

THE FAMILY MEDIATION COUNCIL

CONSTITUTION

1. The Council

The Family Mediation Council (“the Council”) is composed of the professional organisations (“member organisations”) which represent and regulate professional family mediators in England & Wales. Those member organisations are:-

National Family Mediation (NFM)
The Family Mediators Association (FMA)
Resolution
Alternative Dispute Resolution Group (ADR)
The Law Society
The College of Mediators

Additional organisations may become members provided that they meet the criteria for membership.

2. Definitions

For the purposes of this Constitution:

- “Mediation” means mediation and related dispute resolution techniques applied in family disputes, related areas and related areas of law.
- A “mediation service” is an organisation based in the England & Wales whose purpose or purposes include the provision of family mediation services to members of the public.
- A “mediator” is someone who has undertaken approved family mediation training with either a member organisation or with another professional organisation approved for the purpose by the Council, and who practices family mediation professionally, either solely or in conjunction with a mediation service.
- A “training provider” is an organisation or person who provides training in family mediation and is recognised and approved by the Council.

3. Legal status

The Council will incorporate as a company limited by guarantee.

4. Aims and Objectives

The Council is established to;-

- 4.1 Support the member organisations in their co-operative development of mediation and ADR.
- 4.2 Provide maintenance and development of professional and training standards as a means of ensuring public confidence in and awareness of family mediation.
- 4.3 Provide the profession of family mediation as a whole, the member organisations, mediation services and mediators with one unified body with which to make representations to government and other national interests, undertake negotiations over any matters which may concern the constitution, conduct and/or working conditions of members of the profession and to give information regarding family mediation to the media.
- 4.4 Prescribe and maintain a set of professional practice and training standards common to all the member organisations, to which all members of the member organisations must adhere, and which the member organisations themselves must regulate and monitor.
- 4.5 Provide the member organisations with a forum for collaborative and cooperative discussion and policy-making.
- 4.6 Arrange that appropriate information regarding mediation, mediation services and mediators is collated and available in an accessible form or forms.

5. Criteria for membership

5.1 Applications for membership

Organisations applying for membership must produce satisfactory documentary evidence that they meet the criteria for membership listed below.

5.2 Register of mediators

Member organisations will maintain a national register of their practising family mediators and who have successfully completed an approved training in order to qualify for practice. Membership of this register will be maintained by an annual re-registration procedure; at the time of re-registration mediators must confirm that they have completed the annual continuing professional development (CPD) and professional practice consultancy (PPC) requirements, and that their practice is to the standard required by the Code of Practice.

5.3 Code of Practice

Member organisations will regulate their members according to a code of practice setting out minimum standards for family mediation practice. The Council is to approve a code of practice. The Council has also agreed (*Council meeting, October 2007*) that all member organisations should “adopt this code or one judged by the FMC to be representative of at least the equivalent standards”.

5.4 Professional practice consultancy

Member organisations will ensure family mediators receive professional practice consultancy. The Council requires member organisations to ensure that systems for such consultancy specify:

- that every practising mediator’s practice is supervised by a qualified professional practice consultant who has received PPC training approved by a Council member organisation:
- that a professional practice consultant is a member of or registered with a Council member organisation:
- that members must attend regular consultancy sessions with their PPCs. Until a mediator has attained a successful completion of the Legal Services Commission competence assessment or an equivalent procedure recognised by their member organisation, this must be a

minimum of 4 hours per annum or 10% of the time spent in face-to-face mediation, whichever is the greater, subject to a possible maximum of 12 hours, which may be varied by agreement between PPC and mediator. At least 2 hours must be spent in individual face-to-face supervision. Mediators who have attained successful completion of the competence assessment or recognised equivalent procedure must attend a minimum of 2 hours supervision per annum or 5% of the time spent in face-to-face mediation, whichever is the greater, subject to a possible maximum of 12 hours, which may be varied by agreement between PPC and mediator. At least one hour must be spent in individual face-to-face supervision:

- that a mediator may be supervised by a PPC who is a member of a different member organisation to the mediator's own member organisation:
- that PPCs undertake continuing professional development designed to support their role as a consultant (see separate section on CPD) in addition to CPD undertaken as a mediator:
- that member organisations maintain and make available on request a register of approved PPCs. Approved PPCs will normally have successfully completed an approved course preparing mediators to become consultants. Continuing membership of the register will require PPCs to confirm annually that they have completed CPD appropriate to their role.

5.5 Continuous Professional Development schemes

Member organisations must ensure that mediators undertake a programme of continuous professional development in which "points" normally equivalent to training of one hour's length, or comparable activity) are awarded to mediators. (The Council will offer guidance on the equivalent of CPD points upon request).

CPD schemes will include the following provisions:

- Mediators must gain 10 CPD points per annum.
- 5 CPD points must be gained as a result of direct training i.e. attendance at an approved training course.
- 5 CPD points may be gained by indirect training approved by the mediator's PPC.
- PPCs, in addition to their 10 points as mediators, must gain a further 5 PPC related CPD points per annum.

- All courses carrying CPD points must be approved by a member organisation (or, on appeal, by the Council); member organisations (or, on appeal, the Council) may grant approval to independent course providers.

5.6 Complaints procedures

Member organisations must have in place a complaints procedure.

Complaints procedures must include:

- provision to ensure that there is available clear and accessible information about the existence and nature of the complaints procedure, including a properly defined timetable for the handling of the complaints.
- the maintenance of a written record of complaints received and their outcome.
- an appeals procedure.

5.7 Funding

Member organisations must have funds adequate to enable them to meet their share of Council expenses.

5.8 Equality and diversity policy

Member organisations must have in place an appropriate policy on equality and diversity matters.

