



The Law Society

## **Family Mediation Accreditation: Portfolio route**

Application form guidance notes



# Accreditation application form guidance notes - Family Mediation Accreditation: Portfolio route

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## Overall guidance

Thank you for considering becoming a member of the Law Society's Family Mediation Accreditation leading to the award of **FMC Accredited (FMCA)** status. Please ensure that you read the guidance below fully and carefully before making your application so that you are clear about **the scheme's** requirements. You may also wish to look at the frequently asked questions on our website.

1. These guidance notes are to assist you in applying for membership of the Family Mediation Accreditation. The application form includes basic instructions to help you complete the form correctly. Additional guidance notes are provided here.
2. **The scheme** was first established in 2000 with the aim of helping the public to identify family mediators who have been assessed for competence and to promote to the public those mediators who have been accredited by the Law Society to the national standard of competence recognised by the Family Mediation Council, of which the Law Society is a member.
3. Membership of the Law Society's Family Mediation Accreditation qualifies you as an authorised mediator in respect of **Mediation Information and Assessment Meetings** and to conduct publicly-funded and private client mediation.
4. Accreditation is for three years after which accredited mediators will need to apply for re-accreditation.
5. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows.
6. The application form is designed to be completed electronically in Microsoft Word (1997 and later). Please answer all relevant questions and use the 'tab' key to progress through the form. Questions require a combination of typed answers, choosing an option from a drop-down menu or check box confirmation. You are also required to provide separate supporting documentation, which must be submitted along with your completed application form.
7. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any development affecting the Applicant after submission of this form would affect the answers given on this form (whether in relation to complaints, claims, regulatory matters, changes to relevant persons or otherwise), you must notify the Law Society as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

### Questions?

We cannot process your application if any relevant information or documentation is missing from your application form. If you are unable to resolve your query using information provided in **the Scheme** guidance notes below, please contact us:

**Tel:** 020 7320 5797

**Email:** [accreditation@lawsociety.org.uk](mailto:accreditation@lawsociety.org.uk)

## Glossary of terms

Term	Definition
<b>Accreditation office</b>	The Law Society's accreditation office, who receive and process accreditation applications.
<b>Continuing professional development (CPD)</b>	<p>A structured approach to learning to help ensure continued competence in law, practice and procedure. For the purpose of accreditation, <b>CPD</b> should involve structured events or activities.</p> <p>Once accredited, all members of <b>the scheme</b> will be required to ensure that they complete at least 10 <b>CPD</b> hours of family mediation related courses.</p>
<b>Family Mediation Council (FMC)</b>	The <b>Family Mediation Council</b> is made up of national family mediation organisations in England and Wales, of which the Law Society is one. As an <b>FMC</b> member organisation the Law Society meets the requirements set out in the <b>FMC</b> 's constitution and ensures that our accredited family mediators work to the agreed standards set by the Family Mediation Standards Board.
<b>Family Mediation Council accredited (FMCA) status</b>	The status of <b>FMC Accredited Family Mediator (FMCA)</b> is awarded to family mediators who have passed the assessments on an approved initial training course, completed the post training requirements and passed the final assessment of professional competence. Once accredited to the Law Society's Family Mediation Scheme, mediators automatically gain <b>FMCA</b> status.
<b>Family Mediation Standards Board (FMSB)</b>	<b>FMSB</b> has the responsibility of overseeing the implementation of, and adherence to <b>the framework</b> that the <b>FMC</b> shall from time to time publish.
<b>Glossary of terms</b>	The glossary contained within these guidance notes.
<b>LAA</b>	Legal Aid Agency
<b>Limited liability partnership (LLP)</b>	A recognised body within the <b>SRA</b> Practice Framework Rules 2011.
<b>Mediation Information and Assessment Meetings (MIAMs)</b>	The first meeting with a mediator at which the mediator explains the mediation process and whether mediation is appropriate.
<b>MOU</b>	Memorandum of understanding
<b>OFS</b>	Open financial statement
<b>Practice</b>	<p>Any law firm regulated by the <b>SRA</b>, including sole practitioners partnerships, companies and <b>LLPs</b>.</p> <p>Any mediation practice, firm or organisation including sole practitioners operating to <b>FMC</b> standards.</p>
<b>Professional learning and development / learning and development</b>	A structured approach to learning to help ensure continued competence in law, practice and procedure. For the purpose of accreditation, this should involve structured events or activities.

