



Family Mediation Council  
International Dispute Resolution Centre  
70 Fleet Street  
London  
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Dear Candidate

Welcome to the Family Mediation Council Accreditation (FMCA) scheme. You will find all the information to guide you through the process contained here, in two documents:

- the guidance document will inform you how to complete the portfolio template
- the template provides the format and content you will need to produce for submission, including application form and portfolio checklist

Completing this portfolio should be a valuable experience, as it will allow you to reflect on your past and future role as a mediator. However, it is not an intention of the process that you should spend hours photocopying, collating and producing evidence. The actual pieces of supporting evidence required for a complete portfolio are relatively few.

### **What are assessors looking for in the portfolio?**

Assessors are not looking for perfect mediations to be observed, or for perfect cases in which you demonstrate every competence. They are looking for the competencies to be evidenced across the portfolio - the guidance sets out examples of where competencies might be proven.

Don't be nervous about arranging for your PPC to observe you in an early mediation session. The portfolio requirement is to be observed, and for you to reflect on and respond to the observer's comments. It is not an assessment of you as a mediator for the purposes of the portfolio, though of course you should use the opportunity of the observation to help identify areas in which you could improve your practice and if the observer notes that you demonstrate skills that are listed in the competencies you can use this as evidence.

With regards to case commentaries, the assessors are looking to know how you managed the process, and for your reflections on this. A good way of doing this is by using a table and answering questions, as set out in the template. Follow the guidance as to how to set the commentaries out, and don't forget to include interventions that didn't work.

## **Before you start**

Take the time to read through the portfolio guidelines to get a feel for what the competences are and how you might demonstrate that you meet them. When you're familiar with the competences, try to find three (or four) cases that will demonstrate as many skills as possible. Picking cases that show a range of scenarios and outcomes will give you much of the evidence you need. You can then use other areas of the portfolio to fill any gaps using the competences grid in this document as a guide. If you don't have an 'All Issues' case to use, you can submit four case commentaries (two children, two property and finance), in accordance with the amended portfolio requirements but you must remember to address 'All Issues' cases in your reflective account.

## **Submitting your portfolio**

The cost of submitting your portfolio is:

£275 for an electronic submission. We strongly encourage electronic submission and that includes ALL supporting evidence. Email: [fmsb@familymediationcouncil.org.uk](mailto:fmsb@familymediationcouncil.org.uk)

£350 for a paper submission. If you would like to make a paper submission, please contact us to obtain the postal address to send the portfolio to.

Cheques are made payable to Family Mediation Council or by BACs transfer to:  
Family Mediation Council – HSBC Sort code: 40-24-13 Account No: 21649388.

### **Please include your URN as a reference.**

The assessment process will generally take up to eight weeks. At the end of the process you will be notified of the outcome.

There are three possible outcomes: FMCA, Provisional FMCA and Not Yet Proven. In both provisional and not yet proven categories you will be provided with a summary of work to be resubmitted. The resubmission fees for a provisionally recognised portfolio are £150 for electronic submission and £200 for non-electronic submission. A portfolio assessed as "Not Yet Proven" requires an entire new submission.

I wish you every success with your submission and your future as a family mediator.

Juliette Dalrymple

Chief Assessor, Family Mediation Council



**Family Mediation Council**  
**Accreditation Scheme (FMCA)**

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**1. Introduction**

For family mediators to be recognised as competent to practise by the Family Mediation Council (FMC), and recognised by the Legal Aid Agency (LAA) to undertake publicly funded mediation, they must meet the professional competence standards of the FMC.

The following terms, with explanations of their meaning and of related terminology, are used throughout this document:

- a) PPC: Professional Practice Consultant, recognised by the FMC.
- b) MIAM: Mediation Information and Assessment Meeting (also often referred to as either an Intake meeting, Information meeting, Assessment meeting, or First Meeting with a Mediator)
- c) Trained Mediator: a mediator who has undertaken training with an FMC approved family mediation provider, is registered with the FMC and is now working towards achieving FMCA.

- d) Family Mediation Council Accredited (FMCA): a mediator who has successfully completed accreditation assessment who may mediate alone to undertake all types of family mediation, including legally aided work.
- e) Outcome Statement: the documentation sent to participants at interim and/or final stages of the process outlining progress and/or agreed proposals. This may include, for example:
  - Memorandum of Understanding (MOU) or Confidential Summary of Proposals (CSP)
  - Statement of Outcome
  - Mediation Agreement
  - Parenting Plan
  - Open Financial Statement (OFS)
  - Open Statement of Financial Information (OSFI)
- f) 'Extensive agreement': agreement by participants in mediation on all or nearly all of the mediation issues (relating to finances, children or both) where an Outcome Statement is produced and submitted as evidence within the portfolio. Agreement must be demonstrated in either all cases or all cases except one, where partial agreement rather than extensive agreement will have been reached (see p.9 for more details).
- g) Competences: list of demonstrable performance outputs as well as behaviours (and, where appropriate, technical attributes) constituting a set of minimum standards required for effective performance as a mediator, based on the FMC Practice Standards
- h) Portfolio: the work a mediator submits for accreditation assessment.
- i) T & DP: your training and development plan.

