

Portfolio Examples – Case Commentaries and Reflective Account



The following are edited extracts from different portfolios which have been submitted by successful applicants for accreditation. In sharing these FMSB aims to give a good impression the sort of reflections that should be included and how to cross-reference with the competence grid. Please remember that portfolios are assessed as a whole which means that skills that are said to be evidenced below may also have been evidenced elsewhere in these mediators' portfolios. These examples should not therefore be copied or relied upon as perfect. However, there are good examples of the sort of reflections that should be included and how to cross-reference with the competence grid.

All of the extracts have been anonymised and client circumstances have been fictionalised by the FMSB in order to protect the confidentiality of clients. We are grateful to the mediators who allowed us to share these extracts with you.

Example 1: Header and case history and extract from MIAM commentary re arrangements for children

Case Reference: 12345

Dates (MIAMs and mediation): 17.01.20; 18.02.20

Participants: EF (Sole Mediator), Client A (Dad), Client B (Mum)

Issues: Client A seeking contact with children.

Mediation Type: Child Arrangements

Fee Status: Private

Case History: (no more than two paragraphs outlining the case background and the parties' key issues)

The clients married in 2013 and separated in 2015. They have two children: a boy aged 7 ("Chris") and a girl aged 6 ("Dani"). Both parents have new partners, Client B (Mum) has a 6-month-old baby girl.

Following an argument with Mum, Dad has chosen to have no contact with his children for over a year. Prior to this disagreement, the arrangement was for him to have his children every other weekend. However, there have been other periods when Dad has stopped contact for up to 6 months at a time following a disagreement with Mum. Mum said this has been destabilising for the children and difficult for Mum to manage. Dad has come to mediation to re-establish contact. Chris is particularly missing contact with his father, Dani appears less affected.

How you managed the process	Self-reflection on your interventions
<p><u>MIAM 1: Client A (Dad)</u></p> <p>Dad attended his MIAM first. Having ensured the room was set out appropriately, I invited the client to take a seat, introduced myself, checked how he would like to be addressed, and offered him a glass of water.</p>	<p>The client arrived in a state of agitation, and I wanted to give him time to settle down so that he could hear important information about the process.</p> <p>I often find that clients are keen to tell their story as soon as they arrive, therefore I need to take</p>

<p>I set out by explaining the confidential nature of this meeting and the important exceptions to that confidentiality based on the safeguarding of children and vulnerable adults, or if he were to disclose any illegal money activities. (B4.1) I made sure to state that the threat of harm can exist even if there are no agencies, such as Social Services involved. (C2.2)</p> <p>I outlined the differences between this initial consultation and mediation: that this MIAM is confidential between myself and himself, but that if he comes into mediation the confidentiality extends to both clients and the mediator, and is legally privileged. (B4.1) I then outlined the key principles of mediation: that this process is voluntary; available to everyone but not necessarily suitable for everyone; that as a mediator I am impartial and able to inform but not advise and that, whilst this the content belongs to the clients, I will be managing the process. That mediation seeks to find a fair outcome for both parties, for each child of the family and for the family as a whole. That the outcome is documented, but that it is not legally binding; and that he should seek legal advice whenever he deemed it appropriate. (C1.1, C1.5)</p>	<p>control immediately, and take matters slowly to begin with. I try to be open, smile, maintain eye contact and be gentle whilst retaining that control of the process and make sure I do not miss anything out. Because the client was rushing to speak, I attempted to slow matters down.</p> <p>I tried to make sure that the important information about mediation was given early on, as I have experienced the session being taken over by the client story. I also have experienced that these first minutes of the session allow me to set the tone of being authoritative but empathic, my aim is to make the client feel heard, supported and in a safe environment. I noticed that Client A appeared a little calmer and was listening.</p>
---	---

An assessors' view of Example 1: There is a really good use of reflection here. To make the commentary even better, try not to evidence too many competencies in one piece of text. You can help the assessor clearly identify the piece of text you want the assessor to look by using italics, bold or highlighting.

Example 2: Extract from case commentary on arrangements for son (“Adam”), age 5

How you managed the process	Self-reflection on your interventions
<p>Identifying the issues</p> <p>During the first mediation session between both Mum and Dad, I observed how respectfully they communicated with each other allowing each other the time to finish their sentences. Mum during the MIAM appeared confident maintaining eye contact with me the entire time. I noticed immediately that she glanced downwards when speaking to Dad and although she spoke clearly</p>	<p>It was apparent from their initial exchange that although they were respectfully discussing their issues, communicating with each other in the same room had not happened for some time and they visibly appeared uncomfortable. Mum rarely looked at Dad even when addressing his points or asking and answering questions. I was still finding my way with how they communicated and was</p>

and civilly, that she directed all her communication to me instead of Dad. I asked both of them what they would like to discuss at their first session and whether there was anything pressing that needed to be said immediately before commencing our discussions. They both agreed on the items for the agenda of the session: • Time spent with Adam • School • Family Members • Healthcare • Activities

