



Annual Report 2015

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Published 20th September 2016

1. Foreword

The Family Mediation Standards Board (FMSB) was established in 2015. Its members were formally appointed in March and it first met in May 2015. Under its Terms of Reference the FMSB is a standing committee of the FMC but is operationally independent. This report relates to the work of the FMSB from May to December 2015.

The FMSB has delegated authority to advise upon and oversee the implementation of, and monitor adherence to the new Standards Framework agreed by the family mediator Member Organisations¹ in September 2014. Specifically the FMC delegated the following responsibilities to the FMSB:

- i. consider initial training courses for approval, to consider any appeals relating to courses that are not approved, and to monitor the ongoing quality of courses;
- ii. institute and maintain a comprehensive, equitable and robust system for the accreditation of individual mediators including:-
 1. making decisions on the accreditation of individual mediators (including reaccreditation and suspension or removal of accreditation);
 2. appointing, training and deselecting assessors;
 3. ensuring a common standard of assessment;
 4. considering appeals against decisions to refuse or remove accreditation; and
 5. maintaining a register of accredited mediators and those registered as working towards accreditation.
- iii. ensure that the Law Society Family Mediation Panel accreditation route operates comparable standards to the FMC accreditation process;

¹ ADRg, College of Mediators, FMA, NFM, Resolution, The Law Society.

- iv. maintain and publish a register of Professional Practice Consultants who have completed training, including operating the registration, re-registration and de-selection procedures;
- v. consider and make decisions on complaints and disciplinary matters that have been escalated from Members of the FMC, and where necessary investigate potential shortcomings in the procedures of Members of the FMC;
- vi. monitor any other functions of Members of the FMC that have a direct bearing on the quality of the Framework;
- vii. maintain management information to enable the FMSB to carry out its responsibilities effectively and to provide statistics relating to the Framework; and
- viii. review the effectiveness and cost-effectiveness of the FMSB's operations.

2. Who we are

The members of the FMSB in 2015 were:

Adrienne Cox

Robert Creighton (Chair)

Glynne Davies

Anne Dillon

Carole Kaplan

Lucinda Wickes

Secretary to the Board: Sarah Lloyd

Consultant to the Board Stan Lester

3. Governance

The FMSB's terms of reference, agreed on 3rd November 2015 are printed at Annex 1.

Under its Terms of Reference the FMSB may delegate specific tasks to any of its individual members or to a panel that includes at least one FMSB member. The FMSB board remains responsible for making decisions based on the advice or findings of any individual member or panel. Each panel has terms of reference and the authority to appoint external members.

4. Our Priorities in 2015

In 2015, from May when the Board commenced its work to December our priorities were driven by immediate requirements of the new Standards Framework introduced by the FMC in September 2014.

Specifically these included that Family Mediators register with the FMC by the end of 2015; that a new portfolio accreditation procedure was to be operational by 1st January 2016; and the Ministry of Justice requirement, that all Family Mediators signing Court Forms had to have FMC authorised status. The FMSB sent out detailed guidance to Family Mediators on these matters in November 2015.

The FMSB established two of its delegated panels. The first to address our responsibilities regarding complaints and disciplinary procedures including approving an appeals process which reflects the Standards Framework. The second to put in place a system for approving family mediation foundation training courses.

The FMSB advised on the information to be included in the FMC registration form so that the name, and professional status of Family Mediators, including Professional Practice Consultant status, could be held on a publicly accessible register.

The Register will show whether the family mediator has achieved accreditation status, has a provisional accreditation status, or is a trained mediator working towards accreditation.

Late 2015 saw a total of 161 portfolios submitted to FMC and the Law Society for assessment of professional competence under the existing schemes operated by FMC and the Law Society, submissions for which ended on 31st December 2015 and which the Board expected to be assessed by June 2016.

5. Financial overview

The FMSB incurred £928 of costs in 2015 on rooms for board meetings and reimbursing the travel expenses of those attending meetings of or on behalf of the FMSB.

6. Future work

The principal challenge for the FMSB in 2016 is to use the FMC registration information provided to the FMC by family mediators to create a robust, accurate, publicly accessible, on-line register setting out the professional qualifications and geographical distribution of family mediators and a similarly a register of Professional Practice Consultants.

