



Process for complaints about FMC Registered Mediators

Complaints about FMC Registered Mediators are 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, FMSB complaints panels considered eighteen complaints (double the nine resolved the previous year), and found breaches of professional standards in seven of these. An additional complaint was resolved by the mediator to the satisfaction of the complainant in between the formal complaint being made and the potential panel hearing and the panel accepted the complaint did not require further action.

The outcome of the panel hearing was appealed in four cases; one of these was accepted and the appeal was successful; two other appeals did not proceed to the appeals panel as it did not meet the grounds for appeal and one is awaiting an outcome.

The increased number of complaints was thought to be a result of the increase in the amount of mediation that is taken place, and increased awareness of complaints processes, rather than an indication of a decline in standards.

Four trends previously identified continued in 2025/26:

- 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.
- A high proportion of complaints concerned shuttle mediation (including online shuttle), perhaps because these cases are more complex.

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 for the complainant to complain to the mediator first. In some cases, the FMSB had to prompt a response from the mediator. A small proportion of cases referred back 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 had completed their own complaints process.
- The complaint related to a mediator not on the FMC Register.
- The complaint did not relate to the FMC Codes of Practice or Standards Framework.

Disciplinary actions

The vast majority of disciplinary actions continued to be for further training, to be followed by discussion/document review with a Professional Practice Consultant (PPC) once the training was complete, to help the mediator reflect on and consider how to make changes to their own practice. Panels sometimes required mediators to reflect on a complaint and subsequent training with a secondary PPC who was not previously familiar with the complaint, to provide a different perspective.

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

One complaint panel resulted in removal of full FMC Accreditation and the mediator being awarded provisional FMCA, and being required to submit a case commentary demonstrating they met the competencies that were not seen in practice, as well as a reflective account describing the changes the mediator had made to their practice as a result of the complaint. This decision was made as a result of this complaint being the second that had been upheld against the mediator, with both complaints concerning similar issues.

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. If actions are not completed, mediators will be removed from the FMC Register. In 2025/26, mediators completed all actions required of them as a result of complaints processes.

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

Good standing

The FMSB considered two issues of good standing. Good standing panels consist of one independent member of the FMSB, and two non-mediators who are not members of the FMC or FMSB.

One issue related to a question of dishonesty that had been identified during an application to join the FMC; the applicant was not permitted to join the FMC Register, and as the applicant was also a solicitor and tried to rely on this during the application process as evidence of good standing, the FMSB made a referral to the Solicitor's Regulation Authority.

The second good standing issue related to a criminal offence declared to the FMSB by the mediator; the good standing panel noted that the sentence imposed had been served, the mediator showed remorse and learning from the offence, the mediator had changed their lifestyle to significantly reduce the chances of re-offending, and the nature of the offence did not have a bearing on the mediator's ability to practice mediation. The panel agreed no further action was required.

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

Complaints panels recommended that the FMSB consider the following issues:

- Whether mediators should as a matter of course conduct MIAMs with both potential mediation clients. This follows a complaint where a mediator conducted a MIAM with one participant and a colleague in the same service conducted the MIAM with another participant. The complainant, whose MIAM was conducted by the mediator's colleague, felt that the mediator was biased and commented that the mediator appeared to have more rapport with the complainant's ex-partner. The panel found no evidence that the mediator was biased, but could see how stronger rapport could be built with a person with whom a mediator has conducted a MIAM and, in fact, that this is one of the objectives of the MIAM. The panel noted that sometimes there are very good practical reasons for not completing both MIAMs, but asked the FMSB to consider whether this should be a requirement in most cases, or if guidance should be given on this. The FMSB has agreed to consider this issue.
- Amending the complaints process, in cases where a complaint panel identifies a potential breach of standards not identified in the complaint, but which causes the panel sufficient concern to ask the FMSB to initiate a new complaint. The current process requires there to be a request for information to the mediator, before formal consideration of whether the complaint meets the criteria for initiation of an FMSB complaint by a complaint panel. It is recommended that rather than going to a new panel, the information provided goes back to the panel that raised the initial concern, to determine whether a formal process should be started. The FMSB will consider this issue.
- That the FMSB clarifies that an action that takes place prior to a MIAM and prior to a mediation taking place would come under the scope of the 'mediation process' that the FMC Code of Practice covers. This recommendation came as a result of a second case where mediators had shared e-mails from a second potential mediation participant with the first MIAM participant, without the consent of the sender and in cases where the sender had raised concerns about domestic abuse. The FMSB had considered whether a change

should be made to the Code of Practice after the first complaint outcome, but decided that the Code of Practice was sufficiently clear. However, following a recurrence of the same breach by a second mediator, the FMSB agreed that clarification was required. The FMSB therefore included guidance on this issue as part of the updated MIAM guidance, and will also review this when restructuring the FMC Code of Practice and Standards Framework in summer 2026.

