



Complaints and disciplinary appeals process (relating to complaints against mediators)

Initial responsibility for both complaints and disciplinary processes rests with the member organisations (MOs) of the Family Mediation Council (FMC). The FMC maintains control over common standards, acts as an adjudicator where MOs' processes and interpretations are challenged, and is also ultimately responsible for decisions about accreditation (FMCA).

The FMSB has delegated authority to hear appeals on behalf of the FMC. The following sets out grounds for appeal to the FMSB and the procedure for doing so.

Who can appeal?

An appeal may be considered from a complainant (whether a participant in mediation or in an initial meeting, or a third party who has reported a breach of the Code of Practice) or from a mediator who is facing disciplinary action.

When can the appeal be made?

An appeal can be made once the complainant or mediator has exhausted the relevant MO's appeals processes. An appeal must be made within eight weeks of a decision being made by the MO.

On what grounds can the appeal be made?

- The MO's complaints or disciplinary procedure did not conform with the requirements set out in this document.
- The MO deviated from its own complaints or disciplinary procedure.

- The MO's decision was contrary to the FMC Code of Practice and where relevant the FMC Professional Competence Standards.
- The MO failed to take account of all the relevant evidence that was provided.
- In disciplinary cases, the MO's decision was not in proportion to the nature of the misconduct. The FMSB will consider whether a penalty is too harsh or lenient in relation to the guidelines given in section 1(b), but it will not normally consider specifics relating to requirements for further training or supervision.

How can the appeal be made?

An appeal can be made by writing to the FMSB at fmsb@familymediationcouncil.org.uk or The Family Mediation Standards Board, Family Mediation Council, International Dispute Resolution Centre, 70 Fleet Street, London EC4Y 1EU.

What will happen once an appeal has been made?

The appeal will be considered in accordance with set procedures and timescales. If the appeal proceeds, it will go to a panel convened by the FMSB, which will consider it and make a recommendation to the FMSB.

As a result of the appeal, the FMSB may make recommendations to Member Organisations about its decisions or processes.

Where a mediator is guilty of serious or recurring misconduct, but has not had their membership revoked by his or her Member Organisation, the FMSB may also revoke a mediator's FMCA status or remove the mediator from the register.