



Standards Framework changes for CIM, May 2018

The following amendments are made to the FMC Manual of Professional Standards and Self-Regulatory Framework (v.1 dated September 2014) from 14th May 2018.

Amendments:

p.6

Additional bullet-point under **Post training requirements and restrictions** to read:

- *For mediators submitting portfolios from 1.9.19 (see Part 6 & Appendix if submitting a portfolio before this date).*

Attend a Child-Inclusive Mediation (CIM) Awareness and Understanding Course. This should be a minimum of one day long and provided by either an FMC approved foundation course provider, or an FMC approved CIM provider. The purpose of this is to ensure that all family mediators can explain the principles, purpose and the basic process of CIM to parents as they should routinely detail this in initial assessment meetings.

While this one-day course will not be assessed, it must take account of the competencies listed in Part 6.5 under the following sections:

A3 Understanding and Application of the Process

B4 Performance Skills: Working with Parents and Carers.

p.8

Add final two bullet-points to **C1 Explain mediation to participants** so that it reads:

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.*
- *explaining CIM and the child's rights perspective to parents/carers, discussing ways in which children and young people can be listened to and encouraged to offer their perspectives and suggestions and to giving active encouragement to parents/carers to provide such an opportunity for the child (for mediators submitting portfolios from 1.9.19)*
- *explaining that the principles of CIM are consistent with the fundamental principles of mediation (for mediators submitting portfolios from 1.9.19).*

Add new section:

Part 6 – Child-Inclusive Mediation

Introduction

Child-Inclusive Mediation (CIM) provides opportunities for children and young people to have their voices heard directly during the process of mediation, to help them feel respected and listened to and, at their request, to assist parents or carers to receive, understand and take account of the child's messages regarding decisions and arrangements for the child to be made by their parents.

All mediators should explain to parents/carers at initial information and assessment meetings, as well as subsequently, that children and young people aged 10 and above should be offered the opportunity to have a conversation with a professionally qualified mediator or child consultant in which they are invited to give their perspectives in order that parents may take account of those perspectives in any decisions and arrangements that are being made for them.

Section 5.7.2 of the FMC Code of Practice embodies Article 12 of the UNCRC 1989, which gives all children the right to express their views in all matters affecting them in accordance with their age and maturity. In this jurisdiction, all children of 10 and over should have the opportunity to be consulted if they wish, when decisions and arrangements are being made that affect them.

Younger children (including younger siblings and other children of the family) should not be excluded from having a similar opportunity for CIM, since they are equally important members of the family.

Exceptions include where there are safeguarding concerns or where a child has learning difficulties or mental illness which would make CIM inappropriate.

Mediators should remember the following principles apply:

Voluntary participation: The child or young person participates voluntarily, with the informed consent and support of both parents (or those holding parental responsibility (PR)). Child-Inclusive Mediation cannot be ordered by the courts. Mediators must ensure that they have invited the child to participate and that it is for the child to choose whether they accept any invitation.

Confidentiality: Conversations with a child or young person in the course of mediation are confidential and are not reportable to the court or to third parties except a) where there are safeguarding/child protection concerns or b) where, in exceptional circumstances, the law (or a court) imposes an overriding obligation of disclosure upon the mediator or c) where the child or young person requests the mediator to share specific messages with their parents/carers. Mediators must ensure that they have explained confidentiality (including in relation to safeguarding from harm) in an age appropriate manner and have checked as far as is possible and practicable that the child has understood.

Impartiality and Neutrality as to outcome: The mediator must remain impartial in a meeting with a child or young person and must remain neutral as to the outcome of the mediation. The mediator does not represent the child or act as the child's advocate.

Decisions remain with the child's parents (or others holding PR): Children and young people may make requests and offer suggestions, but they are not asked, or given power, to make choices or decisions.

In order to see children in mediation, a mediator must meet the requirements in 6.2 below for carrying out CIM practice. If a mediator is not CIM trained, he or she must make arrangements with an FMC-registered CIM practitioner or other suitable appropriate, qualified and competent professional who meets the requirements as may be laid down by the FMC from time to time.

Qualifications, Training and Practice Requirements for CIM-recognised mediators applicable from 1.9.18 (see appendix to Part 6 for transitional measures)

Requirements for a family mediator to apply for CIM Training

6.1 A Mediator may apply for training in CIM provided he or she:

- a) is currently registered with the FMC as a fully-accredited mediator;
and
- b) has attended a one-day CIM Awareness and Understanding Course run by an FMC-approved foundation or CIM course provider (as detailed in Part 1, section 2.1); and
- c) provide his or her PPC's written support for their application, with any further confirmation that may be requested by the trainers.