5.9 Foundation training and assessment

Member organisations may approve foundation training courses and providers; all such courses will conform to any requirements concerning content and assessment that the Council may specify, including any requirement for periodic review of training and assessment.

6. Governance

- 6.1. Each member organisation shall appoint one representative to sit on the Board, and in addition independent governors to a maximum of three will be appointed by the Board, who will be persons of integrity and impartiality who are not practising family mediators or family mediation training providers. It is intended

that at least three members of the member organisations' representatives on the Board will be practising family mediators.

- 6.2. The Board shall meet at least twice per year at six monthly intervals and more frequently if required. All members of the Board shall be entitled to one vote at meetings of the Board. Resolutions shall be decided by a simple majority of those present and, in the event of equality, the person chairing the meeting shall have a casting vote. The passing of a resolution requires a quorum of four members of the Board to be present, of which three should be representatives of membership organisations.
- 6.3 Meetings shall be conducted by a Chair, who will be one of the independent members of the Board referred to in paragraph 5.1, or in his or her absence by a person nominated by the Board.
- 6.4 A rota will be agreed so that each member organisation in turn on an annual basis will host and administer meetings and the cost of all related expenses will be shared equally between the member organisations.
- 6.5 The business of each Board meeting will be recorded in the minutes, which will be taken by a representative of each member of the Board on a rota basis. Draft minutes will be circulated to the other Board members within a reasonable period after each meeting. The decision of the Chair of the meeting as to the result of the voting on any issue shall be final and an entry in the minutes signed by the Chair shall be conclusive of the terms of any resolution and of its having been passed.
- 6.6 The Board shall have the power to set up sub-committees and to appoint the members of those committees comprising one member appointed by each member organisation.
- 6.7 Pursuant to 6.6 above, the Board shall have power to appoint a permanent sub-committee dealing with the development and review of common professional practice and training standards and any related matters (Professional and Training Standards Committee).
- 6.8 The members of the Professional and Training Standards Committee will be nominated by the member organisations, each having the power to nominate one member. Members of this committee will hold office initially for a period of two years renewable for a further one year, to a maximum of three years. The member organisations will retain the power to change their representatives at any time. Meetings will be chaired by members on an annual rota basis.

6.9 The Professional and Training Standards Committee shall keep suitable minutes of its proceedings which it shall produce to the Board and shall conduct its business in accordance with the directions of the Board.

6.10 Article 6 will be reviewed by the Board at the end of 2008.

7. Independence

The Council recognises that from time to time a member organisation may consider that it has a view and/or interest on an individual matter that differs from the Council, and acknowledges the right of that member organisation to express its view and act in that interest independently. This does not provide a derogation from Article 10.3 below.

8. Insurance

The Board shall ensure that the Board members shall conduct its internal and external affairs with due diligence and, if appropriate, under appropriate indemnity insurance so that they are not personally liable for any acts or omissions of any Officers, the Board or the Council acting as a body. The cost of such insurance will be borne in equal shares by the member organisations.

9. Information

9.1. The Council shall have power to establish and maintain a comprehensive information centre in such format and ways as it shall deem appropriate. As part of this process, the Council is empowered to create and maintain a website should it so decide.

9.2. The Council may take such reasonable steps as the Board deems necessary and/or appropriate to keep itself in the public eye.

9.3. If and to the extent that the Council comes to hold relevant personal information, it will comply with all pertinent legislation.

10. Alteration of Constitution and membership.

- 10.1 The Board shall have power materially to alter this Constitution, including the power to admit and remove member organisations from membership as set out below, by a majority of three quarters or more of those present and voting at a convened meeting, and after discussion and with the approval of the Boards of the member organisations.
- 10.2 This will include the addition of another organisation to membership on either a permanent or a provisional basis, though a provisional recognition must be limited to a defined period not exceeding one year. During that period a provisionally recognised member organisation will have representation on the Board of the Council but not voting rights.
- 10.3 It will also include the removal of a member organisation from Council membership on one or more of the following grounds:
- It has ceased to fulfil the criteria for membership set out in Section 5.1 of this constitution:
 - It has maintained a non co-operative and non-collaborative approach in its dealings with the other member organisations on Council related matters and matters which affect the solidarity of the profession of family mediation as a whole:
 - Its conduct has been such that in the view of the Board it has been detrimental to the maintenance of the professional standards, general credibility and reputation of the profession of family mediation:
 - It has not regularly paid its contribution to the administrative expenses of the Council within a reasonable time of being requested to do so.
- 10.4. The Board shall have the power to correct any error or typography that may be detected from time to time in this Constitution which does not materially alter this Constitution.

11. Finance

- 11.1 Records will be kept of any bank accounts held by the Council and annual accounts prepared accordingly.
- 11.2 All expenses incurred by Board members will be paid to each member by his or her member organisation. Any expense incurred by each sub-committee member will also be paid by his

or her member organisation. The expenses incurred by the independent Board members or any other person carrying out business on behalf of the Council, unless otherwise agreed, will be paid by the member organisations either on a rota basis or with each member organisation contributing an equal part.

- 11.3. A rota will be agreed so that each member organisation in turn will host Board meetings and will meet any related costs on an annual basis.

12. Dissolution

If the number of Council Members shall at any time fall below two, or if at any time the Board shall pass in a meeting by a majority comprising at least two thirds of all the Members of the Board entitled to vote a resolution of its intention to dissolve the Council such dissolution shall take effect immediately.

13. Areas of law

The areas of law for the purposes of Article 2 are:

- Family law;
- Child law;
- Any other area of law that the member organisations of the Council shall, pursuant to Article 10.1 above, add from time to time.

14. Agreement and Adoption

This Constitution, having been agreed, was formally adopted at a meeting of the Board on 28th November 2007.