## **2. Assessment Categories**

All mediators submitting portfolios under the scheme are required to demonstrate their competence in AIM, Property and Finance and Child only work; this is in line with LAA contract requirements for mediation services carrying out legally aided family mediation. Successful assessment will allow a mediator to undertake AIM, and/or Property & Finance and/or Child only work.

FMCA status signifies the mediator has met the FMC accreditation assessment requirements, as well as allowing the mediator to undertake legally aided work.

### 3. The stages of the accreditation assessment scheme

The accreditation scheme requires that, prior to submission of evidence to demonstrate competence, mediators can co-mediate, or (subject to positive assessment at Foundation Training and/or PPC approval) solo mediate where all participants are independently/privately funded. Where one or both participants are eligible for legal aid, the mediator **must** co-mediate with an FMCA until they have achieved FMCA or Provisional FMCA. In addition, mediators must:

- a) Have had at least ten hours one-to-one support from their PPC, with date, duration and type of sessions recorded in a log countersigned by the PPC. This includes the PPC contact outlined below, but does not include (a) any time spent co-mediating with the PPC or observing the PPC mediate, or (b) the normal four hours per year of PPC contact expected of all mediators.
- b) Have (as the first of these sessions) a post-training review with the PPC. This may be organised by the provider of the initial training, or by the mediator independently. The PPC will review the mediator's readiness to mediate and, if necessary, agree additional measures for gaining experience before starting to mediate.
- c) Before acting as a sole or lead mediator, or representing themselves to the public as a family mediator, register with the FMC as working towards accreditation. This will normally be done by the training organisation.
- d) Before starting to mediate, **either** observe **or** co-mediate in a mediation session conducted by an FMCA mediator and produce an evaluative account of the session. This will need to be included in the portfolio. The observation must be in person, and not by video link.
- e) For their first case as a sole or lead mediator, (a) have a pre-case discussion with their PPC before starting to mediate or to assess clients' suitability for mediation, and (b) hold a post-case review with their PPC. In the pre-case discussion the PPC will, if necessary, identify any additional support that the mediator needs before starting the first session.
- f) Have at least one mediation session (as opposed to a MIAM) observed by their PPC (which must not be a session co-mediated with the PPC). This must be within two years of completing initial training and ideally should be near the beginning of the post-training period. More than one observation is encouraged, including observation of an initial assessment/ consultation meeting. The PPC's written feedback on a minimum of one session needs to be included in the materials submitted for assessment.

The observation must be in person, and not by video link. If circumstances make it particularly difficult for a mediator to be observed by their registered PPC, the mediator may be observed by a another PPC or FMCA with three years post

accreditation experience, with the agreement of and approval by the mediator's registered PPC.

If this is the case, the mediator should include in their portfolio:

- the substitute observer's account of the session
  - a response from the mediator relating specifically to areas for development identified by the substitute and how these can be addressed in their practice or through future supervision with their Registered PPC
  - the following additional information within their Registered PPC's statement in support:
    - the specific circumstances which lead to the decision to use a substitute (eg geography, diary issues etc);
    - the basis on which the Registered PPC thinks they have sufficient knowledge of the mediator to make their statement in support; and
    - confirmation that the Registered PPC has discussed the observation notes and mediator's feedback with the mediator candidate.
- g) Take a minimum of three cases through to completion. These will need to be written up for assessment. Four cases (see section 4.2 below) may be written up if not submitting an 'All Issues' case although this means that 'All Issues' cases must be addressed in the reflective account.
- h) Comply with the requirements for continuing professional development and on-going PPC support (as applicable to FMCAs).
- i) 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.
- j) Submit a portfolio to apply for FMCA status.

Following assessment, the mediator will achieve one of three outcomes:

- a) Award of FMCA status
- b) Award of Provisional FMCA status (where there is sufficient evidence of competence to begin sole working, including legally aided mediation cases, with further specified evidence required within a time-limited period and with continuing regular supervision in the meantime, to demonstrate fully meeting the assessment criteria)

- c) Not yet proven (where substantial additional work is required), mediator will remain a trained mediator.

The mediator and their PPC will be sent copies of the assessors' notes along with the outcome.

Please note that the FMC's Privacy Notice states that it shares information about mediators' accreditation status to members of the public. We do not publish names of mediators whose portfolios are not yet proven, but we do share this information with parties where relevant. This includes FMC Member Organisations, the Law Society's Accreditation Scheme, PPCs where relevant (for example if they are considering becoming that mediator's PPC) and others who request this information with good reason.

#### **4. Demonstration of competence**

Evidence for meeting the competence assessment criteria will be submitted to the FMC accreditation assessors by way of a portfolio. The portfolio must include evidence of the successful completion of three or four mediation cases in line with 4.1 and 4.2 (below), related *MIAM and* case commentaries (as appropriate), a reflective account, answers to case study questions and a training and development plan.

##### **4.1 Competence standards**

Feedback from previous candidates and their PPCs is that compiling the portfolio is a valuable learning opportunity.

Whilst the aim of the portfolio is to provide evidence that the mediator has met the accreditation standards, it also provides an opportunity to reflect on the journey to competence, review knowledge and skills in practice and think about next steps. The portfolio template document has been developed to support mediators in identifying and referencing this evidence. The portfolio competence grid additionally provides an index to aid assessors in locating evidence. There is a template of the competence grid in the portfolio template document.

