



Mediation Institute Independent Complaint Handling Policy and Procedures for Family Dispute Resolution Practitioners (FDRPs)

Effective: April 2025

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PART 1: OVERVIEW

Purpose

This document outlines the independent complaint handling services provided by Mediation Institute (Mi) to registered Family Dispute Resolution Practitioner (FDRPs) members.

It aligns with the Family Law (Family Dispute Resolution Practitioners) Regulations 2025 and the Mediation Institute Complaint Handling Policy and best practice standards in complaint resolution.

For complaints about Mediation Institute, staff, contractors, or other categories of members, refer to our general complaint handling services.

[Mediation Institute Independent Complaint Handling Service](#)

Note: *As a service to consumers, Mediation Institute will accept complaints about individuals holding themselves out as Family Dispute Resolution Practitioners, even if they are not Mi members. In such cases, we will refer complainants to the appropriate complaint handling service or the Practitioner Registration Unit.*

Scope

This policy applies to:

- Registered FDRPs who are members of Mediation Institute.
- Individuals who have accessed services from Mi Member FDRPs and wish to raise concerns about the conduct of those services.

Complaints related to services outside the FDRP scope (e.g., legal or psychological services) are **not covered** by this policy.

This policy ensures that complaint handling is:

1. **Efficient and Effective:** managed in a timely way and considered against the obligations of FDRP's.
2. **Fair and Proportionate:** Independently and fairly assessed, with responses proportional to the issues raised.
3. **Transparent:** Privacy and confidentiality are respected and managed appropriately.

Who Can Make a Complaint?

- **Clients:** of Mediation Institute Member FDRPs or their advocates.
- **Third parties:** with a valid concern about an FDRP's conduct.

Accessibility

This policy is publicly available on the Mediation Institute website and issued to all new FDRP members.

Mediation Institute will make reasonable accommodation to ensure accessibility for all complainants, including providing assistance for people with disabilities, offering alternative communication formats, and interpreter services where necessary.

Fees

- **Lodgement:** There is no fee to lodge a complaint.
- **Investigation:** If a Complaint Manager is appointed and an investigation is conducted, a \$150 investigation fee may be invoiced to the FDRP member and is payable by their next membership renewal date.
- **Non-Payment:** Failure to pay this fee will not halt or invalidate the complaint investigation process.
- **Additional Costs:** Where remedial actions such as supervision, coaching, or training are recommended or required, additional costs may apply. These services may be provided by Mediation Institute or by another suitably qualified provider.

Complaint Outcomes

- **Complaint Outcomes:** Outcomes may include recommendations for remedial actions, suspension or cancellation of accreditation, and reporting to the Attorney-General's Practitioner Registration Unit as required under relevant legislation and standards.

PART 2: COMPLAINT HANDLING PROCESS

1. Lodging a Complaint

Complaints may be lodged by phone, email, letter, or through the Mediation Institute Complaint Form available on our website:

[Mediation Institute Independent Complaint Handling Service](#)

Minimum information required:

- The complainant's contact details,
- The name of the FDR Practitioner,
- A description of the issue(s) of concern.

Mediation Institute Independent Complaint Handling Policy for FDR Practitioner Members

Anonymous complaints may be accepted if sufficient information is provided to allow a fair and thorough investigation.

Where information is insufficient, Mediation Institute may not proceed beyond recording the complaint.

Complaints should generally be lodged within **12 months** of the service delivery or last communication relating to the matter. Complaints lodged outside this timeframe may still be accepted where there is good reason for the delay.

If a complaint is resolved at the point of first contact (for example, through clarification or information provision), the matter may be closed with a record retained.

2. Acknowledging and Responding to Complaints

Upon receipt of a complaint:

- Acknowledgment will be provided to the complainant within 2 working days.
- The complainant will receive information about the complaint process, likely timeframes, and the name of the staff member managing the complaint.
- Updates will be provided if this information changes.
- The FDRP member will be informed of the complaint and provided with an opportunity to respond prior to formal investigation.

Before appointing a Complaint Manager, a **conflict-of-interest check** will be conducted.

Conflict of Interest

Mediation Institute is committed to ensuring impartial complaint handling.

A conflict of interest arises where a person's ability to act fairly may be compromised by:

- Personal or professional relationships,
- Prior involvement with the matter,
- Personal interests or biases that could affect judgment.

Conflict Management Process:

- All potential Complaint Managers undergo a conflict-of-interest check before appointment.
- Complaint Managers must immediately disclose any actual, perceived, or potential conflict.
- Where a conflict is identified, the person will not be appointed or will be replaced if already appointed.