Requirements for CIM practice

6.2 FMCA mediators may undertake CIM provided that they are registered to do so with the FMC. FMCA Mediators may register with the FMC to undertake CIM provided that they:

- a) have attended an FMC-approved CIM training course and been assessed by the trainers as having attained the competencies required for CIM practice;

- b) have appropriate safeguarding policies and procedures in place for carrying out CIM;
- c) have a PPC trained in CIM for consultation and discussion of their CIM practice. This PPC may be separate from and additional to their registered PPC, if s/he is not CIM trained and practising;
- d) have met any other requirements as may be laid down by the FMC from time to time.

Ongoing requirements for CIM trained mediators

6.3 CIM trained mediators must continue to meet the following requirements in addition to the required professional development hours specified for continued recognition as an FMCA mediator or PPC. CIM trained mediators should:

- a) Complete the equivalent of at least 10 hours CIM specific professional development every 3 years, 5 hours of which should normally be by attending a course advertised as suitable for CIM professional development. The remaining 5 hours professional development can be acquired in a number of ways, according to what a Mediator decides is most appropriate for their own development. This could include:
 - Attending further training courses advertised as suitable for CIM specific professional development which are designed to further develop and update skills and knowledge in aspects of Child-Inclusive Mediation.
 - Attending training courses that will enhance their skills and knowledge to consult and engage with children at different stages of development and with different needs.
 - Specific reading or study to expand theoretical, legal or practical knowledge relevant to CIM.
 - Attendance at conference workshops or lectures relevant to the theory or practice of CIM.

- Developing, writing or delivering new material relevant to CIM for example delivering a workshop or lecture on aspects relevant to CIM or writing and publishing an article;
- b) Have at least 3 CIM cases over 3 years. These should be discussed in supervision with their PPCs who will confirm for registration purposes whether the requirement has been met.

If this is not possible, then mediators should attend refresher training in CIM to ensure their practice is up to date. Such training can be counted towards their specific CIM professional development requirement; and

- c) Continue to ensure they have appropriate safeguarding policies and procedures in place; and
- d) Ensure they each have a PPC who continues to be an FMC CIM-registered mediator her/himself.

Facilities and Conduct of Child-Inclusive Mediation

6.4 When conducting Child- Inclusive Mediation:

- a) The mediator should have access to suitable rooms and facilities for meetings with young people and children, where children are safe at all times and can feel comfortable and at ease.
- b) The mediator should consider, where possible and appropriate, having a co-mediator or colleague who would be available to take part in a meeting with a child or young person, or be nearby, for safety and safeguarding purposes.
- c) Each parent/carer should first attend an initial information and assessment meeting that includes assessment of and screening for domestic abuse and child protection issues and safeguarding

concerns.

- d) The mediator should check whether any other professional(s) is/are involved with the child or family, either currently or previously.
- e) Before a child or young person is invited to take part directly in mediation, parents should have committed to the mediation process by signing an Agreement to Mediate. The mediator should discuss the objectives and possible options with each parent/carer both separately in the assessment meetings and then together in a joint mediation meeting (or shuttle if this has been judged appropriate), to explore the appropriateness of the child's direct involvement and how best to conduct the CIM for the benefit of the child. If a child has a parent or carer who is not a participant in the mediation, consideration needs to be given to consulting with this person as well.
- f) The mediator's role and that of any colleague mediator/child consultant who will see the child must be clarified with and accepted by both parents/carers. Confidentiality and its limits should be explained carefully and understood by all concerned. Both parents/carers need to understand and accept the principles and objectives of involving their children directly. They should sign an agreement confirming their consent and their willingness to receive messages or feedback that the child requests the mediator to give them. The agreement should include an undertaking that the parent/carer has not briefed, and will not brief, the child beforehand on what the child should or should not say to the mediator or child consultant, nor question the child or young person afterwards as to what he or she actually did, or did not, say.
- g) Mediators should offer a range of options for CIM (e.g. one mediator or two, siblings together as well as separately). The child's involvement, structure of meetings and time-scale should be planned carefully with parents/carers to maximise the benefits and minimise any potential difficulties.