The mediator can evidence the competences in any area of the submission, and in many cases evidence will be demonstrated in more than one place. In order to help you ensure you have covered all the competences in your submission, as well as demonstrating to FMC assessors that you are conscious of how and where your mediation practice meets each of these competences, you are required to indicate, by referencing in the text as well as in the competency grid, where there is **at least one** example of meeting each competence somewhere in your portfolio submission.

The assessors will make an assessment as to whether you have demonstrated sufficient evidence of meeting each area of competence.

Assessors may award full FMC if four of the competencies are insufficiently covered, providing:

- C2.2, C2.3, C2.4 and C6.1 are sufficiently evidenced (as these deal with safe practice)
- 5 examples of skills in of C7.1 are sufficiently evidenced (as these represent the basic skills in the tool box of a family mediator).

The four insufficiently covered competencies can be no more than 1 each from Section A, Section B, C1 to 6 (MIAMs) and from C7 to 11 (Mediation).

Appendix 1 of this document provides a schedule of the competences, what the assessors will be looking for, and where they might be found.

#### 4.2 Your cases

The mediator must submit three or four family mediation cases. These may be sole mediated, co-mediated or a mix. Where these are co-mediated, the applicant mediator must have taken the substantive lead. Only the actions, reflections and outcomes of the applicant mediator will be assessed i.e. not those of the co-mediator. Full or extensive agreement should have been secured in either all cases or in all cases except one, where partial agreement rather than extensive agreement will have been reached (see p.8 for more details).

For each case, case commentaries and final outcome statements must be submitted.

If **three** cases are submitted this must include at least one case that is an “all issues” mediation, one that addresses property and finance and one that addresses children’s arrangements.

If an “all issues” case is not being submitted, the alternative is to submit **four** cases, consisting of two “property and finance” cases and two “children only” cases.

Between them the cases must show evidence of successful, high quality mediation that demonstrates the ability to mediate cases through to completion, including both financial and children’s issues, showing use of the full range of mediation skills identified in the professional standards (see Appendix 1: Competences and evidence guidance).

Where three cases are used, full case paperwork (fully anonymised in accordance with the rules at Appendix 2) must be submitted for one AIM case. Two of the three cases must include memoranda of understanding (or confidential summary of proposals) and open financial statements but outcome statements are required for all 3 cases.

Where four cases are used, full case paperwork (fully anonymised in accordance with the rules at Appendix 2) must be submitted for one P&F case. Both “property and finance” cases must include memoranda of understanding (or confidential summary of proposals) and open financial statements and both of the “children only” cases must include outcome statements.

Full case paperwork must include: MIAM record(s) (if this is one of the two MIAM examples) agreement to mediate, session records, any interim client paperwork, e.g. mediation summaries, correspondence outlining progress, copy flipchart recording as well as MOU and OFS. The material must demonstrate that the processes followed and records kept for that case file are in line with FMC requirements.

MIAM record(s) must also be submitted for two MIAMs – The records may relate to (one of) the case(s) used for a case commentary, a different case. The two MIAMs can be from the same case – client A and client B – and in fact this may give you an opportunity to demonstrate the different skills needed in a MIAM with an applicant and one with a respondent – or they can be from different cases. However, the two MIAMs should be distinct separate processes and therefore need to be described separately – the second MIAM record should not simply repeat what was recorded in the first. Mediators may refer to other worked cases in addition to their case commentary cases in order to ensure all the competencies are covered in their portfolio.

Cases must have started within 2 years of the date of the submission of the portfolio, or three years in extenuating circumstances and with PPC approval. For clarity, the definition of ‘started’ is not the MIAM date, but rather the date of the first mediation session.

One of the case commentaries submitted may be in relation to a case where mediation did not complete, but where, as a minimum:

- some or partial agreement has been reached on some issues
- there has been more than one session
- in financial cases, substantial disclosure has been achieved

If you submit such a case, you must include in the case commentary:

- an explanation of why the case did not complete;
- a statement explaining whether, on reflection, the mediator would have done anything differently and why; and
- any actual or draft summaries of sessions that have been completed and
- any actual or draft Interim Confidential Summary of Proposals/Open Financial Statement I or parenting plans if drafted.

Mediators must still ensure that **all** of the competencies are demonstrated in their portfolio.

Where proposals have been reached, but one or both clients have indicated that they do not wish to receive final outcome documentation, provided that this is for one of the case commentaries only, you may draft Outcome Statements as appropriate, for the purpose of supporting the case commentary, as if they had been requested to do so by the clients. It should be made clear on the face of the document and within the portfolio that the summary has been prepared for this purpose only.

Assessors are not looking for any particular style of drafting of outcome statements, but are looking for these documents to provide a sufficient summary of discussions which demonstrate how the participants reached their decisions as well as clarity about the joint proposals reached without being drafted in a way that rehearses all the arguments made in mediation and consequently risks enflaming the participants. Outcome statements should be helpful documents for legal advisors where it is expected that they will be required to prepare a consent order as well as a helpful document for the participants as a record of the outcome.

#### 4.3 Case commentaries and MIAMs Commentaries

Portfolios must be fully anonymised in accordance with the Rules set out at Appendix 2. Portfolios which have not been fully anonymised will be returned.