Mediation Institute Independent Complaint Handling Policy for FDR Practitioner Members

- Both complainants and FDRPs have the right to raise concerns if they believe a conflict of interest exists.

Mediation Institute will take all reasonable steps to ensure that complaints are handled free from bias, favouritism, or undue influence.

3. Managing and Resolving Complaints

If an initial resolution is not achieved:

- A **Complaint Manager** is appointed to investigate the matter,
- Information and evidence will be gathered from both parties,
- Complaints will be assessed against:
 - The **Family Law (Family Dispute Resolution Practitioners) Regulations 2025**,
 - The **Mediation Institute Code of Ethics**, and
 - Other relevant professional standards or legal obligations.

Investigations may use structured tools such as:

- **Issue Codes** (to categorise the type of concern),
- **Harm Matrices** (assessing the severity of consequences),
- **Substantiation Ratings** (e.g., substantiated, likely, unlikely, not substantiated).

Consultation with Mi management will occur in complex or serious cases. The standard of proof is **on the balance of probabilities**.

Confidentiality

Mediation Institute recognises the importance of confidentiality in the complaint handling process and is committed to protecting the privacy of all parties.

Information obtained during a complaint investigation will be handled sensitively and securely.

However, confidentiality is **not absolute**. Information may be disclosed:

- **With consent** of the parties involved,
- **As required by law**, including reporting obligations to the Attorney-General's Practitioner Registration Unit,
- **For the purposes of a fair and thorough investigation**, including preparing reports, making findings, and drafting recommendations,
- **To regulatory bodies**, where disclosure is necessary for compliance or public protection,
- **Internally**, to those staff and management directly involved in complaint assessment and decision-making.

Mediation Institute is **not obligated** to provide unrestricted access to all complaint-related information to either the complainant or the respondent.

Mediation Institute Independent Complaint Handling Policy for FDR Practitioner Members

We reserve the right to withhold information where necessary to:

- Protect the confidentiality of third parties,
- Maintain the integrity of the investigation process,
- Comply with legal, ethical, or professional standards.

Disclosure will be limited to what is necessary, proportionate, and lawful in the circumstances.

4. Outcomes and Reporting

Following investigation:

- A written outcome report will be provided to the complainant and the FDRP.
- Outcomes may include:
 - No further action,
 - Remedial actions (e.g., supervision, coaching, further training),
 - Disciplinary action (e.g., suspension, cancellation of membership).

Where appropriate, Mediation Institute will:

- Suspend, cancel, or impose conditions on membership,
- Notify the Attorney-General's Practitioner Registration Unit in accordance with legal obligations.

All complaint records and outcomes are securely retained for a minimum of ten (10) years.

Special Circumstances

Anonymous Complaints

Anonymous complaints are accepted where sufficient information enables investigation. Where information is insufficient, the complaint will be recorded but may not proceed.

Managing Unreasonable Conduct

Mediation Institute may limit communications or take other appropriate steps where unreasonable complainant behaviour adversely affects complaint management, staff wellbeing, or resource allocation.

External Review Options

If a complainant remains dissatisfied, they may seek external review through:

- The Attorney-General's Practitioner Registration Unit.

Information about external review options will be provided upon request or at the conclusion of the complaint process.

PART 3: COMMITMENTS, ROLES AND RESPONSIBILITIES

Mediation Institute Commitment

Mediation Institute is committed to ensuring that complaints are handled:

- Fairly, impartially, and without bias,
- In a timely, respectful, and transparent manner,
- In accordance with relevant legislative requirements, including the Family Law (Family Dispute Resolution Practitioners) Regulations 2025,
- In line with the Mediation Institute Complaint Handling Policy, the Mediation Institute Code of Ethics, and best practice guidelines including AS/NZS 10002: Guidelines for Complaints Management in Organisations.

We view complaints as opportunities to improve the quality of services, enhance professional standards, and protect the interests of service users.

Roles and Responsibilities

Clear roles and responsibilities ensure the integrity and efficiency of the complaint handling process.

Expectations of Participants

Complainants and FDRPs

All participants in the complaint handling process are expected to:

- Engage respectfully and cooperatively,
- Provide complete and accurate information,
- Respond to communications within reasonable timeframes,
- Maintain confidentiality as required.

Mediation Institute reserves the right to manage unreasonable conduct appropriately, including limiting communications if necessary to protect the wellbeing of staff and to ensure efficient complaint management.

