



Assurance Processes for Mediation and MIAMs

Introduction

The development of MIAMs standards and assurance is taking place in the context of wider consideration of the Family Mediation Council's (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.

Overarching the conduct of MIAMs is the professional context of family mediation. Practitioners work within an ethical and principled framework of professionalism wherein experienced mediators can use their professional judgement to meet the needs of participants. The essence of professionalism is that the practitioner has learned, and applies, the standards of performance and behaviour, thereby consistently delivering high quality practice. This calls for standards to be defined 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 (e.g., through checklists or tick-boxes).

The development work on MIAMs has pioneered this approach in family mediation. The result is a presentation in the form of Standards specifying a rigorous framework of well-defined mandatory outcomes (the 'whats') and a limited number of normative statements about excellent delivery (the 'hows'), backed up by the accompanying Guidance document. Mediators will conduct MIAMs informed by their understanding of and compliance with those Standards.

The MIAMs Standards and Guidance documents provide an ethical and principled framework, within which experienced mediators can use their professional judgement to meet the needs of the

participants. Accountability is maintained through the application of the full regulatory framework set by the Family Mediation Standards Board ('the FMSB') as described below.

Principles of Assurance

The 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 processes designed to reinforce that basic principle throughout their careers.

The Assurance principles and processes described below underpin the rigorous and consistent delivery of high quality MIAMs, and respond 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".

Quality Assurance Controls

Family mediators achieve Accreditation for fully independent practice through a rigorous process, following a systematic and structured development of skills and experience. The quality assurance controls described here, involving rigorous and consistent assessment prior to formal Accreditation, confirm 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. This approach emphasises that public confidence in mediation is most effectively served through demonstrating a robust basis for trust in the professionalism of the practitioner, rather than through inflexible compliance with detailed checklists.

The quality assurance controls are as follows:

Controlled Entry to the Profession

Control of enrolment for Foundation Training - entrants to courses must demonstrate that they are able to work at, and have the ability to manage conflict and interpersonal relationships at a professional level. In practice, these requirements are generally (but not always) met by evidencing experience in a relevant professional field, and in consequence family mediation is almost universally a second profession. As a result, the vast majority of trainee mediators already have a sound understanding of the nature and responsibilities of professionalism. A test of good standing is administered by the FMSB on entry.

Rigorous Foundation Training

Foundation Training not only develops skills and knowledge specific to family mediation but also emphasises and strengthens the attitudes and behaviours that underpin professional activity.

- All proposed course providers are required to demonstrate the achievement of defined quality standards for suitability, scope and delivery, through review, assessment and approval by the FMSB.
- Courses are subject to a programme of independent audit, to ensure standards are being maintained.
- Foundation Training course requirements include:
 - o Meeting FMC Standards for course content, including all MIAMs competency and process requirements
 - o 60 Hours required course attendance over 8 days
 - o 30 hours of skills development/role-plays
 - o Robust and consistent formal final assessment of all course attendees
 - o Practical skills training, including observation of attendee conducting a simulated mediation and producing documentation
 - o Moderation of all course attendee assessments by an independent assessor
 - o Course required to meet Level 5 General Requirements of the Qualifications and Credit Framework

Development of Skills and Experience

Following Foundation Training, while mediators are working towards accreditation, the acquisition and demonstration of the required mediation skills and experience are assured through the following:

- Post-training Review with Professional Practice Consultant (PPC)
- 10 hours 1-to-1 PPC Support, as well as the standard 4 hours per year
- Registration with the FMC
- Prior to mediating, observation of mediation and production of evaluative accounts
- Pre- and post-case discussion with PPC for first mediation
- Mediation session by trainee observed by PPC
- Meeting CPD requirements.

Formal Mediation Accreditation

The assurance of standards for fully independent practice is achieved through mediators successfully achieving Accreditation. The completion of the formal Accreditation process is

required within 3 years from completion of Foundation Training. The rigorous and robust Accreditation process is implemented consistently by the FMSB and The Law Society on behalf of the FMC. Mediators' practice over several years is matured under supervision, and the experience gained is used as the basis for a professional portfolio to demonstrate suitably advanced skills, knowledge, attitudes and behaviours. Accreditation requires:

- Generation of a portfolio to rigorous quality and content Standards, which include requiring specific practical demonstration of all 19 detailed Professional Competence Standards for Family Mediation (and which specifically include all MIAM requirements)
- At least three mediations completed and fully documented
- Case commentaries as a key part of the portfolio, which the Standards emphasize 'must show evidence of successful, high-quality mediation', and 'must include at least two examples of initial assessment meetings'
- Mandatory supporting statement from the PPC, which endorses the portfolio
- Formal, rigorous and unbiased assessment of the portfolio against FMC Professional Competence Standards by independent assessors (senior mediators trained to standards set and confirmed by the FMSB)
- Moderation of all portfolio assessments through examination by the independent Accreditation Lead Assessor, who also oversees and assures the consistency and quality of the Accreditation process.

Quality Assurance Monitoring

The FMSB monitors and maintains exemplary standards of mediation, including those which apply to MIAMs. Those standards are assured through a number of complementary measures which together provide assurance of continued and consistent professionalism and ethical and principled practice, and these measures are under constant review by the FMSB. Measures include:

- *Regular self-certification* – all mediators are required to certify their adherence to the FMC's professional requirements in their annual registration. The long-established rigorous, extensive and peer-reviewed processes for training and accreditation ensure that high quality MIAMs and mediations are delivered by mediators who have adopted an inherently professional approach which ensures that standards are maintained
- *Professional supervision* – all mediators have to comply with mandatory requirements for regular supervision by their PPCs, one of whose roles is to challenge consultees to critique and improve their performance

- *Requirement for re-accreditation every 3 years*, requiring that mediators meet standards for CPD, PPC supervision and sufficient ongoing professional practice, including specific reference to MIAMs
- *Investigation and control of registration* – in response to complaints or other indications of sub-standard performance, the FMSB has the power to investigate mediators' practice and, as appropriate, qualify, suspend or terminate their registration. The FMC has recently strengthened the FMSB's powers in this area, and has ensured that sufficient resources are available to pursue non-compliance with Standards, including those relating to MIAMs.