

## **FMSB Consultation: Draft PPC Code and Guidance**

Over the last year, an FMC working group led by Adrienne Cox, a mediator member of the FMSB, has drafted a Code of Practice for PPCs and accompanying guidance. The working group was made up of a total of 10 experienced PPCs each nominated by the FMC, the FMSB and the member organisations of the FMC.

Keeping in mind the desire to keep the code short, but conscious of the wide array of questions that people ask about the relationship between PPCs and their consultees, the working group has developed a PPC Code, which sets out the roles a PPC 'must do' and guidance, which sets out the roles a PPC 'should do' and looks to share good practice.

The reason for introducing the Code is to put in place a structure for the consultee/PPC relationship, and the guidance is written to support that relationship.

While drafting the documents, the working group explored many different options and tried to keep in mind that there are many models of good practice and are therefore written to try to allow for diverse approaches. It was also conscious only to introduce requirements it felt necessary so as not to overburden PPCs with regulatory requirements.

The working group discussed a wide range of issues in depth including but not limited to:

- whether a PPC should be obliged to take on mediators working towards accreditation,
- the maximum and minimum number of consultees that PPCs should have and the number of hours PPC work they should carry out;
- the amount of mediation work vs consultant work that a PPC should carry out;
- how to ensure that PPCs and consultees have a close enough relationship for the necessary support to be given but to avoid a conflict of interest, and, related to this, the benefits and disadvantages of an in-house PPC;
- the use of secondary and subsequent PPCs, when this could be appropriate and/or beneficial, and whether to regulate this relationship;
- the CPD to be undertaken by PPCs;
- the purpose and requirements for one to one and group supervision;
- whistleblowing

The FMSB is very grateful to the members of the working group for all their efforts in drafting the Code and Guidance, and is now keen to get the perspective of both PPC's and mediators who are not PPCs on the documents.

We would therefore ask you to address whether:

- the PPC Code and Guidance broadly strikes the right balance between needing to be clear and certain on the most important points of practice and allowing flexibility where this would not have a negative impact;
- there are any major omissions from the Code or Guidance;
- there is anything in the Code or Guidance which you think is fundamentally wrong.

All views should be sent to Helen Anthony at [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk) by 14<sup>th</sup> September 2018.

## **Draft Professional Practice Consultant (PPC) Code of Practice**

### **1. Introduction**

The purpose of this Professional Practice Consultant (PPC) Code of Practice is to set out the role of PPCs and the requirements that they must meet. The Code is supported by a separate Guidance document for PPCs.

### **2. Definitions**

‘Code of Practice’ means the Family Mediation Council’s Code of Practice for family mediators.

‘Consultee’ means a mediator who has contracted with a particular Professional Practice Consultant to receive consultancy services.

‘FMC’ means the Family Mediation Council, and includes the Family Mediation Standards Board.

‘FMC Register’ means the professional register of family mediators held by the Family Mediation Council.

‘Guidance for PPCs’ means the Guidance for PPCs which is published by the Family Mediation Council from time to time.

‘Member Organisation (MO)’ means a member organisation of the Family Mediation Council.

‘PPC Code’ refers to this PPC Code of Practice.

‘Professional Practice Consultant (PPC)’ means a person who has contracted with a mediator to provide professional practice consultancy and is the person who is registered as the mediator’s PPC on the FMC Register; they will also be known as the ‘Primary PPC’.

‘Secondary PPC’ means PPC who has engaged/contracted with a mediator to provide specified additional support as described in this PPC Code and in the Guidance for PPCs.

‘Standards Framework’ means the FMC Manual of Professional Standards and Self-Regulatory Framework as amended from time to time.

References to one gender shall be construed to include any other or a neutral gender, the singular shall include the plural and the plural the singular, in each case as the context may require.

