

## **Process for complaints about FMC Registered Mediators**

Complaints about FMC Registered Mediators need to be first considered in accordance with the mediator's own complaints policy, which must meet minimum standards. If the complainant is not happy with the outcome once the mediator's process is complete, the complainant may refer their complaint to the FMSB for consideration.

The FMSB accepts complaints if they concern an FMC Registered Mediator, are made within three months of completion of the mediator's own complaints process, and relate to the FMC's Codes of Practice or professional Standards Framework.

Complaints that meet the criteria for acceptance are sent to the mediator for a response before being considered by a complaints panel, which is chaired by a non-mediator member of the FMSB, together with two mediators from the complaints pool. Conflicts of interest are declared by mediators if they are aware that a complaint has been made about a colleague; and risks are further mitigated by checking the names of mediators' PPCs, and by anonymising documents before they are sent to the complaints panel so that panel members do not know the identity of the complainant, mediator, service or any other individuals/organisations mentioned in the papers.

## **Complaints considered**

Over the past year, the FMSB considered nine complaints, accepted five of these and rejected the remaining four. The outcome of the panel hearing was appealed in two cases; one of these was accepted and the appeal was successful; the other appeal did not proceed to the appeals panel as it did not meet the grounds for appeal.

Last year, the FMSB identified three trends that continued in 2024/25:

- Bias was often alleged, but not often upheld.
- It is common for the primary complaint to be accompanied by a secondary complaint that the mediator had not followed their own complaints process, or did not have an appropriate complaints process.

- There were also some very good examples of complaints handling from mediators, where they had taken complaints seriously and been open about considering and making changes to their practice.

The FMSB has also identified that shuttle mediation appears to lead to a higher proportion of complaints than if participants are in a room/on a screen together.

The FMSB initiated its first complaint about a mediator, which happens when the FMSB becomes aware of a reasonable cause for concern that a mediator may be breaching the FMC Code of Practice or requirements of the FMC's Standards Framework.

### **Rejected complaints that did not proceed to panel**

The FMSB continued to receive a number of complaints that were not progressed to a panel. Complaints were frequently referred back to complainants for them to complain to the mediator first. In two cases, the FMSB had to prompt a response from the mediator.

A small proportion of cases that the FMSB referred back to mediators returned to the FMSB after the mediator's process had completed.

Other complaints were rejected as they did not meet the FMSB's criteria for consideration. The reasons for rejection included:

- The complaint was made more than three months after the mediator completed their own complaints process.
- The complaint related to a mediator not on the FMC Register.
- The complaint did not relate to the FMSB Codes of Practice or Standards Framework.
- The complainant did not include any relevant evidence for an FMSB panel to consider.

### **Disciplinary actions**

The vast majority of disciplinary actions continued to be for further training, to be followed by discussion/document review with the mediator's Professional Practice Consultant (PPC) once the training is complete. The aim of the consultation with the PPC is to ensure that mediators can understand how to apply what they have learnt on the training course to their own practice. Training requirements most often focused on safeguarding and complaints processes.

Some mediators were also required to update and/or publish their complaints processes, and ensure these processes meet the FMC's minimum requirements.

Other disciplinary actions included:

- A requirement to appoint a secondary PPC with expertise on a particular issue to discuss the complaint outcome and subsequent training required.

Where actions are required as a result of complaints processes, the FMSB requires the mediator (and the PPC where relevant) to inform the FMSB that those actions have been completed. In 2024/2025, mediators completed all actions required of them as a result of complaints processes.

Complaints panels have also made recommendations to mediators, which most often related to reviewing communication or documentation for clarity.

### **Learning from complaints**

Complaints are a valuable source of learning for the mediation profession at large and for the FMSB itself. This report summarises the recommendations and lessons arising since the last annual complaints report.

### **Learning for FMSB**

No formal recommendations have been made to the FMSB from complaints panels since the last annual complaints report, but Complaints Panels have continued to note that:

- It can sometimes appear to the Panel that mediators have not adopted best practice, but it is hard to identify a specific breach of the Code of Practice or Standards Framework particularly if a series of steps that appear to fall just short of a breach are identified. The FMSB may wish to consider introducing a requirement not to bring the mediation profession in to disrepute.
- Complaints often reach the panel with very little supporting evidence, based on a complainant's assertion of bias. The FMSB may wish to introduce a threshold which must be reached before a complaint proceed to a panel.

### **Learning for mediators**

- **Administrative staff**

Mediators, either individually or through their service, are responsible for their entire mediation process, and should ensure that they have in place processes that comply with the FMC Code of Practice.

- **First contact with potential participants**

A mediator breached the requirements of the Standards Framework to respect the needs and individuality of participants, when she was over-zealous in her approach to a potential mediation participant, and caused distress as the potential participant felt the mediator was pushing her in to mediation, despite her having had a MIAM with another mediator who had said mediation was not suitable. As part of her response to the complainant, the mediator recognised this had caused distress, and changed her approach as a result.

Remember that when potential MIAM participants are approached by you as a mediator, this may be completely unexpected, and they may be anxious, scared or fearful, particularly if they have experienced domestic abuse. Remember too that mediation is voluntary and that although there is an expectation that respondents to potential court applications attend MIAMs, this is not required.

- **Consent for format of mediation**

Be clear about the proposed format of mediation, and about who will be present and why. Remember that mediation is voluntary, and ensure you have the client's agreement to proceed with that format.

- **Agreement to Mediate**

Ensure processes allow for the agreement to mediate to be signed before the mediation starts, rather than at the end of the first session. This helps remind participants of the proposed process and rules, and does not leave you as a mediator seeking signatures at the end of a session when you do not know how participants may be feeling.

- **Shuttle mediation**

Complaints received by the FMSB often relate to shuttle mediation. Common complaints include that the mediator spent more time with the other participant, were factually inaccurate or conveyed unreasonable proposals. If conducting shuttle mediation, clearly explain to clients – ideally both in person and in writing – that being impartial does not mean you will necessarily spend the same amount of time with each participant, and explain the nature of shuttle mediation means that you will be conveying messages from the other participant, rather than stating facts or proposing solutions yourself.

- **Legal advice**

Mediators should provide information to participants about the value of legal advice in all cases. A mediator who told participants they only need legal advice if they cannot reach an agreement in mediation breached the MIAM standards.

- **Complaints processes**

It is not nice to receive a complaint, but ignoring them makes the situation worse.

Complaints can also genuinely help you provide a better service in the future. Ensure you have a complaints process which complies with the FMSB's [minimum requirements](#) for all your work as a mediator (including initial contact and MIAMs) and update your procedure if it does not. If you do receive a complaint, respond in accordance with your complaints process without being defensive, and notify your PPC so that they can provide you with support. Check your insurance requirements in case you also need to notify your insurer. If the FMSB writes to you in relation to a complaint, respond within the time specified. All these things will help you have a better experience and lead to a better outcome if you do receive a complaint.