



Summary of context and the work streams in FMC Standards Review

1. The process to become accredited

- a. The accreditation process is described by some mediators who have completed or are trying to do so, and by some Professional Practice Consultants, as difficult to navigate.
- b. In order for families to continue to have access to professional family mediators, it is important that the family mediation profession remains open to new entrants and that there is a steady flow of mediators through a process that can be navigated with ease but ensures the necessary professional competence to become accredited.
- c. Whilst ensuring public protection, the review will identify the 'pain points' in the accreditation process. and options for change either
 - By changing the process and requirements, or
 - By leaving the process and requirements unchanged but providing mediators with tools or assistance to comply with them.

2. The complaints and appeals process

- a. The Standards Framework sets out minimum requirements for complaints processes, which each of the FMC Member Organisations ("MO") must have in place to consider breaches of the FMC's Code of Practice or Standards Framework. Each MO implements these requirements in their own way. Therefore, mediators and complainants can encounter different complaints processes. In addition, some mediators have different complaints processes for participants depending on which service they have been engaged through. Different complaints processes can present a confusing picture to the public, for whose protection these processes exist.
- b. If a mediator or complainant is unhappy with an MO's decision, a final complaint can be made to the FMC on grounds which are limited to reviewing the MO's processes and compliance with FMC's Code of Practice and Standards. In practice, the FMSB has found that in reviewing complaints it has had to look back to the original documents in the complaint giving the impression that it is deciding the complaint afresh.
- c. The review will
 - Make recommendations for simplification of the complaints process for the benefit of clients and FMCAs;

- Clarify the rules and procedure for the final stage complaints procedures taking into account the FMC objective to achieve a common final appeals process in line with MoJ /FMC grant conditions.

3. The structure of the Standards Framework to make it easier to access, use and amend

a. The Standards Framework:

- Is found in a variety of different documents;
- Does not fully align the parameters of the FMC's and FMSB's designated areas of responsibility (e.g. although the FMSB is responsible for the implementation of the Standards, the FMC is responsible for the content of the Standards Framework which refer to the implementation).
- Contains Standards that need frequent updating and others, such as Competencies, that need to remain fixed for a period so that it doesn't appear as if the goal posts are constantly being moved. These differences need recognition in alteration of the process for updating Standards documents.

- b. The review will re-structure the Standards documents to meet the above requirements in a logical and user friendly format. It is anticipated that this part of the review will be a desk based exercise.

4. Documenting the outcomes of mediation in ways that can be submitted directly to the Courts

- a. As part of its two year strategy, the FMC is considering whether the outcome of mediation is capable of being turned in to a final settlement document prepared by the FMCA for court approval. The review will consider:

- How the public and the courts can be confident that mediators will produce a settlement document to sufficient standards so that these can be relied upon to produce final outcomes;
- Whether mediators in their capacity as FMCAs want to have the power to produce a settlement document for court approval; and
- How to maintain a mediator's neutral status, as well as necessary training and competence levels for mediators who draft end documentation.

- b. This work will need to include discussions with judiciary and other relevant stakeholders about the format of end of mediation documentation, as well as consideration of increased online court processes in this area. As the online processes are currently in development this part of the review will be the last piece of work to be completed.