



Pantiles Chambers
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MEDIATION CONSULTANTS COMPLAINTS PROCEDURE

We are concerned about dealing with any concern, complaint or dissatisfaction with the service we provide to you. We always encourage clients to talk to us about any concern they have as soon as possible so that we may seek to resolve it with you as early and as satisfactorily as we can.

As part of our commitment to maintaining the high standards of family mediation, The Family Mediation Council ensures family mediators adhere to a Code of Practice.

This Code of Practice, updated by the FMC in November 2018, outlines the aims, objectives and scope of family mediation. The Code also details the general principles of family mediation as well as the training and standards which can be expected of all Family Mediation Council mediators. The updated [Code of Practice](#) can be found here.

In addition to proactively gathering and analysing client feedback, Mediation Consultants ("MC") also operates the following complaints procedure. A complaint is defined as an expression of dissatisfaction, made orally or in writing, to a mediator or to a member of staff. The relative seriousness of a complaint can be difficult to assess; However, we assume that all complaints are potentially serious and, therefore, all complaints should be recorded and analysed.

Our complaints procedure allows a client, a former client or a qualifying third party (see below) to 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 the avoidance of doubt, complaints that relate to the way a mediation was conducted as a whole, the date the three months runs from is the last mediation session. Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated.

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.

Any concerns about mediators or staff which are related to mediation should be raised in the first instance with Pam Hatfield, Director.

Any concerns pertaining to the mediation process, the Code of Practice, or Pam Hatfield should be directed in writing to Andrew Weir.

All complaints will be acknowledged within 10 working days of receipt by letter or email.

All complaints will be investigated and responded to within a timeframe of no more than 30 working days of receipt by letter or email. If a response is on occasions, additional time may be required, in which case, the complainant will be notified in writing.

If the complainant does not accept the response and findings of an investigation, the complainant can make a formal complaint with the Family Mediation Standards Board (FMSB) to consider the complaint if certain criteria are met.



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Please see the link for the grounds and procedure for appealing to the Family Mediation Standards Board (FMSB): <https://www.familymediationcouncil.org.uk/complaints-about-mediators/>

We set out the steps in our formal complaints procedure below. We reserve the right not to deal with complaints made more than three months from the date of the last mediation session in accordance with the Family Mediation Standards Board (FMSB).

Making A Formal Complaint

Please address your formal letter or email of complaint to the following:

Andrew Weir – AW@Mediationconsultantsuk.com
Mediation Consultants
Pantiles Chambers
85 High Street
Tunbridge Wells
Kent TN1 1XP

and provide the following details:

- Your name and address;
- Which mediator or member of staff are you complaining about;
- The detail of the complaint; and
- How you would like it resolved.

Their reply will set out:

- The nature and scope of their investigation;
- The conclusion on each complaint and the basis for their conclusion;
- If they find that you are justified in your complaint;
- Their proposals for resolving the complaint.

A written record of the formal complaint and all other related papers, replies, etc. will be kept on file for a period of twelve months.

All conversations and documents relating to the complaint will be treated as confidential and will be disclosed only to the extent that is necessary. Disclosure may be made to the Directors and will include anyone else we consider necessary to involve in the complaint and its investigation. Such people will include the mediator or staff member about whom you have complained. If such a complaint is made, we will assume that you are authorising those investigating the complaint to view all the papers or other correspondence relevant to the matter.

It is essential for the complainant to use our internal complaints procedure in the first instance, and that this will resolve any outstanding issues. We hope we will be able to resolve your complaint by one of these steps.

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 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 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 you that is confidential between the mediator and the mediation participant(s). It is therefore normal that 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 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.

If your complaint is about poor service, it may also be possible for you to make a complaint to the Legal Ombudsman. Information about the type of complaint the Legal Ombudsman can help with can be found on their websites:

<https://www.legalombudsman.org.uk/information-centre/consumer-resources/bringing-a-complaint-to-us/>