

Family Mediation Standards Board

Approval of foundation training courses for family mediators

Introduction

The Standards Framework sets out new procedures for all providers of family mediation foundation training in England and Wales.

Important timeframes

All courses that start on or after 16 May 2016 will need to have been ‘approved’ or ‘approved subject to minor conditions’ by the Family Mediation Standards Board in order that participants can start working towards FMCA (FMC Accredited Family Mediator) on completion. This applies equally to courses provided by FMC member organisations, those previously approved by the College of Mediators, and any newly-developed courses.

All courses that commence before 16 May will be deemed to have been accepted by the FMSB for the purposes of that course only and participants can start working towards FMCA status.

All courses that start on or after 16 May 2016 that have not been ‘approved’ or where the FMSB reviewer has indicated that they require further information before approval can be given, will not comply with the Standards and therefore the participant cannot start working towards FMCA status. Training providers must ensure that participants are aware whether their course has been approved or otherwise by the FMSB.

Existing providers must apply by 28 February 2016 at the latest, to ensure that their courses are approved in time to start on 16 May 2016.

Information attached

This document provides you with the information needed to apply for course approval. It consists of:

- A summary of the fees
- A summary of the process involved in approving applications
- The requirements of the Standards Framework for foundation training courses
- The FMC professional competence standards
- The application form.

To apply, you will need to complete the application form and return it by email, along with the approval fee and the documents listed in the form, to info@familymediationcouncil.org.uk.

Please pay the approval fee by BACS. The FMC BACS details are: **HSBC Acc No 21649388 Sort Code 40 24 13**

Please ensure that you use the reference “course approval fee” on the BACS payment

Notes

1. Since the Standards Framework was produced, additional provisions have come into force relating to involving children in the mediation process. These are reflected in the application form but not in the standards manual.
2. There is no provision as yet for ‘conversion’ courses: the minimum standards outlined in Section 2 of the FMC Standards Framework apply to all courses that aim to qualify their participants to start working towards FMCA.
3. Because the new CPD regulations do not specify the need to attend specific courses, the FMC is not operating an approvals procedure for CPD courses (individual member organisations may still approve CPD courses on a voluntary basis).
4. If you are providing courses (in English or Welsh) outside England and Wales but expect at least some participants to want to gain FMCA, you are welcome to apply to the FMC for approval of your course. There are no requirements additional to those in the Framework, except that a higher fee may be payable for courses outside the United Kingdom to cover the travel involved in a monitoring visit.

Summary of the fees

The following fees are payable by Training Providers:

- £900 per initial application for approval
- £750 for re-approval fee (to be paid every 3 years)
- £100 fee to consider further information after initial non-approval
- £500 fee you wish to resubmit application within 3 year period to reflect substantial changes to structure or content of your course.

Summary of Process for course approval

Existing Providers to submit their application by electronic format to info@familymediationconcil.org.uk by 28 February 2015



New Providers to submit their application by electronic format to info@familymediationconcil.org.uk as soon as possible but in any event, at least 4 months before the expected date of commencement of the first training course



FMC admin will carry out an administrative check in respect of compliance with Section A of the application form before passing the application form to the FMSB training panel



FMSB training panel to appoint 2 reviewers within 10 working days having checked for conflict of interest with applicant; Details of the specific reviewers will not be disclosed to Providers



Reviewers to review application within 10 working days



Application to be checked by each assessor individually against a marking evaluation form.
Reviewers to then meet to decide on recommendation



Reviewers to make one of 4 recommendations

- approved
- approved subject to minor conditions
- reviewers require further information prior to approval being given
- not approved
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If approval not provided, reviewers to provide applicant details of timescales for compliance with and details of:

- specific requirements not met
- recommendations to bring application up to appropriate standard
- if subject to minor amendments, the changes that are required



Reviewers to send report to FMSB panel within 10 working days. Reasons for non – approval must be endorsed by the FMSB panel



FMSB panel to notify decision to the Provider within 10 working days of receiving report from reviewers

NOTES:

- Reviewers will use an evaluation form based on the Standards Framework and training application form, as provided to them by the FMSB training panel
- For reapprovals and appeals refer to section 2 of the Standards Framework
- Approvals are normally given for a period of 3 years following which Providers are required to reapply using the same process as for initial approvals
- FMSB have the ability to inspect any aspect of a course. At least 10 working days notice to be given to the Provider.
- If a Training Provider wishes to re submit following substantial changes to the structure or content of their course after approval has been given, Providers must contact info@familymediationcouncil.org.uk prior to submitting the application.

