



## **FAMILY MEDIATION COUNCIL ACCREDITATION SCHEME (FMCA): PORTFOLIO GUIDANCE**

Family mediators must meet the professional competence standards of the FMC to be recognised as competent to practise by the Family Mediation Council (FMC) and be awarded Family Mediation Council Accreditation (FMCA).

This document provides guidance to candidates on completing the FMC portfolio, to demonstrate the professional competence standards are met.

### **REASONABLE ADJUSTMENTS**

If you have a disability or learning need which makes it difficult to complete any aspects of the portfolio, you should contact us at [portfolios@familymediationcouncil.org.uk](mailto:portfolios@familymediationcouncil.org.uk) so that the FMSB can consider whether reasonable adjustments can be made. Candidates should include any relevant correspondence with the FMC about these adjustments in the portfolio when it is submitted.

### **ENQUIRIES AND QUESTIONS**

If you have a question about the portfolio, please read this guidance and the [FAQ](#) on the FMC website first, before contacting us at [portfolios@familymediationcouncil.org.uk](mailto:portfolios@familymediationcouncil.org.uk).

All correspondence with FMC Assessors (including the Chief Assessor) about a specific mediator or portfolio should be sent to the above address.

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## 1. TERMS USED AND THEIR MEANING

- a) **PPC:** Professional Practice Consultant, recognised by the FMC.
- b) **MIAM:** Mediation Information and Assessment Meeting (also often referred to as an Intake meeting, Information meeting, Assessment meeting, or First Meeting with a Mediator)
- c) **MEDIATOR WORKING TOWARDS ACCREDITATION:** a mediator who has undertaken training with an FMC approved family mediation provider and is registered with the FMC.
- d) **CANDIDATE** A mediator working towards accreditation who is or has been undertaking the competence assessment route and wishes to submit a portfolio for assessment.
- e) **LEGAL AID FUNDING** Mediation undertaken under the auspices of a Legal Aid Agency Contract. This can only be undertaken by a mediator with either full or provisional Accreditation
- f) **MINISTRY OF JUSTICE FUNDING (MOJ Voucher)** Work undertaken funded by the Ministry of Justice Voucher Scheme This can only be undertaken by a mediator with either full or provisional Accreditation
- g) **FAMILY MEDIATION COUNCIL ACCREDITED (FMCA):** a mediator who has successfully completed accreditation assessment and remains registered with the FMC as accredited mediator.
- h) **OUTCOME STATEMENT:** the documentation sent to participants at interim and/or final stages of the process outlining progress and/or agreed proposals. This may include:
  - Mediation session record or mediation summary
  - Memorandum of Understanding (MOU) or Confidential Summary of Proposals (CSP)
  - Statement of Outcome
  - Agreement to Mediate
  - Parenting Plan
  - Open Financial Statement (OFS)
  - Open Statement of Financial Information (OSFI)
  - Agreed Proposals
- i) **COMPETENCIES:** list of demonstrable performance outputs as well as behaviours (and, where appropriate, technical attributes) constituting a set of minimum standards required for effective performance as a mediator, based on the FMC Practice Standards
- j) **PORTFOLIO:** the work a candidate submits for accreditation assessment.

## 2. COMPLETING THE FMC PORTFOLIO

Candidates submit a portfolio to evidence they have met the competence assessment criteria. This is submitted to the FMC for Assessment by the FMC assessors

### REQUIREMENTS

The following requirements apply to all portfolios:

- Candidates must use the FMC template unless reasonable adjustments have been made.
- The portfolio should be submitted in four PDF documents.
- The candidate must ensure that the portfolio is easy for assessors to navigate, is clearly and legibly presented, with a contents page showing where work is located and the competence grid completed with page numbers.
- The candidate **MUST** also cross reference the competencies in the text of their written material by putting the appropriate competence number in brackets where a competency is being evidenced. The application form provides an example of this.
- The portfolio must be complete at the time of submission.
- Incomplete portfolios will not be assessed and will be subject to a supplementary administration charge.
- No material may be added to a portfolio after submission.
- The assessors may suspend the assessment process for further investigation where they believe that there is evidence of impropriety on the part of a candidate.

### 2.1 THE COMPETENCE GRID

The competence grid is divided into three sections.

- **A 1.1-1.4** Theories Informing the candidate's practice as a mediator
- **B1.1-5.2 Professionalism** and Ethics
- **C1.1-11.2** Mediation Practice

Each of these sections is then subdivided into different elements to help the candidate to identify the different aspects of each skill and how they can be evidenced.

Information about the elements of the portfolio and where competencies can be evidenced is in "[what part of the portfolio](#)" document. Alternatively, the competencies and where they can be found is in [Appendix 1](#) of this document.

## 2.2 HOW TO EVIDENCE COMPETENCIES

Competencies can be evidenced in many areas of the submission, and in many cases evidence will be demonstrated in more than one place.

The candidate must reference in the text within the portfolio and in the competence grid, at least two and no more than three examples of meeting each competency somewhere in their portfolio submission (except for C7.1 – see separate requirements for this in the competence grid).

This ensures the candidate has covered all the competencies in the submission and demonstrates to the FMC assessors that the candidate can make intentional interventions and understands and can reflect upon how and where their mediation practice meets each of these competencies.

Ensure that the evidence can be found by clearly identifying where it is in the portfolio by **completing the page numbers in the grid**.

