



Professional Practice Consultant (PPC) Guidance

Please note that the section numbers match those in the PPC Code of Practice.

1. Introduction

The professional relationship between PPCs and Consultees 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.

‘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 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 PPCs to their consultees can be divided into three key areas:

- Support in their mediation practice
 - Support in their professional development
 - Support in relation to their adherence to the FMC Standards Framework and Code of Practice
- A. PPCs provide ongoing support to their consultees throughout the lifetime of their professional practice, which should include but is not limited to:
- i. Explaining and maintaining required levels of confidentiality between the PPCs and their consultees;
 - ii. Being available for consultation on mediation practice and professional development issues by a range of means as agreed between the PPCs and their consultees, 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, to the best of their knowledge and belief, whether their consultee has adhered to the requirements of the Standards Framework annually and as required for any process of reaccreditation from the evidence supplied by their consultee;
 - vi. Supporting their consultees 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 consultees' mediation practice as is required by the Standards Framework and as may be thought appropriate and agreed between PPCs and their consultees;
 - viii. Supporting consultees by encouraging them to ensure their documentation is 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.
- B. PPCs may also make themselves available to support mediators working towards accreditation in additional ways such as by acting as a co-mediator with consultees when appropriate.
- C. The purpose of individual supervision sessions is to enable consultees and PPCs to reflect on consultees' practice, to discuss any areas of concern and to identify opportunities for improvement in practice.
- D. At least 2 hours of the required 4 supervision hours must be individual hours of consultation with the mediators' Primary PPCs, or Secondary PPCs with prior agreement of their Primary PPC, every year. The 4 hour provision for supervision is separate to the additional 10 hours required as part of the accreditation process.
- E. 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:
- i. The requirements of the Code in relation to their role and function;
 - ii. Whether it benefits each consultee;
 - iii. That it is recommended that a group should have a maximum of 8 people in it;
 - iv. 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 that PPCs are

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.

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

PPCs should clarify with their group whether the hours attended at any particular meeting, are to be viewed as either supervision hours or continuing professional development hours. This decision rests with PPCs and not the attendees.

- F. PPCs have a key role in supporting mediator development from training to accreditation and beyond, which may include but is 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 consultees towards and through any process for accreditation or further qualification (e.g. PPC or CIM status) and assisting consultees 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 consultees' 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 consultees progress and additional training;
 - vi. Completing relevant documentation in support of consultees who are applying for accreditation or carrying out further development work.
- G. PPCs have a role in supporting their consultees so that they can adhere to professional standards and any legislative requirements or statutory guidelines, which may include but is not limited to:
- i. Seeking to facilitate and support their consultees' 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 consultees are 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.

It is recognised that the responsibility for compliance with the Standards Framework, legislative requirements and statutory guidelines lies with consultees.

H. PPCs should make their consultees 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;
 - vi. The fact that the consultee is responsible for their own professional development and compliance with the Standards Framework and any relevant legislative requirements or statutory guidelines.
- I. In the event that PPCs contract with a consultee or service to be their legal aid supervisor, PPCs should ensure that they are aware of and work to the Legal Aid Agency requirements.

4. PPC requirements

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

A. To train as PPCs, family mediators must:

- i. Have current FMCA status;
- ii. Have been continuously practising 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.

Family mediators should ideally have at least two years' post accreditation experience before they train as PPCs. In exceptional cases where a 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 PPCs may exercise discretion in supporting this provided they are satisfied that their consultee has sufficient experience to carry out the role.

- B. On satisfactory completion of the PPC training and prior to practising as a PPC, mediators must apply to the FMC to be included on the FMC register as a PPCs.
- C. Registered PPCs 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 PPCs 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.
- D. PPCs should ensure that consultation with their own PPCs include 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.
- E. 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 legally aided 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.
- F. 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.

- G. 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-train as a PPC in accordance with the requirements set out in the FMC Professional Standards Framework.
- H. PPCs are required to keep themselves up to date with any changes to legislation or regulations relevant to their practice as a PPC, and should be particularly alert to changes that may occur in relation to safeguarding from harm and child protection.
- I. PPCs 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.
- J. PPCs 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

- A. 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.
- B. The written agreement should relate specifically to the professional relationship between PPCs and their consultees and not include any other responsibilities that the PPC holds with consultees' mediation service.

- C. If PPCs are paid for by a consultees' service, the written agreement may be a three way agreement, between the PPC, consultee and the consultee's mediation service, but the agreement must make clear that the PPCs 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).
- D. The form, content and tone of the agreement will be personal to PPCs and their consultees, 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 their 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.

- E. Where a Secondary PPC is required to enter into a written consultancy agreement in accordance with the PPC Code, the terms should include those aspects of Section 5D above as are relevant to the relationship between the Secondary PPC and the consultee.