### **3. Roles and Responsibilities**

- 3.1 A PPC must support their consultees, as a minimum
  - i. in connection with their mediation practice, including both process and documentation;
  - ii. with their professional development;
  - iii. to adhere to and comply with the FMC Standards Framework; and
  - iv. following a complaint being made about the consultee.
- 3.2 PPCs must be familiar with the Code of Practice, this PPC Code, the Guidance for PPCs and all aspects of the Standards Framework and in particular those that relate to their activities as a PPC and their responsibilities towards their consultees.

### **4. PPC requirements**

- 4.1 To train as a PPC, a mediator must meet the requirements set out in the Standards Framework.
- 4.2 Before working as a PPC, a mediator who has satisfactorily completed PPC training must register as a PPC with the FMC.
- 4.3 Once registered as a PPC, to retain that status, a PPC must meet the ongoing practice and continuing professional development requirements as set out in the Standards Framework.
- 4.4 A PPC who has a break in mediation practice or PPC practice of more than one year must comply with the FMC requirements to return to practice, as published from time to time, prior to returning to practice.
- 4.5 A PPC must have professional indemnity insurance which covers their work as a PPC.
- 4.6 A PPC must only supervise mediators within their competence.
- 4.7 A PPC must ensure that they keep up to date in relation to any relevant changes in legislation, amendments to the Standards Framework and/or Code of Practice in relation to all matters that affect their practice as a mediator and specifically as a PPC.
- 4.8 A PPC must act as a PPC for a minimum of four hours' consultation per year to continue to practice as a PPC.

### **5. Written Consultancy Agreement**

- 5.1 The terms and expectations of the professional relationship between a PPC and consultee, including the roles and responsibilities of each, must be clearly set out in a written consultancy agreement and signed by both PPC and consultee.

- 5.2 The agreement must be consistent with this PPC Code and the Standards Framework and contain the minimum requirements set out in section 5 of the Guidance for PPCs.
- 5.3 The agreement should remain in place for the duration of a PPC's consultancy arrangements with a consultee and reviewed regularly to ensure that it continues to meet the needs of the consultee.

## **6. Confidentiality**

The professional relationship between the PPC and their consultee, and the information they hold about their mediation clients is confidential with the exception of the following:

- i. Issues or concerns which arise in relation to any exceptions to confidentiality set out in the Code of Practice and/or in the Standards Framework (and/or as may be published by the FMC from time to time)
- ii. Harm or risk of harm to a vulnerable adult, a child or young person
- iii. Where a crime or unlawful act is contemplated, is likely to be or has been committed
- iv. Where required by any relevant legislation, including relating to data protection or money laundering
- v. With the express consent of the consultee, or where a court order requires disclosure or there is an over-arching right or obligation in law
- vi. Where discussions take place between a PPC and their own PPC, or where a primary PPC is talking to a consultee's secondary PPC
- vii. As is required in the Standards Framework in relation to the proper investigation of a professional concern or complaint (including any concern or complaint made by the consultee in relation to their PPC) or in order that the PPC may discuss relevant issues with an MO or the FMC in relation to that complaint or concern.

## **7. Conflicts of Interest**

A PPC must not agree to work with a consultee where a conflict of interest exists or might exist which would inhibit the PPC from:

- i. providing impartial advice and support, guidance or constructive criticism to improve the consultee's practice; or
- ii. from acting appropriately should the consultee deviate from the Code of Practice or any other regulation.

## **8. Secondary PPCs**

- 8.1 A PPC may act as a Secondary PPC. In the event that the consultee wishes the consultation with a Secondary PPC to contribute towards that consultee's minimum 4 hours' per year PPC contact:
  - i. The Secondary PPC must have the written consent of a consultee's PPC to provide this role; and

- ii. The Secondary PPC must have a written consultancy agreement with the consultee.
- 8.2 Where a conflict or potential conflict exists, or a consultee undertakes CIM work and their PPC does not undertake CIM work, the consultee must contract with a Secondary PPC to provide the required support.

## **9. Concerns and Complaints**

### **Third Party Complaints about a Consultee**

- 9.1 A PPC must discuss and explore any third party complaint made against a consultee with that consultee, and agree and carry out an appropriate support plan.
- 9.2 A PPC must not formally investigate or adjudicate a complaint made against one of their own consultees.

