



FMSB Complaints Process

Who can make a complaint?

A complaint may be brought by

- a) A client or former client of an FMC Registered Mediator
- b) Another FMC Registered Mediator
- c) A qualifying third party that the FMSB determines has standing in accordance with its policy on third party complaints.

A complaint may also be initiated by the FMSB in accordance with its policy on initiating complaints.

If a complaint originates outside of the FMSB then this process starts after the mediator's own complaints process – which meets the FMC's Minimum Requirements - has been completed or if the mediator is not engaging with the complaint. Where the FMSB initiates the process this a mediator's own complaints process will not be used: instead the FMSB will write to the mediator outlining its concerns and the mediator will be invited to respond. If the response gives the FMSB reasonable cause for concern that the mediator is not meeting agreed practice, the FMSB will initiate a complaint which will then follow the usual process. Complaints panel members cannot be involved in the FMSB's consideration of whether to initiate the complaints process.

If at any point during the complaints process the FMC Office considers (after consulting FMSB Guidance) that the complaint or complainant may be vexatious it will as a first step ask the Complaints Panel to make a decision on this. If the Panel decides the Complaint is vexatious it will not be considered further. If the Panel decides the Complaint is not vexatious, the complaints will resume in accordance with process below.

Timescale	Action	By
Within 3 months of mediator's response	Complaint made on standard form with any supporting evidence attached.	Complainant
Within 5 working days	Receipt acknowledged	FMC Office
Within 10 working days	<p>Preliminary check to confirm whether complaint meets criteria.</p> <p>If criteria are not met, complaint cannot be considered. Office writes to complainant to tell them the complaint cannot be considered by the FMSB and but has been sent to the mediator for information and the mediator may choose to respond. Office writes to mediator to tell them a complaint has been received, it does not meet criteria, and that mediator may wish to consider engaging in informal complaints resolution process.</p>	FMC Office

	<p>If criteria are met, complaint can be considered. Office writes to mediator with details of complaint and requests a response and any supporting evidence. Mediator told that if they wish to make a further attempt to resolve this informally with the complainant then they can do so by sending an offer to do so to the FMC, which would pass this to the complainant who would then have a 10-day period in which to consider whether to accept this. This offer would not have an impact on the Complaints Panel's considerations.</p> <p>Mediator told that they should notify PPC and MO who may offer a mentor to support them through the complaint.</p>	
Within 20 working days	Sends response and any supporting evidence to FMC AND if chooses to do so, sends letter with offer of informal settlement to Complainant.	Mediator
Within 10 working days of receipt of offer of informal settlement	<p>If chooses to do so, can accept offer of informal settlement and withdraw complaint</p> <p>If accepted, FMC Office will inform mediator and withdraw complaint. Where a complaint is withdrawn, the complaint and agreed resolution will be sent to the next panel meeting for information. If the complaint raised issues concerning breaches of the standards that the panel considered had not been addressed by the agreed resolution, the panel can ask the FMSB to initiate a complaint.</p> <p>If any offer of settlement is not accepted, move to next stage.</p>	Complainant / FMC Office
Within 10 working days of complaint response or rejection of offer if made	Anonymisation of documents so complainant and mediator cannot be identified	FMC Office
Between 15 and 35 working days of anonymisation	<p>Substantive consideration</p> <p>Possible Outcomes:</p> <p>a. Complaint not upheld The Complaints Panel may make recommendations for mediator.</p> <p>b. Complaint upheld The Complaints Panel must decide whether disciplinary action is appropriate and if so, what action will be taken. This may include a requirement for further training, attachment of conditions to the terms under which the mediator can practise whilst on the FMC Register, or suspension or removal from the FMC Register. The Complaints Panel may also make recommendations for the mediator.</p>	Complaints Panel consisting of one Chair who is a lay member of the FMSB and two mediators from Complaints Pool

	<p>c. Further information required The Complaints Panel will normally make a decision on a complaint at its first meeting. It will only send a request for further information if it cannot reach a decision/it would be patently unfair to reach a decision when it appears information is missing. If further information is required, the Complaints Panel will ask the Office to request this within 5 working days of the panel decision, and for it to be provided within the following 10 working days. The complaint will then be considered at the next Complaints Panel meeting (which should be within 20-30 days of the original meeting).</p> <p>The Complaints Panel must put its decisions and reasons for this in writing. If a majority (as opposed to a unanimous) decision is reached this will be stated.</p>	
Within 5 working days of Complaints Panel decision	Decision and reasons communicated to complainant and mediator	FMC Office
Within 15 working days of receiving the Complaints Panel Decision	(If wish to appeal) Lodge appeal on standard form	Complainant or Mediator
Within 10 working days of receipt of appeal	Consider whether there are grounds for appeal	Complaints Panel Chair
Within 5 working days of decision about whether to allow appeal	Notify complainant (where appeal concerns the complaint) and mediator that an appeal has been received and whether it has been considered	FMC Office
Within 5 and 25 days from decision to allow appeal	<p>Consider appeal – this is a fresh consideration of the complaint.</p> <p>Possible Outcomes:</p> <p>a. (Where the appeal concerned the complaint) Complaint not upheld The Appeals Panel may make recommendations for mediator.</p> <p>b. (Where the appeal concerned the complaint) Complaint upheld The Appeals Panel must decide whether disciplinary action is appropriate and if so, what action will be taken. This may include a requirement for further training, attachment of conditions to the terms under which the mediator can practise whilst on the FMC Register, or suspension or removal from the FMC Register. The Appeals Panel may also make recommendations for the mediator.</p>	Appeals Panel consisting of one Independent FMSB Member, one external lay person and one mediator, drawn from Appeals Pool. The panel Chair will be the Independent Member of the FMSB or the lay person.

	<p>c. (Where the appeal concerned the disciplinary action) To take no or different disciplinary action</p> <p>The Appeals Panel must put its decisions and reasons for this in writing. If a majority (as opposed to a unanimous) decision is reached this will be stated.</p>	
Within 5 working days of Appeal Panel's decision	Communicate decision to complainant (where appeal relates to the complaint) and mediator	FMC Office
Within 15 working days of receiving the Complaints Panel Decision where it relates to a new disciplinary sanction	Lodge Appeal	Mediator
Within 10 working days of receipt of appeal	Consider whether there are grounds for appeal	Appeal Panel Chair
Within 5 working days of decision about whether to allow appeal	Notify mediator whether appeal can proceed	FMC Office
Within 5 and 25 days from decision to allow appeal	<p>Consider appeal – this is a fresh consideration of the disciplinary decision.</p> <p>Possible Outcomes:</p> <p>a. (Where the appeal concerned the disciplinary action) To take no or different disciplinary action</p> <p>The Disciplinary Appeals Panel must put its decisions and reasons for this in writing. If a majority (as opposed to a unanimous) decision is reached this will be stated.</p>	<p>Disciplinary Appeals Panel consisting of one Independent FMSB Member, one external lay person and one mediator, drawn from Appeals Pool. The panel Chair will be the Independent Member of the FMSB or the lay person.</p> <p>The Panel will be different from the Appeals Panel.</p>
Within 5 working days of Disciplinary Appeal Panel's decision	Communicate decision to mediator and inform complainant of final outcome	FMC Office