6. **Confidentiality**

- A. Generally, arrangements relating to the confidentiality of the professional relationship between PPCs and consultees mirror the arrangements set out in the FMC Code of Practice relating to confidentiality.
- B. PPCs should ensure that any written agreement between PPC and consultee makes clear the parameters of confidentiality between them and as it applies to any confidential information from the consultee's practice that may be shared as part of the PPC relationship.
- C. Consultees should be reminded of the importance of clarifying to clients in preliminary discussions and setting out in any Agreement to Mediate that their PPC may have sight of files or documents relating to their mediation. This is especially important for mediators working towards accreditation where PPCs will have sight of outcome documents ahead of them being provided to participants and where it may be impracticable for such drafts to be suitably anonymised or redacted.
- D. It is also important that PPCs remind consultees of their responsibilities to ensure that any Agreement to Mediate also covers the exceptions that are set out in paragraph 6 of the PPC Code and as are also set out in the FMC Code of Practice.
- E. The PPC/consultee relationship is referred to as 'confidential' to clarify that it is a sensitive professional relationship where discussions between PPCs and their consultees are held to be confidential subject to the exceptions which are set out in paragraph 6 of the PPC Code. This particularly relates to information disclosed relating to participants in a mediation or discussions within a mediation process.
- F. PPCs should also take care to ensure that in any group consultation or practice discussion, they have arranged for appropriate confidentiality to be agreed as part of any group agreement and to remind attendees that discussions regarding cases should not identify the individuals involved.
- G. Consultees should also be made aware of the PPC's duty to disclose where:

- i. The PPC is concerned/decides that a safeguarding matter must be referred to an appropriate agency;
- ii. There is an over-arching obligation in law or legislation to report to an appropriate agency;
- iii. The Standards Framework requires it in relation to the proper investigation of a concern or complaint (including concerns or complaints as between the consultee and their PPC or vice versa). This would apply to disclosure to an MO or to the FMC;
- iv. It is required by any other relevant statutory or professional regulator.

7. Conflicts of Interest

A. Conflicts of interest may arise where PPCs have:

- 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.

B. For the avoidance of doubt, PPCs may have in-house consultees, but PPCs should ensure that where they have a consultee in circumstances as outlined in 7A, the consultee has the chance of appointing a Secondary PPC so that they can seek additional support and guidance free of any conflict of interest.

C. PPCs must not supervise consultees 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

A. The PPC Code is concerned primarily with the relationship between Primary PPCs and their consultees. 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.

- B. 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 is required in house;
 - ii. If they have an 'in house' Primary PPC and the consultee chooses to contract with a Secondary PPC;
 - iii. If they have an 'in house' Primary PPC and 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);
 - iv. On Child Inclusive Mediation matters because a consultee's Primary PPC is not registered to carry out Child Inclusive Mediation;
 - v. On legal aid matters (file reviews etc) as required by the LAA contract;
 - vi. On a group consultation basis, with the support of the Primary PPC.
- C. In such circumstances Secondary PPCs should, where their hours of supervision with the consultee are to count towards the consultee's required FMC hours of supervision, at a minimum:
- i. Have written consent of the consultee's Primary PPC to act as a Secondary PPC;
 - ii. Have a written agreement with the consultee which will
 - a) clearly indicate those aspects of the consultee's work to be covered by the arrangement
 - b) contain those parts of section 5 above that are relevant to the relationship between the Secondary PPC and the consultee
 - c) 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.
- D. It is expected that where the consultee wishes for the supervision with Secondary PPCs 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.
- E. Where Secondary PPCs have not notified the Primary PPCs 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.

- F. Mediators can attend additional group meetings with any PPC when the hours are in addition to their minimum 4 PPC hours per year; these may count towards a mediator's CPD hours if viewed as such by the PPC taking the group, but should not be counted as both PPC hours and CPD. No formal arrangements between the Secondary PPC and consultee are needed in this case.

9. Complaints and Concerns

A. Complaints about a consultee

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

- i. PPCs should at the earliest opportunity discuss the complaint with their consultee. PPCs 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, PPCs 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, PPCs should provide support to the consultee throughout the process;
- iv. PPCs should be aware of and have regard to the complaints process of their consultee's member organisation(s).

B. PPC concerns about a consultee

If PPCs have raised concerns with consultees that they are in breach of the Code of Practice (or any other regulation) and the consultees do not allay those concerns, the PPCs, should, after notifying the consultees of their intention, discuss those concerns with their own PPC. If after such further discussion with the consultees as PPCs deem appropriate, PPCs consider that the consultees continue to be in breach of the Code of Practice (or other regulation), after notifying the consultee of their intention, the PPCs must inform the consultees' MO and, if appropriate, their mediation service as soon as possible. PPCs should in these circumstances consider ending their PPC agreement with the consultees and encourage the consultees to find an alternative PPC.

C. Consultee concerns about a PPC

Where consultees are concerned that their PPC may be acting in breach of the PPC Code or Guidance for PPCs, consultees should raise their concern with the PPC and endeavour to resolve this with the PPC. If after such discussion the consultee considers that the PPC continue 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.