### **PPC Concerns about a Consultee**

- 9.3 A PPC must raise any concern they have that a consultee is in breach of the Code of Practice (or other relevant regulation) with that consultee, and endeavour to support the consultee to remedy that breach.
- 9.4 If a consultee is in breach of the Code of Practice (or other regulation), and the consultee does not take reasonable steps to remedy that breach, the PPC must refer this to the consultee's Member Organisation(s).

### **Consultee concerns about a PPC**

- 9.5 Where a consultee raises a concern that a PPC is acting in breach of this PPC Code or the Guidance for PPCs, the PPC must respond to their consultee's concerns and endeavour to resolve these with the consultee as soon as is reasonably practical.
- 9.6 A PPC must reply to and comply with the requests made by MOs and the FMC in respect of concerns or complaints.

## **10. Change in PPC**

Where there is a transfer between PPCs both the old and the new PPCs must where possible communicate the reason for the transfer.

## **11. Enforcement**

Breach of this PPC Code may lead to disciplinary action and ultimately revocation of PPC status, following a process published by the FMC from time to time.

## **Draft Guidance for PPCs**

**Please note that the section numbering matches that in the PPC Code of Practice.**

### **1. Introduction**

The professional relationship between PPC and Consultee should always be strong. The aim of this guidance is to support that relationship and complement the PPC Code, by setting out the parameters of that relationship and detailing good practice. This Guidance for PPCs should therefore be read alongside the PPC Code.

### **2. Definitions**

‘Code of Practice’ means the Family Mediation Council’s Code of Practice for family mediators.

‘Consultee’ means a mediator who has contracted with a particular Professional Practice Consultant to receive consultancy services.

‘FMC’ means the Family Mediation Council, and includes the Family Mediation Standards Board.

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‘Guidance for PPCs’ means the Guidance for PPCs which is published by the Family Mediation Council from time to time.

‘Member Organisation (MO)’ means a member organisation of the Family Mediation Council.

‘PPC Code’ refers to the PPC Code of Practice.

‘Professional Practice Consultant (PPC)’ means a person who has contracted with a mediator to provide professional practice consultancy and is the person who is registered as the mediator’s PPC on the FMC Register; they will also be known as the ‘Primary PPC’.

‘Secondary PPC’ means a person who has engaged/contracted with a mediator to provide specified additional support as described in this Code and in the Guidance for PPCs.

‘Standards Framework’ means the FMC Manual of Professional Standards and Self-Regulatory Framework as amended from time to time.

References to one gender shall be construed to include any other or a neutral gender, the singular shall include the plural and the plural the singular, in each case as the context may require.

### **3: The Role and Responsibilities of Professional Practice Consultants**

The core role and responsibilities of Professional Practice Consultants (PPCs) to their consultees can be divided into three key areas:

- Support in their mediation practice
- Professional development
- Adherence to the FMC Standards Framework and Code of Practice

3A PPCs provide ongoing support to consultees throughout the lifetime of their professional practice, which should normally include but is not limited to:

- i. Explaining and maintaining required levels of confidentiality between the PPC and the consultee
- ii. Being available for consultation on mediation practice and professional development issues by a range of means as agreed between the PPC and her/his consultee, including appropriate face to face meeting time, telephone, email or other electronic means (e.g. Skype), ensuring that the consultee has every opportunity to comply with the requirements of the Standards Framework
- iii. Ensuring that each consultee is encouraged into a pattern of regular consultation meetings to discuss the consultee's practice, professional role, reflective learning and professional development
- iv. Ensuring that consultees are encouraged to discuss ethical practice issues, challenges and learning from practice
- v. Confirming whether their consultee is adherent with the requirements of the Standards Framework annually and as required for any process of reaccreditation from the evidence supplied by their consultee, to the best of the PPC's knowledge and belief
- vi. Supporting their consultee through any complaints or grievance process, whilst ensuring they do not play a formal investigatory or adjudicatory role
- vii. Being available for live observation of a consultee's mediation practice as is required by the Standards Framework and as may be thought appropriate and agreed between PPC and consultee
- viii. Supporting consultees by encouraging them to make their Agreements to Mediate compliant with the Code of Practice



- ix. Assisting their consultees in any dealings the consultee may have with their Member Organisation or the FMC.
- x. Helping consultees make appropriate arrangements for the signing of court forms required by clients to commence family proceedings.

