



## **FORMAL COMPLAINTS PROCEDURE – FAMILY MEDIATION**

A complaint is any clear expression of dissatisfaction with the Mediation Service, its personnel, or its services that calls for a response.

The procedure deals with specific concerns including: a risk to the health or safety of any individual, improper conduct or unethical behaviour.

All complaints are treated seriously whether they are made in person, by telephone, by letter or by email.

Complaints will be dealt with promptly, politely and with respect.

### **Who can make a complaint:**

A client, a former client or a qualifying third party (see Annex 1 page 3) 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 avoidance of doubt, the three month window starts from the date of the last mediation session. Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated (see Annex 2 page 3).

### **How to make a complaint:**

All complaints need to be put in writing, even if they are initially made in person or on the telephone, so that a confidential record can be kept.

Complaints made in person should be made with someone else in the room to witness the complaint.

Fill out the complaint form (attached) and return by post to :

**The Manager  
Hastings and Rother Mediation Service  
Chichester Rd  
St Leonards on Sea  
TN38 9BG**

Or attach by e mail to: [manager@hrmediation.co.uk](mailto:manager@hrmediation.co.uk)

### **A formal complaint should include:**

The complainant's name and contact details

Copies of any relevant correspondence

Names of people they have written to or spoken to up to this point about the complaint

Details about what has gone wrong or has been handled improperly

An explanation of how they would like the Service to resolve the complaint.



**Hastings and Rother Mediation Service's complaints procedure is set out as follows:**

All complaints will be investigated by the Service Manager.

We seek to resolve any dissatisfaction informally, by discussion with the Service Manager, in the first instance.

If the complaint cannot be resolved in this manner, it will be raised with the Board of Trustees.

If the complaint is upheld, a full apology will be sent and, where appropriate, details given of any action that the service is taking.

If the complainant is not satisfied with the outcome, they can ask for a further review.

A complainant may request mediation for the complaint where both the complainant and the mediator / member of the service involved agree to this.

If a complainant subsequently requests a review, this is the responsibility of the Board of Trustees. The Chair will check that the investigation has been carried out fully and properly, check that the fundamental point of the complaint has been addressed and look at any outstanding issues.

If a complaint is upheld which activated disciplinary proceedings against a mediator then the Family Mediation Standards Board (FMSB) will be notified.

If a complainant is still dissatisfied after a full investigation by the service, then the complainant will be invited to contact the FMSB. The service will provide details of how the complainant can do this. The FMSB may then consider the complaint if certain criteria are met.

**Timescale:**

An e mail will be sent acknowledging the complaint within ten working days of receipt.

An investigation into the facts of the matter will take place and the result communicated to the complainant within 30 working days of their making the complaint formally. On occasions further time may be required, in which case the complainant will be notified in writing.



## **Annex 1**

### **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
- a person who has been invited to participate in a mediation process, for example another professional who attends a mediation.

For the avoidance of doubt, it is common for a mediator, or the mediation service, 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 FMSB.

Likewise, mediators may sign court forms to say 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 a third party complainant that is confidential between the mediator and the mediation participant(s). It is therefore normal that a third party will only receive a limited amount of information in response to their complaint, even in circumstances where it is considered by the FMSB.

## **Annex 2**

### **Vexatious or Personal Complaints**

Complaints can be considered vexatious when:

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

Complaints can be considered 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.



### COMPLAINTS FORM

Case No: MES/	Date:	
Complainant's name:	Tel No:	
Address:		
Email :		
Reason for complaint:		
Office Use Only	Date Received:	Date Responded:
Action Taken:		
Signed:		(Manager) Date: