

## **CIVIL MEDIATION COUNCIL PROVIDER REGISTRATION SCHEME**

### **Membership Status**

All CMC Registered Mediation Providers are participating members under the CMC constitution, which means they can participate in the election of directors to the CMC board and speak, but not vote, at general meetings. They will be known as 'Members' and are eligible for member benefits such as discounts to CMC events.

### **Applications and renewals**

Applications must be made in the form prescribed by the CMC from time to time. Applications to renew registered Provider status must be made annually. Data is held in accordance with the CMC's Privacy Notice [\[link\]](#).

### **CMC Membership Rules for Registered Mediation Providers**

#### **A. All CMC Members (individuals and organisations) must:**

- (1) Pay an annual subscription;
- (2) Support the aims and objectives of the CMC
- (3) Not act in a way which brings the mediation process, the mediation profession or the CMC in to disrepute.
- (4) Abide by the CMC's Rules relating to complaints and discipline and agree that if a complaint has been made against them as a CMC member, the CMC may investigate and reach conclusions about the complaint and any subsequent disciplinary measures in accordance with its procedures, whether or not that the member chooses to retain their membership.
- (5) Use any associated phrase designating their status – for example 'CMC Registered Mediation Provider' – and any associated logos only in accordance with the rules and policies of use published by the CMC.

#### **B. In addition to the rules for all members, CMC Registered Mediation Providers must meet the professional standards set out below.**

## Professional Standards for all CMC Registered Mediation Providers

### Overview

The CMC believes that the characteristics to be expected of a competent mediation Provider can be crystallised. Such characteristics engender trust, efficiency and professionalism, and reinforce neutrality and confidence.

The characteristics to be examined by the CMC in the scheme when assessing a candidate Provider are broadly:

- i. **Mediator status** - Whether Mediators appointed by the Provider to conduct mediation in a sector regulated by the CMC (currently civil/commercial, workplace and, along with the College of Mediators SEND) are regulated members of the CMC (i.e. Associate Mediators, Registered Mediators or CMC Fellows) or in the case of SEND mediation, on the CMC/CoM SEND Register.
- ii. **Code of Conduct** - whether the Provider has instituted or adopted, and implements, an appropriate Code of Conduct for its members to follow. The CMC endorses and adopted the EU Model Code of Conduct for Mediators in 2004 and expects that this code, or a code of equivalent rigour, should be embraced by a registered mediator Provider.
- iii. **Complaints Handling and Feedback** - whether the Provider has a published complaints procedure which meets the CMC's minimum requirements and requires written records to be kept of all complaints.
- iv. **Supervision and Mentoring** - the means by which the Provider provides adequate and appropriate supervision and mentoring for its mediators.
- v. **Insurance** - whether the Provider can demonstrate that it has adequate insurance in place for the activities it undertakes. Officers and directors [operational/administrative] insurance is required in addition to mediator insurance where the officers and directors are not panel mediators.
- vi. **Efficient administration** - whether the Provider can demonstrate that it has suitable and sufficient administrative arrangements that are proportionate to and for the work and workload it undertakes, including the handling of enquiries, the recording of calls, the accurate accounting for fees and the proper rendering of bills to the consumer.
- vii. **Allocation of mediators** - the method by which the Provider can demonstrate that it ensures (save where the parties decide their own choice of mediator) that an appropriately trained, experienced and skilled mediator is allocated to each case with which it deals.
- viii. **Good standing** - A Registered Mediation Provider should ensure its' key personnel meet the standards listed in the 'CMC good standing test' and disclose details for consideration if not. Key personnel are those involved in the management and running of the organisation

## **Professional Standards - Requirements for Registration**

1. In order to be registered a Provider must meet the following minimum requirements:

### **a. Panel Members**

The mediators on a Registered Mediation Provider's panel must be CMC Registered Mediators or CMC Fellows. The Provider will be asked to provide the names of all panel members (mediators) as at the date of application.

### **b. Associate Mediators**

Registered Mediation Providers are encouraged to offer Associate Mediators opportunities to observe and co-mediate with CMC Registered Mediators or Fellows. To appoint a CMC Associate Mediator to conduct a sole mediation, the Registered Mediation Provider must be supporting that CMC Associate Mediator on a pathway to CMC Registration.

### **c. Code of Conduct**

- i. A Registered Mediation Provider must have an appropriate written Code of Conduct for its members to follow.
- ii. The written code must be no less rigorous than the EU Model Code of Conduct for Mediators published in 2004.

### **d. Complaints Handling and Feedback**

- i. A Registered Mediation Provider must have in place a published complaints handling procedure which meets the CMC's minimum standards, and keep written records of any complaints. All complaints should be investigated and the outcome notified to the complainant within a specified timescale. If the Provider's decision is appealed there should be provision for the arrangements set out at Paragraph A(4) to apply.
- ii. A Registered Mediation Provider must have a feedback system under which it invites, receives, assesses and reviews, both internally and with the mediator, all comments by the parties and their lawyers or representatives in respect of mediations.

### **e. Supervision and Mentoring**

The Provider should offer the opportunity for mediators to consult experienced mediators before, during or after each mediation to discuss any issues on which they would benefit from advice.