Mediation Institute Independent Complaint Handling Policy for FDR Practitioner Members

Expectations of Mediation Institute

Role	Commitment	Key Responsibilities
Leadership Team	Promote ethical practice and uphold complaint handling standards	<ul style="list-style-type: none"> - Ensure clear, accessible policies and procedures. - Monitor compliance with legal and ethical standards. - Respond appropriately to substantiated complaints. - Report relevant outcomes to the Attorney-General's Practitioner Registration Unit. - Review complaint trends to inform continuous improvement.
Office Staff	Facilitate access and manage early stages of complaints	<ul style="list-style-type: none"> - Receive and acknowledge complaints. - Assist complainants to understand the process. - Conduct conflict-of-interest checks. - Maintain accurate records in the complaints register. - Escalate complaints appropriately for investigation.
Complaint Manager	Conduct impartial investigation and assessment	<ul style="list-style-type: none"> - Collect and assess relevant evidence. - Apply procedural fairness and confidentiality principles. - Consult with management where necessary. - Prepare formal outcome reports with substantiation ratings and recommended actions. - Maintain professional independence throughout the process.
Mediation Institute Management	Make final decisions and manage disciplinary actions	<ul style="list-style-type: none"> - Review investigation findings. - Determine appropriate disciplinary, remedial, or protective actions. - Authorise notifications to regulatory authorities where required. - Oversee closure of complaint records. - Ensure system improvements based on complaint trend analysis.

Accountability and Continuous Improvement

Mediation Institute monitors complaint handling outcomes regularly to ensure ongoing improvement.

We will:

- Analyse complaint trends and outcomes annually,
- Report de-identified trend data to senior management and external regulators where required,
- Identify opportunities for improvement in member services and standards,
- Update training, procedures, and systems based on lessons learned from complaints.

Through these actions, we commit to maintaining an effective, efficient, fair, and transparent complaint handling system.

PART 4: REGULATORY FRAMEWORK

The regulatory framework that applies to evaluation of complaints about professional conduct of FDRP's:

- [Federal Register of Legislation - Family Law \(Family Dispute Resolution Practitioners\) Regulations 2025](#)
- Family Law Act 1975 <https://www.legislation.gov.au/Details/C2016C01106> (Specifically sections 10H, 10J, 67ZA, 60I)
- Attorney-General's Department Fact Sheets [Family Dispute Resolution | Attorney-General's Department](#)

PART 5: APPENDICES

1. [Mi Complaint Form](#)
2. [Issue Codes List](#)
3. [Assessing Harm Tables](#)
4. [Mi Code of Ethics \(aligned with AMDRAS\)](#)

Appendix 1: Complaint Form

You can complete this form to provide us with an overview of your complaint

Name of the person <u>making the complaint</u>	
Email address	
Phone number (and any instructions)	
Address	
Name of FDR Practitioner:	
Their Phone:	
Their Email:	
Date you contacted Mediation Institute	
Please provide a brief overview of the issues you would like to raise. Dot point is best.	
List any documents you are attaching to support your complaint.	
Return this form to Mediation Institute - office@medaitioninstitute.edu.au or use the online form located here - Mediation Institute Independent Complaint Handling Service and email your attachments	

Office Use

Date lodged with Mediation Institute	
Is further information required?	
Complaint Manager Allocated and Date	
Report Due Date	
Recommendations Report Date	
Date finalised	

Appendix 2: Issues Codes List

Issue Code		Description
1	Access to services or Facilities issues	Includes failure to attend scheduled appointments without reasonable notice, persistent unavailability or delays in communication, excessive wait times for service access, or restricting client access to relevant information or procedural guidance necessary to engage in the FDR process. Inappropriate facilities including lack of privacy, security or other issues
2	Communication and discrimination	Includes discriminatory conduct, disrespectful or inappropriate behaviour (e.g. bullying, rudeness, or patronising tone), poor or unclear communication, provision of misleading or incorrect information, or failure to offer reasonable communication support (e.g. interpreters or assistance for special needs) where required.
3	Cost	Includes billing practices, insufficient or incorrect information, overcharging, failure to disclose, hidden costs
4	FDR Practitioner obligations including professional conduct	Includes breaches of professional standards (FDR Regs), false or misleading claims about qualifications or accreditation, sexual misconduct, incompetence, aggressive or violent behaviour, undisclosed conflicts of interest, failure to protect personal privacy or maintain confidentiality, unauthorised access to or sharing of confidential records, inappropriate disclosure of sensitive information, or failure to meet mandatory reporting or duty of care obligations.
5	Grievance	Includes inadequate or dismissive responses to complaints or concerns, inappropriate action taken against complainants, clients, or staff following a grievance, or improper handling of complaints or dispute processes.
6	Other	Does not fall in any of the other categories (must be detailed)

