



TERMS AND CONDITIONS

Our charges and billing arrangements are set out as follows:

- The initial one-to-one meeting with the mediator (or information and assessment meeting) costs £125 and will last up to one hour.
- Any additional separate session involving only one mediator costs £125 per hour.
- Mediation sessions thereafter are charged at £160 per hour per client (and pro rata for any period of time less than an hour). Sessions are usually around 90 minutes long, therefore a normal session costs £240 per person.
- It is usual to provide a session record or letter at the end of each session; we do not charge for this but reserve the right not to provide such a letter if in our professional opinion it will harm the mediation process to do so
- In addition to the above a fee of £500 is charged for any formal outcome documentation you ask us to prepare (shared between the clients as they choose). Examples of this documentation are: Open Financial Summary, Confidential Summary of Proposals (MOU), Parenting plan.
- Our fees are payable in advance of each session or, by agreement, within 7 days of receipt of our invoice.
- It is possible that you may be eligible for public funding (which used to be known as legal aid). We do not undertake publicly funded work, but are happy, on request, to provide you with details of mediation services that do undertake such work in your area and to give you some information to help you decide whether you would be eligible for public funding.
- Invoices in advance of mediation sessions will usually cover 90 minutes of mediation time plus any additional time not covered by any previous invoices. Our fees should be paid by bank transfer. We are sorry, but we do not accept payment by credit card or cheque.
- If for any reason an invoice remains unpaid prior to the session we reserve the right to refuse to conduct the session. We reserve the right to refuse to conduct further sessions while fees remain outstanding.
- If, in breach of the Agreement to Mediate, we are asked to provide evidence for court proceedings concerning any aspect of the mediation, both clients will be responsible for any resultant costs (including legal costs) incurred by the mediators, which may include any costs relating to a court application that we may make, in which we ask for the confidentiality of the process to be upheld.

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Cancellation

A cancellation fee will be charged if a mediation is cancelled in the following circumstances:

- Cancellation 5 or more working days before the mediation date (excluding Saturday, Sunday and public holidays): cancellation fee restricted to any irrecoverable expenses (such as venue costs etc) already incurred.
- Cancellation within 72 working hours of the time at which the mediation was due to take place (excluding Saturday, Sunday and public holidays): the full agreed fees for one hour of mediation will be payable.

Privacy Notice

We are 'processors' of personal data for the purposes of the General Data Protection Regulation. Under our contract with you we are permitted to process your personal data for the purposes of the mediation. We may also, to a very limited extent, process personal data at your request to explore the possibility of entering into a contract for mediation services. We may also, to a very limited extent, process personal data (limited to your contact details) in order to invite you to explore mediation as a way forward – we will only ever do this after being approached by someone who wishes to mediate with you rather than litigate (or that person's legal representative) and who gives us your contact information so that this can happen. Our lawful basis for sending such emails is the public interest, in order to give you access to the mediation information and assessment process introduced by the Children and Families Act 2014, s 10.

If, before you sign a contract with us, you ask us not to contact you again we will destroy your contact details and will not contact you again. If you have signed our Agreement to Mediate, we may retain and store your personal data for as long as necessary in connection with the Agreement to Mediate, to include a period of 6 months after the mediation concludes, in case of complaint. We may retain data for research and statistical purposes but on the understanding that if used for this purpose all identifying details will have been removed. Under no circumstances will we sell your personal information to anyone.

Where relevant information held by the mediator to be shared with the Family Mediation Council (the FMC) in the event that a formal complaint is made to the FMC, to which that information pertains.

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Complaints

We are committed to providing a high-quality mediation service. When something goes wrong, we want you to let us know – please feel free to contact either of us by telephone or by email if you want to discuss any aspect of our service. If you are dissatisfied, you have a right to complain directly to us for up to 6 months after the relevant event. The other people who may make a complaint are prospective clients who have been directly affected by our professional behaviour and those who have been invited to participate in a mediation session. You can find more information about what this means at <https://www.familymediationcouncil.org.uk/complaints-about-mediators/>.

You may contact us directly at devorah@sagemediation.co.uk, please do try to contact us by telephone and email to ensure that we have received the complaint. We hope that, in most cases, a conversation between us will be sufficient to set minds at rest.

Using our complaints process does not prejudice your right to apply to the courts for civil redress. What we hope to achieve is an outcome to the complaint that we all feel is constructive and proportionate, and to avoid any unnecessary escalation of problems.

If we receive a complaint from one of you, please bear in mind that we will usually inform the other person that a complaint has been made. (We **must** do this if a professional adviser we have consulted about the complaint (normally a PPC – see below) considers that the other person needs to be informed.)