Where evidence of a competency is provided, **the candidate should clearly identify this by italicising or highlighting the relevant text e.g.:**

- I explained he can use time alone to breath and destress and we talked about managing his emotions. I asked another direct question “what can we do to help when we see you are losing it Noel, what to you need?” His answer was direct and simple “space.” [B3.3]; or*
- I went on to explain, “when you divorce you are severing your romantic relationship, you also need to severe your financial relationship, so you are independent financially and this is a separate financial agreement that requires a court order. Ideally, it’s best to agree before your final divorce order is issued.” [C2.1] Maria confirmed this was her wish, so the property became a subject matter of dispute and part of her legal aid assessment. I shared the screen to verify all information was correct on the Means 7 and I explained what Maria needed to do when she received FMM’s email and text following the meeting [C3.1]*

## 2.3 REQUIRED COMPETENCIES

The following competencies **must** be marked as evidenced by the assessor.

COMP NO	Definition	Evidencing
<b>C2.2</b> <b>C2.3</b> <b>C2.4</b>	Assess the suitability of mediation for participants	Safe practice
<b>C6.1</b>	Evidence the candidate can set up and create a safe and neutral environment for mediation which recognises and meets participants’ needs are sufficiently evidenced	Safe practice
<b>C7.1</b>	Evidence the candidate understands and use appropriately different mediation skills/interventions	These are the foundation skills of a mediator.

FMCA can be awarded if **four** competencies are marked as not evidenced no more than one from each section-.

- Section A Mediation Knowledge and Theory
- Section B, C1 to 6 (MIAMs)
- Section C 7 to 11 (Mediation)

The assessors will then make an assessment as to whether the candidate has demonstrated sufficient evidence of meeting each area of competence.

[Appendix 1](#) of this document provides a schedule of the competencies, what the assessors will be looking for, and where they can be evidenced.

## 2.4 THE EVIDENCE SUBMITTED

### 2.4.1 Training and Development Plan

Completion of a training and development plan on the template provided in the portfolio template document.

There are two sections.

- Training Completed - from the completion of foundation training to portfolio submission
- Planned Training - for training planned post submission of the portfolio

The training plan must include:

**Training Completed** A record of the specific training and development activities from initial training to portfolio submission highlighting relevance to family mediation practice and the benefits to work with participants in relation to:

- The theory and practice of family mediation
- The law as it relates to children's issues in mediation
- The law as it relates to property and finance issues in mediation, including pensions, benefits and personal taxation
- Any other training pursued

**Planned Training** Future plans should provide evidence that the candidate has considered with their PPC their learning needs in the **short and longer term** and that this discussion has led to the development of a plan for the candidate's training and development which highlights action to be taken and target dates in relation to:

- The theory and practice of family mediation
- The law as it relates to children's issues in mediation

- The law as it relates to property and finance issues in mediation, including pensions, benefits and personal taxation; and
- Any other training pursued.

Subject to satisfactory completion of the core/foundation training there are no restrictions on the kinds of activities that can be undertaken.

The training activities should be relevant to the candidate's training as a family mediator and have resulted or will result in appropriate learning and have provided or will provide benefits to the candidate's own development and to their clients either directly or indirectly.

The activities undertaken by the candidate must demonstrate an adequate level of training before application for accreditation and, in relation to planned activities an adequate level to maintain recognition.

Candidates should refer to Section 3.2 (Continuing Development) of the Family Mediation Council Manual of Professional Standards and Self-Regulatory Framework (August 2025) when completing their training and development plan.

### 2.4.2 PPC Log

Candidates should undertake 10 hours' PPC time during the preparation of the portfolio. This is in addition to the four hours PPC time per year required for all mediators for FMC registration. The Portfolio PPC sessions should be entered into the PPC log and brief details of subjects discussed included. The sessions should be not less than 30 minutes in duration

The first of the Portfolio PPC session is the Post Foundation Review. This session may be used to identify candidates' training needs. The second Portfolio PPC session may be used to cover PPC feedback on observed mediation session(s) and candidates' comments on feedback.

The remaining Portfolio PPC sessions should cover submission of the portfolio and next steps in the professional development of the mediation. The outcomes from this session can be used by the candidate to complete the Future training section of the training and development plan.

### 2.4.3 Observation of an FMCA by Candidate

The candidate should submit an observation of a mediation session undertaken by an FMCA. The expectation is that the candidate can identify the mediation skills and strategies being used by the FMCA to facilitate progress towards agreement within a structured mediation process. The candidate should use this opportunity to observe and learn from the FMCA mediation skills. It **should not** be used to evidence the candidate's competence.

#### 2.4.4 Observation of Candidate by PPC or Designated FMCA

The candidate's PPC or designated FMCA should observe the candidate's conduct of a mediation session. Feedback should be provided about the candidate's management of participants within the mediation process. Level of skills and areas for development should be identified.

Where an alternative to the candidate's PPC observes the candidate the rationale for this decision should be included in the portfolio template. This session should not be used by the PPC or the candidate to evidence their competence.

It is the role of the candidate (rather than the PPC or FMCA) to identify the examples of their competence and reflect upon it. It is not the role of the PPC or FMCA.

**Both the PPC/designated FMCA's feedback** on the mediation session conducted by the candidate **and the candidate's response to this feedback should be included in the portfolio.** The candidate's response provides the opportunity to reflect upon areas for practical and professional development and can feed into the development of the candidate's training log.

#### 2.4.5 Case Study Questions

The template pack contains a set of case study questions, which offer the candidate the opportunity to provide additional evidence of meeting the FMC standards which may not have occurred in the submitted cases or other cases considered in the Reflective Account in the portfolio e.g. safeguarding, equality and diversity and suitability.

The case study questions cover the following

- A C1 MIAM (Applicant)
- A C2 MIAM (Respondent)
- A Child Mediation
- A Financial mediation
- An All-Issues Mediation (AIM)

Candidates must choose **one MIAM and two MEDIATION case study questions from the five provided** and write their responses in the appropriate box.

