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Complaints Procedure

How a complaint can be made:

Complaints should be made in writing to J Farrer Mediation at October House, Upper Brailes OX15 5AZ

Family Mediation

Who can make a complaint?

A client, a former client or a qualifying third party i.e. 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 a 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 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 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.

When a complaint can be made:

A complaint can be made at any time during the mediation and up to 3 months following the conclusion of the mediation or last mediation session, if not concluded.

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.

Who will deal with the complaint?

The mediator will deal with the complaint in consultation with and with the assistance of their PPC. It is hoped that by resolving your complaint we are able to learn and improve our practice. We value your feedback.

The complaint may be referred to mediation where both the complainant and the mediator wish this to proceed.

Timescale for dealing with the complaint:

- 1) Complaints will be acknowledged within 5 working days;
- 2) Complaints will be responded to within 5 to 10 working days;
- 3) We will endeavour to resolve the complaint within 30 working days;
- 4) On occasions further time may be required, in which case the complainant will be notified in writing.

If the complaint is not resolvable at local level:

If the complaint is not resolvable at local level then you are entitled to refer it to the Family Mediation Standards Board (FMSB), if you have exhausted our complaints procedure in the last three months. The Agreement to Mediate includes your consent to release the mediation file to the FMSB if you wish to escalate a complaint.

The complaint must involve a breach of the FMC Codes of Practice or Standards Framework.

The complaint must be made in accordance with the FMSB complaints process. There is no fee for making a complaint. See www.familymediationcouncil.org.uk.

Escalating a complaint to the FMSB does not prejudice your right to seek civil remedy.

Civil and Commercial Mediation

All complaints will be acknowledged in writing within 5 working days of receipt.

All complaints will be investigated and responded to within 21 working days of receipt. On occasions further time may be required, in which case the complainant will be notified of this in writing.

The complaint will be investigated by somebody other than the mediator that the complaint relates to.

If the response is not accepted the complainant can appeal to the CMC on certain grounds. Details of the CMC's appeal processes can be found here: <https://civilmediation.org/for-the-public/complaints/>