<b>Professional practice consultant (PPC)</b>	Applicant's professional practice consultant.
<b>Professional Standards and Self-Regulation Framework (the framework)</b>	The profession-wide standards developed and implemented by the <b>FMC</b> following legislative changes and the enhanced public profile of mediators and the mediation profession. All accredited Mediators must meet the standards set by and work in accordance with the <b>framework</b> .
<b>SRA</b>	Solicitors Regulation Authority.
<b>The scheme</b>	The Law Society's Family Mediation Accreditation

## Routes to accreditation

There are two routes to accreditation:

- **Passporting route** - this route is only available to family mediators who have already been competence assessed/accredited under one of the following schemes:
  - the original Legal Services Commission (LSC) scheme
  - the LSC Scheme as previously run by the former UK College of Family Mediators
  - the LSC scheme as previously run by the **Family Mediation Council**
  - the **Family Mediation Council's** Assessment of Professional Competence (APC) scheme.
  - Those who are accredited via the FMA or Resolution accreditation routes and who have been awarded **FMCA** status as of 1 January 2015<sup>1</sup>
  - Those who have completed their accreditation via the **FMC** route operational from 1 January 2015

The Law Society's scheme is intended to cover all issues where mediation is appropriate arising from family relationship breakdown, so passporting to the Law Society scheme is available only to those family mediators who have been accredited/competence assessed to conduct all-issues mediation.

The Passporting route application form can be found on our website. Please [read the passport guidance \(PDF 86kb\)](#)

- **Portfolio route** - mediators who have not yet achieved any form of accreditation may apply on reaching the required level of competence<sup>2</sup> by submitting a portfolio. As the accreditation scheme is intended to cover all issues where mediation is appropriate arising from family relationship breakdown, applicants will be required to demonstrate understanding, knowledge and experience of all issues mediation.

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<sup>1</sup> See **FMC Professional Standards and Self-Regulatory Framework**, (September 2014) 1. Title and Eligibility

<sup>2</sup> See **FMC Professional Standards and Self-Regulatory Framework**, (September 2014) Appendix 3: 'The level required at the point of assessment'

## Expected standards of competence

### General standards

Applicants to **the scheme** are required to demonstrate their competence to practise as a mediator to the standards set out in the **FMC Professional Standards and Self-Regulation Framework** and must demonstrate the following competencies and abilities:

- Understand and draw on theories in use that inform the practice of mediation
- Work within legal and professional guidelines and the limits of personal capability
- Maintain the ability to practise competently and ethically
- Respect the needs and individuality of participants
- Balance the need for confidentiality with that for safeguarding
- Act with integrity and fairness
- Provide appropriate information to participants
- Assess the suitability of mediation for participants
- Check eligibility for financial support
- Establish the environment, agenda and ground rules for mediation
- Use effective skills and interventions during the mediation process
- Maintain progress towards resolving issues
- Produce an appropriate and agreed outcome statement
- Record decisions and maintain participant files
- Review individual cases and overall practice
- Adherence to the ongoing requirements of the Law Society's Family Mediation Scheme and to the [Family Mediation Council Code of Conduct](#).

Confirmation of mediation-related **continuing professional development** and current **Professional Practice Consultation** supervision will also be required.

Before proceeding with your application please read:

- The required competencies in full below
- The **FMC** requirements for gaining accreditation (which can be accessed [here](#))

You should also consider the level of competence required at the point of assessment and familiarise yourself with the competence units. You should consider how you will be able to demonstrate that you meet the required competencies in your portfolio application. You should discuss your readiness to apply with your **PPC** who is best placed to guide you as to your readiness and in completing your portfolio.