**The suggested response length is up to 100 words for each of three points per question, giving a total word count of up to 300 per case study question.**

When reflecting on these questions candidates should, wherever possible, draw on similar or related case examples from their own practice to include in their answers.

The questions are designed to enable the candidate to show that proper consideration has been given to the situations described, drawing on knowledge and practice experience. There is no "right answer".



## 2.4.6 General Guidance for Case Commentaries

All casework and case paperwork submitted must be fully anonymised in accordance with the rules at [Appendix 2](#). Portfolios which contain material which has not been fully anonymised will be returned unassessed.

The cases must show evidence of high-quality work in which the candidate evidences their ability to mediate cases from MIAM through to completion, including both financial and children's issues, showing use of the full range of mediation skills identified in the professional standards.

The candidate should try to submit MIAMs and cases which evidence the widest range of their mediation practice and skills. The evidence submitted should wherever possible evidence their skills across a range of case types e.g. shuttle or joint/online or in person.

## 2.4.7 MIAM commentaries

**Two MIAM case commentaries** must be submitted for MIAMs undertaken by the candidate.

Two separate MIAM commentaries can be submitted, or these can be included as part of two of the case commentaries.

**It is recommended that the candidate submits separate MIAM commentaries.** This gives the best opportunity of demonstrating competencies relating to assessment of suitability for mediation. It also gives the candidate early experience of writing a case commentary as a self-contained part of the portfolio writing process. It provides experience of writing a commentary for a short piece of work (the MIAM) before writing a commentary on a complete mediation case.

If the MIAMs are submitted as part of a case commentary the MIAM **must** be clearly identifiable from the commentary of the case.

The separate MIAMs commentaries can be from one or more of the cases for which mediation case commentaries are being submitted or can be from an entirely different MIAM the candidate has undertaken.

The two MIAMs can be from the same case – client 1 and client 2 – which may give an opportunity for the candidate to demonstrate the different skills needed in a MIAM with an applicant and one with a respondent – or they can be from different cases.

The MIAMs case commentaries must be distinct separate processes and must be described separately – the second MIAM record should not copy and paste what was recorded in the first MIAM case commentary.

**In the left-hand column,** candidates should describe the process of the MIAM including the candidate's interventions and the questions they asked. This gives the candidate the opportunity to evidence a range

of competencies especially assessment for suitability, the beginning of assessment for domestic abuse and safeguarding.

**In the right-hand column**, candidates should describe the rationale for the intervention, the effect the mediator's intervention had on the participant and the process and the participant's reaction. Candidates should also analyse and reflect upon their intervention and should include both effective and ineffective interventions and what they have learned from that event.

**MIAM records** must be submitted for two MIAMs – the records may relate to (one of) the case(s) used for a case commentary, or a different case.

The MIAM commentary looks like this:

MIAM COMMENTARY 1		
<p>This commentary has been fully anonymised in accordance with the Rules for Anonymisation of Portfolios, (<a href="#">Appendix 2</a> to the FMC Guidance on Accreditation Scheme (FMCA): <b>Yes/No</b></p> <p><b>Word Count:</b></p>		
<b>MEETING DATE</b>		<b>PARTICIPANT (ANONYMISED):</b>
<b>CO/SOLO WORKED</b>	<b>ONLINE/IN PERSON</b>	<b>FUNDING: PRIVATE/LEGAL AID AGENCY</b>
<b>CO-MEDIATOR ROLE: LEAD /SUPPORT</b>		<b>CO-MEDIATOR URN:</b>
<p><i>If co-mediated a brief description of the role/interventions of co-mediator must be included and how this was explained to the participants.</i></p>		
<p><i>Brief Background to the case</i></p>		
<p><b>DESCRIBE THE PROCESS</b> What happened in the room? What was said by the mediator and the participant? Describe your interventions.</p>		<p><b>REFLECTION/ANALYSIS</b> Why did you do that? Were your interventions effective? If not, what could be done differently?</p>

## 2.4.8 Choice of Cases for Case Commentaries

Candidates should consider carefully the cases they choose for submission. They should try to select the cases which offer them the best opportunity to demonstrate the widest range of skills.

**Timescales of cases** The first mediation session (not MIAMs) must have taken place **within 2 years of the date of the submission of the portfolio**, or three years in extenuating circumstances and with PPC approval, unless an extension has been obtained from the FMC which also extends the dates of cases used.

**The AIM case** The candidate must evidence the stages of a mediation process in a case which includes financial and children's issues. See below for child/financial issues to be covered.

**Child case(s) (or child element of AIM cases)** The candidate must evidence all the stages of a mediation process in a child case: this should include identifying the issues, considering the child's age and stages of development, as well as safeguarding. The candidate should evidence encouraging the parents to consider child-inclusive mediation (CIM) as appropriate and in accordance with the FMC Code of Practice, and encouraging the parents to consider how the options meet the child's needs.

**Financial case(s) (or financial element of AIM cases)** Where a financial case is submitted the candidate should ensure they provide sufficient information to ensure that full disclosure has been achieved. Proposals are realistic and affordable and are based on a consideration of need. Whether pensions are being considered and if not why not and that full financial information has been obtained and the reasons for this information not being considered fully explained. Wherever possible at least one case including pensions should be submitted. If this is not possible the reflective account must include reference to financial cases which may not have reached full agreement and how pensions were discussed and disclosure achieved.

**Cases which are one meeting only** Cases submitted should exceed more than one mediation meeting as it is extremely difficult to evidence the mediation process satisfactorily in a single meeting. It is unlikely that a portfolio consisting of three/four cases which are all single sessions only will meet the competence assessment, as the candidate will not have been able to demonstrate maintain progress towards resolving issues (C8) e.g. by managing effective financial disclosure.