Excerpt from the Standards Framework Part 2: Initial Training and Course Approval

Introduction

This document sets out the requirements and process for FMC approval of initial training courses for family mediators. Section 1 covers the minimum requirements for courses, and Section 2 the process for approval. These requirements come into force on 1st January 2015.

1. Minimum requirements for family mediation initial training courses to be approved by the FMC

These are the minimum requirements that all family mediation courses, including those run by FMC member organisations, need to comply with in order to enable mediators to be approved as eligible to progress to accreditation. Providers seeking course approval will need to provide details that demonstrate how their courses meet these requirements, as detailed under each section below.

1.1 The provider

There is no restriction on the type of organisation that can provide family mediation training, provided that the minimum requirements set out in this document are met.

Applications can be accepted from providers in England and Wales, as well as from outside of England and Wales for courses run in English or Welsh. Non-England and Wales providers who intend or expect that some of their course participants will want to practise in England or Wales are encouraged to gain FMC approval for their courses.

Providers will need to provide details of their legal status, contact details and where applicable registered office; whether the organisation is part of a parent organisation or group, or if it is applying as a consortium, details of the members of the consortium; the person responsible for the application to whom correspondence is to be addressed; and the person with authority to authorise the application.

Providers will need to demonstrate that they have adequate resources and financial capacity to meet the above requirements, including ongoing support for participants as described in section 1.6.

Providers will need to include brief details of previous family mediation courses that they have run and (where applicable) which organisation these have been approved

by. Providers without previous experience of running family mediation courses should include details of similar courses that they have run or are currently running.

1.2 Entry to courses

Entrants to courses should demonstrate:

- The ability to work at graduate level, either through possession of a degree or equivalent-level professional qualification, or experience of work in a role that requires an equivalent level of thinking and application.
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- The ability to understand and use an adequate level of written and spoken English (or Welsh for courses in the Welsh language). Providers should note that unless the mediator is proposing to work exclusively with a community whose native language is not English or Welsh, this will need to be at a native or near-native level at the point of accreditation (CEFR level C2).
- The ability to work with conflicts and manage interpersonal relationships at a professional level, gained either through typically two or three years' experience as a professional dealing with families, or a similar amount of time as a mediator or non-adversarial dispute resolution practitioner in another field.

Providers will need to show how they are applying, or intend to apply, these principles to course admission. In particular they should demonstrate how they will operate fair and equitable access, while ensuring that potential participants are adequately prepared for the course.

Providers must provide accurate information to prospective course participants. In addition to information about the course, this includes accurate information about the process post-training to gain accreditation (FMCA) via the FMC or Law Society, including the implications in terms of the level and cost of Professional Practice Consultant support that will be required.

1.3 Level of course

Family mediation courses should reflect as a minimum the requirements for level 5 as described in the level descriptors of the Qualifications and Credit Framework, Framework for Higher Education Qualifications or Credit and Qualifications Framework for Wales. Providers may choose to pitch their courses at a higher level provided that the other requirements stated here are adhered to. Courses may optionally be validated or credit-rated by a university or recognised awarding body, but this is not currently a requirement for FMC approval.

Providers will need to include a summary of learning objectives and course content that accords with the minimum level requirement and supports participants to demonstrate learning outcomes in accordance with 1.4 below.

1.4 Course content

Providers should refer to the FMC Professional Competence Standards and the Code of Practice in developing their course content and assessment criteria. The Competence Standards are geared to a level of practice some time after training, but courses should cover the principles, knowledge, techniques and skills stated or implied in the Standards, including applying them in a simulated environment. Providers should note that the Standards include pre-mediation information and assessment, and initial training must now cover these areas as separate MIAMs training will cease after the end of 2014.