The Board will continue and extending in its work on assessing and approving training courses and with its review of Member Organisations complaints and disciplinary procedures. Its further priorities are to establish panels and begin work on issues around:

- Accreditation
- Professional Practice Consultants
- Registration and re-registration
- Voice of the Child
- Internal business processes

Annex 1

Terms of Reference for the Family Mediation Standards Board ("FMSB")

Terms of Reference for the Family Mediation Standards Board ("FMSB")

1. Introduction

- a. The Family Mediation Standards Board ("FMSB") is a committee of the Family Mediation Council ("FMC") that is responsible to the Board of the FMC for advising the Board on the content of the FMC Standards and Self-Regulation Framework of the and for its implementation. While decisions about the content of the Framework rest with the Board of the FMC, operational decisions about matters set out in it are delegated to the FMSB.
- b. The Family Mediation Council is a company limited by guarantee (company number 9560220). Its objectives are set out in Article 2 of its Articles of Association ("Articles") as follows:-

- 2.1 The Company's Objects are to promote for the public benefit assistance through mediation for adults and children who are affected by the breaking down of family relationships and so:
 1. prevent and/or alleviate poverty, hardship and distress caused by the breakdown of family relationships;
 2. safeguard and protect good health, both mental and physical; and
 3. preserve and maintain family relationships,in particular but without limitation by:
 - 2.2 providing a collaborative forum for the Members working in the field of Family Mediation and by representing the views and interests of such professionals and such adults and children who benefit from Family Mediation;
 - 2.3 developing and promoting professional standards for the training and practise of Family Mediation and to ensure adherence to and maintenance of such standards;
 - 2.4 collating and providing advice and information on all aspects of family mediation;
 - 2.5 developing, promoting and providing education and training in the practice of Family Mediation; and
 - 2.6 advancing, promoting and carrying on study and research into family mediation and disseminating the useful results of such research.

2.7 providing the profession of Family Mediation as a whole, the Members, mediation services and Family Mediators with one unified body to make representations to government and other national interests and to promote Family Mediation to the media and others.

- c. Article 21 sets out the primary functions of the FMC. These functions include a responsibility, as appropriate, to establish and oversee a framework by which the FMC delegates its powers to committees and / or employees under a proper system of control.
- d. Article 26 requires the FMC to establish the Family Mediation Standards Board ("FMSB") as one of its committees. The purpose of this document is to set out the framework and terms of reference for the FMSB.

2. Remit

- a. In fulfillment of its objects, one of the roles of the FMC is to develop and promote professional standards for the training and practice of family mediation which are fit for purpose and to ensure that such standards are adhered to and maintained within a framework of self-regulation.
- b. With a view to fulfilling this objective, the FMC delegates to the FMSB responsibility to advise upon and oversee the implementation of, and adherence to those professional standards. In particular, the FMC delegates to the FMSB, in accordance with a Professional Standards and Self-Regulation Framework that the FMC shall from time to time publish ("the Framework"), the power to:-
 - i. consider initial training courses for approval, to consider any appeals relating to courses that are not approved, and to monitor the ongoing quality of courses;
 - ii. institute and maintain a comprehensive, equitable and robust system for the accreditation of individual mediators including:-
 - 1. making decisions on the accreditation of individual mediators (including reaccreditation and suspension or removal of accreditation);
 - 2. appointing, training and deselecting assessors;
 - 3. ensuring a common standard of assessment;
 - 4. considering appeals against decisions to refuse or remove accreditation; and

5. maintaining a register of accredited mediators and those registered as working towards accreditation.
 - iii. ensure that the Law Society Family Mediation Panel accreditation route operates comparable standards to the FMC accreditation process;
 - iv. maintain and publish a register of Professional Practice Consultants who have completed training, including operating the registration, re-registration and de-selection procedures;
 - v. consider and make decisions on complaints and disciplinary matters that have been escalated from Members of the FMC, and where necessary investigate potential shortcomings in the procedures of Members of the FMC;
 - vi. monitor any other functions of Members of the FMC that have a direct bearing on the quality of the Framework;
 - vii. maintain management information to enable the FMSB to carry out its responsibilities effectively and to provide statistics relating to the Framework; and
 - viii. review the effectiveness and cost-effectiveness of the FMSB's operations.
- c. It is important to note that while the FMSB has the responsibility to advise on changes to the Framework, the Framework is the responsibility of the FMC and changes to it may only be put into effect with the approval of the Board of the FMC.
 - d. The FMSB shall agree with the Board of the FMC an annual work plan and budget that enables it to fulfill its remit in an efficient and effective manner. The FMSB shall be accountable to the Board of the FMC for the execution of its duties and for any expenditure it may incur.

3. Membership

- a. The FMSB shall comprise six members.
- b. No member of the FMSB must:-
 - i. be a Director of the FMC;
 - ii. be involved in the governance of a Member of the FMC.

