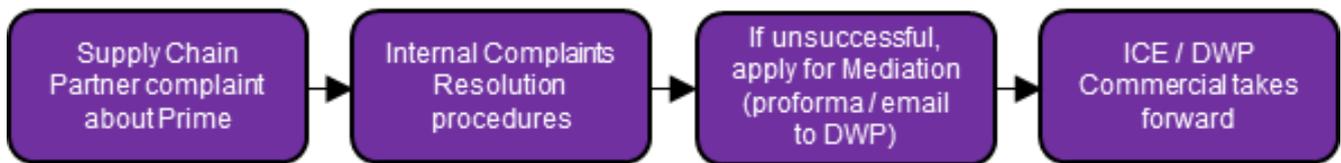


Merlin Complaints: Process Guidance

This guidance focuses on Supply Chain Partners (SCPs) wishing to raise a complaint of breach of the Merlin Standard against a Prime contractor of employment-related services accredited or seeking accreditation as a contractual requirement or on a voluntary basis.

Where a clause on adherence at all times to the Merlin Standard is included in the Prime Contractor's contract with DWP, any breach 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.



A complaint can be submitted by completion of the online pro-forma, available on the [Merlin Mediation webpage](#) to be submitted via the Merlin Standard Mediation inbox: CAXTONMERLIN.STANDARDMEDIATION@DWP.GSI.GOV.UK.

However, in line with *Criteria* 3.3 of the Merlin Standard, this should **only** occur following a failure of the Prime's Internal Complaints Resolution procedure(s).

Glossary:

- “**Contract Manager**” means the person(s) within DWP who manage the contract that the SCP are part of the supply chain for
- “**Merlin Team**” means the team within DWP who manage the Merlin Standard Accreditation contract and look after the Merlin Standard
- “**SRM Lead**” means the person(s) within DWP who manage the Department's relationship with the Prime Contractor (**NB**: not all Primes will have an SRM Lead)

Process:

- 1) On receipt of the complaint, DWP's Merlin Team will assess the complaint to determine if it is a Merlin or a Commercial issue. There may be some cases where a single complaint has a Merlin element addressed by Mediation / Independent Case Examiner (ICE) and a Commercial element addressed through the Category Lead.
- 2) If deemed to be a Merlin complaint, the complaint would be referred to the Independent Case Examiner (ICE) or, if requested, another Independent Mediation Service (IMS) to conduct the mediation. **NB**: ICE is only available where DWP is the commissioner. If an SCP is outside of a DWP contract, they may seek their own alternative mediation arrangement outside of this process.
- 3) ICE will mediate between both parties and DWP as required. Once mediation has been completed, a final report will be sent to both parties formalising the agreement that has been reached. ICE/IMS will inform DWP of the outcome of the mediation within 55 days of its completion.
 - If the issue has been resolved, ICE/IMS will notify the parties of the positive outcome and the decision logged by the Contract Manager/SRM Lead / Merlin Team.

- If the issue has not been resolved ICE/IMS will provide a written overview of the case, which will again be logged by the Contract Manager/SRM Lead.
- 4) Where the mediation process has failed to reach a mutually agreeable outcome the case will be referred back to the Merlin Team, and through collaboration with the Contract Manager/SRM Lead an action plan will be agreed and communicated to the complainant and Prime concerned. The Contract Manager will commence improvement activity, which incorporates issues raised in the closure report including relevant action planning. Primes are contractually obliged to partake in this activity. 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 against the Standard.

MERLIN MEDIATION PROCESS