Courses must cover knowledge of children and property/finance aspects, and ensure that participants can carry out a simulated all-issues mediation and produce outcome statements relating to both children and property/finance.

Courses must provide an adequate opportunity for skills development through role-play and other relevant techniques. Each participant must play the role of the mediator several times over the duration of the course and be provided with adequate feedback, such that s/he has a fair and adequate opportunity to demonstrate the relevant learning outcomes.

1.5 Duration and teaching methods

The minimum requirements for initial training courses are:

- At least 60 hours of contact time, excluding time spent on reading or other private study, completion of assignments and preparation for assessment. This must be spread over a minimum of eight days with sufficient intervening periods to enable reflection, private study and preparation for assessment. Up to half the contact time may be substituted by structured on-line or distance learning supported by adequate one-to-one or small group tutor support. A variety of teaching methods must be used so that participants have an opportunity to learn the required principles and theory, reflect on and discuss principles and approaches, apply theory to practice, and develop the relevant skills.
- At least 30 hours of the above time to be spent on skills development, generally through role-play exercises as described in section A4 above.
- Courses must run with sufficient participants to support adequate skills development. Normally this will mean a minimum of six participants on any course.

Providers will need to include a summary of the course programme or programmes that are expected to be used, demonstrating how they meet the above requirements. Providers should note that there is a large amount of content to cover, including

development and assessment of skills. A 60-hour course will need to be carefully designed, with good use of the intervening periods for remote study, to ensure that participants have a fair opportunity to reach the required standards.

1.6 Assessment

All the key areas of the FMC Professional Competence Standards must be assessed at a level appropriate for a classroom/simulated environment, with all needing to be demonstrated to a satisfactory standard for the course to be passed. Participants must be adequately proficient in handling both children and property/finance matters to pass the course.

The provider must use assessment methods that are valid and sufficient for the learning outcomes to be assessed, operate assessment in a way that is robust and consistent, and avoid placing barriers in the way of participants that do not reflect the criteria being assessed. Assessment must include observation of each participant undertaking the role of the mediator in a simulated situation, as well as written exercises that as a minimum require drafting of a memorandum of understanding.

Formal assessment must either be carried out or moderated by a person who has not been involved in training the participant who is being assessed. If assessment is carried out by the trainer, moderation must include detailed sampling of every participant's work.

Where a participant fails to meet the standard required to pass the course, the provider must provide support to enable the participant to retake the relevant assessment(s) on at least one further occasion. This support can include advice to gain additional training or experience if this is necessary. Providers must act in participants' interests by providing fair and unbiased information and advice that is geared to giving participants the best chance to pass the assessment. Providers' obligations under this requirement can cease twelve months after the end of the course.

Providers will need to include a summary of the assessment methods and tasks that are proposed, including how assessments will be moderated.

1.7 Staffing

At least 80% of the course must be taught by core trainers who (a) are FMC or Law Society accredited family mediators and (b) who either have a teaching or training qualification at a minimum of England and Wales level 4, or have previously acted as a core trainer on at least two comparable mediation courses. The same requirements apply to assessors.

All courses must (a) involve a minimum of two trainers and (b) have a maximum ratio of six participants per trainer for all practical exercises. Staffing must take account of the requirement for independent assessment or moderation described in section 1.6.

Providers will need to include details of each of the core trainers and the assessors that they propose to use, demonstrating how the above criteria are met.

1.8 Certification

Participants who have passed all the course assessments will be issued with a certificate stating their achievement.

Any other records, for instance confirming attendance or providing credit for partial achievement, will be clearly distinguished from full certificates and include a statement to the effect that they do not represent completion of initial training as required by the Family Mediation Council.

1.9 Post-training review with a Professional Practice Consultant

Before proceeding towards accreditation with the Family Mediation Council, it is a requirement that all mediators must have a post-training review with an FMC-approved Professional Practice Consultant (PPC). Providers may optionally wish to (a) aid participants who have not already done so to find a PPC, and (b) to include the cost of this review in the course fee. Providers must be clear in their literature whether this service is included or whether participants need to arrange their own PPC support.