**Online/In person mediation** Candidates are encouraged to submit at least one mediation case conducted in person if possible. If the cases submitted all took place online candidates should use the analysis section of the case commentary template to talk about online specific issues in meetings such as confidentiality (B4.1). Candidates should ensure they address competencies which may be more difficult to demonstrate online such as managing strong emotions and conflict (C8.5). They should also use their reflective account to talk about any cases which they may have conducted in person and the different challenges these may present to mediating online. If no cases have been conducted in person, the candidate can talk about what they would do and ways in which an in-person mediation would be different.

**Shuttle mediation** Candidates should not submit cases that were all conducted via shuttle mediation, because this would not allow for candidates to demonstrate use of effective skills and interventions in the mediation process (C7).

**Co-mediation or sole mediation** Cases can be sole mediated, co-mediated or a mix, but the candidate must have taken the lead in all cases submitted. If cases are co-mediated, the co-mediator's status (i.e. Accredited, Working Towards Accreditation) must be included. Only the actions, reflections and outcomes of the candidate will be assessed i.e. not those of the co-mediator.

**Full or extensive agreement** must be demonstrated in either all cases or all cases except one, where partial agreement rather than extensive agreement will have been reached. **Extensive agreement** means agreement by participants in mediation about all or the majority of the mediation issues (relating to finances, children or both) where an Outcome Statement is produced and submitted as evidence within the portfolio.

**One** of the case commentaries submitted can be in relation to a case where mediation did not complete, but where, as a minimum:

- some or partial agreement has been reached on some issues.
- there has been more than one session; and
- in financial cases, substantial disclosure has been achieved.

The partial completion case commentary **must** include:

- an explanation of why the case did not complete;
- a statement explaining whether, on reflection, the candidate would have done anything differently and why;
- any actual or draft summaries of sessions that have been completed and
- any actual or draft Interim Confidential Summary of Proposals/Open Financial Statement I or parenting plans if drafted.

All of the competencies must still be demonstrated in the portfolio submitted.

**Draft mediation outcome documents may be submitted for one case only**, where agreed proposals have been reached, but one or both clients have indicated that they do not wish to receive final outcome documentation. Outcome statements should be prepared as if they had been requested to do so by the clients but it **must** be made clear on the face of the document **and** within the portfolio that the summary has been prepared for the purposes of the portfolio submission only.

## 2.4.9 Primary Case(s)

The primary case(s) submitted should **either** be

- **One AIM case** including session records (outcome statements), Memoranda of Understanding (or Confidential Summary of Proposals) and Open Financial Statements **and full case paperwork** for this case; **or**
- **One financial case and one child case**
  - The financial case should include session records (outcome statements), Memoranda of Understanding (or Confidential Summary of Proposals) and Open Financial Statements **and full case paperwork** for this case.
  - The child case should include session records (outcome statements), Memoranda of Understanding (or Confidential Summary of Proposals) and /or Parenting Plans.

## 2.4.10 Secondary Cases

- One Child Issues case session records (outcome statements), Memoranda of Understanding (or Confidential Summary of Proposals) and /or Parenting Plans.
- One Financial Case Session records (outcome statements), Memoranda of Understanding (or Confidential Summary of Proposals) and Open Financial Statements.

## 2.4.11 Full Case Paperwork

Full case paperwork demonstrate that the processes followed, and records kept for that case file are in line with FMC requirements and should include:

- MIAM record(s) (if this is one of the two MIAM examples)
- Agreement to mediate
- Session records
- Any interim client paperwork, e.g. mediation summaries
- Correspondence outlining progress
- Copies of any flipchart pages
- Memoranda of Understanding/Confidential Summary of Proposals/Parenting Plans
- Open financial statements

It should be clear that the documents have been drafted by the candidate. If the candidate works for a practice in which it is required the FMCA name is included in the documents, the candidate should include a statement confirming they have prepared the documents.

## 2.4.12 The Case Commentary Template

The case commentaries are the opportunity for the candidate to describe and analyse their role and work as a mediator within the context of the mediation case they are describing.

The case information at the top of each case commentary template is designed to help the candidate and the assessor to ensure the case meets the requirements. It also provides the assessor with the background information which relates to the case.

Mediation can be solo or co-worked; online or in person; shuttle or joint. Fee status must make clear whether either or both clients were legally aided/ MOJ voucher funded.

The case history should be no more than two paragraphs outlining the case background and the participants' key issues.

The case commentary template is divided into the five stages of the mediation process:

- **Stage 1 – Establishing the Arena**
- **Stage 2 – Identifying the Issues – Agenda Setting and Prioritising**
- **Stage 3 – Exploring the Issues and Identifying Options**
- **Stage 4 – Developing Options**
- **Stage 5 – Securing Agreement**

It may be that in each meeting the mediator completes the first four stages of the process or that they complete the first stages in the first meeting and revisit these before progressing fifth stage, which is agreement, in subsequent meetings. Alternatively, it may be that the first four stages of the mediation process are completed during the life of the case. Either approach is acceptable providing that each stage is clearly identified and the skills the candidate uses clearly set out within the template.

Issues can be wide ranging, e.g. how the children will spend time in the care of each parent and financial settlement.

**The template is designed to help the candidate to think about what was happening in the session (how the candidate managed the process) and their analysis and reflections on their interventions.**

**In the left-hand column**, the candidate should describe their observations and interventions as a mediator using mediation skills and language.