3B PPCs may also make themselves available to support mediators working towards accreditation in additional ways such as by acting as a co-mediator with a consultee when appropriate.

3C The purpose of individual sessions is to enable the consultee and the PPC to reflect on the consultee's practise, to discuss any areas of concern to the consultee or the PPC, and to identify opportunities for improvement in practice.

At least two hours of the required 4 supervision hours must be individual hours of consultation with their primary PPC, or Secondary PPC with prior agreement of their Primary PPC, every year.

3D PPCs may lead and/or facilitate group supervisory practice, forums or case discussion groups. The purpose of a group meeting, forum or case discussion group is to provide opportunities for discussion of and reflection on mediator practice, practice related issues and practice development. PPCs should carefully consider:

- The requirements of the Code in relation to their role and function
- Whether it benefits each consultee
- That it is recommended that a group should have a maximum of 10 people in it
- Whether the content and method of delivery of any group meeting includes the opportunity for appropriate and reflective discussions regarding practice. The meeting may include any updates to practice or principles the PPC is aware of or can signpost mediator attendees towards (e.g. on the FMC website) but that would not generally be the whole purpose of the meeting

The PPC should take responsibility for the parameters, principles, facilitation and conduct of a group meeting (e.g. confidentiality within and outside of the group, the ability of all attendees to take part etc.)

If attendance at a group meeting with a Secondary PPCs is contributing towards a consultee's minimum 4 hours' per year PPC contact, a Secondary PPC must have the written consent of a consultee's PPC to act and the PPC should have a written consultancy agreement with the consultee.

Mediators can attend additional group meetings with any PPC when the hours are in addition to their minimum four PPC hours per year; these may count towards a mediator's CPD hours, but should not be counted as both PPC hours and CPD.

- 3E PPCs have a key role in supporting mediator development from training to accreditation and beyond, which may include but is but not limited to:
- i. Engaging with mediators who have successfully completed their family mediation foundation training, ensuring that new mediator consultees understand and are familiar with the post-training requirements and are prepared to start practice
  - ii. Supporting a consultee towards and through any process for accreditation or further qualification (e.g. PPC or CIM status) and assisting the consultee to meet the required competencies and standards, including providing support and guidance with the completion of their portfolio, if relevant.
  - iii. Reviewing and commenting on the consultee's mediation outcome documents and any other materials sent to clients (for pre-accredited mediators, as required by the Standards Framework, for post accredited mediators as requested or agreed between PPC and consultee)
  - iv. Encouraging and assisting the consultee to identify their training and development needs.
  - v. Supporting the consultee's progress and additional training.
  - vi. Completing relevant documentation in support of a consultee who is applying for accreditation or carrying out further development work.
- 3F A PPC has a role in supporting their consultees so that they can adhere to professional standards and any legislative requirements, which may include but is not limited to:
- i. Seeking to facilitate and support their consultee's adherence to all ethical and professional standards set out and required by:
    - a. The FMC Professional Standards Framework
    - b. The FMC Code of Practice
    - c. Requirements of FMC Member Organisations (as appropriate)
  - ii. Ensuring that their consultee is aware of relevant legislative or statutory guidelines and especially those relating to appropriate safeguarding and protection from harm of vulnerable adults and children and young people, proceeds of crime and data protection.
- 3G The PPC should make their consultee aware of:
- i. and support their compliance with requirements in relation to confidentiality of mediation process and of the differences between 'without prejudice' privilege and confidentiality

- ii. and support their compliance with any legislative or statutory requirement/s in relation to confidentiality appropriate to mediation practice (and including the provisions of any relevant data protection legislation)
- iii. the need to maintain confidentiality of PPC discussions
- iv. the need for confidentiality and any exceptions to it to be clearly set out in any Agreement to Mediate used by them
- v. the need for appropriate confidential storage (and arrangements for destruction) of all client information, documents and files

#### **4. PPC requirements**

It is the responsibility of the PPC to ensure that they meet the initial and ongoing professional requirements for maintaining their own registration as a PPC.