Case commentaries must include a brief background and a summarised account of how the mediator managed the process of mediation, including the mediator's reflections on their interventions. Case commentaries must be anonymised and ideally permission obtained from the clients to use them. The Application Form provides confirmation of anonymisation and a template for each of the case commentaries can be found in the portfolio template document.

The case information at the top of each case commentary template is designed to help the assessor check that the case meets the criteria and understand something of the case. Issues can be broad, e.g. how the children will spend time with each parent and financial settlement. Mediation type may be solo/co/anchor mediation. Fee status should make clear whether either or both clients were legally aided. The case history should be no more than two paragraphs outlining the case background and the participants' key issues.

Where a case is co-mediated it is helpful to briefly explain in the case history section explaining the level of participation of the co-mediator and whether or not their interventions are included in the commentary. Candidates can also set out what they learnt from any interventions from their co-mediator, to demonstrate development, but others' actions cannot be used to demonstrate the candidate's own competency. Where a co-mediator's interventions are included it is important to distinguish between what the candidates did (I asked....) and what the co-mediator did. Whilst it is difficult not to write in the "we", remember that the assessor is looking for evidence of what the candidate rather than the co-mediation team did. You may find that using direct speech helps here (e.g. I said "...").

The table in the template is designed to help you to think about what was happening in the session (how you managed the process) and your reflections on your interventions.

In the left-hand column, state what you actually did and how. In the right-hand column, say why you did things, what impact this had (good and/or bad), what you observed, and what you might do in a similar situation next time. You should also describe what went well and what did not go so well, reflecting on what you learned in each mediation session.

If you're not sure about which column to put something in, don't worry. The important thing is that both your actions and your reflections on these are captured clearly.

<b>How you managed the process</b>	<b>Self-reflection on your interventions</b>
<p>Show that you understand the stages of mediation. Make it clear in this section that you do. Describe the process as it applied to your mediation clients.</p> <p>What did you do?</p> <p>How did you do it?</p> <p>How did you deal with any concerns?</p> <p>What mediation techniques, skills and language did you use?</p> <p><i>Try to give specific examples of questions used</i></p> <p><i>“ I encouraged them both to reflect on the impact of their behaviour on their children by asking them.....”</i></p>	<p>What were you trying to achieve <i>in terms of the mediation process</i> and for the clients?</p> <p>What did you do to assist the clients to make progress?</p> <p>What skills did you use and what impact did they have on the clients and the process?</p> <p>Why did you do something or not do something?</p> <p>Was what you did effective? How did you know? What did you see?</p> <p>How were the mediation participants reacting in mediation – what did you observe and what did you do in response to what you observed?</p> <p>Having intervened in a particular way, would you do the same again in similar circumstances? If not why not?</p> <p>What did you learn from your intervention/action/use of language?</p>

As a guide, case commentaries should be no longer than 10-12 pages each, using no smaller font than Arial 11.

For those who do not necessarily do the MIAMs for their cases there is a separate MIAMs commentary sheet for candidates to provide evidence of their skills in assessment meetings. These ONLY need completing when the MIAM is not included in the case commentary.

#### 4.4 Case study questions

The template pack contains a set of five case study questions, which allow the provision of additional evidence of meeting the FMC standards that may not have arisen in your submitted cases or other cases drawn upon in your portfolio e.g. safeguarding, equality and diversity and suitability.

Applicants must choose **three** of the five questions and write their responses in the appropriate box.

When reflecting on these questions applicants should, wherever possible, draw on similar or related case examples from their own practice to include in their answers.

**The suggested response length is up to 100 words for each of three points per question, giving a total word count of up to 300 per case study question.**

The questions are not intended to elicit a single 'right answer', but are designed to enable the mediator to show that proper consideration has been given to the situations described, drawing on knowledge and practice experience.

#### 4.5 Reflective account

Completion of a reflective account [**1,500-2,000 words**] drawing on the mediator's own practice experience and which should, where possible, also include reflection on cases that did not go to completion (and what was learned in these circumstances).

A portfolio must include evidence of managing high conflict cases. This may have been evidenced in one or more of case. Where case commentaries do not cover high conflict cases, these must be referenced in the reflective account. It is an opportunity for the mediator to evidence their ability to manage, or have some strategies for managing, high conflict cases across a wider range of cases.

The account must include evidence of managing high conflict cases. The mediator must demonstrate a real sense of the work undertaken, highlighting key achievements as well as skills and knowledge gained since completing mediation training. The reflective account should also describe the mediator's transition from profession of origin and incorporate any evidence that the mediator wishes to

highlight to assessors that is not covered elsewhere within the portfolio. Inclusion of references to mediation reading and theory and how these have been used by the mediator in practice, are likely to enhance the account.