**In the right-hand column**, the candidate should describe the rationale for the intervention, what impact this had on the participants and the mediation process (effective, ineffective and achieving something entirely unexpected), what the candidate observed, and what they might do in a similar situation next time. The candidate should talk about what went well and what did not go so well, reflecting on what they learned in each mediation session.

The priority is to clearly capture the candidate's interventions and their analysis of these.

**Evidencing competence** The candidate should provide sufficient details of their interventions and the clients responses so that the assessor can follow the case. Where competence is being evidenced the candidate should provide more details e.g. In order to obtain full disclosure, I asked “XXXXXXXXXXXX.”

When evidencing competence, the candidate should not make unsupported statements e.g. “I acknowledged, I gathered disclosure”. Detail about the exact actions and words used will more effectively evidences competence. The candidate should not use one piece of text to evidence more than two competencies.

**Co-mediated cases** If a case is co-mediated the candidate must explain how the co mediator is explained to the participants and the level of participation of the co-mediator and whether or not their interventions are included in the commentary. Candidates can include what they learnt from any interventions from their co-mediator, to evidence their learning and development. The comediator’s intervention actions **cannot** be used to demonstrate the candidate’s competence. **Where a co-mediator’s interventions have been included, the candidate should clearly identify their own intervention (I asked....) and those of the co mediator.** The candidate should describe their interventions and questions and avoid use of “the mediation team’s interventions”.

Case commentaries should be no longer than 10-12 pages each, using no smaller font than Arial 11.

The case commentary looks like this:

AIM MEDIATION CASE COMMENTARY		
The table below can <b>either</b> be extended (one table for the whole case). Each session must be clearly indicated <b>or</b> can be copied and pasted for each mediation session.		
<b>Session Number:</b>		
<b>Session Type</b>	<b>SHUTTLE / JOINT / SHUTTLE TO JOINT / JOINT TO SHUTTLE</b>	<b>IN-PERSON / ONLINE / MIXTURE</b>
<b>ACCOUNT OF MEDIATION PROCESS</b> Account of mediation process and description of interventions and rationale of mediator. What did you say/do? What did the participants say/do?		<b>REFLECTION/ANALYSIS</b> Discuss mediator interventions. Were they effective? If not, what would be done differently?
Below you will find the five stages of the mediation process. The stages can be repeated in different levels of detail for each mediation meeting depending upon whether it is early in the process or later. There is no expectation that each ‘stage’ happens in the same level of detail during every mediation session.		
<b>STAGE 1 - ESTABLISHING THE ARENA</b>		

Narrative of the case here and interventions	Reflections
<b>STAGE 2 IDENTIFYING THE ISSUES - AGENDA SETTING AND PRIORITISING</b>	
Narrative of the case here and interventions	Reflections
<b>STAGE 3 - EXPLORING THE ISSUES AND IDENTIFYING OPTIONS</b>	
Narrative of the case here and interventions	Reflections
<b>STAGE 4 - DEVELOPING OPTIONS</b>	
Narrative of the case here and interventions	Reflections
<b>STAGE 5 - SECURING AGREEMENT</b>	
Narrative of the case here and interventions	Reflections

### 2.4.13 Drafting of Documents

Documents should be informative and accurate and wherever possible avoid legal jargon or terminology. Assessors are not looking for any particular style of drafting of outcome statements but are looking for these documents to provide a sufficient summary of discussions which demonstrate how the participants reached their decisions as well as clarity about the joint proposals reached without being drafted in a way that rehearses all the arguments made in mediation and consequently risks enflaming the participants.

Outcome statements should be helpful documents for legal advisors where it is expected that they will be required to prepare a consent order as well as a helpful document for the participants as a record of the outcome.

### 2.4.14 Reflective Account

This is the last section of the portfolio to be completed and should be used by the candidate to explain and reflect on their development and understanding of the mediation process and their role and skills within it. The Reflective Account should be 1,500 -2000 words.

The Reflective Account is an opportunity for the candidate to discuss achievements and skills, and knowledge gained since completing mediation training. It should also describe their development from profession of origin and include evidence that is not covered in other parts of the portfolio. Inclusion of



references to mediation reading and theory and how these have been used by the candidate in practice, will give the assessor a better understanding of the candidate's development as a mediator.

**Within the RA candidates can refer to other worked cases in addition to their case commentary cases to ensure all the competencies are covered in their portfolio.**

Candidates must also include:

- **Evidence of managing high conflict cases** if the case commentaries submitted do not cover high conflict cases. The RA is an opportunity for the candidate to evidence their ability to manage, or have some strategies for managing, high conflict cases across a wider range of cases in cases which may not have completed or been included in the other parts of the portfolio.
- **Discussion of AIM issues** if the candidate has not submitted an AIM case. This could be **either**
  - discussion of one or more “all issues” mediation the candidate has undertaken which may not have concluded; **or**
  - if no AIM cases have been undertaken, discussion of the issues which should be considered in an “all issues” case. In the discussion the candidate is expected to demonstrate an understanding of the issues that arise when dealing with both children and financial issues together.

### 3. ASSESSMENT OUTCOMES

There are three potential outcomes from a portfolio assessment

- **Full Family Mediation Council Accreditation (FMCA)**
- **Provisional Family Mediation Council Accreditation (FMCA).** The candidate evidenced many competencies but not provided enough evidence of competence for full FMCA. The candidate must evidence further competencies within a specified time period and with continuing regular supervision in the meantime, to demonstrate fully meeting the assessment criteria.
- **Not yet proven.** The candidate has not evidenced all the competencies and substantial additional work is required to do so. In this case the candidate will remain a mediator working towards accreditation and must resubmit a new full portfolio for assessment.