- h) It must be made clear to children and young people themselves that they are free to accept or decline the invitation to meet the Mediator or child consultant. They may respond directly if they wish, or via a parent or carer.
- i) Mediators must have careful regard to time-scales for children and young people, arranging dates and scheduling follow-up meetings with parents/carers and, if needed, with the children, to avoid delay and ensure that children are kept informed.
- j) Mediators should offer and arrange ongoing support and further meetings with the child or young person as appropriate, as CIM is a process, rather than a one-off meeting.
- k) Mediators must ensure that they have checked with any child or young person the content of any message or feedback the child or young person wishes shared with their parents and keep a professional record of their meetings with children and young people, but they should not provide reports, written notes or written feedback to parents (or to anyone else). Mediators should give verbal feedback only to parents/carers, without giving any additional information, interpretations or comments beyond what the child or young person has specifically requested the mediator to convey.

Competencies for Child-Inclusive Mediators

6.5 This section sets out the competencies required of FMCA mediators who wish to train, qualify and practice in CIM as part of a dispute resolution process. Training Providers must ensure that their programmes allow delegates to be assessed against these competencies. They fall into two categories which are further divided into sub sections:

A1 THEORETICAL KNOWLEDGE

CIM Mediators must have knowledge of:

- i. Relevant theoretical frameworks such as
 - a) Family systems theory and working with sibling groups
 - b) Attachment theory
 - c) Child development theory (physical, cognitive, moral development)
 - d) Risks and resilience theory
- ii. Core Research into the effects of divorce and separation on children, the significance of their involvement in decision-making and models of CIM Practice
- iii. The potential effect of power imbalance between parents and children in CIM Practice
- iv. The range of communication and behaviours that may result from culture, age, gender, ability, additional needs, racial or religious diversity and how to respond to these

A2 LEGAL KNOWLEDGE

CIM Mediators must have knowledge of:

- i. Relevant law and legislation in private law children's matters
- ii. Relevant legislation in relation to
 - a) the child and young person's right to be heard (including Art. 12 UNCRC)
 - b) equality and inclusion
 - c) the rights of children and young people
- iii. The legislation and statutory requirements relating to: safeguarding and 'Working Together'; principles and practice in relation to Domestic Abuse/Violence

A3 UNDERSTANDING AND APPLICATION OF PROCESS

CIM Mediators must have an understanding of:

- i. The Definition, Principles and Requirements of CIM as set out in the introduction to Part 6 of the Standards Framework
- ii. The CIM process including a range of practice models to include when CIM may and may not be appropriate
- iii. The location of mediation and CIM within Dispute Resolution and its relationship with other family justice agencies e.g. CAFCASS/guardian ad litem/children's services/child psychotherapists and other agencies and professionals
- iv. The principles and practice of anti-discrimination and inclusion for working with children and young people and the relevant policies relating to this
- v. The procedures and documents required for the recording of issues related to children's and young people's views
- vi. The principle of confidentiality and its application in relation to younger and older children, the parents and the mediator
- vii. The principles and practice of safeguarding and the need to protect children from harm

B1 PERFORMANCE SKILLS: working with parents /carers

CIM Mediators must be able to demonstrate an ability to:

- i. Explain the process of CIM to parents, including the principles of confidentiality and any exceptions to this as regards safeguarding concerns, identify indicators and contra-indicators, and consider the appropriateness of CIM with parents, in the light of information shared by parents, including any safeguarding concerns
- ii. Identify an appropriate model, and plan and agree a structure with parents, taking into account the child's or young person's needs
- iii. Obtain the informed consent of parents in accordance with the principles set out in the introduction to Part 6 of the Standards Framework
- iv. Work in partnership with a co-mediator or other professionals as appropriate
- v. Following a meeting with a child or young person, refocus parents on co-operative decision-making, considering any feedback from their children
- vi. Consider with parents, and if necessary provide further feedback and support to children and young people, regarding parental responses or decisions made

B2 PERFORMANCE SKILLS: meeting with children / young people

CIM Mediators must be able to demonstrate an ability to:

- i. Identify and plan for the most appropriate approach to work directly with the child, young person and sibling groups
- ii. Engage empathically with the child or young person, create a safe, friendly environment and utilise the most appropriate means to create an age-appropriate relationship, including the use of books, toys and other resources
- iii. Explain the CIM process to children sensitively and appropriately including:
 - a) providing age-appropriate explanations of principles of confidentiality, privacy and any exceptions
 - b) explaining the options for giving feedback to their parents
 - c) negotiating and agreeing what will be part of the feedback process
 - d) obtaining the informed consent of the child / young person
- iv. Communicate with a child or young person, actively listen to their views, respond appropriately and have an awareness of the potential impact on the child
- v. Work with diverse needs to take account of any factors concerning cultural background, age, gender, ability, racial or religious considerations
- vi. Provide age-appropriate information to children and young people where appropriate in relation to:
 - a) the effects of family separation, transition and change
 - b) sources of help and support
 - c) signposting to other resources

vii.	Support children and young people to consider what they want their parents to hear and understand, and think about possible outcomes
viii.	Explore with children and young people any concerns about feedback to their parents and assist them to consider the ways in which a difficult message can be communicated while ensuring that they are aware of their right to confidentiality (except in relation to harm)
ix.	Support the child or young person to decide the feedback they want to give and undertake to ensure that this is given without interpretation
x.	Support the child or young person to communicate with their parents in person where appropriate

Minimum requirements for CIM Training Providers

6.6. The minimum requirements set out here must be met and the course must be approved by the FMC.

6.7 The FMSB, on behalf of the FMC, will determine the form and process for applications for course approval and will publish this from time to time.

Level of Course

6.8 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. Courses may be validated or credit rated by a university or other recognised awarding body, but this is not a requirement for FMC approval.

Course content

- 6.9 a) When developing their course content and assessment criteria applicant providers should refer to the relevant provisions in this document, the CIM competencies and the FMC Code of Practice.
- b) Training in CIM is open to mediators who already hold FMCA status. Therefore in planning course content and assessment criteria, applicant providers should ensure that the course is pitched to a level commensurate with the fact that attending practitioners will have already achieved a level of competence if not proficiency of practice in their everyday mediation practice.

Nonetheless course content should demonstrate the principles, knowledge, techniques and skills stated or implied in the Standards and particularly in relation to the duties, principles and requirements of CIM, including applying them in a simulated environment.

- c) Courses must cover both knowledge and performance criteria requirements in relation to CIM practice. In addition, courses must provide opportunities for participants to carry out simulated CIM and to produce such documents (e.g. draft letters for children and young people, documents designed to record parental agreement such as Parenting plans or MOU's and any outline plan for how the child-inclusive work is to be conducted).
- d) Course providers should encourage course participants to keep a log of their own reflections on their learning and development throughout the course.

Duration and Teaching Methods

- 6.10 a) The course must be at least 40 hours of learning and development.
- b) 21 hours (3 days, 7 hours per day) of this must be at an attended course. The attended part of the course must demonstrate that

at least 50% of the course time is spent on skills development, including role-play and small group exercises.

c) The remaining 19 hours of course time may be spent on a combination of:

- 'directed' or pre-course reading
- pre-course assignment /s
- face-to-face study with a recognised PPC
- post-course assignment/s

6.11 Applicant providers must show they have allowed sufficient time to enable participants to reflect, carry out additional private study, and prepare for assessment. Each participant should be provided with appropriate feedback on his or her participation and have opportunity to demonstrate required learning outcomes.

6.12 Courses must run with sufficient participants to support skills development. Normally this will mean a minimum of 6 participants on any course to enable trainers to assess the competency of each mediator in role-plays and exercises. Each course must be run with a suitable number of core trainers and in any event not less than one core trainer per 6 participants.

6.13 Providers will need to include, as a minimum, a summary of the course programme or programmes that they expect to use, demonstrating how they meet the requirements set out above. Other material will be specified by the FMSB in the application forms. As with initial and advanced training courses, providers should note that there is a large amount to cover including development and assessment of skills.

6.14 Applicant providers must show that participants have a fair opportunity to reach the required standards.

Staffing/Trainers

6.15 In line with the standards set out in the FMC Core Standards for Initial Training and Course Approval, at least 80% of the course must be taught by core trainers who:

- (a) are current holders of FMCA, and
- (b) have successfully completed a Direct Consultation with Children (DCC) or CIM training course and are in current practice as a DCC or child-inclusive mediator undertaking work with children, young people and their parents or carers, and
- (c) either have:
 - a teaching or training qualification at a minimum England and Wales Level 4, or
 - previous experience as a core trainer on child focused/child-inclusive courses, or
 - experience in delivering mediation training including having previously acted in a supporting role to a core trainer on at least two comparable child-focussed courses as part of a documented trainer induction programme.