- Producing guidance for mediators for high-conflict cases. The FMSB will consider this.

Learning for mediators

Mediators are encouraged to review the following issues and recommendations arising from complaints.

Make sure you have time, space and capacity to carry out the work you are taking on. Some complaints have arisen as a result of mediators seemingly trying to help families, but in doing so they have offered a service that falls short of expected standards as often seen in inaccurate or delayed write up of mediation session notes or outcome documents.

Mediators have an ongoing responsibility *to assist Participants to communicate with one another now and in the future and to reduce the scope or intensity of dispute and conflict within the family* even if cases do not progress to mediation. A complaints panel agreed that in order to fulfil this responsibility, mediators must ensure that their actions do not increase conflict. This issue arose in a complaint that concerned correspondence between two mediators, where one potential mediation participant had approached a mediator for a MIAM and the other potential participant approached a second mediator.

If you work in a practice where different mediators sometime conduct MIAMs with potential participants to a mediation, give careful consideration to the impact this may have on each participants' rapport with the mediator during the mediation session. In one complaint regarding bias, no breach of the Code of Practice was found, but the complainant understandably felt the other participant had better rapport with the mediator, as their own MIAM had been with a different mediator within the same practice. If it is not possible for the same mediator to conduct both MIAMs, it is recommended that the mediator gives particular consideration to how they can ensure they are perceived as neutral by both parties, and may benefit from spending a meaningful

amount of time with the mediation participant for whom they did not conduct the MIAM ahead of the mediation.

Confidentiality and safeguarding obligations start from initial contact, not just at the MIAM. Following the MIAM, information should only be shared once the agreement to mediate which includes provision for information sharing, is signed. The FMSB's [MIAM Guidance](#) has been updated to reflect this.

When assessing safety and suitability of mediation, remember to listen to what the client is saying about their experiences and that it is not your role as a mediator to decide whether there has been abuse in a relationship. A complaint concerning a mediator's assessment of suitability for mediation centred on a client expressing concern that that the mediator had not taken in to account the client's experience of coercive and controlling behaviour. The mediator's response and supporting documentation showed that there had been a focus on recent abuse and objective indicators of abuse such as police involvement, and that the mediator did not consider important issues such as the client's fear of the mediation process or their emotional readiness to participate in the process when assessing suitability.

Only conduct shuttle mediation if you are competent to do so. Ahead of shuttle mediation, be clear that each party understands the process, and that it is your role as a mediator to convey information from the other participant and not to make suggestions and proposals yourself. A recurring issue in complaints is that a participant in a shuttle mediation feels that messages conveyed by mediators come from the mediator themselves, rather than from the other participant, creating a feeling that the mediator is biased.

Give careful consideration to the way that you describe participants in your notes, even if these are not intended to be shared, to avoid perceptions of bias and to protect yourself from any allegations of partiality if these notes are later shared.

Review your website regularly to ensure information is up to date.

Don't underestimate the value of PPC support and consult your PPC if unusual situations arise. Remember that your PPC is also there to provide support and guidance if you receive a complaint, but should not investigate/be responsible for a complaint about you. If your PPC works for the

same business as you, make sure you have a secondary PPC who you can consult if a conflict of interest arises (see [PPC Code of Practice](#)).

If you work on your own, remember that it is open to you to appoint a third party to handle complaints on your behalf. This can provide an independent perspective and give you some space to process the emotional consequences of receiving a complaint.

Prepare to receive a complaint. Everybody makes mistakes, and even if you do everything right, you may well receive a complaint and that can be stressful and upsetting. Read and follow our new [Guidance on Complaints Handling](#) now, and again if you receive a complaint to help you take a calm and measured approach to receiving and responding to your complaint for your own benefit, as well as for your clients.