The candidate and their PPC will be sent copies of the assessors' notes along with the outcome.

## 4. INFORMATION RELATING TO A MEDIATOR'S STATUS

The [FMC's Privacy Notice](#) states that it shares information about mediators' accreditation status to members of the public.

The names of mediators whose portfolios have been assessed as not yet proven are not published, however this information is shared with parties where relevant. This can include FMC Member Organisations, the Law Society's Accreditation Scheme, PPCs where relevant (for example if they are considering becoming that candidate's PPC) and others who request this information for good reason.

## 5. RESUBMISSION

If, following assessment of the candidate's portfolio, the portfolio is returned as unassessed, because the work submitted does not evidence the candidate's competence as mediator or provisional FMCA status is given, the candidate must resubmit the portfolio in line with the requirements outlined by the FMC assessors, and include the appropriate resubmission fee.

## 6. APPEALS

Candidates who believe that their portfolio has been wrongly deemed 'not proven' or 'provisional FMCA' requiring additional work may make an appeal to the FMC, stating clearly the grounds for the appeal. Candidates are strongly encouraged to discuss potential appeals with their PPC and will need to explain the reason if the PPC is not supporting the appeal.

Appeals must be made within three months of the assessment result. A fee (equal to the relevant resubmission fee) is payable for an appeal: it will be refunded if the appeal is successful.

The FMC will investigate where there are valid grounds for the appeal. Acceptable grounds include the use of criteria that do not reflect the professional standards, the FMC's Code of Practice, or the guidance set out in the published portfolio requirements; the criteria have been interpreted incorrectly; and the assessors have missed or misinterpreted material included in the portfolio.

When an appeal is approved to go forward, the portfolio will be re-examined by an assessor who has not previously been involved in its assessment. The assessor will have sight of the original assessment decision and the appeal submission, unless there are overriding reasons relating to the nature of the appeal that the reassessment should be carried out without knowledge of one or both. The decision on appeal will be final.

## APPENDIX 1: COMPETENCIES AND EVIDENCE GUIDANCE

	FMC Competency	What are we looking for?	Where might the evidence be found?
<b>SECTION A: THEORETICAL UNDERPINNINGS</b>			
<b>A1</b>	<b>Understand and draw on theories-in-use that inform the practice of mediation</b>		
A1.1	Theories concerning the impact of separation, loss and conflict on families and individuals	<p>Referenced self-reflection on interventions <b>OR</b></p> <p>Reflections on learning with case example(s) <b>OR</b></p> <p>If using the T&amp;DP, please provide an example of application of theory into practice</p>	<p>Case commentary</p> <p>Reflective account</p> <p>T&amp;DP</p>
A1.2	Theories of child development and the impact of separation and other family changes on children and young people	<p>Referenced self-reflection on interventions <b>OR</b></p> <p>Reflections on learning with case example(s) <b>OR</b></p> <p>If using the T&amp;DP, please provide an example of application of theory into practice</p>	<p>Case commentary</p> <p>Reflective account</p> <p>T&amp;DP</p>
A1.3	Theories of conflict, co-operation and competition	<p>Referenced self-reflection on interventions <b>OR</b></p> <p>Reflections on learning with case example(s) <b>OR</b></p> <p>If using the T&amp;DP, please provide an example of application of theory into practice</p>	<p>Case commentary</p> <p>Reflective account</p> <p>T&amp;DP</p>
A1.4	Theories of communication and engagement	Referenced self-reflection on interventions <b>OR</b>	Case commentary

		<p>Reflections on learning with case example(s) <b>OR</b></p> <p>If using the T&amp;DP, please provide an example of application of theory into practice</p>	<p>Reflective account</p> <p>T&amp;DP</p>
<b>SECTION B: PROFESSIONALISM AND ETHICS</b>			
<b>B1</b>	<b>Work within legal and professional guidelines and the limits of personal capability</b>		
B1.1	Working in accordance with the FMC Code of Practice and with the organisational procedures of the organisation(s) of which the mediator is a member	<p>Mediator confirmation <b>AND</b></p> <p>PPC <b>AND/OR</b></p> <p>Service manager confirmation (as appropriate).</p>	<p>Application form</p> <p>PPC statement</p> <p>Application form</p>
B1.2	Operating within the law and following any legal requirements and processes	Mediator confirmation	Application form
B1.3	Only undertaking work within the mediator's competence and capacity, seeking guidance or recommending alternative sources of support where necessary	PPC confirmation	PPC statement
B1.4	Understand the impact of the mediator's personal beliefs, values and style	<p>Self-reflection <b>OR</b></p> <p>Discussions in supervision</p>	<p>Case commentary</p> <p>Supervision record(s) <b>OR</b> PPC statement</p>
<b>B2</b>	<b>Maintain the ability to practise competently and ethically</b>		
B2.1	Maintaining an adequate and up-to-date understanding of legislation, policy	Record of training undertaken, needs identified and training planned	T&DP

	developments, research and practice relating to the field of family mediation		
B2.2	Maintaining an adequate level of support from a Professional Practice Consultant (PPC)	PPC confirmation	PPC statement
B2.3	Taking responsibility for personal learning and development, including identifying areas for development, acting to meet learning objectives and learning from practice	Reflections on training undertaken, needs identified and training planned	T&DP
<b>B3</b>	<b>Respect the needs and individuality of participants</b>		
B3.1	Maintaining sensitivity to the individual needs of participants	Description of mediator process and/or self-reflection <b>OR</b>  Case example(s)	Case commentary  Reflective account
B3.2	Acting in accordance with the principles of equality and diversity; for example, responding to and addressing cultural and gender issues in mediation effectively and sensitively	Description of mediator process and/or self-reflection <b>OR</b>  Case example(s) <b>OR</b>  Response to question with/without case example	Case commentary  Reflective account  Case study question
B3.3	Taking into account, and acting with sensitivity towards, any issues of mental health, learning disability or other potential barriers to participation in mediation	Description of mediator process and/or self-reflection <b>OR</b>  Case example(s) <b>OR</b>  Response to question with/without case example	Case commentary  Reflective account  Case study question

