



Professional Practice Consultant (PPC) Code of Practice

1. Introduction

The purpose of this Professional Practice Consultant (PPC) Code of Practice is to set out the role of PPCs and the requirements that they must meet. The Code is supported by a separate Guidance document for PPCs.

2. Definitions

‘Code of Practice’ means the Family Mediation Council’s Code of Practice for family mediators.

‘Consultee’ means a mediator who has contracted with a particular Professional Practice Consultant to receive consultancy services.

‘FMC’ means the Family Mediation Council, and includes the Family Mediation Standards Board.

‘FMC Register’ means the professional register of family mediators held by the Family Mediation Council.

‘Guidance for PPCs’ means the Guidance for PPCs which is published by the Family Mediation Council from time to time.

‘Member Organisation (MO)’ means a member organisation of the Family Mediation Council.

‘PPC Code’ refers to this PPC Code of Practice.

‘Professional Practice Consultant (PPC)’ means a person who has contracted with a mediator to provide professional practice consultancy and is the person who is registered as the mediator’s PPC on the FMC Register; they will also be known as the ‘Primary PPC’.

‘Secondary PPC’ means a PPC who has engaged/contracted with a mediator to provide specified additional support as described in this PPC Code and in the Guidance for PPCs.

‘Standards Framework’ means the FMC Manual of Professional Standards and Self-Regulatory Framework as amended from time to time.

References to one gender shall be construed to include any other or a neutral gender, the singular shall include the plural and the plural the singular, in each case as the context may require.

3. Roles and Responsibilities

3.1 PPCs must support their consultees

- i. In connection with their mediation practice, including process, documentation and complaints handling;
- ii. With their professional development;
- iii. To adhere to the FMC Standards Framework, whilst recognising that responsibility for compliance lies with the consultee; and
- iv. In connection with their welfare as mediators.

3.2 PPCs must adhere to the Code of Practice, this PPC Code, the Guidance for PPCs and all aspects of the Standards Framework and in particular those that relate to their activities as a PPC and their responsibilities towards their consultees.

4. Three-yearly Consultee Review

As part of supporting consultees (and in connection with para 3.1 i – iii above), PPCs must conduct a formal review once every three years of their consultee’s practice. This review must be conducted in addition to the minimum annual 4 hours’ PPC consultation time, and must include as a minimum a file review or observation.

5. PPC requirements

5.1 To train as PPCs, mediators must meet the requirements set out in the Standards Framework.

5.2 Before working as PPCs, mediators who have satisfactorily completed PPC training must register as a PPC with the FMC.

- 5.3 Once registered as PPCs, to retain that status PPCs must meet the ongoing practice and continuing professional development requirements as set out in the Standards Framework.
- 5.4 PPCs who have a break in their mediation practice or PPC practice of more than one year must comply with the FMC requirements to return to practice, as published from time to time, prior to returning to practice.
- 5.5 PPCs must have professional indemnity insurance which covers their work as a PPC.
- 5.6 PPCs must only supervise mediators within their competence.
- 5.7 PPCs must ensure that they keep up to date in relation to any relevant changes in legislation, amendments to the Standards Framework and Code of Practice, in relation to all matters that affect their practice as a mediator and specifically as a PPC.
- 5.8 PPCs must act as a PPC for a minimum of four hours' consultation per year to continue to practice as a PPC.
- 5.9 PPCs must be transparent with consultees and potential consultees about the services and opportunities the PPC offers and the costs of these.

6. Written Consultancy Agreement

- 6.1 The terms and expectations of the professional relationship between PPCs and consultees, including the roles and responsibilities of each, must be clearly set out in a written consultancy agreement and signed by both PPCs and consultees.
- 6.2 The agreement must be consistent with this PPC Code and the Standards Framework and contain the minimum requirements set out in section 5 of the Guidance for PPCs.
- 6.3 The agreement should remain in place for the duration of PPCs' consultancy arrangements with their consultees and reviewed regularly to ensure that it continues to meet the needs of their consultees.
- 6.4 Where time spent with Secondary PPCs is to count towards consultees' required annual supervision hours, the terms and expectations of the professional relationship between Secondary PPCs and consultees, including the roles and responsibilities of each, must also be clearly set out in a written consultancy agreement and signed by the Secondary PPCs and their consultees.

- 6.5 It is expected that the written consultancy agreement between Secondary PPCs and consultees will be based on the requirements set out in section 5 of the Guidance for PPCs but shall be varied to make it appropriate to each situation.

