

MIAMs Assurance Processes

Introduction

The development of MIAMs standards and assurance is taking place in the context of wider consideration of the FMC's standards to reflect several interconnected themes:

- Understanding how family mediation defines itself as a profession;
- The way in which standards are defined in light of this;
- The consequential approach to assuring performance against the standards.

The essence of professionalism is that the practitioner has internalised the relevant standards of performance and behaviour, thereby consistently delivering ethical and principled practice. This leads to defining standards in a way that permits the exercise of professional judgement – rigorous statements of objectives and required outcomes, with appropriate flexibility about the manner of achievement. Assurance, therefore, is primarily a matter of demonstrating the attitudes, behaviours, skills and knowledge that give a rounded account of professional practice, rather than adherence to rigid protocols (eg. through checklists or tickboxes).

The development work on MIAMs has pioneered this approach in family mediation. The result is a presentation in the form of Standards and Expectations, specifying a rigorous framework of well-defined mandatory outcomes (the “whats”) backed up by normative statements about excellent delivery (the “hows”), and guidance on good practice. Mediators will conduct MIAMs informed by their understanding and internalisation of standards compliance, achieved through considered application of the expectations.

Principles of Assurance

Reflecting this approach the Family Mediation Standards Board (FMSB) has created a framework for quality assurance across the whole range of the FMC's standards for mediation activity. Its foundation is the rigorous assurance of mediators' professionalism as the basis for their full independent practice, which is backed up by five processes designed to reinforce that basic principle throughout their careers.

Assurance of the achievement of professional status

Family mediators achieve certification of fully independent practice through a rigorous process with the following steps:

- Control of entry into mediation as a secondary career, drawing trainee mediators from other professional backgrounds, thus ensuring they already have a sound understanding of the nature and responsibilities of professionalism; a test of good standing is administered by the FMSB on entry
- Foundation training that not only develops skills and knowledge specific to family mediation but also emphasises and strengthens the attitudes and behaviours that underpin professional activity; all courses are reviewed and approved by the FMSB
- The process of accreditation, through which the mediator's practice over several years is matured under supervision and the experience of this is used as the basis for a professional portfolio to demonstrate suitably advanced skills, knowledge, attitudes and behaviours, which is evaluated by senior mediators trained as assessors to standards set and confirmed by the FMSB.

This process, culminating in the formative assessment of the portfolio confirms not only appropriate levels of performance against the FMC’s standards but also the understanding that all professionals are personally and directly responsible for their own performance. It emphasises that public confidence in mediation is more effectively served through trust in the professionalism of the practitioner than through assurance of the details of processes. The whole process is described in more detail in Appendix 1.

Confirmation of continuing adherence to professional standards

Regular self-certification – all mediators are required to certify their adherence to the FMC’s professional requirements in their annual registration

Professional supervision – all mediators have to comply with mandatory requirements for regular supervision with their Professional Practice Consultants (PPCs), one of whose roles is to challenge consultees to critique and improve their performance

Data collection and submission – a set of basic data has been established (and may be expanded), which mediators are expected to use for their professional self-development and, when submitted in aggregate to the FMSB, permits performance analysis across the profession

Case sampling – the FMSB is developing proposals for the introduction of a system of spot checks in critical areas of practice

Investigation and control of registration – in response to complaints or other indications of sub-standard performance the FMSB has the power to investigate mediators and, as appropriate, qualify, suspend or terminate their registration.

Assurance of MIAMs

Applying these general principles, the framework for the performance assurance of MIAMs is set out below. This also provides the response to the recommendation of the President’s Private Law Working Group and the Family Solutions Group that “the quality of the delivery of MIAMs should be more rigorously monitored and consistently maintained”.

