



# **Family Mediation Accreditation Scheme**

## **Guidance**

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## **A. An introduction to the Accreditation Scheme**

The Family Mediation Accreditation Scheme covers all types of issues where mediation is appropriate arising from family breakdown. Whilst family mediators may specialise in either children or financial only mediation, it is essential that all applicants are able to demonstrate awareness and knowledge of all family mediation issues.

The aim of the scheme is to provide a good quality service for the delivery of family mediation for the benefit of the public and the profession, ensuring that the public are easily able to identify solicitors and FILEX who are accredited by the Law Society.

The scheme is non-exclusive; practitioners who are not members will remain free to undertake family mediation work.

## **B. Who is eligible to apply for membership?**

Solicitors and FILEX may apply.

## **C. What types of membership are available?**

### **Practitioner membership**

This will be for an initial period of five years, after which a member will be required to demonstrate their continued suitability to remain on the scheme by successfully completing a process of re-accreditation.

There are three different routes to achieving practitioner membership:

- passported route
- development route
- direct route

## **D. The level of experience you will be required to demonstrate**

### **Practitioner membership - passported route**

Applicants must have successfully completed the Legal Services Commission's family mediation competence assessment and have been recognised as fully competent in all issues. Please see separate guidance for further information

### **Practitioner membership - development route**

Applicants must have undertaken at least 90 hours of mediation practice during the period of general membership consisting of:

- a minimum of five mediations together which total at least 25 hours over the period of general membership
- continuing professional development (CPD) in mediation of at least 11 hours for each year of general membership (22 in total)
- the rest of the 90 hours' mediation experience will be made up of training, practice and development, CPD or consultancy. It may also be made up by drafting summaries of outcomes, writing articles or appropriate reading

### **Practitioner membership - direct route**

Applicants must have completed a foundation training course consisting of a minimum of 40 contact hours which complies with the Law Society's family mediation training standards. If the foundation training was completed with a non-listed organisation, the applicant must attach a copy of the course programme, syllabus and papers to the application.

Applicants must have undertaken at least 90 hours of mediation practice during the two years preceding the date of the application, consisting of:

- a minimum of five mediations together which total at least 25 hours
- CPD in mediation of at least 11 hours per year
- the rest of the 90 hours' mediation experience will be made up of training, practice and development, CPD or consultancy. It may also be made up by drafting summaries of outcomes, writing articles or appropriate reading

### **E. How to apply and what you should include**

All applications for Law Society Accreditation Schemes are in two sections.

Section 1 – Individual's details and Organisation's details

Section 2 - Scheme specific application form

You will be required to fully complete each section, and forward your completed application, with the relevant fee, to The Law Society.

### **Professional Practice Consultants**

All mediators should have a professional practice consultant, as specified in the Family Mediation Council Code of Practice (3.3) and at The Law Society's own Code of Practice, available on our website.

Details of professional practice consultants are available from individual training providers.

If you have been unable to appoint a consultant, please note this on your application, and it would be helpful if you could indicate why.

## Referees

Applicants for membership of this Accreditation Scheme must provide details of two referees who can verify the information provided in the application.

The referees should be familiar with your work and be able to comment on your suitability for membership.

Please note that the Law Society reserves the right to take up references where an application is considered borderline or otherwise necessary without further contact from us.

Please also be aware that we further reserve the right to obtain references from other sources if this is deemed necessary by us.

## Case reports

If you are applying for Practitioner Membership through either the development or direct route, the application form asks you to provide written accounts of four mediations (sole, anchor or co-mediation). You are also required to attach to each written case report the client documentation - the Memorandum of Understanding and Open Financial Summary/Statement (unless it is a child only case where there will not generally be an OFS) and the notes of sessions. **Please note all client materials must be suitably anonymise to protect client confidentiality.**

- At least one should deal with children issues and at least one other should deal with financial issues (they could all be 'all-issues' mediations).
- If you have both sole mediated and co-mediated, at least one of your accounts must be of a sole mediation, and at least one other of a co-mediation.
- Each account may be 400–1000 words long.
- If you do not have both sole mediated and co-mediated, explain why you do not have experience in both models. Please also supply an example of circumstances where you may consider using the model you have not so far experienced or considered it appropriate to use.

We recommend that in compiling your case reports, you note the competencies that we are looking for in a mediator (found at Section K within this guidance) and wherever possible, draw attention to how your case reports reflect those skills.

## F. How you will be assessed

On receipt of your application form, we will send your application to be marked by one of our independent assessors.

Applications are scored according to the range of practical experience you are able to demonstrate over the period leading up to your application. Depending on the overall score achieved you may be invited to attend (and required to pass) an interview at the Law Society's London Office, deferred/requested to provide further information, or failed.