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

#### 4.6 Training and development plan

Completion of a training and development plan on the template provided in the portfolio template document. The template is set out in two sections. The first relates to training and development activities undertaken in the period to portfolio submission and the second to activities planned for the future. Future plans should provide evidence that thought has been given to both the short and longer term. The training plan will include:

- A record of the specific training and development activities **from initial training (or, if trained prior to 1.1.15, then training records for three years prior to submitting their portfolio) to portfolio submission** highlighting relevance to family mediation practice and the benefits to work with participants in relation to:
  - The theory and practice of family mediation
  - The law as it relates to children’s issues in mediation
  - The law as it relates to property and finance issues in mediation
  - Other financial matters to include pensions, benefits and personal taxation
  - Any other training pursued
- A plan for training and development activities from which you would benefit **in the short and longer term** highlighting areas to be covered, action to be taken to meet the need and target dates in relation to:
  - The theory and practice of family mediation
  - The law as it relates to children’s issues in mediation
  - The law as it relates to property and finance issues in mediation
  - Other financial matters to include pensions, benefits and personal taxation

- Any other training planned

Subject to your having satisfactorily completed your core/foundation training there are no restrictions on the kinds of activities that can be undertaken. However, it is important that these were/are relevant to your training as a family mediator; resulted/will result in appropriate learning and provided/will provide benefits to your own development and (directly or indirectly) to your clients. Taken together, the activities must demonstrate an adequate level of training prior to your application for accreditation and, in relation to planned activities an adequate level to maintain recognition.

You may find it helpful to refer to Section 3 (Re-Accreditation) of the Family Mediation Council Manual of Professional Standards and Self-Regulatory Framework (September 2014) when completing your plan.

## 5. Portfolio documentation

- 5.1 Mediators are normally required to submit portfolios in electronic format. Mediators wishing to submit via any other medium must contact FMC beforehand to discuss alternative arrangements. The portfolio must be submitted in four sections:

1.	<b>Template document</b> which includes application form, portfolio checklist, competences grid, case commentaries, case study questions, reflective account and training and development plan
2.	<b>Supporting paperwork</b> on journey to competence, e.g. training certificates, PPC statement, feedback from PPC observation, mediator observation, PPC log
3.	<b>Outcome paperwork</b> for the case commentaries
4.	<b>Full case paperwork</b> , for an AIM case commentary (or P&F where 4 case commentaries are being submitted) <b>and two MIAM records</b> which may or may not relate to any of the case commentaries.

- 5.2 Portfolios **must** contain a completed application form which forms page 1 of the template document and which additionally includes declarations covering two of the portfolio competences (B1.1 and B1.2).

- 5.3 The application form must be accompanied by a completed portfolio checklist which forms page 2 of the template document as well as:

- A statement from the mediator's PPC that:
  - Confirms the accuracy of the mediator's log of the PPC sessions
  - Confirms the case commentaries submitted in the portfolio are authentic, that as far as the PPC is aware, the mediator has taken

the lead in them and that the mediator has taken all reasonable steps to obtain permission from the clients to use them. Some indication from the mediator and PPC that ethical issues such as client consent and confidentiality is what is required here.

- Endorses the mediator's competence to practise independently to the requirements of the FMC professional competence standards.
  - Confirms that the material submitted is entirely the mediator's own work.
  - Confirms that regular PPC sessions (in accordance with FMC guidelines and LAA requirements) have been taking place, and that discussion about the preparation of the portfolio evidence has been considered and discussed.
  - If not evidenced elsewhere in the portfolio, confirms that the mediator meets the competence C3.1 in that s/he has a broad understanding of the LAA eligibility criteria (capital and income) and is able to signpost where appropriate to a LAA provider.
- Observation of a mediation session by the mediator. This will be an account reflecting on and evaluating a mediation session by an FMCA, observed by the mediator. This may or may not be your PPC. A template to help you reflect on a mediation you are observing is available via the FMC website: <https://www.familymediationcouncil.org.uk/mediators-working-towards-accreditation/>.
  - Observation of the mediator by their registered PPC. This will be feedback from the observed mediation session, accompanied by an account by the mediator that:
    - Sets the context for the session (if it is not part of one of the submitted case commentaries).
    - Reflects on the mediator's approach in the session, and
    - Responds constructively to any points raised by the PPC.

A template to help you reflect on a mediation that you have observed is available: <https://www.familymediationcouncil.org.uk/mediators-working-towards-accreditation/>.

## 6. General requirements

The following requirements apply to all portfolios:

- The mediator must ensure that the portfolio is easy for assessors to navigate, is clearly and legibly presented, with a contents page showing where work is located and the competence grid completed with page numbers. The mediator **MUST** also cross reference the competences in the text of their written material by putting the appropriate competence number in brackets where a competence is being evidenced. The application form provides an example of this.
- The mediator must ensure that the portfolio is complete at the time of submission.
- Incomplete portfolios will not be assessed, and will be susceptible to the levying of a supplementary administration charge.
- No material may be added to a portfolio after submission.
- The assessors may also suspend the assessment process for further investigation where they believe that there is evidence of impropriety on the part of a candidate.

## 7. Reasonable Adjustments

If a mediator has a disability which makes it difficult to complete any aspects of the portfolio, they should contact the FMSB through the FMC Office ([fmsb@familymediationcouncil.org.uk](mailto:fmsb@familymediationcouncil.org.uk)) so that the FMSB can consider whether reasonable adjustments can be made. Mediators should include any relevant correspondence with the FMC about these adjustments in the portfolio when it is submitted.

## 8. Resubmission

If, following assessment of the mediator's portfolio, provisional FMCA status is given because the work submitted is not of the required standard (or the portfolio is returned without being assessed because in the view of the assessors key evidence is missing or cases have not been fully anonymised), the mediator must:

- Resubmit the portfolio in line with the requirements outlined by the FMC assessors, and
- Include the appropriate resubmission fee.

