

COMPLAINTS PROCEDURE – MEDIATION

Our complaints policy

We are committed to providing a high-quality legal service to all our clients. When something goes wrong we need you to tell us about it. This will help us to improve our standards.

In relation to mediation, our complaints process extends to mediation clients or qualifying third parties to make a complaint relating to breaches of the Family Mediation Council Code of Practice or Standards Framework within the last three months (calculated from the date of the last mediation session)

Our complaints procedure

If you have a complaint, please contact Mr Stephen Bowden, who is the person responsible for dealing with client care issues. You can contact him by post at Avon House, 4 Bridge Street, Christchurch, BH23 1DX, or via email at sb@williamsthompson.co.uk.

What will happen next?

1. We will send you a letter or email acknowledging receipt of your complaint within a maximum of three days of us receiving the complaint, enclosing a copy of this procedure.
2. We will then investigate your complaint. This will normally involve reviewing your file and speaking to the member of staff who acted for you. If your complaint relates to a matter where the file has been closed we may need to obtain your file from our archive storage facility, which may take 1-2 days.
3. Mr Stephen Bowden will send you a detailed reply to your complaint, including his suggestions for resolving the matter, within 21 days of sending you the acknowledgement letter. One of the options we offer where the mediator is willing, is for mediation of the complaint with a third party neutral mediator.
4. At this stage, if you are still not satisfied, you should contact us again and we will arrange for a partner who has not had any dealings with your matter to review the initial decision.
5. We will write to you within 14 days of receiving your request for a review, confirming our final position on your complaint and explaining our reasons.
6. If you are still not satisfied, you can contact the FMSB (Family Mediation Standards Board) <https://www.familymediationcouncil.org.uk/complaints-about-mediators> .

Objecting to our bill(s)

You may have the right to object to our bill by applying to the court for an assessment of the bill under Part III of the Solicitors Act 1974.

Non-payment to our bill(s)

You should be aware that the firm may be entitled to charge interest if all or part of our bill(s) remains unpaid.

If we have to change any of the timescales above, we will let you know and explain why

Additional notes

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 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 FMSB.

Likewise, mediators may sign court forms to say that one person has attended a Mediation Information and Assessment Meeting (MIAM) without notifying a potential second mediation participant or inviting them to attend a 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 FMSB.

Please note that neither mediators nor FMSB will be able to disclose any information to you that is confidential between the mediator and the mediation participant(s). It is therefore normal that as a third party, you will only receive a limited amount of information in response to your complaint, even in circumstances where it is 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 where:-

- 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.