

COMPLAINTS AND DISPUTE PROCEDURE

Complaints

Should Users deem that some part of the service provide by XMaS has not been satisfactorily in some way, then they have the right to activate the formal Complaints Procedure. However it is expected that, given good faith on both sides, such issues can be resolved quickly without recourse to a formal complaint.

The Complaint Procedure shall be initiated within 10 (ten) working days of the date of the complaint communication from the User to the beamline responsible. The receipt of the complaint, and relevant details, shall be recorded by the XMaS beamline responsible and the User provided with an acknowledgement of the complaint.

Investigation of the complaint will be undertaken by one of the XMaS directors who is independent of the day-to-day operation of the service. In more serious cases (or following a repeated complaint), the complainant review would be undertaken by the chairman of the PMC. It is expected that the complaint investigation and resolution can be completed within 10 (ten) working days however, for more complex issues and provided that the User is informed, then this period may be extended up to a maximum of 30 (thirty) working days.

A formal written communication of the complaint investigation and resolution shall be provided to the User (and if appropriate EPSRC) however it would be expected that an interim or verbal communication is provided at the earliest opportunity

XMaS and the User (including EPSRC if appropriate) shall attempt in good faith to negotiate a settlement to any dispute between them arising out of or in connection with the delivery of the XMaS Service within 30 (thirty) working days of the initial notice of dispute. If the complaint is resolved then the details are documented and signed by authorised representatives of all parties and details of the findings and/or resolution shall be communicated to the User and/or EPSRC at the earliest opportunity.

Copies of all appropriate documents relating to the complaint, its investigation and resolution shall be retained by the Universities of Liverpool and Warwick for a Minimum period of 5 (five) years

Disputes

Should users deem that a major complaint, or a series of lesser complaints, on the XMaS Service have not been satisfactorily resolved then they have the right to activate the formal Dispute Procedure.

The Dispute Procedure shall be initiated within 10 (ten) working days of the date of the initial notice of dispute from the User and EPSRC shall be informed that such an investigation has been commenced.

The chairman of the PMC with Senior Management representatives of both Liverpool and Warwick universities and the User (including EPSRC if appropriate) shall attempt in good faith to negotiate a settlement to any dispute between them arising out of or in connection with the Service within 30 (thirty) working days of the initial notice of dispute.

Formal records and minutes of meetings will be taken and copies retained. If the dispute is resolved then the details are documented and signed by authorised representatives of all parties and details of the findings and/or resolution shall be communicated to the User and/or EPSRC at the earliest opportunity. If the parties should remain in dispute then the matter may be referred to the Court.