

Complaints concerning Mediation services provided by Hepburn Delaney Ltd

1. Any client, former client or qualifying third party (see below) may make a complaint which relates to breaches of the Family Mediation Council's ("FMC") Codes of Practice or Standards Framework <https://www.familymediationcouncil.org.uk/mediator-area/standards-codes-guidance> that occurred within the last three months. For avoidance of doubt, complaints that relate to the way a mediation was conducted as a whole, the date the three months runs from is the last mediation session. Complaints that appear to be vexatious or of a purely personal nature do not have to be investigated (see below).
2. All complaints will be acknowledged within 10 working days of receipt
3. All complaints will be investigated and responded to within 30 working days of receipt. If additional time is required, the complainant shall be notified in writing
4. Mediation of the complaint will be permitted if both the complainant and the mediator wish this to proceed
5. If the complainant wishes they may also follow Hepburn Delaney's complaints procedure <https://www.hepburndelaney.co.uk/complaints-procedure/>
6. If the complainant does not accept our response, the complainant can ask the Family Mediation Standards Board ("FMSB") to consider the complaint if certain criteria are met, for more information see <https://www.familymediationcouncil.org.uk/complaints-about-mediators/>
7. Our Privacy Notice <https://www.hepburndelaney.co.uk/privacy-policy> allows information held by the mediator to be shared with the FMSB if a formal complaint is made to the FMSB to which that information pertains

"Qualifying third parties"

The following qualify as third parties who can make a complaint against a mediator:

- A prospective client who has been directly affected by a mediator's professional behaviour
- 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 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 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

Neither mediators nor the FMSB will be able to disclose any information to you that is confidential between the mediator and the mediation participants. It is normal that as a third party you will only receive a limited amount of information in response to your complaint, even when considered by the FMSB.

Complaints that appear to be vexatious or of a purely personal nature

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.