The application documents are provided as a downloadable pack. Each section can be completed electronically and then assembled as a portfolio to be submitted to the **accreditation office**. Please ensure that only your application form (Sections 1 - 4) has any identifying details about you. In order to ensure fair and objective assessment of candidates, portfolios are assessed by candidate number alone so all identifying information about you, as the candidate, must be removed. This includes any header/footer, any identifying detail on e.g. headed paper used for client documentation etc. The **accreditation office** will also carry out general conflict of interest checks before assigning a portfolio to an assessor.

## FMC accreditation competencies

<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
A1.2	Theories of child development and the impact of separation and other family changes on children and young people
A1.3	Theories of conflict, co-operation and competition
A1.4	Theories of communication and engagement
<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	<i>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</i>
B1.2	<i>Operating within the law and following any legal requirements and processes</i>
B1.3	<i>Only undertaking work within the mediator's competence and capacity, seeking guidance or recommending alternative sources of support where necessary</i>
B1.4	<i>Understand the impact of the mediator's personal beliefs, values and style</i>
<b>B2</b>	<b>Maintain the ability to practise competently and ethically</b>
B2.1	<i>Maintaining an adequate and up-to-date understanding of legislation, policy developments, research and practice relating to the field of family mediation</i>
B2.2	<i>Maintaining an adequate level of support from a Professional Practice Consultant (PPC)</i>
B2.3	<i>Taking responsibility for personal learning and development, including identifying areas for development, acting to meet learning objectives and learning from practice</i>
<b>B3</b>	<b>Respect the needs and individuality of participants</b>
B3.1	<i>Maintaining sensitivity to the individual needs of participants</i>
B3.2	<i>Acting in accordance with the principles of equality and diversity; for example responding to and addressing cultural and gender issues effectively and sensitively</i>
B3.3	<i>Taking into account, and acting with sensitivity towards, any issues of mental health, learning disability or other potential barriers to participation in mediation</i>
<b>B4</b>	<b>Balance the need for confidentiality with that for safeguarding</b>
B4.1	<i>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</i>



<b>B5</b>	<b>Act with integrity and fairness</b>
B5.1	<i>Acting in an even-handed manner</i>
B5.2	<i>Acting with openness, transparency and integrity</i>
<b>SECTION C: Mediation practice</b>	
<b>C1</b>	<b>Provide appropriate information to participants (includes C5 standards)</b>
C1.1	<i>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</i>
C1.2	<i>Providing information about family law and its processes</i>
C1.3	<i>Understanding and providing unbiased information about other relevant means of family dispute resolution</i>
C1.4	<i>Providing information about sources of assistance for parents, children and families and signposting as appropriate</i>
C1.5	<i>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</i>
<b>C2</b>	<b>Assess the suitability of mediation for participants (includes C4 standards)</b>
C2.1	<i>Assessing, initially and on an on-going basis, suitability for mediation in respect of (a) the dispute, (b) the participants and (c) all the circumstances of the case</i>
C2.2	<i>Screening effectively with each participant separately for domestic abuse, harm to themselves, children or others or threat of harm whether reported or not</i>
C2.3	<i>Providing appropriate information on sources of assistance and protection from harm, including emergency remedies</i>
C2.4	<i>Notifying appropriate outside agencies, and the mediator's PPC, where necessary of any safeguarding/domestic abuse issues</i>
C2.5	<i>Helping the participants to decide on the appropriateness of mediation for their situation</i>
<b>C3</b>	<b>Check eligibility for financial support</b>
C3.1	<i>Identifying any public or other funding that is available and carrying out and recording financial checks (capital and income) for onward signposting to an appropriate provider</i>
<b>C6</b>	<b>Establish the environment, agenda and ground rules for mediation</b>
C6.1	<i>Setting up and creating a safe and neutral environment for mediation as appropriate for participants' needs</i>
C6.2	<i>Identifying and agreeing the issues that will form the agenda for discussion</i>
C6.3	<i>Establishing the principle of balanced participation, and agreeing how this balance will be maintained throughout the process</i>

