in breach of the MRS Quality Commitment (which breach is minor, trivial or isolated) and that the MRS 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 Company Partner has acted in breach of the MRS Quality Commitment (which breach is not minor, trivial or isolated), and that :
 - i. the MRS 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 or
 - ii. the matter shall be referred to MRS Council to consider whether a formal written notice of breach should be issued to the MRS Company Partner; or
- d. that the MRS Company Partner has acted in serious breach of the MRS Quality Commitment and that the matter shall be referred to MRS Council to consider whether the agreement with the MRS Company Partner should be terminated.

MRSB decision - no breach of the MRS Quality Commitment

33. Upon a decision by MRSB under paragraph 30 above that the MRS Company Partner has not acted in breach of the MRS Quality Commitment, the Standards Department shall inform the complainant (where applicable), giving him/her brief written reasons for the decision and notifying him/her of his/her right to apply to the Reviewer of Complaints under paragraph 35 below. The right of the complainant to notice under this paragraph is unaffected by the provisions in paragraph 41 below

34. The Standards Department shall also, at the same time, inform the MRS 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

35. The Reviewer of Complaints (who shall be a barrister or solicitor of not less than 10 years standing) shall consider any written application made by a complainant for the review of a decision by MRSB that the MRS Company Partner has not acted in breach of the MRS Quality Commitment. No such application shall be considered by the Reviewer of Complaints if it is received later than one month after the date of the

decision complained of unless there are, in the opinion of the Reviewer of Complaints, exceptional circumstances justifying such consideration.

36. If, after considering an application in accordance with paragraph 35 above, the Reviewer of Complaints is of the opinion that one or more of the circumstances referred to in paragraph 37 below applies, the matter shall be remitted to QCIC with a request that it should be reconsidered in accordance with paragraphs 20-27 and 30 above.

37. The circumstances referred to in paragraph 36 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.

38. 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 26 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.

39. If, following reconsideration of the matter, the MRSB remains of the view that the MRS Company Partner has not acted in breach of the MRS Quality Commitment, it shall give to the complainant and the MRS Company Partner brief written reasons for its decision. The right of the complainant to notice under this paragraph is unaffected by the provisions in paragraph 41 below.

Decision by MRSB – breach of the MRS Quality Commitment

40. Upon a decision by MRSB that the MRS Company Partner has acted in breach of the MRS Quality Commitment under paragraphs 32a to 32d above, the Standards Department shall write to both the MRS Company Partner and complainant (where

applicable), notifying them of the decision with brief written reasons. The right of the complainant to notice under this paragraph is unaffected by the provisions in paragraph 41 below.

Publication of decisions

41. A decision by the MRSB under paragraph 32b or 32c(i) above, or a decision by MRS Council to issue a formal written notice of breach (following a referral under paragraph 32c(ii)) or to terminate the agreement (following a referral under paragraph 32d), may be published by MRS in such form and manner as it considers appropriate. A decision by MRSB under paragraph 30 that the Company Partner has not acted in breach of the MRS Quality Commitment, or a decision under 32a above shall not be published by MRS unless the MRS Company Partner so requests and MRS agrees.

Record of Complaints

42. A record shall be kept of all complaints received or initiated by MRS concerning the conduct of an MRS 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.