Our procedures are designed to go beyond the minimum standards required by the Family Mediation Council (FMC) (set out at the end of this Annex). In the event that our complaints process has not been successful, and you consider that there has been a breach of the relevant Code of Practice for intake meetings or for mediations, you may complain to the FMC within 3 months of the last mediation session or the intake meeting). The FMC's own complaints process can be found at <https://www.familymediationcouncil.org.uk/complaints-about-mediators/>.

Our Internal Complaints Procedure

First stage – initial response to and resolution of the complaint

We will respond/acknowledge any complaint within 5 working days of receiving it, enclosing a copy of this procedure if you do not already have one, and explaining when you will next be contacted. Both the initial complaint and our response may be made by telephone as

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well as by email; a written note will be made respecting any communication by telephone and kept on the case file. At this stage the mediator or mediators concerned in the complaint will be involved directly in responding and seeking to resolve the issue. Please bear in mind that we will usually inform the other participant that a complaint has been made.

Second stage – internal informal attempt to resolve the complaint

If you wish to take the complaint further, we will ask you to put your complaint in writing, if you have not already done so, and will acknowledge the written version of the complaint separately. We will send you an initial written response to your complaint within 14 days of receiving your complaint in writing.

Every qualified family mediator recognised by the Family Mediation Council is required to have a professional practice consultant (PPC), who provides the mediator with professional support and guidance. We are required to inform our PPCs about the complaint.

- Within 7 days of receiving the complaint in writing, or as soon as reasonably practicable, written copies of all correspondence relating to the complaint will be sent to at least one of our PPCs, and you will be copied in so that you can see that this has happened.
- We will usually offer a meeting with you and will always consider doing so.
- Any meeting concerning your complaint may include the mediator or mediators concerned, one of our PPCs or an independent mediator.
- Written records of any meeting and discussions must be kept on both the case file, and our own professional files. If the PPC is able to help us to resolve the complaint at this stage, the PPC will decide whether the other party to the mediation should be informed about the complaint.
- If we are able to resolve the complaint with you on an informal basis at this stage, then written records of the nature of the complaint and its resolution, together with associated correspondence, will be kept on file and reviewed by the PPC so that lessons can be learned.

Third stage: independent consideration and attempted formal resolution of the complaint

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If we are unable to resolve the complaint with you with the help of our PPC, within 14 days of our initial written response to you, or as soon as reasonably practicable, a completely independent person qualified to act as a PPC will be appointed to review the complaint – this will not be one of our own PPCs, but someone who has no ongoing professional relationship with us, specially appointed to deal with your complaint. In relation to this independent PPC:

- We must ensure that you are told in writing, as soon as reasonably practicable, the name of the person who will be reviewing the complaint.
- Once an independent PPC is appointed, any ongoing mediation with us must stop.
- We must also inform the other person that there has been a complaint, although the

other person is not entitled to know the details.

The independent PPC will be asked to review both the complaint and any unsuccessful attempts to resolve the complaint; they will have copies of all communications, including telephone attendance notes and a full copy of the mediation or assessment file. We must ensure that we have either the written consent of both of you to the release of the mediation file to the independent PPC, if the complaint is about a mediation, or your written consent to the release of assessment file to the independent PPC, if the complaint is about an assessment – this consent is included in our Agreement to Mediate, so we will usually already have it.

The independent PPC:

- Will have 21 days from appointment to attempt to resolve the complaint.
- Will write to you directly to let you know that they have been appointed to consider your complaint, and what the timetable is for the review.
- Will discuss the complaint as fully as possible with us and, if possible, seek to agree

the next step that should be taken, in the event that no resolution of the complaint can be agreed.





- Should take appropriate action to assess the complaint including, if they consider this appropriate, a written invitation to you to comment.
- Might request to see additional Information, and will require this to be sent to them within 14 days of his/ her appointment. If the independent PPC wishes to see any additional information, they will require

If it is not possible to resolve the complaint at this stage, the independent PPC will provide an assessment of the complaint in writing to us and to you at the end of the investigation.

Possible Referral to the Family Mediation Council (FMC)

If the complaint is not resolved by our internal process, set out above, and you believe that the complaint involves a breach of the Family Mediation Council Code of Practice which occurred within 3 months of the last mediation session, then from 1 March 2022 you are entitled to complain to the Family Mediation Council, as the regulatory body for family mediators.

(<https://www.familymediationcouncil.org.uk/complaints-about-mediators>).