## **f. Insurance**

- i. A Registered Mediation Provider must have in place insurance cover of not less than £1,000,000 to insure itself against claims that it has negligently administered a mediation.
- ii. Where mediators are doing work involving sums exceeding this amount, a Registered Mediation Provider must have appropriate insurance cover in place and be able to provide evidence of the same.

## **g. Efficient administration**

- i. A Registered Mediation Provider should have suitable and sufficient administrative arrangements that are proportionate to and for the work and workload it undertakes, including the handling of enquiries, the recording of calls, the accurate accounting for fees and the proper rendering of bills to the consumer.
- ii. A Registered Mediation Provider must also be registered as a data controller (under the Data Protection Act) with the Information Commissioner's Office (ICO).

## **h. Allocation of mediators**

A Registered Mediation Provider should have a system of allocating mediations that ensures that an appropriately trained, experienced and skilled mediator is allocated to each case with which it deals.

## **i. Good Standing**

- i. A Registered Mediation Provider must confirm whether those involved in the management and running of the organisation have:
  - Been convicted in the United Kingdom of any offence or been convicted elsewhere of any offence which, if committed in any part of the United Kingdom, would constitute an offence;
  - Been disqualified under the Company Directors Disqualification Act 1986 (CDDA);
  - Been erased, removed or struck off a register of professionals;
  - Been the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order in England and Wales or an order to like effect made elsewhere;
  - Been a director of a company which entered in to administration or became insolvent in England and Wales or elsewhere;
  - Been responsible for, been privy to, contributed to or facilitated any serious misconduct or mismanagement (whether unlawful or not) in the course of carrying on a professional activity, or discharging any functions relating to any office or employment.
  - Been refused Professional Indemnity Insurance
- ii. These questions will be asked:
  - on first application, to establish whether any of these have occurred in the last 5 years.

- on renewal, to establish whether any of these have occurred in the last 3 years.
- iii. Should any questions be answered yes, the Provider will be required to disclose details, and asked to state if they think this will have an impact on their mediation work, and if not, why not. This will be considered by two members of the Registration and Standards Committee, who will have discretion to accept or not accept the application.

## **2. Application**

- a. The CMC takes the view that provided the minimum requirements in paragraph 2 above are met, there are no "correct" or "incorrect" answers to the questions on the application form and every application will be assessed on its collective merits in the context of the work undertaken.
- b. If a Provider considers that there are exceptional reasons why it should be registered despite not meeting one or more of the requirements, then it should state these reasons in writing for the CMC to consider.

## **3. Use of the phrase “Registered Mediation Provider”**

- a. The Civil Mediation Council reserves the right to limit the use of the phrases:

“Registered Mediation Provider”; and

“Registered with the Civil Mediation Council as a Mediator Provider”

to those Providers who have been registered under the procedures of the CMC. In the event that an organisation uses such phrases without the authority of the CMC appropriate action will be taken.

- b. Where a Provider is successful in being registered (or re-registered as the case may be) it may use either of the phrases in paragraph 3a in its literature or advertising providing the same is in accordance with any guidelines of usage laid down by the CMC.

## **Registration - method of assessment**

- i. The CMC has established a registration committee consisting of experienced independent mediators and members of mediation organisations. This will operate under the direction of the Board of the CMC.
- ii. Providers may at any time submit the application form via <https://civilmediation.org/membership/>, together with the fee.
- iii. Applications will be acknowledged. They will then be sent to members of the registration committee and examined. The CMC will in the ordinary course notify the Provider of its decision within four weeks of the acknowledgement of receipt of the application.
- iv. In the event that the CMC has further questions for the Provider, these will be emailed for reply by email to the authorised official.

- v. In some instances, the CMC may ask if it may visit or meet members of the Provider to clarify any issues that have arisen during its consideration of the application and to ensure that it is satisfied with the responses.
- vi. Where on first assessment the CMC believes that the Provider may not meet the criteria for registration it will, if it is appropriate, make recommendations to the Provider and allow the Provider a reasonable time to submit confirmation that those recommendations have been implemented before making a final decision. This is part of the CMC's objective to work towards promoting higher standards and best practice in the widest possible mediation community rather than to exclude through the unreasonable imposition of deadlines.
- vii. Where the CMC registration committee is not satisfied that a candidate Provider meets the criteria for registration it will so notify the candidate Provider, with reasons. The Provider may then request that a panel comprised of the Chair or Vice-Chair of the CMC and two other Board members (all of whom are not on the registration committee) should consider any submissions it may wish to make. The panel will, on completion of its consideration, notify the decision to the candidate Provider, with reasons.
- viii. All information provided to the CMC will, save for the details in the registration application form marked for publication for successful applications, be held and treated strictly in confidence and will not be copied or circulated other than to the relevant members of the registration committee. Each and every member of that committee undertakes not to use, communicate or refer to the information provided save in the course of the registration procedure.
- ix. In the event that there is a concern over confidentiality issues, please contact the Secretariat at [secretariat@civilmediation.org](mailto:secretariat@civilmediation.org)
- x. Data is held in accordance with the CMC's Privacy Notice.

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