Providers should ensure that participants are aware of the requirement to register with the FMC, normally through one of the FMC member organisations, before acting as a sole or lead mediator or representing themselves to the public as a family mediator.

2. Course approval

2.1 Requirement for course approval

Approval from the Family Mediation Council is needed for courses to be accepted as providing the initial training needed for family mediators to start working towards FMC accreditation.

Approval will be normally for a period of three years, after which reapproval will be needed as described in section 2.4 below. All current courses pre-dating this procedure will need to be submitted via the initial approval process as described below. Exceptionally, approval can be for a shorter period after which stated

conditions must be met. Reapproval will also be required if the legal entity of the provider changes.

2.2 Responsibilities and conflicts of interest

Course approval is the responsibility of the FMC Family Mediation Standards Board (FMSB), either directly or via delegated authority to a course approval panel or executive. No person involved in considering an application for course approval or reapproval may be, or have been within the last three years, a trustee, board member, employee, trainer or assessor of the organisation submitting the application.

2.3 Initial approval

The intending course provider must submit an application that describes how the minimum requirements detailed in section 1 will be met. Providers will be encouraged to discuss their application with a person appointed by the FMSB before submitting it.

On receiving an application, the FMSB will appoint two reviewers within a period of ten working days. Reviewers must be independent of the provider submitting the course; this will include not having acted as a trainer or in a similar capacity for the provider organisation within three years of the submission date. The reviewers will examine the application and make recommendations within a further ten working days. The reviewers may make one of the following recommendations:

- The course is approved
- The course is approved subject to minor conditions being met
- The course is not approved
- More information is needed before a recommendation can be made.

In the case of non-approval, the reviewers must make clear which requirements have not been met and make recommendations for bringing the application to a satisfactory standard. Reasons for non-approval must be endorsed by the FMSB and communicated to the applicant.

The FMSB will communicate its decision to the applicant within ten working days of receiving the report from the reviewers. Where further information is requested, the applicant may provide this directly to the reviewers.

Applicants who have not been successful in their first application will normally be encouraged to address the points that resulted in rejection and resubmit their application.

The FMSB will consider appeals on the basis that the reasons given for rejection were not in accordance with the requirements stated in this document. On appeal,

the application will be treated as a new application and sent to two further reviewers under the procedure described above. The FMSB's decision following appeal will be final.

Following approval, the applicant undertakes to provide access to all course and assessment materials (including web-based materials and platforms), training and assessment sessions, assessed work, trainers and participants should the FMSB wish to conduct an inspection. The FMSB will give at least ten working days' notice before making any inspection.

The FMSB may set fees for course approval, resubmissions of unsuccessful applications, and appeals. The appeals fee will be refunded if the appeal is successful.

2.4 Re-approval

Reapplications must be made in sufficient time to enable any planned courses to run before approval expires. Reapplications cannot be made more than 42 months after the date of the original approval.

Reapplications should focus on any changes that have been made or are proposed since the original application, including changes to staffing. They should also be accompanied by:

- A concise report on the provision that has taken place since the last approval, including any changes that have been made as a result of learning by the course team
- The success rates achieved by participants
- The names of participants on each course
- Feedback from course participants on each course.

The procedure for handling reapplications will be the same as that for initial applications.

Re-approval will normally be for a period of three years.

Where re-approval is required within any three-year approval period because of a change in legal entity, the applicant should initially provide details of the new organisation together with a summary of the material changes that this entails. The FMSB will decide whether a full reapplication is required at this stage.

The FMC professional competence standards for family mediation

Introduction

These standards apply to the work of family mediators generally, with specific application to assessment for accreditation. They are designed to apply across the contexts in which family mediators work – e.g. voluntary sector, private practice, law firms, sole practitioner, co-mediation etc. They aim to avoid assumptions that limit the context in which they can be applied (or make them hostage to changes in regulations, funding regimes, etc).

Note that the term ‘participants’ is used to denote the mediation clients rather than being inclusive of the mediator or anyone else who may be involved in the mediation.