4.1 To train as a PPC, a family mediator must:

- i. Have current FMCA status
- ii. Have been continuously practicing as a family mediator for at least three years,
- iii. Have the support of their PPC to train as a PPC
- iv. Undertake a PPC training course which meets the requirements set out in the Standards Framework.

In addition, family mediators should normally have at least two years' post accreditation experience before they train as a PPC. In exceptional cases where a consultee mediator with less than two years' post accreditation experience has carried out a significant amount of mediation post accreditation and has other relevant experience wishes to train as a PPC, their PPC may exercise discretion in supporting this provided they are satisfied that their consultee has sufficient experience to carry out the role.

4.2 On satisfactory completion of the PPC training and prior to practising as a PPC, a mediator must apply to the FMC to be included on the FMC register as a PPC

4.3a A registered PPC must comply with any requirements published by the FMC from time to time, whether set out in the FMC Standards Framework or other regulations, that apply to their practice as a PPC. This includes:

- i. Maintaining their FMCA status
- ii. acting as a PPC for a minimum of four hours per year, which may be averaged over three years
- iii. undertaking at least 5 hours CPD a year that is directly relevant to their role as a PPC including attendance at least one updating event specifically for PPCs
- iv. applying to the FMC to renew their PPC status every 3 years

- v. confirming that they are carrying out these requirements annually when re-registering with the FMC and on renewal of their PPC status.
- 4.3b PPCs should ensure that consultation with their own PPC includes issues relating to their own PPC activities/work. It is good practice for this to be in addition to the four hours' consultation undertaken as an accredited family mediator.
- 4.4 PPCs must ensure that they only carry out work that they are competent and qualified to do, for example:
  - i. PPCs must only supervise mediators carrying out publicly funded mediation when they meet the Legal Aid supervisory requirements
  - ii. PPCs must only supervise mediators in carrying out Child Inclusive Mediation when qualified and registered to do so
- 4.5 It is also good practice, when considering how many consultees to have, for PPCs to ensure they have the capacity to carry out their role effectively in respect of each consultee. PPCs should also ensure that they maintain their mediation practice, and have regard to a suitable balance of Professional Practice Consultancy work and mediation.
- 4.6 PPCs who have a break or lapse in their required levels of mediation or PPC practice must:
  - i. If a planned break, consult with their own PPC about maintaining currency of knowledge and skills during their break in practice and prepare an action plan for their return to practice which must be agreed by their own PPC
  - ii. If a break or lapse is more than 12 months, prepare an Action Plan for return to practice for discussion and agreement with their own PPC and then obtain approval by the FMSB.
  - iii. If a break or lapse in practice is more than 24 months, must re-qualify as a PPC in accordance with the requirements set out in the FMC Professional Standards Framework
- 4.7 PPCs are required to keep themselves up to date with any changes to legislation or regulations relevant to her or his practice as a PPC, but should be particularly alert to changes that may occur in relation to safeguarding from harm and child protection.
- 4.8 A PPC should retain adequate records of the time and type of consultation they have with consultees and should ensure that they retain and store records in line with current data protection principles and regulation.

- 4.9 A PPC should continue to monitor their professional relationship with their consultee, agree the means by which a consultee is able to provide feedback on the services received and consider when it may be appropriate that the consultee might benefit from a move to another PPC.