<b>C7</b>	<b>Use effective skills and interventions during the mediation process</b>
C7.1	<i>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</i>
C7.2	<i>Understanding and using appropriately different ways of bringing the perspective of children and young people into the mediation process</i>
<b>C8</b>	<b>Maintain progress towards resolving issues</b>
C8.1	<i>Managing the discussion of matters in a way that facilitates effective progress</i>
C8.2	<i>Managing effective financial disclosure</i>
C8.3	<i>Facilitating participants' lateral thinking, problem solving and option development</i>
C8.4	<i>Understanding and using appropriate techniques for dealing with conflict, power imbalance and impasse to avoid detriment to either participant</i>
C8.5	<i>Managing strong emotions and conflict sufficiently to allow the mediation process to move forward</i>
<b>C9</b>	<b>Produce an appropriate and agreed outcome statement</b>
C9.1	<i>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)</i>
C9.2	<i>Ensuring congruence between 'without prejudice' mediation summaries and open financial statements and ensuring that only appropriately open facts are included in open financial statements</i>
C9.3	<i>Drafting financial settlements that are capable of legal implementation where appropriate and in accord with current legislation</i>
<b>C10</b>	<b>Record decisions and maintain participant files</b>
C10.1	<i>Recording assessment as to the suitability of mediation</i>
C10.2	<i>Recording participant's agreement to mediation including any ground rules that are established</i>
C10.3	<i>Recording the location, timetable and practicalities of mediation</i>
C10.4	<i>Recording details and outcomes of each session, including any proposed actions (for participants and the mediator) and matters to be taken forward to the next session</i>
<b>C11</b>	<b>Review individual cases and overall practice</b>
C11.1	<i>Identifying any significant personal learning points from cases and initiating case discussions with PPC(s)</i>
C11.2	<i>Contributing as needed to reviews of individual cases and to overall service provision</i>

## Section 1 – General information

All applicants should complete sections A and B

### A – Your details

Question	Guidance
2	Please provide the daytime telephone number for the practice or organisation at which you work. This will be the telephone number we will use in the event that we need to contact you to discuss your application.
3	Please provide the email address for the practice or organisation at which you work. This will be the email address we will use in the event that we need to contact you to discuss your application.
4	To be completed by <u>solicitor applicants</u> only.  The <b>SRA ID</b> is the <b>practice's</b> reference number which identifies the <b>practice</b> and appears on the Law Society's public register. Each branch office of the <b>practice</b> will have its own individual <b>SRA ID</b> . The <b>SRA ID</b> being asked for here is the <b>SRA ID</b> for the main office.
5	To be completed by <u>solicitor applicants</u> only.  Please indicate whether you currently hold a practising certificate.
6	To be completed by <u>solicitor applicants</u> only.  Please indicate whether you have held an unconditional practising certificate. If your answer is 'no', please provide further details.
7	To be completed by <u>all other applicants</u> only.  Please indicate your job title from the list of available options. If your title is not in the list, please select 'Other' and specify the title separately.
8	To be completed by <u>all other applicants</u> only.  Where professional qualifications are held, please confirm the full name of the qualification held, along with the professional body it was awarded by, your membership number and the date the qualification was attained.

### B – Organisation information

Question	Guidance
9	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only.  The 'main office' will be the office that you have listed with the <b>SRA</b> as the main address for your <b>practice</b> .
10	To be completed by <u>solicitor applicants or those employed by an SRA regulated practice</u> only.  The <b>SRA ID</b> is the <b>practice's</b> reference number which identifies the <b>practice</b> and appears on the Law Society's public register. Each branch office of the <b>practice</b> will have its own individual <b>SRA ID</b> . The <b>SRA ID</b> being asked for here is the <b>SRA ID</b> for the main office.
11	To be completed by <u>applicants not employed by an SRA regulated practice or organisation</u> only.  Please provide the full registered name of your organisation, including a trading name if appropriate.
12	To be completed by <u>applicants not employed by an SRA regulated practice or organisation</u> only.  Please provide the full postal address for your organisation. This will be the address that we use to send you any post communications in connection with your application.