A. Theoretical underpinnings

A1 Understand and draw on theories-in-use that inform the practice of mediation

These include:

- *theories concerning the impact of separation, loss and conflict on families and individuals*
- *theories of child development and the impact of separation and other family changes on children and young people*
- *theories of conflict, co-operation and competition*
- *theories of communication and engagement*
- *key processes for resolving family disputes.*

A2 Understand the ethical basis and key principles of family mediation

This includes:

- *key principles of mediation including independence of the mediator, ‘without prejudice’, child focus, fairness, voluntariness, client competence, confidentiality and its limits, impartiality and neutrality, and participant self-determination within the relevant legal framework*
- *the impact of the mediator’s personal beliefs, values and style*
- *distinguishing between the process of mediation and employing other forms of intervention.*

A3 Understand the key methods and techniques employed in family mediation

These include:

- *different types of intervention and when it is appropriate to use them*
- *methods that enhance communication in the mediation process*
- *techniques for dealing with conflict, power imbalance and impasse*
- *ways of bringing the perspective of children and young people into the mediation process.*

B. Professionalism and ethics

This section applies as relevant throughout the mediator's work.

B1 Work within legal and professional guidelines and the limits of personal capability

This includes:

- *working in accordance with the Family Mediation Council's Code of Practice and with the procedures of the organisation(s) of which the mediator is a member*
- *operating within the law and following any legal requirements and processes*
- *only undertaking work that is within the mediator's competence and capacity, seeking guidance or recommending alternative sources of support where necessary.*

B2 Maintain the ability to practise competently and ethically

This includes:

- *maintaining an adequate and up-to-date understanding of legislation, policy developments, research and practice relating to the field of family mediation*
- *maintaining an adequate level of support from a Professional Practice Consultant (PPC)*
- *taking responsibility for personal learning and development, including identifying areas for development, acting to meet learning objectives, and learning from practice.*

B3 Respect the needs and individuality of participants

This includes:

- *maintaining sensitivity to the needs of individual participants*
- *acting in accordance with the principles of equality and diversity*
- *responding to and addressing cultural and gender issues effectively and sensitively*
- *taking into account, and acting with sensitivity towards, any issues of mental health, learning disability or other potential barriers to participation in mediation.*

B4 Balance the need for confidentiality with that for safeguarding

This includes:

- *applying and upholding the principle of confidentiality and respecting the privileged nature of family mediation, other than where there are overriding and ethically sound reasons to do otherwise*
- *responding appropriately and effectively to any domestic abuse, safeguarding or child protection issues.*

B5 Act with integrity and fairness

This includes:

- *acting in an even-handed manner*
- *acting with openness, transparency and integrity.*

C. Mediation practice

C1 Explain mediation to participants

This includes:

- *being clear about the difference between an initial consultation or assessment meeting and a mediation session*
- *explaining the principles, potential and limitations of mediation*
- *explaining the different methods of mediation that are available and how they would work.*

C2 Assess the suitability of mediation for participants

This includes:

- *assessing, initially and on an ongoing basis, suitability for mediation in respect of (a) the dispute, (b) the participants, and (c) all the circumstances of the case*
- *helping the participants to decide on the appropriateness of mediation for their situation*
- *signposting participants to complementary or alternative services where appropriate*
- *ensuring that participants are aware of their right to seek independent legal advice.*

C3 Check eligibility for financial support

This involves identifying any public or other funding that is available and, where appropriate, carrying out and recording accurate financial checks for eligibility.

C4 Assess and respond to domestic abuse and child or other safeguarding issues

This includes:

- *screening effectively with each participant separately for domestic abuse or harm to themselves, children or others*
- *identifying any potential for unreported domestic abuse or harm*
- *providing appropriate information on sources of assistance and protection from harm, including emergency remedies*
- *notifying appropriate outside agencies, and the mediator's PPC, where necessary.*

C5 Provide relevant information about services and options available to participants

This includes, at the level appropriate to the participant and the situation:

- *providing information about family law and its processes*
- *providing unbiased information about other relevant means of family dispute resolution*
- *providing information about sources of assistance for parents, children and families*
- *maintaining (and explaining to the participant) the distinction between information and advice.*