## **5. Written Consultancy Agreement**

- 5.1 The PPC Code requires PPCs and consultees to ensure they maintain a written agreement throughout their consultancy and that this should be reviewed to ensure it meets the needs of the consultee. Reviews should be regular, and may be annual if the consultee's needs are rapidly changing, or more infrequent for consultees who have more stable requirements.
- 5.2 The written agreement should relate specifically to the professional relationship between the PPC and the consultee and not include any other responsibilities that the PPC holds with a consultee's mediation service.
- 5.3 If a PPC is paid for by a consultee's service, the written agreement may be a three way agreement, between a PPC, consultee and the consultee's mediation service, but the agreement must make clear that the PPC's professional obligations are owed to the consultee, and that the relationship between the PPC and consultee is confidential (except as outlined in the PPC Code).
- 5.4 The form, content and tone of the agreement will be personal to the PPC and consultee, but it should set out the following as a minimum:
- i. the availability and contact details of the PPC
  - ii. the expected hours of attendance at one to one consultation meetings, case discussions, training and development sessions
  - iii. how consultations might be conducted (e.g. face to face, video conference, telephone, e-mail)
  - iv. reference to FMC requirements for ongoing consultation, training and development (as are applicable to the individual consultee) in relation to:
    - working towards accreditation
    - the requirements for re-accreditation
    - any other specialist status (e.g. Child Inclusive Mediation)
  - v. reference to the requirements of the Legal Aid Agency, where relevant
  - vi. the role of the PPC in providing support to the mediator in respect of complaints made against the mediator and that it is consistent with the FMC and relevant Member Organisation's or Organisations' requirements

- vii. that the content of consultancy sessions is confidential between the PPC and the consultee, except in certain circumstances as outlined by PPC Code and FMC Standards Framework
- viii. that the consultee consents to the PPC holding relevant data, and the approach to data protection that the PPC will take which should be in line with current and appropriate standards
- ix. that the principles of equality and diversity are respected
- x. the details of how each consultancy session is to be recorded by the PPC and/or her/his consultee and any agreed actions and timescales
- xi. the rate of fees and expenses payable by the consultee to the PPC, and for which services (i.e. as well as face to face meetings, consultation services could include reviewing summaries, telephone consultation, complaints handling, witness statements and assistance with portfolio for FMCA submission.)
- xii. the ways in which the PPC and consultee can bring the agreement to an end
- xiii. the process for any handover from one PPC to another if the consultee engages a new PPC when the consultancy agreement comes to an end.

## **6. Confidentiality**

- 6 PPCs should ensure they take appropriate responsibility in relation to maintaining applicable levels of confidentiality in regard to any group consultation forum or practice discussions.

## **7. Conflicts of Interest**

- 7A Conflicts of interest may arise where the PPC has:
- i. a close personal relationship with a consultee;
  - ii. is an employer or manager of a consultee;
  - iii. is an employee of a consultee;
  - iv. any other close business or financial relationship (e.g. business partners) beyond the relationship of PPC and consultee.
- 7B For the avoidance of doubt, a PPC may have in-house consultees, but a PPC should ensure that where they have a consultee in circumstances as outlined in 7A, the consultee has the option of appointing a Secondary PPC so that they can seek additional support and guidance free of any conflict of interest.
- 7C A PPC must not supervise to a consultee in any situation in which a conflict of interest exists or might exist, which would inhibit the PPC from providing impartial

advice and support, guidance or constructive criticism to improve their practice or professional development or from acting appropriately where the consultee deviates from the Code of Practice or other relevant regulation. Therefore, if a PPC has a consultancy agreement with a consultee and a situation such as this arises, the PPC must inform their consultee of the need to change PPC or appoint a Secondary PPC to cover these particular situations.

