

Return to Practice Guidance



1. The FMSB has a straightforward process to enable mediators to return to practice after taking a break from mediation practice – see [here](#). This procedure is for people who have been on the FMC Register, have left as a result of stopping practice and now wish to return to practice and to the FMC Register.
2. The procedure requires mediators, with the support of a Professional Practice Consultant (PPC), to produce an action plan to guide the mediator's return to work. This action plan is then submitted to the FMSB for approval.
3. The FMSB recommends obtaining approval for an action plan before any courses are booked/attended, to avoid the risk that the FMSB does not approve a submitted plan.
4. The aim of the action plan is to return the mediator to the skill level they were at before ceasing practice, as well as to ensure the mediator's knowledge is up to date.
5. The first step in preparing an action plan is then to identifying the skills and knowledge that a mediator has at the point of returning to practice. This should then be compared to the FMC's professional standards, and gaps identified.
6. Whether a mediator has held FMCA, how long they practised for and how much mediation they conducted when practising, as well how long they have been out of practice for, are all likely to be factors in considering the amount of skills updating that is required.
7. The next step is to consider whether the mediator's knowledge is up to date. This can be done by considering how long the mediator has been out of practice for, and whether any significant changes to law or practice have taken place in that time.
8. It follows that the longer a mediator has been out of practice, the more updating of knowledge is required.
9. Where a mediator's action plan includes attending refresher course/re-taking the foundation course, mediators will be required to complete these courses before rejoining the FMC Register.
10. Mediators can observe mediation before joining the FMC Register; Mediators should not conduct mediation until they are on the FMC Register.
11. Mediators will not be able to say in advance exactly observations they feel they will need to observe/co-mediate before being confident about returning to practice. The best action plans include a minimum number of MIAM/mediation observations, with a commitment to the mediator determining together with their PPC when they are ready to return to solo practice.
12. A series of illustrative examples is set out below.

Example A

A mediator gained FMCA in 2015, were re-accredited in 2019 and practised mediation until June 2021. The mediator was qualified in direct consultation with children, but doesn't want to renew this part of their practise yet. When they were practising, they mediated one or two cases a week on average, kept up their CPD and PPC as required. The mediator stopped working in 2021 and has not done any CPD since. They want to return to practice in July 2023.

The mediator was accredited and at the time of stopping practice was mediating regularly, was up to date with FMC requirements. They were out of practice for two years. In that time, 'no-fault divorce' has been introduced, and the FMSB has published MIAM standards. There have also been changes to training requirements in respect of Child Inclusive Mediation.

The mediator and their PPC identify that after six years of practice and two years out, the mediator has retained core skills but lacks confidence. They identify that a refresher course is not required, but observations and co-mediation would be helpful. As the mediator was DCC qualified, the mediator does not need to do a CIM Awareness and Understanding course.

The action plan, approved by the FMSB is as follows:

- i. The mediator will observe at least two MIAMs and two mediation sessions, before conducting at least one co-mediation, to increase confidence.
- ii. The mediator will consult their PPC before deciding to mediate solo again.
- iii. The mediator will attend a legal update course, which specifically covers the impact of no-fault divorce, before mediating solo again.
- iv. The mediator has read the MIAM standards, and will attend a MIAM CPD which includes screening for domestic and child abuse before conducting a MIAM solo.
- v. The mediator will join a local mediation pod and attend meetings regularly, to pick up on any current issues in mediation which they have missed whilst not working.
- vi. The mediator will research funding options, read relevant material to ensure knowledge of pensions, benefits and personal taxation is up to date.
- vii. The mediator will research local support services and ensure contacts are up to date.
- viii. The mediator has will attend a webinar about neurodiversity in mediation in Sept 23.

This mediator can rejoin the FMC Register as an accredited mediator straight away.

Example B

A mediator gained accreditation in 2008, and practised until 2018. They were on the FMC Register but didn't re-accredit, as this was not required at the time. They had mediated three or four cases a month regularly until about 2016, but their mediation practise dwindled to just a few cases in 2018. They would have just been short of the 15 hours required per year had they wanted to re-accredit. They were up to date with PPC time and CPD, though as their mediation practice had declined their CPD became quite law focussed and the mediator did not do any of mediation-skills focussed training in 2018. They stopped mediating and came off the FMC Register, but continued practising family law, which they have done until now. The mediator wishes to rejoin the FMC Register in 2023, with a view to practising family mediation regularly.

The mediator is accredited and gained a lot of experience before 2016, when their mediation practice started to decline. The mediator has continued working as a lawyer and so their legal knowledge is up to date, as is their understanding of funding options, pensions, benefits & taxation. Their CPD has included training on issues of diversity and inclusion. It has been five years since the mediator stopped mediating altogether and six years since the mediator did any mediation skills training. The mediator's mediation specific skills need updating. There have also been changes to MIAM standards and training requirements in respect of Child Inclusive Mediation.

The action plan, approved by the FMSB is as follows:

- i. The mediator will attend a 3-day refresher course which meets FMSB requirements before rejoining the FMC Register.
- ii. The mediator will observe their PPC conducting at least four MIAMs before conducting a MIAM alone.
- iii. The mediator will observe an FMCA mediator for at least two sessions before solo mediating.
- iv. The mediator will attend CIM Awareness & Understanding day before conducting a MIAM alone.
- v. The mediator will consult their PPC before deciding to mediate solo again.
- vi. The mediator will research local support services and ensure contacts are up to date.

This mediator can rejoin the FMC Register as an accredited mediator once they have completed the refresher course.

Example C

A mediator working towards accreditation trained in 2020, co-mediated two cases that year and conducted one case solo early in 2021. They had PPC support in 2020 and the first half of 2021, and did a few hours' CPD in 2021. They did not register with the FMC in 2022 as they were not practising, but in 2023 has had the opportunity to revive their mediation career and they wish to rejoin the register.

The mediator has trained relatively recently (3 years ago) but not kept up with their skills development, through practise with PPC support, or through CPD.

The action plan, approved by the FMSB is as follows:

- i. The mediator will attend a 3-day refresher course which meets FMSB requirements before rejoining the FMC Register.
- ii. The mediator will have additional PPC support in the first six months of returning to practice to ensure that the mediator maintains momentum as they return to practice and start to complete their portfolio.
- iii. The mediator will join a local mediation pod and attend meetings regularly, to become familiar with wider issues around mediation.
- iv. The mediator will research and build a contact list of local support services for MIAM/mediation participants.

This mediator can rejoin the FMC Register as a mediator working towards accreditation once they have completed the refresher course. The mediator will need to submit their portfolio three years after rejoining the FMC Register.

Example D

A mediator trained in 2013. They practiced for four years, conducting a few cases a year, had PPC support and CPD, but struggled to get work and did not pursue accreditation. They joined the FMC Register in 2016 but did not re-register in 2017 as they had stopped practising. They also practise as a counsellor, and have continued this work since 2017.

The mediator trained ten years ago, and conducted about 8 cases over a four-year period. Some of the mediator's skills as a counsellor are relevant, but it is a distinct profession. There have been several changes in law and mediation practice since 2013.

Despite maintaining some skills whilst practising as a counsellor, it has been six years since the mediator conducted any form of mediation or did any mediation related CPD. A 3-day refresher course will not be sufficient to return the mediator's skills to the level they would have been in 2017 when they had been conducting some mediation, carrying out CPD and having PPC support.

In order to bring the mediator to the level of skill and knowledge where they can work on a portfolio for submission, the mediator must undertake and pass approved Foundation Training.