Section C - To be completed by all applicants

## Section 2 – Initial assessment

### A – Suitability for scheme membership

Applications for membership of **the Scheme** may be accepted from suitably qualified family mediators, regardless of their profession of origin.

Applicants will be expected to meet a set of minimum requirements, as is set out in the **Family Mediation Council Manual of Professional Standards and Self-Regulatory Framework**, before their application can proceed to interview stage. We will reject applications on initial assessment, if Applicants are unable to demonstrate they meet the minimum requirements.

We also carry out checks to ascertain whether an Applicant is a fit and proper person to be accredited by **the scheme**. Further details can be found below and in the [general application criteria and guidance](#) on the website.

You will need to provide a Professional Development Statement from your **PPC** as a means of confirming your practice development. (Full details can be found in the Portfolio Template section of the Application and includes a note that sets out what is required for your **PPC**).

You should take account of the fact that your **PPC** will need time to prepare the statement and can only do so from their experience of you and your practice. Your **PPC** is asked to confirm your training, **learning and professional development**, your professional relationship with them, that the work you intend to submit is your own and is drawn from cases you have conducted. Your **PPC** is also asked to provide their own reflection on your professional and practice development, observation of your practice and that, in their view, you meet all the requirements for accreditation.

Question	Guidance
13- 20	Please ensure that you provide full details of any issues that may affect your application and the Family Mediation Scheme's reputation. Kindly note this information will be cross checked against information we hold.

### B – Training and experience

Question	Guidance
21 - 24	All Applicants must attend an approved training course prior to applying for membership of <b>the Scheme</b> . Applications must be submitted within three years of attendance on the approved course and a copy of the course certificate must be enclosed with the application, unless an extension of time has been granted by the FMC. Where an extension of time has been granted, you must ensure that you enclose evidence of your FMC grant of extension with your application.  The compulsory training course must be provided by an <b>FMC</b> approved training organisation. A list of course providers can be found on the <b>FMC website</b> .
25	Applicants for the portfolio route to membership must have carried out and completed a minimum of three mediations during the <b>two</b> years preceding the date of the application, although it is likely that more than

	<p>three mediations will be needed to demonstrate the required competencies across the whole portfolio submitted. Completed mediations are those which have resulted in full or extensive agreement.</p> <p>You must ensure that you meet the expected standards of competence and have the requisite level of experience, prior to applying for membership to <b>the Scheme</b>.</p>
26	<p>You are asked to provide information about your <b>learning and development</b> (including any <b>CPD</b>) during the last three years. This forms part of a <b>Learning and Development</b> Review and Forward Plan for your own professional development. A template document is included in the Portfolio for you to complete. You should discuss and agree this aspect of your portfolio with your <b>PPC</b>.</p> <p>Please note that the Law Society requires all Family Mediation Scheme Applicants to have gained at least 10 <b>CPD</b> hours in each year in the subject area of Family Mediation or related areas such as mental capacity, community care and human rights</p>

### C – Professional practice consultant (PPC)

Question	Guidance
27 - 32	<p>Your <b>PPC</b> log should detail the date and time spent with your <b>PPC</b> (and any previous <b>PPC</b>). Your <b>PPC</b> will be asked to confirm that your log is accurate and that you have met your required hours with your <b>PPC</b>, in line with <b>FMC</b> standards and <b>LAA</b> requirement. <u>Please note: you <i>must</i> ensure that you have the requisite number of hours as specified in the <a href="#">FMC Standards</a>.</u></p> <p>Your <b>PPC</b> is required to prepare a Professional Development Statement in which they are asked to confirm:</p> <ul style="list-style-type: none"> <li>• your training and learning,</li> <li>• the accuracy of your log of <b>PPC</b> sessions</li> <li>• your professional relationship with them,</li> <li>• that the work you intend to submit is your own and is drawn from cases you have conducted.</li> <li>• that you have a broad understanding of the <b>LAA</b> eligibility criteria (capital and income) and that you are able to signpost appropriately to available consumer information and/or to an <b>LAA</b> provider (as required at competence C3.1)</li> </ul> <p>Your <b>PPC</b> is also asked to provide their own reflection on your professional and practice development, including observation of your practice (for which you must also provide the written feedback given to you by your <b>PPC</b> on their observation and your own response to any point raised by your <b>PPC</b> in the separate supporting portfolio template), an endorsement of your competence to practise independently to the requirements of the <b>FMC</b> professional competence standards and that, in their view, you meet all the requirements for accreditation. Please provide your <b>PPC</b> with the separate <b>PPC</b> guidance which sets out what is required for their statement.</p>

