Guidance for PPCs in Relation to Mediators Carrying Out Mediation Information and Assessment Meetings Under the Pre-Application Protocol

Professional practice consultants (PPCs) will be required to provide a signed certificate confirming the competence of the mediator to carry out mediation information and assessment meetings.

A. For all mediators the PPC will confirm that the mediator:

1. Has successfully completed FMC approved foundation training; **and**
2. Is currently in mediation practice; **and**
3. Complies with the requirements of their FMC member organisation's ongoing training and PPC consultation; **and**
4. Has confirmed that he/she carries current professional indemnity insurance.

B. In addition to the requirements set out in A above, where the mediator is not recognised as competent to carry out publicly funded work by either the FMC or the Law Society, but is accredited by an FMC member organisation (currently as offered by either the Family Mediators Association (FMA) or Resolution), the PPC will have to ensure and confirm that the mediator is familiar with the process of assessment for eligibility for public funding.

C. In addition to the requirements set out in A above, where the mediator is not recognised as competent to carry out publicly funded work by either the FMC or the Law Society and does not have accreditation from the FMA or Resolution, the PPC will need to confirm that the mediator

1. Has attended an assessment meeting training course provided by an FMC member organisation; **and**
2. Has had at least 10 hours experience in face-to-face mediating, unless exceptional circumstances exist whereby the PPC considers that the mediator already has particular experience using family mediation skills and specifies what that experience is, both to the mediator and to the mediator's FMC member organisation, the latter for review purposes by the FMC; **and**
3. Is competent to carry out information and assessment meetings by demonstrating that he/she satisfies the units of competence set out in Appendix 1; **and**
4. Has affirmed his/her intention to gain LSC recognition or accreditation with their member organisation within two years.

D. For all mediators that have not mediated within the last five years the PPC will confirm that the mediator

1. Has attended a refresher training course provided by an FMC member organisation; **and**
2. Has attended a one day training course on assessment meetings provided by an FMC member organisation; **and**
3. Is a member of an FMC member organisation; **and**
4. Has a training plan which the PPC has agreed; **and**
5. Has confirmed that he/she carries current professional indemnity insurance; **and**
6. Has acquired at least 10 hours experience in face-to-face mediating since attending the refresher course, unless exceptional circumstances exist whereby the PPC considers that the mediator has had particular experience using family mediation skills within the last five years and specifies what that experience is, both to the mediator and to the mediator's FMC member organisation, the latter for review purposes by the FMC; **and**
7. Is competent to carry out information and assessment meetings by demonstrating that he/she satisfies the units of competence set out in Appendix 1.

APPENDIX : Units of competence

1. Ability to create a safe, neutral environment for the support of clients and the safety of vulnerable clients

The mediator should demonstrate that he/she is

1.1 Able to offer an appropriate environment to meet with clients which can include the use of separate waiting areas and separate meeting rooms when necessary;

1.2 Sensitive to the needs of individual clients in accordance with a policy of equality and diversity.

2. Ability to assess and respond to domestic and family violence and child protection issues

The mediator must demonstrate that he/she is

2.1 Aware of and sensitive to the potential for unreported domestic abuse or harm to another person or child;

2.2 Aware of the importance of ensuring the environment is appropriate – see 1.1 above;

2.3 Able to screen effectively with each party separately for domestic abuse or harm to another person or child, including making referrals to appropriate outside agencies when necessary, in accordance with the domestic abuse policy of their FMC member organisation or the LSC specification;

2.4 Able to provide appropriate information as to sources of assistance and protection from harm, including emergency remedies.

3. Ability to inform clients clearly of the principles, process and models of mediation and assess a case for suitability for mediation

The mediator must demonstrate that he/she

3.1 Can clearly establish the purpose of the meeting, in particular that it is not a mediation meeting;

3.2 Understands and can explain clearly to clients the principles, process and different models of mediation;

3.3 Is aware of the need to check whether or not the clients' wish to save their relationship and to sign post them to appropriate services where necessary;

3.4 Can demonstrate the ability to assess suitability for mediation in respect of (a) the dispute, (b) the parties, and (c) all the circumstances of the case;

3.5 Can signpost clients to other ancillary services when appropriate e.g. counselling, debt counselling, mortgage advice;

3.6 Understands the necessity to be satisfied that mediation is within the capacity of clients and be sensitive to issues of mental health, learning disability, emotional instability.

4. Ability to understand and record the informed decision of clients

The mediator must demonstrate that he/she can understand and record the informed decisions of the clients as to their wish to mediate.

5. Ability to operate in a family law environment

The mediator must demonstrate that he/she is

5.1 Aware of and able to provide information in respect of family Law process with respect to both children's issues and property and financial issues;

5.2 Aware of the limitations of their role and responsibilities in relation to the law and any legal processes;

5.3 Able to provide information about all appropriate methods of family dispute resolution, including but not limited to mediation (including child-inclusive and all-issues mediation), collaborative law, solicitor-led negotiation and litigation;

5.4 Able to provide information about separated parenting and parenting support programmes, information for children and services of support and assistance for children and families;

5.5 Able to carry out accurately financial checks for eligibility for public funding.

FMC 240311