



BUSS
MURTON
LAW

Mediation

Complaints Leaflet

A client, former client or a qualifying third party (see below) may make a complaint that relates to breaches of the FMC's Codes of Practice or Standards Framework that occurred within the last three months.

For complaints that relate to the way mediation was conducted as a whole, the three months runs from the date of the last mediation session.

How do I make a complaint?

You should raise your complaint directly with the mediator.

How will you deal with my complaint?

We will record your complaint centrally and will write to you within 10 working days to acknowledge your complaint. We will also enclose a copy of this policy for your records.

We will then investigate your complaint and aim to respond within 30 working days of receipt. On occasions further time may be required and if so, you will be notified in writing.

Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated (see below).

You will be offered mediation of your complaint where you and the mediator wish to proceed on such a basis. If the complaint is to be mediated this will take place within 60 working days of receipt of your complaint.

Qualifying third parties

The following qualify as third parties who can make a complaint against a mediator.

- A prospective client who has been directly affected by a mediator's professional behaviour; or
- A person who has been invited to participate in a mediation process, for example another professional who attends mediation.

For the avoidance of doubt, it is common for a mediator to contact a potential mediation participant after seeing the other potential mediation participant.

Complaints about a mediator making contact with a potential participant do not therefore need to be investigated by mediators and will not be accepted by the Family Mediation Standards Board (FMSB).

Likewise, mediators may sign court forms to say that one person has attended a Mediation Information and Assessment Meeting (MIAM) without notifying a potential second mediation participant or inviting them to attend a MIAM themselves.

Complaints about a mediator not making contact with a potential participant do not therefore need to be investigated by mediators and will not be accepted by the FMSB.

Please note that neither mediators nor the FMSB will be able to disclose any information to the third party that is confidential between the mediator and the mediation participant(s). It is therefore normal as a third party you will only receive a limited amount of information in response to your complaint, even in circumstances where it is considered by the FMSB.

Complaints that appear to be vexatious or of a purely personal nature

Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated by mediators.

Complaints can be vexatious when:

- the purpose appears to be to intimidate, disturb, disrupt and/or unduly or unfairly pressurize the mediator or the FMSB; or
- they are persistent/repetitive, and repeating the same or substantially similar complaints which have already been investigated; or
- they are clearly unfounded and unsupported by evidence; or
- they are irrelevant and relate to matters other than mediation; or
- abusive or offensive language is used.

Complaints can be considered to be of a purely personal nature if they are discriminatory or focus on the personal attributes or circumstances of a mediator rather than their actions as a mediator.

What if I am not satisfied with the outcome?

If you remain dissatisfied you can ask the Family Mediation Standards Board (FMSB) to consider the complaint if their criteria are met and we will provide details of how to do so if required.

Mediators are allowed to share information held by them with the FMSB in the event that a formal complaint is made to them, to which that information pertains.