### D – Portfolio template: written assignments

Item	Guidance
33	<p>You must provide either <u>three or four</u> case commentaries, in which you have undertaken a substantive lead and full or extensive agreement has been reached.</p> <p>If you provide <b>three</b> case commentaries they <u>must</u> include:</p> <ul style="list-style-type: none"> <li>• one “all issues” mediation</li> <li>• one property and finance mediation; and</li> <li>• one children’s arrangements mediation</li> </ul> <p>Two of the three cases must include Memorandum of Understanding (<b>MOU</b>) and Open Financial</p>

Statements (**OFS**).

If you are unable to submit an “all-issues” case, you may instead submit four case commentaries, which must include:

- two “property and finance” cases, both of which must include Memorandum of Understanding (**MOU**) and Open Financial Statements (**OFS**)
- two “children only” cases, at least one of which must include a Memorandum of Understanding/Outcome Statement or Parenting Plan
- **please note**, whether you submit three or four case commentaries, one of your cases must include full, substantive case paperwork in addition to the MOU/OFS or Parenting Plan

This part of the application invites you to demonstrate your experience and competence by providing reflective written accounts of your three or four submitted cases (sole, anchor or co-mediation) in which you have taken the substantive or majority lead, and where a full or extensive outcome has been reached. These case commentaries provide an opportunity for you to showcase evidence of successful, high-quality mediation practice using the full range of your mediation skills and to provide a reflection on your **learning and development** in your practice.

Within the portfolio, we have provided you with a Case Commentary Template, which should help you to identify and present the required information in a structured fashion. Please use a separate Case Commentary Template for each of the three or four case reports.

You should have regard to the following criteria when choosing and preparing your case commentaries:

- Submitted cases must have started within two years of the date of your application, unless you have been granted an extension of time by the FMC. (If you believe that there are extenuating circumstances for inclusion of an older case you may submit reasons to the Law Society, with the written support of your **PPC**). Please note however that in any event, the Law Society cannot accept submission of client cases that are more than three years old at the date of application).

**PLEASE NOTE:**

If you have been granted an extension of time for submission of your portfolio by the FMSB, depending on the category of the extension, you may use:

- **If a Category 1 Extension** (i.e. up to 12 months) -

cases that you would have been able to use if the portfolio had been submitted at the time you made an application for an extension. (This gives you up to a year’s extension on the age of cases you may use).

- **If a Category 2 Extension** (i.e. you completed refresher training and were granted a 2 year extension) -

cases that you have completed within your period of extension unless you believe you have other extenuating circumstances, in which case you may submit reasons to the Law Society, with the written support of your PPC.

- **If a Category 3 extension** (ill health, maternity, paternity, bereavement or a planned career break) -

cases completed within the two year time limit, however and depending on your individual circumstance, you may submit reasons to the Law Society, with the written support of your PPC if/where you are submitting cases older than two years.

- If you have both sole mediated and co-mediated, at least one of your case reports must be of a sole mediation.
- For guidance, each case report should be approximately 1500 - 2500 words.
- Each case commentary must include a brief background to the case, an outline of the participants’