<b>B4</b>	<b>Balance the need for confidentiality with that for safeguarding</b>		
B4.1	Applying and upholding the principle of confidentiality and respecting the privileged nature of family mediation, other than where there are overriding and ethically sound reasons to do otherwise	<p>Description of mediator process and/or self-reflection <b>OR</b></p> <p>Case example(s) <b>OR</b></p> <p>Response to question with/without case example</p>	<p>Case commentary</p> <p>Reflective account</p> <p>Case study question</p>
<b>B5</b>	<b>Act with integrity and fairness</b>		
B5.1	Acting in an even-handed manner	<p>Description of mediator process and/or self-reflection <b>OR</b></p> <p>PPC confirmation of observation/discussion</p>	<p>Case commentary</p> <p>PPC statement</p>
B5.2	Acting with openness, transparency and integrity	Reflections in supervision	PPC statement
<b>SECTION C: MEDIATION PRACTICE</b>			
<b>C1</b>	<b>Provide appropriate information to participants (includes C5 competence standards)</b>		
C1.1	Being clear about the difference between an initial consultation or assessment meeting and a mediation session, explaining the principles, potential and limitations of mediation as well as the different methods of mediation that are available and how they would work	Description of mediator process and/or self-reflection	Case commentary (MIAM)

C1.2	Providing information about family law and its processes	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C1.3	Understanding and providing unbiased information about other relevant means of family dispute resolution	Description of mediator process and/or self-reflection	Case commentary (MIAM)
C1.4	Providing information about sources of assistance for parents, children and families and signposting as appropriate	Description of mediator process and/or self-reflection <b>OR</b>  Case examples	Case commentary (MIAM)  Reflective account
C1.5	Explaining (and maintaining) to the participant, the distinction between information and advice and ensuring they are aware of their right to seek independent legal advice	Description of mediator process and/or self-reflection <b>OR</b>  Case examples	Case commentary (MIAM)  Reflective account
<b>C2</b>	<b>Assess the suitability of mediation for participants (includes C4 competence standards)</b>		
C2.1	Assessing, initially and on an ongoing basis, suitability for mediation in respect of (a) the dispute, (b) the participants and (c) all the circumstances of the case	Description of mediator process and/or self-reflection <b>OR</b>  Case example(s) <b>OR</b>  Response to question with/without case example	Case commentary  Reflective account  Case study question
C2.2	Screening effectively with each participant separately for domestic abuse, harm to themselves, children or others or threat of harm whether reported or not	Description of mediator process and/or self-reflection	Case commentary (MIAM)

C2.3	Providing appropriate information on sources of assistance and protection from harm, including emergency remedies	Description of mediator process and/or self-reflection <b>OR</b>  Case example <b>OR</b>  Response to question with/without case example	Case commentary (MIAM)  Reflective account  Case study question
C2.4	Notifying appropriate outside agencies, and the mediator's PPC, where necessary of any safeguarding/domestic abuse issues	Description of mediator process and/or self-reflection <b>OR</b>  Case example <b>OR</b>  Response to question with/without case example	Case commentary (MIAM)  Reflective account  Case study question
C2.5	Helping the participants to decide on the appropriateness of mediation for their situation	Description of mediator process and/or self-reflection <b>OR</b>  Case example <b>OR</b>  Response to question with/without case example	Case commentary (MIAM)  Reflective account  Case study question
<b>C3</b>	<b>Check eligibility for financial support</b>		
C3.1	Identifying any public or other funding available and carrying out and recording financial checks for eligibility (capital and income) for onward signposting to an appropriate provider	PPC confirmation of ability	PPC statement  MIAM record and means assessment
<b>C4</b>	<b>There is no need to refer to these competencies as they have been incorporated in to Section C2 above</b>		
<b>C5</b>	<b>There is no need to refer to these competencies as they have been incorporated into Section C1 above</b>		
<b>C6</b>	<b>Establish the environment, agenda and ground rules for mediation</b>		



C6.1	Setting up and creating a safe and neutral environment for mediation as appropriate for participants' needs	Description of mediator process and/or self-reflection	Case commentary
C6.2	Identifying and agreeing the issues that will form the agenda for discussion	Description of mediator process and/or self-reflection	Case commentary
C6.3	Establishing the principle of balanced participation, and agreeing how this balance will be maintained throughout the process	Description of mediator process and/or self-reflection	Case commentary
<b>C7</b>	<b>Use effective skills and interventions during the mediation process</b>		
C7.1	Understanding and using appropriately different types of intervention e.g. questioning, acknowledging, active listening, mutualising, normalising, reframing, summarising, responding to non-verbal behaviour/body language to enhance communication, aid mutual understanding and rapport and help participants to move forward	Description of mediator process and/or self-reflection	Case commentary
C7.2	Understanding and using appropriately different ways of bringing the perspective of children and young people into the mediation process	Description of mediator process and/or self-reflection	Case commentary
<b>C8</b>	<b>Maintain progress towards resolving issues</b>		