## **9. Appeals**

Mediators who believe that their portfolio has been wrongly deemed 'not proven' or 'provisional FMCA' requiring additional work may make an appeal to the FMC, stating clearly the grounds for the appeal. Mediators are strongly encouraged to discuss potential appeals with their PPC and will need to explain the reason if the PPC is not supporting the appeal. Mediators and PPCs are encouraged to each make a short, written statement in support of the appeal (no more than 500 words), but no material will be accepted for addition to the portfolio.

Appeals must be made within three months of the assessment result. A fee (equal to the relevant resubmission fee) is payable for an appeal: it will be refunded if the appeal is successful.

The FMC will investigate where there are valid grounds for the appeal. Acceptable grounds include the use of criteria that do not reflect the professional standards or code of practice, or the guidance set out in the published portfolio requirements; the criteria have been interpreted incorrectly; and the assessors have missed or misinterpreted material included in the portfolio.

When an appeal is approved to go forward, the portfolio will be re-examined by an assessor who has not previously been involved in its assessment. The assessor will have sight of the original assessment decision and the appeal submission, unless there are overriding reasons relating to the nature of the appeal that the reassessment should be carried out without knowledge of one or both. The decision on appeal will be final.

## **10. Correspondence**

All correspondence with FMC Assessors (including the Chief Assessor) about a specific mediator or portfolio should go through the FMC office ([fmsb@familymediationcouncil.org.uk](mailto:fmsb@familymediationcouncil.org.uk)) so that a record of correspondence can be kept.

## APPENDIX 1: COMPETENCES AND EVIDENCE GUIDANCE

	FMC Competence	What are we looking for?	Where might the evidence be found?
<b>SECTION A: THEORETICAL UNDERPINNINGS</b>			
<b>A1</b>	<b>Understand and draw on theories-in-use that inform the practice of mediation</b>		
A1.1	Theories concerning the impact of separation, loss and conflict on families and individuals	Referenced self-reflection on interventions <b>OR</b> Reflections on learning with case example(s) <b>OR</b> If using the T&DP please provide an example of application of theory into practice	Case commentary  Reflective account  T&DP
A1.2	Theories of child development and the impact of separation and other family changes on children and young people	Referenced self-reflection on interventions <b>OR</b> Reflections on learning with case example(s) <b>OR</b> If using the T&DP please provide an example of application of theory into practice	Case commentary  Reflective account  T&DP
A1.3	Theories of conflict, co-operation and competition	Referenced self-reflection on interventions <b>OR</b> Reflections on learning with case example(s) <b>OR</b> If using the T&DP please provide an example of application of theory into practice	Case commentary  Reflective account  T&DP
A1.4	Theories of communication and engagement	Referenced self-reflection on interventions <b>OR</b> Reflections on learning with case example(s) <b>OR</b> If using the T&DP please provide an example of application of theory into practice	Case commentary  Reflective account  T&DP
<b>SECTION B: PROFESSIONALISM AND ETHICS</b>			
<b>B1</b>	<b>Work within legal and professional guidelines and the limits of personal capability</b>		
B1.1	Working in accordance with the FMC Code of Practice and with the organisational	Mediator confirmation <b>AND</b> PPC <b>AND/OR</b>	Application form PPC statement Application form

	procedures of the organisation(s) of which the mediator is a member	Service manager confirmation (as appropriate).	
B1.2	Operating within the law and following any legal requirements and processes	Mediator confirmation	Application form
B1.3	Only undertaking work within the mediator's competence and capacity, seeking guidance or recommending alternative sources of support where necessary	PPC confirmation	PPC statement
B1.4	Understand the impact of the mediator's personal beliefs, values and style	Self reflection <b>OR</b> Discussions in supervision	Case commentary Supervision record(s) <b>OR</b> PPC statement
<b>B2</b>	<b>Maintain the ability to practise competently and ethically</b>		
B2.1	Maintaining an adequate and up-to-date understanding of legislation, policy developments, research and practice relating to the field of family mediation	Record of training undertaken, needs identified and training planned	T&DP
B2.2	Maintaining an adequate level of support from a Professional Practice Consultant (PPC)	PPC confirmation	PPC statement
B2.3	Taking responsibility for personal learning and development, including identifying areas for development, acting to meet learning objectives and learning from practice	Reflections on training undertaken, needs identified and training planned	T&DP
<b>B3</b>	<b>Respect the needs and individuality of participants</b>		