	Notes
1. Basic Principle: Mediators must demonstrate through the accreditation process their internalisation of the professional approach to standards in delivering MIAMs	The rigorous, extensive, demanding and peer-reviewed processes for training and accreditation that are already in place (as described above and set out in Appendix 1) ensure that high quality MIAMs are delivered by mediators with an inherently professional approach.
2. Mediators must submit to the FMSB an annual ‘Declaration of Compliance’, signed by Mediator and PPC, confirming they meet the MIAMs Standards. The PPC’s declaration must be based on an annual review of compliance with MIAMs standards, conducted with the mediator.	Part of the mediator’s required individual PPC support time each year should be used to review the mediator’s practice at MIAMs/pre mediation meetings, allowing the mediator and their PPC to check the mediator’s compliance with the standards. Guidance will be developed to help mediators and PPCs adopt a constructive approach to this. It is likely that this will include discussion, file review and a review of MIAM attendee feedback. PPCs may decide that an observation

	<p>would be helpful, but it is not intended that this form part of the review process in every case.</p>
<p>3. Mediators must invite feedback from MIAM attendees and review this annually.</p> <p>Records of all responses, and the proportion of responses received, should be retained and made available to the FMSB on request.</p>	<p>If a purpose of a MIAM is in part to share information with a participant, it is important to seek feedback to ascertain whether this has been achieved.</p> <p>Although many participants won't provide feedback, those that do may provide the mediator and their PPC with a useful barometer of whether one of the objectives of the MIAM has been achieved.</p> <p>It may be the case that people who feel they have had bad experiences are more likely to provide feedback than those who feel they have had a positive experience, and this should be borne in mind. Nevertheless, negative feedback may provide useful opportunities to develop a mediator's practice.</p> <p>The FMSB will develop a standard feedback form that mediators will be required to send to MIAM participants after completion of a MIAM.</p> <p>The feedback forms can form a useful part of the mediator's annual review with their PPC.</p> <p>The FMSB may ask to see completed feedback forms from time to time.</p>
<p>4. Mediators must record key MIAM data and report this to the FMSB</p>	<p>The FMSB will set out the data to be recorded, which will need to be reported on an annual basis. The FMSB will develop a template for recording and reporting this information, and will aggregate this data.</p> <p>The data to be recorded includes:</p> <ul style="list-style-type: none"> • Number of MIAMs taking place <ul style="list-style-type: none"> ○ Proportion resulting in mediation ○ Proportion referring to other NCDR ○ Proportion where court forms signed • Average/Range of Duration of MIAMs • Proportion of In-person/Online <p>The data relating to next steps for MIAMs participants will not be defined in terms of 'successful' outcomes i.e. continuing to mediation, as mediation will not be suitable in every case. However, very high or very low conversion rates, which vary significantly from national rates, is a factor that a</p>

	mediator and their PPC should take in to consideration when conducting an annual MIAM review.
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Appendix 1

Established Professional Mediator Training and Accreditation Processes

- Rigorous Initial Course Requirements
 - Course Provider Suitability Assessments
 - Course to meet Level 5 General Requirements
 - FMC Standards for Course Content, including all MIAMs competency and process requirements
 - Structured independent Assessment of Course suitability and scope
 - Program of Course Audits
 - 60 Hours required course attendance over 8 days
 - 30 hours of skills development/role-plays
 - Robust and consistent formal assessment of all course attendees
 - Assessment includes practical skills, including observation of attendee conducting a simulated mediation and producing documentation
 - Moderation of all assessments by an independent assessor
- Post-Course Requirements (prior to Accreditation)
 - Completion of Accreditation required within 3 years
 - Post-training Review with PPC
 - 10 hours 1-to-1 PPC Support (in addition to 4 hours/year)
 - Registration with FMC
 - Prior to mediating, observation of mediation and production of evaluative account
 - Pre- and post-case discussion with PPC for first mediation
 - Mediation session by trainee observed by PPC
 - At least three cases completed and written up for assessment
 - Meeting CPD requirements
 - Generation of Portfolio to a specified Standard, which includes requiring specific practical demonstration of all 19 detailed Professional Competence Standards for Family Mediation (which specifically includes all MIAM requirements)
 - A key part of the Portfolio is case commentaries, which the Standards emphasize ‘must show evidence of successful, high-quality mediation’, and ‘must include at least two examples of initial assessment meetings’
- Accreditation Requirements
 - Mediator submitting a portfolio with defined quality and content requirements
 - Mandatory supporting statement from PPC endorsing portfolio
 - Submission to independent assessor for formal review, undertaking rigorous and unbiased assessment against FMC Professional Competence Standards
 - All Portfolio assessments moderated through examination by the Accreditation Chief Assessor
 - Requirement for re-accreditation every 3 years, requiring meeting standards for CPD, PPC support and sufficient ongoing professional practice