C6.2

Mum said she felt Adam would be absolutely fine going to a good local school in the new area she had moved to. Mum went on to say that a son that she cannot be expected to commute several hours for collection and drop off just because she has moved house. Dad answered that Mum should never have moved until this school issue had been resolved and that Adam attends a great school where he has had a successful year... Dad acknowledged that change needed to happen because of their shared care order but didn't feel it should be at the expense of him spending less time with his son. I asked them both what it would mean if they couldn't reach agreement. Mum said that she simply would have to carry on doing the commute to drop her son off ...Dad acknowledged the commute would be hard and said he didn't want Mum to struggle to do such a long drop off. However, he said that he felt she could live nearer their son's school. I then asked Dad to answer the same question with regards to what it would mean if they couldn't reach an agreement as Mum had answered, as his view on this was equally important. Dad said that it would mean that Adam would be doing long car journeys all the time instead of relaxing after school or on the weekend which led Mum to say 'we need to agree on something that works well for Adam'. **B5.1**

unsure how to approach this without making Mum feel uncomfortable. I later realised that this was a way for Mum to contain her emotions. Inviting them both to decide on a joint agenda allowed them to work together on what they believed were the most important issues for Adam's best interests. I noted that they both came up with the same agenda items and that it appeared that they were both on the same page regarding what was important in their eyes for the son's wellbeing. They both agreed. I was conscious that both Mum and Dad were sticking to what they each felt was the best way forward for Adam. Their respective proposals were that Adam went to live with that parent. After unproductive conversations with them both circling the same point, I asked them what Adam would do if they couldn't reach an agreement? They started to talk about how mature Adam was and that he could probably tell them the best way forward. **C7.2**

Ury and Fisher's theory 'The four principles for negotiation', discusses on separating the problem from the people and working on the interests not their positions. I brought the focus back on the schooling for Adam, so they were not stuck on just arguing out the others proposals about where Adam should mainly live. Bringing the focus on the school and why they needed to reach an agreement helped them focus on their interests. What was the underlying interest behind their positions? They wanted Adam to have a good education without having to commute and spend long periods of time without seeing the other parent. This opened up conversations about schools what other schools could be considered in Mum's current location. **A1.3**

An assessors' view of Example 2: There is good reflection here, as well as good and use of a specific theory. It could be even further improved by giving specific examples of what you have said as a mediator, by using speech marks or 'I said...' to indicate direct speech.

Example 3: Extract from a reflective account

Motivation and training

I was family solicitor for seven years before training as a mediator. I wanted to specialise in family law since university... I loved the idea of helping people through divorce and managing a very difficult period in their lives. The emotional aspect made it far more interesting and challenging than say negotiating the terms of a lease. However as I gained experience, I questioned in some cases how much I was helping...

I started to wonder whether there was a better approach for some cases and mediation seemed to offer this... There was a shortage of local mediators and a demand for the service as awareness of mediation grew. I therefore completed the training in 2015... The training was a fantastic experience. I learnt so much in just those few days and it made me think differently about the job I was doing.

Becoming a mediator

However returning to the office after training was a bit like crashing down to earth. I had all of this new knowledge but was in no way ready to start trying it out on real couples. It was then I appreciated the importance of the PPC. As the only trained family mediator in my company, I could not have begun building a practice without his guidance and tremendous support... He recommended reading my way through Lisa Parkinson's Family Mediation book which added to what I had learnt in training and also books like Parenting Apart by Christina McGee which gave practical suggestions for the difficulties encountered by couples. **[B2.3]**

...

As I grew more independent I made mistakes. I decided to do a joint MIAM because the participants asked if they could come in together and seemed low conflict. However in doing this I missed the power imbalance between them which became very obvious during the first session. On another case I decided to do a shuttle mediation where there had been domestic violence because the wife, who was the victim, was desperate to try mediation. I misjudged the impact the conflict would have on her and also the control husband would still be able to exert, even when not in the room.

Both of these cases happened fairly close together, when I was finding my feet but really made me question my judgement. Again having the support of my PPC to talk through the issues in supervision and learn from the experiences was invaluable. In the first case he helped me to put in place strategies to deal with the power imbalance so the mediation could continue... On the second case my PPC was able to suggest some resources the wife could access... He talked me through more detailed screening for domestic violence and I did some further reading on the subject. I found local providers for [a support agency] and read about what it entailed. I also accessed online resources on the counselling directory and the Duluth Model to better understand the impact upon victims and their ability to interact with the perpetrator. **[B2.2, B2.3 C2.3 C11.1, C11.2]...**

Personal development

...In compiling this portfolio I recognised I needed to do some further work on childhood attachment so I am now reading Staying Attached by Gill Gorell Barnes **[A1.2, B2.3]**

...Having got this far, it still feels like the beginning of a process. I recognise there is a lot more for me to learn. However the benefits of mediation for couples who are able to engage are undeniable. This provides the motivation for me to continue to develop as a mediator.

An assessors' view of Example 3: This is a very honest account, acknowledging mistakes and the evidencing the learning process which shows this person's development as a mediator. There is good use of theory calling on relevant reading. It would be even better if competencies were evidenced individually rather than in groups, and the use of highlighting would help the assessors identify specific areas of text that relate to the competency.