C8.1	Managing the discussion of matters in a way that facilitates effective progress	Description of mediator process and/or self-reflection	Case commentary
C8.2	Managing effective financial disclosure	Description of mediator process and/or self-reflection	Case commentary
C8.3	Facilitating participants' lateral thinking, problem solving and option development	Description of mediator process and/or self-reflection	Case commentary
C8.4	Understanding and using appropriate techniques for dealing with conflict, power imbalance and impasse to avoid detriment to either participant	Description of mediator process and/or self-reflection <b>OR</b>  Case example <b>OR</b>  Applying learning to practice	Case commentary  Reflective account  T&DP
C8.5	Managing strong emotions and conflict sufficiently to allow the mediation process to move forward	Description of process and/or self-reflection <b>OR</b>  Case example <b>OR</b>  Applying learning to practice	Case commentary  Reflective account  T&DP
<b>C9</b>	<b>Produce an appropriate and agreed outcome statement</b>		
C9.1	Ensuring that all mediated outcomes use appropriate language and drafting formats, follow a clear rationale, are reality tested, approved by both participants and set out any matters that have not been resolved (as appropriate)	Description of mediator process and/or self-reflection <b>AND</b>  Written evidence	Case commentary  <b>AND</b>  MOU, OFS, other outcome statement

C9.2	Ensuring congruence between ‘without prejudice’ mediation summaries and open financial statements and ensuring that only appropriately open facts are included in open financial statements	Written evidence	MOU/MOU/another outcome statement & OFS
C9.5	Drafting financial settlements capable of legal implementation where appropriate and in accord with current legislation	Written record	MOU & OFS
<b>C10</b>	<b>Record decisions and maintain participant files</b>		
C10.1	Recording assessment as to the suitability of mediation	Written record	Assessment meeting record
C10.2	Recording participant’s agreement to mediation including any ground rules that are established	Written record	Assessment meeting record <b>AND/OR</b> Agreement to Mediate <b>AND/OR</b> other written evidence, e.g. correspondence
C10.3	Recording the location, timetable and practicalities of mediation	Written record	Assessment meeting record <b>OR</b> other written evidence, e.g. correspondence
C10.4	Recording details and outcomes of each session, including any proposed actions (for participants and	Written record	Session record(s) <b>AND</b> session summaries <b>OR</b> other written

	the mediator) and matters to be taken forward to the next session		evidence, e.g. client correspondence
<b>C11</b>	<b>Review individual cases and overall practice</b>		
C11.1	Identifying any significant personal learning points from cases and initiating case discussions with PPC(s)	PPC confirmation of reflective practice development in supervision	PPC statement <b>OR</b> supervision log <b>AND/OR</b> supervision records
C11.2	Contributing as needed to reviews of individual cases and to overall service provision	PPC confirmation of participation in supervision <b>AND</b> (if appropriate) team meetings	PPC statement <b>AND</b> (if appropriate) service manager statement

## APPENDIX 2: RULES FOR ANONYMISATION OF PORTFOLIOS

Portfolios submitted for assessment must be anonymised.

Anonymisation is required to ensure that participants, children or others referred to in mediation cannot be identified and is not only changing the participants' names.

These rules must be followed when submitting portfolios. Portfolios which are not anonymised as set out below will be returned to be fully anonymised.

1. Candidates must state on the top of each case commentary that they have complied with these rules.
2. Use Word documents (or equivalent software) where at all possible, rather than scanned documents. Where scanned documents are used, information must be taped over before scanning and annotated with fictitious details.
3. Names in documents must all be replaced with fictitious first names, which should be used consistently throughout each case commentary. Different names must be used for each case commentary.
4. Dates of birth must have the day and month removed but can include the year.
5. Identifying factors such as names of schools, towns etc must not be included, and must be replaced consistently throughout with generic terms, distinguishing where necessary by use of a number.
6. Information that could be used to identify a person through 'jigsaw identification' should not be included. A combination of nationality, job, and family circumstances could be unusual enough to lead to identification.
7. e.g. a Portuguese doctor with 3 children might be identifiable by somebody who knows them.
8. The Open Financial Summary must be anonymised as per the above.
9. No supporting financial documents e.g. bank statements should be included.
10. Candidates should use a professional PDF program to redact scanned documents. redact. It is also recommended that the portfolio is proofread before submission.

### Example 1

#### Unanonymised (Incorrect)

Andrew Smith and Zara Jones have lived together since 1.5.2010. Mr Smith has a child, Alice, born on 15.8.2006. Mr Smith and Ms. Jones have two children together, Lewis was born on 30.3.2009 and Harry, born on 8.4.2012. They lived together in Hatfield until 2018 when they separated and Mr Smith has since moved 30 miles to Croydon in South London with Alice. Ms. Jones, Lewis and Harry remained in the family home.

### **Anonymised (Correct)**

Chris (partner 1) and Pat (partner 2) have lived together since 2010. Chris has a child, Taylor, born in 2006. Chris and Pat have two children together, Sam was born in 2009, and Charlie was born in 2012. They lived together in Town 1 until 2018 when they separated. Chris and Taylor have since moved 30 miles to Town 2. Pat, Sam & Charlie remained in the family home.

### **Example 2**

#### **Unanonymised (Incorrect)**

David Patel and Phil Davies married on 11.9.2016, having lived together since March 2013. They bought a house together in Pollard Street, South Shields on 14.4.2014 with £40,000 of Mr Davies' savings and a mortgage. Mr Patel is a primary school teacher in South Shields and earns £28,837 a year and Mr Davies works as a manager for BBC Radio Newcastle and earns £29,319 a year.

#### **Anonymised (Correct)**

Jamie (spouse 1) and Ali (spouse 2) married in 2016, having lived together since 2013. They bought a house together in 2014 with £40,000 of Ali's savings and a mortgage. Jamie and Ali are both professionals and earn approximately £29,000 a year.