B3.1	Maintaining sensitivity to the individual needs of participants	Description of mediator process and/or self-reflection <b>OR</b> Case example(s)	Case commentary  Reflective account
B3.2	Acting in accordance with the principles of equality and diversity; for example responding to and addressing cultural and gender issues in mediation effectively and sensitively	Description of mediator process and/or self-reflection <b>OR</b> Case example(s) <b>OR</b> Response to question with/without case example	Case commentary  Reflective account Case study question
B3.3	Taking into account, and acting with sensitivity towards, any issues of mental health, learning disability or other potential barriers to participation in mediation	Description of mediator process and/or self-reflection <b>OR</b> Case example(s) <b>OR</b> Response to question with/without case example	Case commentary  Reflective account Case study question
<b>B4</b>	<b>Balance the need for confidentiality with that for safeguarding</b>		
B4.1	Applying and upholding the principle of confidentiality and respecting the privileged nature of family mediation, other than where there are overriding and ethically sound reasons to do otherwise	Description of mediator process and/or self-reflection <b>OR</b> Case example(s) <b>OR</b> Response to question with/without case example	Case commentary  Reflective account Case study question
<b>B5</b>	<b>Act with integrity and fairness</b>		
B5.1	Acting in an even handed manner	Description of mediator process and/or self-reflection <b>OR</b> PPC confirmation of observation/discussion	Case commentary  PPC statement
B5.2	Acting with openness, transparency and integrity	Reflections in supervision	PPC statement
<b>SECTION C: MEDIATION PRACTICE</b>			
<b>C1</b>	<b>Provide appropriate information to participants (includes C5 competence standards)</b>		

C1.1	Being clear about the difference between an initial consultation or assessment meeting and a mediation session, explaining the principles, potential and limitations of mediation as well as the different methods of mediation that are available and how they would work	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C1.2	Providing information about family law and its processes	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C1.3	Understanding and providing unbiased information about other relevant means of family dispute resolution	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C1.4	Providing information about sources of assistance for parents, children and families and signposting as appropriate	Description of mediator process and/or self-reflection <b>OR</b> Case examples	Case commentary (MIAM) Reflective account
C1.5	Explaining (and maintaining) to the participant, the distinction between information and advice and ensuring they are aware of their right to seek independent legal advice	Description of mediator process and/or self-reflection <b>OR</b> Case examples	Case commentary (MIAM) Reflective account
<b>C2</b>	<b>Assess the suitability of mediation for participants (includes C4 competence standards)</b>		
C2.1	Assessing, initially and on an ongoing basis, suitability for mediation in respect of (a) the dispute, (b) the participants and (c) all the circumstances of the case	Description of mediator process and/or self-reflection <b>OR</b> Case example(s) <b>OR</b> Response to question with/without case example	Case commentary  Reflective account Case study question

C2.2	Screening effectively with each participant separately for domestic abuse, harm to themselves, children or others or threat of harm whether reported or not	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C2.3	Providing appropriate information on sources of assistance and protection from harm, including emergency remedies	Description of mediator process and/or self-reflection <b>OR</b> Case example <b>OR</b> Response to question with/without case example	Case commentary (MIAM) Reflective account Case study question
C2.4	Notifying appropriate outside agencies, and the mediator's PPC, where necessary of any safeguarding/domestic abuse issues	Description of mediator process and/or self-reflection <b>OR</b> Case example <b>OR</b> Response to question with/without case example	Case commentary (MIAM) Reflective account Case study question
C2.5	Helping the participants to decide on the appropriateness of mediation for their situation	Description of mediator process and/or self-reflection <b>OR</b> Case example <b>OR</b> Response to question with/without case example	Case commentary (MIAM) Reflective account Case study question
<b>C3</b>	<b>Check eligibility for financial support</b>		
C3.1	Identifying any public or other funding available and carrying out and recording financial checks for eligibility (capital and income) for onward signposting to an appropriate provider	PPC confirmation of ability	PPC statement MIAM record and means assessment
<b>C4</b>	<b>There is no need to refer to these competencies as they have been incorporated in to Section C2 above</b>		
<b>C5</b>	<b>There is no need to refer to these competencies as they have been incorporated into Section C1 above</b>		
<b>C6</b>	<b>Establish the environment, agenda and ground rules for mediation</b>		

C6.1	Setting up and creating a safe and neutral environment for mediation as appropriate for participants' needs	Description of mediator process and/or self-reflection	Case commentary
C6.2	Identifying and agreeing the issues that will form the agenda for discussion	Description of mediator process and/or self-reflection	Case commentary
C6.3	Establishing the principle of balanced participation, and agreeing how this balance will be maintained throughout the process	Description of mediator process and/or self-reflection	Case commentary
<b>C7</b>	<b>Use effective skills and interventions during the mediation process</b>		
C7.1	Understanding and using appropriately different types of intervention e.g. questioning, acknowledging, active listening, mutualising, normalising, reframing, summarising, responding to non-verbal behaviour/body language to enhance communication, aid mutual understanding and rapport and help participants to move forward	Description of mediator process and/or self-reflection	Case commentary
C7.2	Understanding and using appropriately different ways of bringing the perspective of children and young people into the mediation process	Description of mediator process and/or self-reflection	Case commentary
<b>C8</b>	<b>Maintain progress towards resolving issues</b>		
C8.1	Managing the discussion of matters in a way that facilitates effective progress	Description of mediator process and/or self-reflection	Case commentary
C8.2	Managing effective financial disclosure	Description of mediator process and/or self-reflection	Case commentary

