

THE FAMILY MEDIATION TRUST

Policy & Procedure Manual

COMPLAINTS PROCEDURE

Policy & Procedure Number: **2.4**

Procedure prepared by: Michael Mack SERVICE MANAGER

Date: July 2020

Procedure authorised by:

Date:

Review Date: March 2022

THE FAMILY MEDIATION TRUST: COMPLAINTS PROCEDURE

Policy

It is the policy of The Family Mediation Trust to pursue a strategy of continual improvement in the service it provides and to welcome suggestions as to how this may be achieved, or constructive criticism about services or their delivery.

Where a client or other agency indicates any expression of dissatisfaction with the service received it is the policy of this service to investigate the complaint and where possible resolve all issues.

PROCEDURE

1) INTRODUCTION

- (a) This procedure describes the informal and formal stages to be followed when a client or other agency indicates any dissatisfaction with the service provided.
- (b) The service is aware that dissatisfaction with the service may be presented in different ways such as in writing, over the phone or by e-mail. Staff are to be alert to possible complaints however presented.

2) RESPONSIBILITIES

- a) It is the responsibility of the Service Manager to administer this complaints procedure.
- b) It is the responsibility of all members of staff undertaking their duties to draw to the attention of the Service Manager any complaints received by post, telephone, e-mail or in person. Failure to disclose a complaint can be dealt with as a disciplinary matter.
- c) It is the responsibility of the assigned administrative lead for the complaint to record the complaint with ResolveIT and to ensure that any relevant Key Dates are delivered on time. Recording of the complaint will include:
 - i) Name of complainant
 - ii) Date of notification
 - iii) Nature of complaint
 - iv) How investigated
 - v) Outcome
 - vi) Any action taken
 - vii) How and when the outcome was notified to the complainant
 - viii) Any response from the complainant following notification of outcome

3) RECEIPT OF A COMPLAINT

- a) The complaint must be made by a qualifying party. This includes:
 - i) A prospective client who has been directly affected by a mediator's professional behaviour.

- ii) A person who has been invited to participate in a mediation process but not a client of mediation, for example another professional who attends a mediation.
- b) That the complaint has been made in a timely manner. A complaint must be made within 3 months of the incident constituting the complaint.
- c) A complaint can be received through a range of systems. Complaints do not have to be formally received in writing but are viewed as an active complaint received through any of the systems below (this list is not exhaustive):
 - i) Verbally within a session
 - ii) Verbally over the telephone
 - iii) Through email
 - iv) Through social media or web messaging
 - v) In writing
- b) For a complaint to be managed the team member receiving the complaint needs to be able to ascertain:
 - i) Name of complainant
 - ii) Date of notification
 - iii) Nature of complaint
 - iv) The relationship of the complainant to the service
 - v) Contact details of the complainant.
 - vi) If it relates to a case, then the case number.
- c) On receipt of the complaint the staff member to receive the complaint will update ResolveIT in line with point 3b above and notify the Service Manager of the complaint.

4) ASSESMENT STAGE

- a) The Service Manager will review the complaint and the file.
- b) If the case is regarding the Service Manager, then the process will be managed by the chair of Trustees or a trustee appointed by the chair.
- c) The Service Manager or Trustee will assess if the complaint is of a vexatious nature or of a purely personal nature. If it is viewed as vexatious or of a purely personal nature, then no investigation will take place.
 - i) Complaints can be considered vexatious when:
 - (1) the purpose appears to be to intimidate, disturb, disrupt and/or unduly or unfairly pressurise the mediator or the Family Mediation Trust.
 - (2) they are persistent/repetitive, and repeating the same or substantially similar complaints
 - (3) which have already been investigated.
 - (4) they are clearly unfounded and unsupported by evidence.
 - (5) they are irrelevant and relate to matters other than mediation.

- (6) abusive or offensive language is used.
- ii) 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.
- d) The Service Manager will appoint an administrative lead to the complaint. The administrative lead will review the file to identify the relevant staff involved in the case.
- e) Based on the significance of the issues raised in the complaint either the assigned administrative lead, the case mediator or the Service Manager will make phone contact with the complainant. The aim of this call will be to gather information about the case and the complaint. The conversation will also identify what outcome the complainant is looking to achieve. At the end of this call in some cases, an agreement with the complainant will be closed. In all other cases the following process will be followed.
- f) At this stage, an email will be issued to the complainant acknowledging the complaint and the action which will be taken. This is to be undertaken within 10 working days of the complaint being made.

1) FORMAL STAGE 1

- a) Based on the issues raised the administrative lead and the Service Manager will review the case and produce a file report of the case and complaint. This could include:
 - i) Interviews with any staff members relevant to the case
 - ii) A review of any Practice Supervisor advice regarding the advice
 - iii) A review of the files notes and ResolveIT to identify a timeline of work undertaken.
- b) The report will include:
 - i) A proposed outcome for the complainant
 - ii) A review of any system changes the service needs to implement
- (a) The Service Manager will initially contact the complainant to report the findings of the complaint
- (b) The Service Manager will talk to all members of staff relevant to the case outline the findings and to assess any training or support needed. This process is not designed to align blame but to provide a focus for personal and professional development. This process is to be concluded within 7 working days of the complaint being made.

2) FORMAL STAGE 2

- (a) If the matter cannot be resolved by the Formal Stage 1 of this procedure, then Formal Stage 2 will be followed.
- (b) Before Stage 2 is initiated the complainant and the member of staff the complaint relates to will be asked if they would prefer to adopt a mediated solution. This would be conducted by a mutually agreed mediator. The costs of this would be shared equally between the Trust and the complainant.

- (c) The Chair of the Trustees will set up a committee comprising at least two trustees and if required an independent person.
- (d) The complainant will be invited to explain their view to this committee.
- (e) The committee has the right to invite other related parties to be interviewed before they make their conclusion.
- (f) The committee will decide on any further action that should be taken to resolve the complaint. This decision is final.
- (g) The complainant and staff members involved in the above procedures will all be notified simultaneously of the outcome. This will generally be in writing or by e-mail. This process is to be concluded within 30 working days, from the start of Formal Stage 2, unless otherwise agreed with the complainant. .
- (h) If you are unhappy with the complaint findings and the complaint relates to the conduct of a mediator who is registered through the Family Mediation Council in regard to mediation or relates to the conduct of the Trust relating to the delivery of SPIPS, you will be able to raise it to relevant organisations such as the Family Mediation Council or Cafcass. The Trust will inform you on request which organisation is relevant for handling your complaint and will provide a copy of their complaints procedure.
- (i) By raising your complaint to a third party organisation you grant the Family Mediation Trust permission to share any information relating to your complaint to that body.

3) REVIEW OF COMPLAINTS

- a) Twice yearly the trustees will be asked to review complaints received. The aim of this process is to identify trends in the complaints being received and to ensure actions identified are enacted.
- b) Mediators are expected to discuss any complaints received with the service Practice Supervisor at their next supervision session. If the mediator has a private Practice Supervisor then a session will be set up for them to discuss the case with the service Practice Supervisor.
- c) If the complaint is regarding a trainee mediator, the case will be discussed between them and the CforE Practice Supervisor.