Appendix 3: Assessing Harm Tables

Consequence descriptor	
Insignificant	No damage to complainant, no financial loss, no breach of obligations by the practitioner
Minor	No financial loss, minimal harm of any type, very minor infraction (if at all) of practitioner obligations
Moderate	Small financial loss or distress or other harm or non-conformance with professional obligations
Serious	Significant breach of obligations with some consequential or potential harm to complainant or other
Major	Major breach of obligations and consequential harm to complainant or other. Potential to bring mediation / FDR into disrepute

Substantiation descriptor	
Yes	The issue is agreed to have occurred by both the complainant and the member
Likely	The issue is disputed but probably occurred based on the evidence provided
Unlikely	The issue may have occurred but is unlikely based on the evidence provided
No	The issue did not occur based on the evidence provided

Harm Matrix

Did it occur?		CONSEQUENCES				
		INSIGNIFICANT	MINOR	MODERATE	SERIOUS	MAJOR
		1	2		3	4
Yes	A					
Likely	B					
Unlikely	C					
No	D					

Response Matrix

Major Issue	Involvement of Mi management required – remedial or disciplinary action required.
Serious Issue	Mi Management attention needed – remedial or disciplinary action may be required
Minor Issue	Document for educational purposes, discuss improvements with practitioner. No further action normally required.
No substantiated issue	Practitioner to review internal processes. How could the concerns have been identified and resolved internally?

Appendix 4: Mediation Institute Code of Ethics

The Mediation Institute Code of Ethics is aligned with the Australian Mediator and Dispute Resolution Accreditation Standards (AMDRAS). www.amdras.au

By joining as a Practitioner Member or Mediation Student, you agree to comply with this Code of Ethics and Conduct.

Professional Conduct

1. You must conduct yourself with honesty, integrity, and respect for the law in both your professional and private life. This includes:
 - a) Maintaining confidentiality and not using information gained through mediation for personal gain.
 - b) Avoiding threats, violence, or aggressive conduct.
 - c) Upholding your duty of care to minimise risk of harm to others, within the limits of your personal safety.
2. You must disclose to Mediation Institute at the time of application, or promptly if circumstances change, any of the following:
 - a) Criminal convictions (especially for violence, abuse, or dishonesty—these may affect eligibility).
 - b) Disqualification from any professional practice.
 - c) Previous refusal, suspension, or cancellation of NMAS/AMDRAS accreditation.
 - d) Impairments that may affect your ability to practise competently or ethically.
3. You are required to:
 - a) Comply with all applicable laws and regulations, AMDRAS standards, and professional guidelines.
4. Be honest in marketing your services including:
 - a) Represent your qualifications and experience accurately including clearly indicating whether you are or are not a Registered Family Dispute Resolution Practitioner if providing services within the Family Law jurisdiction.
 - b) Be transparent about your processes and clearly state your fees and any additional charges prior to provision of services.
 - c) Avoid promising specific mediation outcomes.
5. When holding additional professional roles (e.g., lawyer or advisor), clearly define the capacity in which you are acting.

Conflict of Interest Clarity

6. You must avoid conflicts of interest and any perception of bias. This includes:
 - a) Withdrawing from any matter where impartiality cannot be maintained.
 - b) Disclosing any actual or potential conflict to all participants, even if you believe you can remain impartial.

- c) Proceeding only if all parties agree, ideally with written confirmation of the disclosure.

Conduct When Mediating

- 7. Only mediate within your area of competence. Seek support or co-mediation where appropriate.
- 8. Prepare thoroughly and conduct mediation in private and appropriate settings.
- 9. Use a written **Agreement to Mediate** that outlines the process, roles, costs, and complaints procedure.
- 10. Conduct or ensure that pre-mediation assessments are conducted to ensure suitability and suspend or terminate mediation if it becomes unsafe or inappropriate.
- 11. Maintain fairness, neutrality, and support for party self-determination throughout the process.
- 12. Do not use information gained during mediation for any other purpose without written consent from all parties.
- 13. Provide expert advice or information only if:
 - a) You are qualified and insured to do so.
 - b) All participants have agreed in writing in advance.

Professional Development Section

- 14. You are expected to:
 - a) Meet all continuing professional development (CPD) requirements.
 - b) Actively support the dispute resolution profession by mentoring new practitioners, promoting high standards, and advocating for appropriate ADR use.
 - c) Cooperate in maintaining and improving the qualifications and standards of the profession.
 - d) Engage in feedback, supervision, and complaint processes in a constructive and professional manner, while respecting client confidentiality.

Complaint Handling

- 15. Members should familiarise themselves with the Mediation Institute Independent Complaint Handling Policy
 - a) Provide information to clients about how they can make a complaint about your services.
 - b) Deal with any complaints in an appropriate and professional manner.