Those who act as supporting trainers on any course must be additional to the required number of core trainers.

6.16 Assessors or course moderators must meet the same requirements as core trainers.

Assessment

6.17 a) Course providers must assess all course participants to ensure they meet the competencies set out in section 6.5.

- b) Assessment can be through a variety of methods at the discretion of the training provider. Assessment can be through pre-course, on-course and post-course work. Methods can include, but are not restricted to: written assignments, on-course participative exercises, evaluative accounts and skills demonstration through role-play.
- c) The table below suggests assessment methods for each competency. If a course provider wishes to use a different method of assessment, it must show in its application that this is appropriate.

CATEGORY A - Knowledge: must know and understand	Suggested methods of assessment
1. Theoretical knowledge	<ul style="list-style-type: none"> • Pre-course assignments based on directed reading • Pre/post course written assignment • Participative exercises on course
2. Legal knowledge	<ul style="list-style-type: none"> • Pre-course assignments based on directed reading • Post-course written assignment which could cover <ul style="list-style-type: none"> - responsibilities and limitations of the mediator role - safeguarding issues
3. Understanding and Application of the Process	<ul style="list-style-type: none"> • Post-course assignments that could cover <ul style="list-style-type: none"> - Case write-ups - Examination of differences between CIM mediator role and child consultant role and/or other professionals within the family justice system • On-course presentation (Final day after a practice period)
CATEGORY B - Performance/Skills: must be able to demonstrate/evidence.	

<p>1. Working with Parents</p>	<ul style="list-style-type: none"> • Assessed role-play on course to cover: <ul style="list-style-type: none"> - information giving about the process including the principles of voluntariness and confidentiality - preparing parents for the process (especially openness to hearing 'bad news') - agreeing the best ways to approach the child / young person - agreeing the best approach to working with siblings - delivering feedback to parents
<p>2. Meeting with Children and Young People</p>	<ul style="list-style-type: none"> • Assessed role-plays on-course to cover: <ul style="list-style-type: none"> - Meeting with a child or young person - Explaining confidentiality and exceptions - Actively listening to their views - Responding to concerns with appropriate information - Signposting to support available - Agreeing with them any feedback they may wish to give their parents, how best to frame this and how best / who to deliver it - Considering with them the best way to raise with their parents any concerns they may have • On-course design of leaflets / invites for various age groups • Post-course write up of cases conducted <p>Post-course compilation of local and national resources</p>

6.18 All the key areas of the FMC Professional Competence Standards in relation to CIM must be assessed at a level appropriate for a classroom/simulated environment. Participants must be assessed as adequately proficient in the duties, principles and requirements CIM and have demonstrated an adequate level of understanding and skill in all of the required competencies to pass the course.

- 6.19 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 assessment of written assignments and project work.
- 6.20 The training provider must provide full details of their assessment methods and copy assessment forms as part of their application for approval.

Part 6, Appendix – Timetable for Introduction and Transitional Measures

The requirements in part 6 for CIM training and ongoing requirements apply to courses and participants starting those courses on or after 1.9.18.

The requirements in part 1 for training and competencies for all mediators apply to mediators submitting portfolios on or after 1.9.19.

Other, transitional measures are as follows:

Mediators currently working towards accreditation

- If your portfolio is submitted before 1.9.19, you will need to have attended a one-day CIM Awareness and Understanding Course run by an approved FMC foundation or CIM training provider prior to your first re-accreditation date.
- If your portfolio is submitted on or after 1.9.19, you will need to have attended a one-day CIM Awareness and Understanding Course run by an approved FMC foundation or CIM training provider before you submit your portfolio.

Accredited mediators who are not registered with the FMC as being able to carry out Direct Consultation with Children at 1.9.18

- need to have attended a one-day CIM Awareness and Understanding Course run by an approved FMC foundation or CIM training provider by 1.1.20 or their first post 2018 re-accreditation date, whichever is the later.

Accredited mediators who are registered with the FMC as being able to carry out Direct Consultation with Children at 1.9.18

- must attend a one-day CIM Update Course run by an FMC approved CIM training provider by 1.1.20 or their first post 2018 re-accreditation date, whichever is the later.
- must adhere to the new CIM CPD requirements set out from 1.1.19.