In the case of re-accreditation, an applicant will either be re-accredited, deferred/requested to provide further information, or failed. The assessor has discretion, if they consider it necessary, to invite you to attend an interview at the Law Society's London Office.

### **G. What other checks and assessments are made?**

You must demonstrate that you are a fit and proper person to become an accreditation scheme member, and must continue to be so throughout your membership. The Law Society reserves the right during the currency of any voluntary scheme membership to investigate any matter which may call into question the fitness and propriety of any scheme member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

The Law Society will examine whether your past record reveals that you have committed any offences involving fraud or other dishonesty or violence.

The Law Society will also be concerned with any practice in which you may have engaged in the course of any business or employment which do not conform with the best standards of professional conduct. Evidence showing delays in dealing with cases, failure to answer correspondence and failures or delays in responding to enquiries from regulatory and revenue authorities will raise doubts as to your competence to remain a scheme member.

The assessment of fitness is not a mechanical exercise whereby compliance with a number of specific requirements ensures the grant of an authorisation. It is rather a judgement based on the review of your whole record and individual circumstances.

If the Law Society, with due regard to the rules of procedural fairness, determines that you have ceased to be a fit and proper person to continue to be a member of the scheme, or that the fitness or propriety to act as such has been compromised, it may refuse, revoke or suspend the membership or attach conditions to it. Members affected by a decision taken under this paragraph have a right to request a review in accordance with the procedures set out elsewhere in this document.

Where a complaint or other matter which may affect your suitability to remain on the scheme is considered to be of sufficient seriousness, the Law Society may suspend your membership pending the completion of the investigation and any proceedings as may arise.

### **H. What fees are payable for making your application?**

Please see the website for the most up to date fee schedule.

### **I. Information on re-accreditation**

The Law Society is expecting to bring in a re-accreditation process in 2013.

### **J. Our requirements for continued professional development**

Your CPD training record covering the previous three years must be included when you apply for membership. We expect to see at least 10 CPD hours in mediation related activity per year.

## K. What standards of competence are expected of a member of the scheme?

Please also refer to the Law Society code of practice for family mediation, which is available on our website.

This section details the knowledge standards that are expected of all Family Mediation Accreditation Scheme members, and that all applicants are expected to have prior to attendance at the approved training course.

The Law Society uses the following definitions

- **Understanding** - the identification, assimilation and comprehension of information. Members can correctly paraphrase or summarise information and can relate it to other material, including its practical application.
- **Knowledge** - familiarity with specific information, including facts, definitions, rules, methods, process or settings, without necessarily being able to see its fullest implication or application.
- **Awareness** - acquaintance with general concepts, topics, rules, methods, process or settings, without necessarily being able to summarise or paraphrase information. Members should be able to identify the limits of their awareness and be able to refer to source material for more in-depth knowledge.
- **Skills** - practical application of a range of techniques available to the mediator to enable successful outcomes

### Understanding of;

- Key issues relating to establishing the arena and identifying issues
- Equality and diversity issues, including cultural issues
- How to put parties at ease
- How to facilitate communication between the parties
- Child development and the individual needs of children
- Wider family and other external influences and pressures
- How to manage high emotions
- How to manage imbalances in power
- How to recognise and respond to domestic abuse
- How to recognise and respond to safeguarding/child protection concerns
- The need for financial disclosure, clarification and verification
- How to provide relevant legal information without advising
- Causes of impasse and understanding of how to deal with impasse
- How to explore issues
- How to facilitate parties' lateral thinking, problem solving and option development
- Reality testing and ability to develop options
- The requirements for, and ability to produce appropriate outcome statements
- The importance of appropriate communication with parties' legal advisors and any other third parties
- Legislation, recent policy developments and research relating to the field of family mediation
- The value and importance of regular supervision with a Professional Practice Consultant

**Knowledge of;**

- the principles of confidentiality and the legally privileged nature of mediation
- the requirements for, and ability to produce appropriate outcome statements

**Awareness of;**

- the principles of impartiality
- the principles of parental decision-making
- the value, necessity and appropriateness of signposting to relevant services (e.g. for legal advice or counselling support)
- the potential value of co-mediation, when appropriate, and the advantages and disadvantages of co-mediating
- the benefits and limitations of shuttle mediation

**Skills in;**

- Managing and progressing at all stages of the mediation process
- Using a range of question types
- Acknowledging
- Active Listening
- Mutualising
- Normalising
- Reframing
- Summarising
- Noting non-verbal behaviour / body language
- Managing conflict / high conflict