

MEDIATION COMPLAINTS POLICY

It is my aim to provide a good service to all my clients so I hope you will not find reason to complain about the service you receive from me. However, sometimes things can go wrong. If you are unhappy with the service you receive from me I would wish to know about it so that I can endeavour to address your concerns.

This Complaints Policy sets out my internal complaints process for all complaints concerning my conduct as a Mediator, about the conduct of a Mediation Information Assessment Meeting (MIAM) or a Mediation Session. Definitions of the terms used in this policy are set out below.

It is my hope that any complaint can be dealt with internally and informally. However, if that does not happen to your satisfaction, once my internal complaints process has been fully exhausted, your complaint can be sent to the Family Mediation Council (FMC), the professional body of which I am an Accredited member.

Please note that nothing within this procedure affects your rights under the law of England and Wales. Please also note that, in the event of a complaint being dealt with by the FMC then the FMC can only determine whether there has been a breach of the Family Mediation Council (FMC) Code of Practice or FMC Standards Framework.

Definitions

“Code of Practice” means the FMC’s Code of Practice. This can be found <https://www.familymediationcouncil.org.uk/us/code-practice/>

“Complainant” means a person who has had a MIAM or been a party to a Mediation and complains about a Mediator’s conduct of the MIAM and/or Mediation.

“Complaint” means when a Complainant raises a complaint whether by telephone, by letter or by email in connection with the conduct by a Mediator of a MIAM and/or Mediation.

“FMC” Family Mediation Council <https://www.familymediationcouncil.org.uk/>

“FMSB” Family Mediation Standards Board

“Mediation” means the process of family mediation provided that all parties thereto have signed an Agreement to Mediate.

“Mediation File” means the file of the Mediator and/or the Service which relates to a Mediation in which the Complainant has been a participant.

“Mediation Supervisor” an external Mediator Supervisor (qualified PPC) who Just Talk Group appoints to deal with and investigate a Complaint against a Mediator as provided for in this policy.

“MIAM” means any face to face meeting (including a meeting by Teams or Zoom) for the purpose of providing information about family mediation and assessing a case for suitability for family mediation. This meeting must take place between the Mediator and a potential mediation client whether that client is involved in a referral required by the court or not.

This definition only applies to a meeting where Just Talk Mediation has sent a letter/email confirming the appointment for an assessment meeting even if the date or time of the meeting is altered from that provided for in the letter.

“MIAM File” means the file of the mediator and/or Just Talk Group which relates to the MIAM conducted with the Complainant and not any file or part thereof which relates to a MIAM with any other party nor to any Mediation File.

“Service” means Just Talk Mediation when providing Mediation.

“Mediator” means the family mediator who conducted the MIAM and/or Mediation involving the Complainant.

“Other Party” means any person who attends a MIAM who is not the Complainant or any participant other than the Complainant in a Mediation in which the Complainant was a participant.

“PPC” means a Mediator’s Professional Practice Consultant.

“Working Days” are defined as Monday- Friday excluding Bank Holidays and days between Christmas and New Year when the office is shut.

Complaints Process

Stage One – Identifying whether you wish to complain or raise a concern

1. On becoming aware that you are unhappy with some aspect of the service you have received, I will respond by acknowledging your unhappiness within 5 working days or as soon as is reasonably practicable if, for instance you raise your concern whilst I am on holiday or otherwise unavailable.

My acknowledgement will let you know when you will next be contacted by me.

This contact may be by telephone in which case a note of our conversation will be recorded in writing and will be placed on your MIAM or Mediation File, whichever applies.

If you raised your unhappiness with the service in a telephone message my acknowledgement will request that you put your concerns in writing and will also include a request for you to clarify whether you wishes to raise a complaint to which this Complaints Policy applies or simply a concern which can be resolved without this process being invoked. You will be sent a copy of this policy if you do not already have one.

Stage Two – If you wish to complain

- 2 If you confirm you wish to raise a complaint that would be subject to this policy then such a complaint must be raised in writing.
- 3 If you are complaining about me breaching of the FMC's Code of Practice or Standards Framework then this complaint must be raised within three months of the alleged breach. In the event that you wish to complain about how a mediation was conducted as a whole then the period of three months runs from the date of the last mediation session.
- 4 I will have 14 working days from receiving your written Complaint to attempt to resolve the Complaint informally with you. If the Complaint is resolved at this stage, it will be closed and the action taken or agreed to be taken will be recorded in writing to you and sent either by letter or email and a copy will be kept on the MIAM or Mediation File.
- 5 If there is an ongoing mediation during this time I will decide whether the Other Party will be advised of the Complaint at this stage.
- 6 If the Complaint concerns a Mediation which is ongoing, if the concern is not resolved at Stage One, the Other Party will be informed that there has been a written Complaint which is being investigated. In this instance it is entirely my discretion whether mediation can continue when a Complaint has been made and is now being dealt with at Stage Two.
- 7 If I decide to bring the Mediation to an end at any Stage in this Complaints Policy, the Other Party will be told by me that you have made a Complaint but the Other Party will never be entitled to know any details of the Complaint.

Stage Three- Option to mediate the complaint

- 8 If the Complaint is not resolved pursuant to the provisions of Stage One or Stage Two above, I will explore with you whether you wish me to refer your complaint to an independent FMCA Mediation Supervisor for an independent assessment of your complaint. I do not have to divulge to you who the Mediation Supervisor is, but they will be an FMCA Mediator and a PPC.
- 9 If you agree to me referring your complaint to a Mediation Supervisor then you are consenting to me releasing to them all correspondence and information I hold in relation to your complaint. This information will be passed to the Mediation Supervisor within 5 working days of you agreeing to this.
6. The Mediation Supervisor will have 21 working days from receipt of the information and documents to try to resolve the Complaint informally in whatever way seems appropriate to him/her. If such informal resolution is successful, the Complaint will be closed. A note to that effect will be placed on the MIAM or Mediation file.

Stage Four – Referral to the FMC

1. If, following the above, the Complaint is not resolved the Complainant will be told by letter or email that the Complaint will, within 5 working days of that communication, become formal and that, when it does, any Mediation still ongoing will be ended and that the Other Party (if not already told) will be told that there is a Complaint and the Mediation is coming to an end.
2. At this stage, if your complaint alleges a breach of the FMC Professional Standards (e.g. Code of Practice, PPC Code of Practice, FMC Standards Framework) then I will refer your complaint to the Family Mediation Council (FMC).
3. If you wish the FMC to investigate your Complaint, you must let the FMC know that within 21 working days of receiving the notification that the complaint has not been resolved. Any further investigation of the Complaint will then pass to FMC and they will have complete discretion over their decision to investigate.
4. This complaints process includes the potential for an appeal against the FMSB Complaints Panel's decision.
 - a. Either you or me may appeal their decision on the following grounds:
 - i. That the FMSB Complaints Panel did not take into account relevant evidence or did not give sufficient weight to that evidence.
 - ii. That the correct process was not followed by the FMSB Complaints Panel
5. I may also appeal on the grounds that any disciplinary action taken was not in proportion to the nature of the misconduct.

Juliette M Kinsey LLB(Hons) FMCA

Just Talk Group