C6 Establish the environment, agenda and ground rules for mediation

This includes:

- *setting up mediation as appropriate for participants' needs*
- *creating a safe and neutral environment for mediation*
- *identifying and agreeing the issues that will form the agenda for discussion*
- *establishing the principle of balanced participation, and agreeing how this balance will be maintained throughout the process*
- *clarifying issues of, and limits to, confidentiality.*

C7 Use effective skills and interventions during the mediation process

These include things such as:

- *using different types of question appropriately*
- *using relevant listening, communication and mediation skills to aid mutual understanding and rapport, help participants to move forward and to overcome blocks in progress*
- *facilitating participants' lateral thinking, problem solving and option development.*

Further guidance on the skills that will be looked for during assessment are provided in the portfolio guidance document.

C8 Maintain progress towards resolving issues

This includes:

- *managing the discussion of matters in a way that facilitates effective progress*
- *managing effective financial disclosure*
- *recognising and dealing effectively with impasse*
- *managing strong emotions and conflict sufficiently to allow the mediation process to move forward*
- *managing power imbalances to avoid detriment to either participant.*

C9 Produce an appropriate and agreed outcome statement

This includes:

- *ensuring that all mediated outcomes follow a clear rationale, are reality-tested, and are approved by both participants*
- *using appropriate language and drafting formats*
- *ensuring congruence between 'without prejudice' mediation summaries and open financial statements*
- *ensuring that only appropriately open facts are included in open financial statements*
- *drafting financial settlements that are capable of legal implementation and accord with current legislation*
- *setting out any matters that have not been resolved.*

C10 Record decisions and maintain participant files

This includes recording, at the appropriate points in the process:

- *the assessment as to the suitability of mediation*
- *participants' agreement to mediation*
- *any ground rules that are established*

- *the location, timetable and practicalities of mediation*
- *details and outcomes of each session, including any proposed actions (for participants and the mediator) and matters to be taken forward to the next session.*

C11 Review individual cases and overall practice

This includes:

- *identifying any significant personal learning points from cases*
- *initiating case discussions with PPCs*
- *contributing as needed to reviews of individual cases and to overall service provision.*

The level required at the point of assessment for FMCA

The assessors will be looking for a level of performance that is at least 'competent' as indicated below, but also shows development towards the 'proficient' level. The table can also be used as an aid to tracking development, for instance in PPC discussions.

At the end of foundation training, it is anticipated that participants will be at least at the 'advanced beginner' stage.

	Knowledge	Standard of work	Autonomy	Coping with complexity	Perception of context
Novice	Minimal, or 'textbook' knowledge without connecting it to practice	Unlikely to be satisfactory unless closely supervised	Needs close supervision or instruction	Little or no conception of dealing with complexity	Tends to see actions in isolation
Advanced Beginner	Working knowledge of key aspects of practice	Straightforward tasks likely to be completed to an acceptable standard	Able to achieve some steps using own judgement, but supervision needed for overall task	Appreciates complex situations but only able to achieve partial resolution	Sees actions as a series of steps
Competent	Good working knowledge of practice and key principles	Fit for purpose, knowing when to seek support for more complex issues	Able to achieve most tasks using own judgement, referring to PPC/qualified colleagues for support where needed	Copes with complex situations through deliberate analysis and planning	Sees actions at least partly in terms of longer-term goals
Proficient	Depth of understanding of practice and underlying principles	Fully acceptable standard achieved routinely	Able to take full responsibility for own work	Deals with complex situations holistically, decision-making more confident	Sees overall 'picture' and how individual actions fit within it
Expert	Authoritative knowledge of underlying principles and deep tacit understanding of practice	Excellence achieved with relative ease	Able to take responsibility for going beyond existing standards and creating own interpretations	Holistic grasp of complex situations, moves between intuitive and analytical approaches with ease	Sees overall 'picture' and alternative approaches; vision of what may be possible

Adapted from the Dreyfus model of skill acquisition: see Dreyfus, H & Dreyfus, S (1986) Mind over Machine. New York: Free Press.

