



### **Amendments to portfolio requirements: Case Commentaries**

Following feedback from PPCs that there are fewer “all issues” cases being taken to mediation than in previous years, and consideration of figures from the Legal Aid Agency (which provide a similar picture for publicly-funded cases), the FMC has made a change to the way in which mediators can demonstrate they meet the FMC’s competence standards for mediation.

Following advice from the FMSB, the FMC has amended its requirements for the contents of portfolios as set out below. It is important that mediators working towards accreditation - and their PPCs - note that this does not change the competence standards: portfolios will continue to be subject to rigorous assessment, to ensure that all mediators awarded FMCA status are competent to practise in “children”, “finance and property” or “all issues” cases.

### **Amendments to the FMC Manual of Professional Standards and Self Regulatory Framework, Appendix 1: Portfolio Contents, Part 1, FMC Manual of Professional Standards and Self-Regulatory Framework, September 201 (p.14)**

The five paragraphs under the section headed “Case Commentaries” will be deleted and replaced with the following text:

#### **Case commentaries**

Either three or four case commentaries (see below) are required in which the mediator has taken the substantive lead, and full or extensive agreement has been secured. Cases must have started not later than two years before the date of submission of the portfolio (in exceptional circumstances a further year can be granted with the approval of the mediator’s PPC or in accordance with FMC guidance and policy that may be issued from time to time).

If **three** cases are submitted this must include at least

- one case that is an “all issues” mediation,
- one that addresses property and finance

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- one that addresses children's arrangements.

Two of the three cases must include memoranda of understanding and open financial statements.

If an "all issues" case is not being submitted, the alternative is to submit **four** cases, consisting of:

- two "property and finance" cases
- two "children only" cases.

Where four cases are submitted, both "property and finance" cases must include memoranda of understanding and open financial statements and at least one of the "children only" cases must include a memorandum or outcome statement.

If the mediator submits four case commentaries rather than three, he or she **must** include in his or her reflective account either a reflection on one or more "all issues" mediation/s he or she has undertaken (but not concluded) or, if none have been undertaken, reflection on the issues that do need to be addressed in an "all issues" case. The mediator would be expected to demonstrate an understanding of the issues that arise when dealing with both children and financial issues together.

The case commentaries must show evidence of successful, high-quality mediation that demonstrates the ability to mediate cases through to completion, including both financial and children's issues, showing use of the full range of mediation skills identified in the professional standards and portfolio guidance.

The cases must include at least two examples of initial consultations or assessment meetings.

Each commentary must include a brief background to the case and a summarised account of the process of each mediation session, including the mediator's reflection on his or her interventions. At least one case – which should normally be an "all-issues" case - must include a complete set of case notes, session records and correspondence. If no "all issues" cases are submitted, full records must be provided for one of the financial cases. Case commentaries must be anonymised, and permission obtained from the clients to use them. A template will be provided for this purpose.

The mediator can make reference to additional cases, to demonstrate that the professional competence standards have been met.