## **8. Secondary PPCs**

- 8.1 The PPC Code is concerned primarily with the relationship between a Primary PPC and a consultee. A mediator's Primary PPC will be the PPC with whom the consultee meets their FMC and MO annual registration requirements for PPC hours and who is recorded as the mediator's PPC on the FMC Register.
- 8.2 The FMC recognises that mediators might engage/contract with a number of PPCs, especially:
- i. if they have an external Primary PPC but additional supervision (both managerial and non) is required in house
  - ii. if they have an 'in house' Primary PPC and the consultee feels that there is a conflict of interest with their 'in house' PPC, on a matter on which they need consultation or the 'in house' PPC has indicated to their consultee that a Secondary PPC is required due to a conflict or potential conflict ( as per 7 above)
  - iii. on Child Inclusive Mediation matters because a consultee's Primary PPC is not registered to carry out Child Inclusive Mediation
  - iv. on legal aid matters (file reviews etc) as required by the LAA contract
  - v. on a group consultation basis, with the support of the Primary PPC.

In such circumstances the Secondary PPC should, where their hours of supervision with the consultee are to count towards their required FMC hours of supervision, at a minimum:

- i. Have written consent of the consultee's Primary PPC to act
- ii. Have a written agreement with the consultee which will
  - clearly indicate those aspects of the consultee's work to be covered by the arrangement
  - contain those parts of section 5 above that are relevant to the relationship between the Secondary PPC and the consultee
  - contain an exception to confidentiality to allow a two-way information exchange between secondary and primary PPCs as well

as a clear statement of the extent and limits of any such exchange, including the ability of the PPCs to keep information confidential from each other where necessary and appropriate.

- 8.4 It is expected that where the consultee wishes for the supervision with a Secondary PPC to count towards the required FMC/MO supervision hours, the Secondary PPC should notify the Primary PPC of the date, type and length of supervision provided so that the Primary PPC can discuss this with the consultee and take a decision on whether this can be included in the annual requirements.
- 8.5 Where the Secondary PPC has not notified the Primary PPC of time spent with the consultee as described above, the Secondary PPC should, subject to the need to keep information confidential where necessary and appropriate, cooperate with any enquires made by the Primary PPC to the Secondary PPC to seek clarification of any supervision provided.

## **9. Concerns and complaints**

### **9.1 Third party complaints about a consultee**

Where a complaint is made against the consultee by a mediation participant, a mediation provider or other person or organisation (other than the PPC):

- i. The PPC should at the earliest opportunity discuss the complaint with their consultee. The PPC should discuss with the consultee the circumstances that gave rise to the complaint and provide guidance and support with regard to the complaint and where appropriate suggest ways in which the consultee might improve their practice
- ii. Where appropriate, the PPC should support the consultee with their resolution of the complaint but must not have a formal investigative or adjudicatory role.
- iii. If the complaint is escalated to the consultee's MO, the FMC or other authority, the PPC should provide support to the consultee throughout the process
- iv. The PPC should be aware of and have regard to the complaints process of their consultee's member organisation(s).

### **9.2 PPC concerns about a consultee**

If a PPC has raised concerns with a consultee that they are in breach of the Code of Practice (or any other regulation) and the consultee does not allay those concerns, the PPC, should, after notifying the consultee of their intention, discuss those concerns with their own PPC. If after such further discussion with the consultee as



the PPC deems appropriate, the PPC considers that the consultee continues to be in breach of the Code of Practice (or other regulation), after notifying the consultee of his intention, the PPC must inform the consultee's MO and, if appropriate, their mediation service as soon as possible. The PPC should in these circumstances consider ending their PPC agreement with the consultee and encourage the consultee to find an alternative PPC.

### 9.3 Consultee concerns about a PPC

Where the consultee is concerned that the PPC may be acting in breach of the PPC Code or Guidance for PPCs, the consultee should raise their concerns with the PPC and endeavour to resolve this with the PPC. If after such discussion the consultee considers that the PPC continues to be in breach of the PPC Code or the Guidance for PPCs, the consultee may inform the PPC's MO and/or terminate their PPC agreement and seek an alternative PPC

There is an expectation that on receiving such a complaint the MO will investigate the complaint and, if satisfied that there has been a breach of the PPC Code or Guidance for PPCs, take appropriate disciplinary action.