	<p>situation and the issues presented, together with a summary of the mediation (from the point of initial consultation/assessment/<b>MIAM</b> meeting) clearly demonstrating required competences through reflection on your interventions and conduct of the case. For more information about the preparation of reflective case commentaries, see the frequently asked questions section of the website: <a href="http://www.lawsociety.org.uk/family-mediation">www.lawsociety.org.uk/family-mediation</a>.</p> <p>When compiling your case commentaries, you should bear in mind that their purpose is to enable you to demonstrate the required competencies.</p> <p><u>You must ensure that all information in your application portfolio is fully anonymised to protect client confidentiality and to ensure that you cannot be identified other than by your candidate number.</u> Please note that if you do not ensure that client material is suitably redacted and anonymised, you may be in breach of Data Protection legislation.</p>
<p><b>34</b></p>	<p>You are asked to answer <b>three</b> of the five case study questions set out in Section 1 of the portfolio template. Please note the questions are changed on a regular basis.</p> <p>These questions are designed to assist you to provide evidence of a clear understanding and application of principles to practice. You should, wherever possible, draw from and indicate experiences from your own professional practice to illustrate your answers. As this is the case, there is no single 'right answer'; they enable you to demonstrate application of your knowledge and practice experience in considering each of the situations set out in the questions.</p> <p>For guidance, answers to the each question should be between 400 – 750 words.</p>
<p><b>35</b></p>	<p>Your reflective account should draw on your practice experience. Where possible you should:</p> <ul style="list-style-type: none"> <li>• Provide a reflective account of your <b>learning and development</b> as a mediator. For more information on how to write a reflective account please see the frequently asked questions section of the website: <a href="http://www.lawsociety.org.uk/family-mediation">www.lawsociety.org.uk/family-mediation</a>. Provide examples from other cases undertaken that evidence or demonstrate any competences not already covered by evidence provided in your case reports. (These may include those cases which did not reach a final outcome but which aided your learning and experience as a mediator).</li> <li>• Evidence your management of conflict and wherever possible, cases where there has been high emotion or conflict between clients.</li> <li>• Details of what you consider to be your particular achievements, development of skills and knowledge.</li> <li>• Anything that you have not had opportunity to include elsewhere in your application in relation to the required competencies and/or your practice experience.</li> <li>• Any understanding gained of theories, practice models or gained through attendance at learning or training events or from reading, webinars etc.</li> </ul> <p>For your guidance, your reflective account should be between 1,500 and 2,000 words</p> <p>If you are submitting four case commentaries with your application, you will also be required to ensure that your reflective account includes either:</p> <ul style="list-style-type: none"> <li>• a reflection on one or more “all issues” mediation/s that you have undertaken, but not concluded; or,</li> <li>• if you have not undertaken any such mediations, a reflection on the issues that need to be addressed in an “all issues” case, demonstrating an understanding of the issues that arise when dealing with both children and financial issues together.</li> </ul>
<p><b>36 - 37</b></p>	<p>You are required to provide an account reflecting on and evaluating a mediation session conducted by an <b>FMCA</b> mediator, a template is provided in the portfolio section for this purpose.</p> <p>Your <b>PPC</b> must also have observed your practice and have provided feedback to you. We ask your <b>PPC</b></p>



	<p>to set out that feedback, reflecting on your approach and providing constructive commentary. You are required to provide to your <b>PPC</b> (and for inclusion with your portfolio), a commentary that sets the context for the session observed by your <b>PPC</b> (if it is not inclusive of your three submitted commentaries) and that reflects on your approach in the session and responds constructively to any comments raised by your <b>PPC</b>. You must also provide your written response to any points raised by your PPC.</p> <p>If you submit four case commentaries, you will also be required to ensure that your reflective account includes either:</p> <ul style="list-style-type: none"><li>• a reflection on one or more “all issues” mediation/s that you have undertaken, but not concluded; or,</li><li>• if you have not undertaken any such mediations, a reflection on the issues that need to be addressed in an “all issues” case, demonstrating an understanding of the issues that arise when dealing with both children and financial issues together.</li></ul>
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Please use the checklists provided at Sections 3 and 4 of the application form to ensure that you have completed all of the sections and have attached any required copy documents/ client documentation, from which you must also remove any identifying details in order to protect client confidentiality (i.e. client names, addresses etc.).



## Declarations

The **scheme's** reputation rests on the professional integrity of its members. Candidates must submit their own work and cases where they have taken the substantive lead in conducting the mediation and have taken responsibility for the drafting of any documentation arising from the mediation (Memorandum of Understanding and/or Open Financial Statement/Summary). A declaration/statement to this effect must be signed by you and verified by your **PPC**.