C8.3	Facilitating participants' lateral thinking, problem solving and option development	Description of mediator process and/or self-reflection	Case commentary
C8.4	Understanding and using appropriate techniques for dealing with conflict, power imbalance and impasse to avoid detriment to either participant	Description of mediator process and/or self-reflection <b>OR</b> Case example <b>OR</b> Applying learning to practice	Case commentary  Reflective account T&DP
C8.5	Managing strong emotions and conflict sufficiently to allow the mediation process to move forward	Description of process and/or self-reflection <b>OR</b> Case example <b>OR</b> Applying learning to practice	Case commentary  Reflective account T&DP
<b>C9</b>	<b>Produce an appropriate and agreed outcome statement</b>		
C9.1	Ensuring that all mediated outcomes use appropriate language and drafting formats, follow a clear rationale, are reality tested, approved by both participants and set out any matters that have not been resolved (as appropriate)	Description of mediator process and/or self-reflection <b>AND</b> Written evidence	Case commentary <b>AND</b> MOU, OFS, other outcome statement
C9.2	Ensuring congruence between 'without prejudice' mediation summaries and open financial statements and ensuring that only appropriately open facts are included in open financial statements	Written evidence	MOU/other outcome statement & OFS
C9.5	Drafting financial settlements capable of legal implementation where appropriate and in accord with current legislation	Written record	MOU & OFS

<b>C10</b>	<b>Record decisions and maintain participant files</b>		
C10.1	Recording assessment as to the suitability of mediation	Written record	Assessment meeting record
C10.2	Recording participant's agreement to mediation including any ground rules that are established	Written record	Assessment meeting record <b>AND/OR</b> Agreement to Mediate <b>AND/OR</b> other written evidence, e.g. correspondence
C10.3	Recording the location, timetable and practicalities of mediation	Written record	Assessment meeting record <b>OR</b> other written evidence, e.g. correspondence
C10.4	Recording details and outcomes of each session, including any proposed actions (for participants and the mediator) and matters to be taken forward to the next session	Written record	Session record(s) <b>AND</b> session summaries <b>OR</b> other written evidence, e.g. client correspondence
<b>C11</b>	<b>Review individual cases and overall practice</b>		
C11.1	Identifying any significant personal learning points from cases and initiating case discussions with PPC(s)	PPC confirmation of reflective practice development in supervision	PPC statement <b>OR</b> supervision log <b>AND/OR</b> supervision records
C11.2	Contributing as needed to reviews of individual cases and to overall service provision	PPC confirmation of participation in supervision <b>AND</b> (if appropriate) team meetings	PPC statement <b>AND</b> (if appropriate) service manager statement

## APPENDIX 2: RULES FOR ANONYMISATION OF PORTFOLIOS

Portfolios submitted for assessment must be anonymised.

Anonymisation is required to ensure that participants, children or others referred to in mediation cannot be identified, and goes further than changing names.

These rules must be followed when submitting portfolios. Portfolios which are not anonymised as set out below will be returned to be fully anonymised.

1. Use Word documents (or equivalent software) where at all possible, rather than scanned documents. Where scanned documents are used, information must be taped over before scanning and annotated with fictitious details.
2. Names in documents must all be replaced with fictitious first names, which should be used consistently throughout each case commentary. Different names must be used for each case commentary.
3. Dates of birth must have the day and month removed to just include the year.
4. Other identifying factors such as names of schools, towns etc must not be included, and must be replaced consistently throughout with generic terms, distinguishing where necessary by use of a number.
5. Do not include information that could be used to identify a person through 'jigsaw identification'. A combination of particular nationality, job, and family circumstances could be unusual enough to lead to identification e.g. a Portuguese doctor with 3 children might be identifiable by somebody who knows them.
6. The financial document to be included is the Open Financial Summary, which must be anonymised as per the above. No supporting financial documents e.g. bank statements should be included.
7. **Mediators must state on the top of each case commentary that they have complied with these rules.**

It is recommended that you use a professional PDF programme to redact scanned documents. Software is available at a relatively low cost (or sometimes on a free trial) and is likely to save you a significant amount of time and make documents easier to properly redact. It is also recommended that your portfolio is thoroughly proof read before submission.

## **Example 1**

### **Unanonymised (Incorrect)**

Andrew Smith and Zara Jones have lived together since 1.5.2010. Mr Smith has a child, Alice, born on 15.8.2006. Mr Smith and Ms Jones have two children together, Lewis born on 30.3.2009 and Harry, born on 8.4.2012. They lived together in Hatfield until 2018 when they separated and Mr Smith has since moved 30 miles to Croydon in South London with Alice. Ms Jones, Lewis and Harry have remained in the family home.

### **Anonymised (Correct)**

Chris (partner 1) and Pat (partner 2) have lived together since 2010. Chris has a child, Taylor, born in 2006. Chris and Pat have two children together, Sam born in 2009 and Charlie born in 2012. They lived together in Town 1 until 2018 when they separated. Chris and Taylor have since moved with 30 miles to Town 2. Pat, Sam & Charlie have remained in the family home.

## **Example 2**

### **Unanonymised (Incorrect)**

David Patel and Phil Davies married on 11.9.2016, having lived together since March 2013. They bought a house together in Pollard Street, South Shields on 14.4.2014 with £40,000 of Mr Davies' savings and a mortgage. Mr Patel is a primary school teacher in South Shields and earns £28,837 a year and Mr Davies works as a manager for BBC Radio Newcastle and earns £29,319 a year.

### **Anonymised (Correct)**

Jamie (spouse 1) and Ali (spouse 2) married in 2016, having lived together since 2013. They bought a house together in 2014 with £40,000 of Ali's savings and a mortgage. Jamie and Ali are both professionals and earn approximately £29,000 a year.