7. Confidentiality

The professional relationship between PPCs and their consultees, and the information they hold about their mediation clients or information that may be shared between the PPC and consultee within that relationship, are confidential with the exception of the following:

- i. Where it appears necessary so that a specific allegation that a child has suffered significant harm may be properly investigated, or where it is suspected that a child is suffering or is likely to suffer significant harm;
- ii. Where it is considered that other public policy considerations prevail, such as an adult suffering or likely to suffer significant harm;
- iii. Where a crime or unlawful act is contemplated, is likely to be or has been committed;
- iv. Where required by any relevant legislation, including relating to data protection or money laundering;
- v. With the express consent of the consultee, or where a court order requires disclosure or there is an over-arching right or obligation in law;
- vi. Where discussions take place between PPCs and their own PPCs, or where PPCs are talking to their consultees' Secondary PPCs;
- vii. As is required in the Standards Framework in relation to the proper investigation of a professional concern or complaint (including any concern or complaint made by consultees in relation to their PPCs) or in order that the PPCs may discuss relevant issues with an MO or the FMC in relation to that complaint or concern.

8. Conflicts of Interest

- 8.1 PPCs must consider whether a conflict may arise with a consultee.
- 8.2 PPCs must not agree to work with a consultee where a conflict of interest exists or might exist which would inhibit the PPC from:
- i. Providing impartial advice and support, guidance or constructive criticism to improve the consultee's practice; or
 - ii. From acting appropriately should the consultee deviate from the Code of Practice or any other regulation, including those specified by the Legal Aid Agency if relevant.

9. Secondary PPCs

- 9.1 Secondary PPCs are PPCs who engage or contract with mediators to provide specified additional support, in circumstances described in this Code and Guidance, in addition to the support provided by mediators' Primary PPCs.
- 9.2 Where consultees wish the consultation with Secondary PPCs to contribute towards their minimum 4 hours' consultancy per year:
- i. Secondary PPCs must have the written consent of their consultees' Primary PPCs to provide this role; and
 - ii. Secondary PPCs must have a written consultancy agreement with their consultees in accordance with the provisions of section 5.
- 9.3 Where consultees do not wish consultation with Secondary PPCs to contribute towards their minimum 4 hours' consultancy per year, no formal arrangements are required.
- 9.4 Where conflicts or potential conflicts exist between PPCs and their consultees, or consultees undertake CIM work and their PPCs do not undertake CIM work, Primary PPCs must ensure that their consultees are aware of the need to contract with Secondary PPCs to provide the required support.

10. Concerns and Complaints

10.1 Complaints about a Consultee

- i. Once a PPC is aware that a complaint has been made against their consultee, a PPC must discuss and explore that complaint with the consultee, and agree and carry out an appropriate support plan.
- ii. A PPC must not formally investigate or adjudicate a complaint made against one of their own consultees.

10.2 PPC Concerns about a Consultee

- i. PPCs must notify the FMSB if they have had no contact with a consultee who is practising as a mediator for six months.
- ii. If a PPC is concerned that a mediator is in breach of the FMC Code of Practice or requirements of the Standards Framework, the PPC must take the following steps:
 - a. Clarify the situation with the consultee, to ensure the PPC fully understands the consultee's actions or ways of working;

- b. Engage with the consultee to try and address the issue/agree next steps to ensure that the consultee's future actions will be compliant with the FMC Code of Practice and requirements of the Standards Framework;
 - c. Refer the consultee to the FMSB where the above steps do not, in the view of the PPC, result in compliance the FMC Code of Practice and requirements of the Standards Framework.
- iii. Where there is an urgent reason for doing so, PPCs may make a referral to the FMSB without carrying out steps 10.2 (ii) a and b above.

10.3 Consultee concerns about a PPC

- i. Where consultees raise concerns that PPCs are acting in breach of this PPC Code or the Guidance for PPCs, PPCs must respond to their consultees' concerns and endeavour to resolve these with the consultees as soon as is reasonably practical.
- ii. PPCs must reply to and comply with the requests made by the FMC in respect of concerns or complaints.

11. Change in PPC

- 11.1 Where there is a transfer between PPCs both the old and the new PPCs must, where possible, communicate with each other in relation to the circumstances for the transfer.
- 11.2 The former PPC must provide the new PPC, where practical to do so, with basic supervision information relating the consultee's mediation practice hours and supervision hours, to enable the new PPC to support the consultee's application for accreditation or re accreditation.

12. Enforcement

Breach of this PPC Code may lead to disciplinary action and ultimately revocation of PPC status, following a process published by the FMC from time to time.