Applicants must complete a declaration to confirm that:

- the information provided by the Applicant is accurate and true,
- they will comply with and practise in accordance with the **FMC** Code of Practice and are a current member in good standing of an **FMC** mediation organisation,
- they understand and agree to the terms and conditions of membership, and
- the Applicant understands how the information provided by them will be used by the Law Society

The **PPC** must also complete a declaration to confirm that:

- the information provided by the Applicant is correct,
- the submitted client documents and case commentaries relate to work undertaken by the Applicant, in which they had sole or majority conduct,
- the applicant is receiving **PPC** consultancy from then in accordance with **Family Mediation Council** requirements, and
- they are currently registered as a **PPC** with a member organisation of the **FMC**.

## About the assessment process

### Probity

You must be a fit and proper person to become and remain an accreditation scheme member. The Law Society reserves the right to investigate any matter which may call into question the fitness of any scheme member to act as such, and to take whatever action is considered appropriate at whatever stage of the investigation.

All applicants must confirm that they are a current member in good standing of their relevant mediation membership organisation.

If the Law Society, with due regard to the **FMC** standards and 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**, it may refuse, revoke or suspend your 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 in the Appeals Procedure, which can be found at Section H of the [general application criteria and guidance](#).

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 will act in accordance with the standards set out by the **FMC**.<sup>3</sup>

### What happens to the completed application form

When an application form is received, we will send an acknowledgment email. We will then check the application to confirm that you are eligible to apply for accreditation (e.g. you have attended an approved training course and met the requisite number of **CPD** hours). If at this stage you appear not to be eligible, we will contact you and ask for further information in support of your application. If you are eligible, we will follow the assessment processes set out below for initial accreditation.

On receipt of your application form and portfolio, we will send your application to be assessed in line with the published standards set out by the **FMC**. Possible assessment outcomes are as follows:

- **Accreditation** - the mediator has met the required standard, is eligible for accreditation and is admitted to the Law Society's Family Mediation Accreditation Scheme
- **Deferral** - additional work is required on the portfolio that can reasonably be completed within six months. Applicants will be guided by the Assessor as to what further evidence is required, which must be provided within no more than six months of notification of outcome. After that time, if the deferral conditions are not met, the Applicant will be required to make a fresh application should they wish to apply for accreditation in future. Please note that 'deferral' is not a final decision and therefore cannot be appealed against.

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<sup>3</sup> See **FMC Professional Standards and Self-Regulatory Framework**, (September 2014) Part 5, S.1, Complaints and Disciplinary Processes and withdrawal of accreditation

- Required standard not demonstrated/Refusal - substantial work is required that is not likely to be feasible within six months. The Applicant will be provided with feedback from the Assessor about the areas to be addressed in any further application and they will be required to make a fresh application should they wish to apply for accreditation in future.

## Appeals

Any applicant who is dissatisfied with **the scheme** assessors' decision is entitled to appeal to the Law Society against a refusal of accreditation. Please note that as 'deferral' is not a final decision it is not possible to appeal a deferral decision.

Appeals will be determined by **the scheme's** chief assessor on the basis of the application form, portfolio, the Assessor's marking notes and any written representations made by the Appellant. Please refer to our [general application criteria and guidance](#) for further information on our appeals process. Generally and otherwise, the Law Society will act in line with the published **FMC Standards**.

## Membership term and re-accreditation

Membership is for an initial term of three years, after which time a member will be required to demonstrate their continued suitability to remain on **the scheme** by successfully completing a process of re-accreditation.

Please see the re-accreditation section of our website at: [www.lawsociety.org.uk/family-mediation](http://www.lawsociety.org.uk/family-mediation)

Members must continue to familiarise themselves with changes in law, practice and procedure, by completing at least 10 hours of family mediation law related **CPD** training per year throughout their period of membership. As part of the re-accreditation process, we will require scheme members to supply details of **CPD** training they have completed during the period of their membership.