- c. At least three, and not more than four, of the members of the FMSB must:-
 - i. each be current Family Mediation Council Accredited Family Mediators (FMCAs); for avoidance of doubt mediators are not selected to represent their member organisation but as members of the mediation profession as a whole;
 - ii. be selected so as to avoid dominance by members from one type of professional background; from one geographical region; or from one or two FMC member organisations;
 - iii. be selected to represent so far as possible the diversity of the profession and those it serves.
- d. At least two, and not more than three, of the members of the FMSB must not be practising mediators, while having experience or knowledge that is relevant to the remit of a professional standards board ('non-mediator members').
- e. An individual may not be a member of the FMSB unless s/he:-
 - i. is aged 18 or over at the date of his appointment;
 - ii. has signed a written declaration of his willingness to act in conformity with these Terms of Reference and FMC's Articles; and
 - iii. has signed the Code of Conduct that has been agreed by the FMC as applying to FMSB members.

4. Appointment

- a. The FMC shall set up an Appointments Panel to appoint the members of the FMSB, consisting of:
 - i. The Chair of the FMC;
 - ii. A person who is not a member or employee of the FMC nor of any of its Members, but who has experience of appointing to committees of public or professional body committees ('independent member');
 - iii. A member of the FMSB, save that if all FMSB posts are vacant a second independent member, or a person who is an FMC Accredited Family Mediator but not a director or employee of the FMC, will be substituted.
- b. The FMC shall advertise FMSB vacancies via its Members and through whatever other channels are relevant to the recruitment of suitable non-mediator members.

- c. Appointment of members shall be made following a selection process that is in accordance with good practice for public sector appointments and is fully documented.

5. Term of Office

In order to ensure a reasonable balance between continuity of membership of the FMSB and refreshment of its members the following will apply:-

- a. Of the six initial members of the FMSB, three will serve for three years and three will serve for five years.
- b. Individuals subsequently appointed to membership of the FMSB shall serve for four years.
- c. An individual who has completed a four-year term of office in accordance with clause 5(b) will not be eligible for re-appointment to the FMSB until a further four-year period has expired. Exceptionally, the term of office of a non-mediator member may be extended while a suitable replacement is found. Such extension will not take the form of re-appointment.

6. Termination of Membership

- a. An individual will cease to be a member of the FMSB if:-
 - i. s/he comes to the end of his/her term of office in accordance with clause 5 above;
 - ii. s/he resigns by written notice to the Secretary of the FMSB;
 - iii. s/he is absent from three consecutive meetings of the FMSB without good reason;
 - iv. s/he is, in the opinion of the FMSB, guilty of conduct contrary to the Code of Conduct.
- b. In the event of a.iii. or iv. above, the FMSB must resolve by a 75% majority of its remaining members to remove the defaulting member, having first given him or her an opportunity to put his or her case against removal.
- c. The Chair of the FMSB shall be responsible to the FMC for ensuring that appropriate action is taken in the event of members defaulting under a.iii. and iv. above.

7. Chair

- a. The FMSB shall appoint its Chair from amongst its members.
- b. The individual appointed as the chair of the FMSB shall serve as such until s/he ceases to be a member of the FMSB in accordance with clause 6 above, until s/he resigns, or until s/he is removed as chair by a majority vote of the FMSB.

8. Secretary

- a. The FMC shall appoint a person who is not a Director of the FMC to be the Secretary of the FMSB.
- b. The same person may serve as Secretary to both the FMC and the FMSB, provided that s/he is not a Director of the FMC.

9. Meetings

- a. The FMSB shall meet at a frequency appropriate to discharging its duties effectively and economically. The Secretary of the FMSB shall give written confirmation of the meeting date and agenda at least seven days in advance of the meeting unless, in the opinion of the Chair, exceptional and urgent circumstances exist.
- b. If the Chair is absent from, or unwilling to take the chair, then the members of the FMSB shall appoint one of their number to preside at the meeting.
- c. The quorum for meetings of FMSB is four members of whom one must be a non-mediator member.
- d. Matters arising at a meeting of the FMSB are to be decided where possible by consensus. If a consensus cannot be reached a simple majority vote may be used with each member having one vote and if there is an equality of votes the Chair having a casting vote.
- e. The FMSB may invite one or more observers to attend its meetings on a one-off or ongoing basis as relevant. In addition, the FMC is entitled to send one of its Directors to attend meetings of the FMSB as an observer. Observers may be excluded from any part of the meeting where it would not be appropriate for them to have access to particular information, for instance in relation to individual complaints, appeals and disciplinary cases.

- f. If a meeting of the FMSB remains inquorate for 15 minutes after its starting time or becomes inquorate for more than 15 minutes, the members present may, other than allowing additional time for members to travel to the meeting, act only to adjourn the meeting to such other time and place as they decide.
- g. If at the adjourned meeting there are again insufficient members present within 15 minutes from the time of the adjourned meeting to constitute a quorum, or the adjourned meeting becomes inquorate for more than 15 minutes, then those members who are present (provided that they number at least two) shall constitute a quorum for the purpose of allowing any business of the adjourned meeting to be conducted, subject to any decisions being approved subsequently by a majority of members.
- h. A written resolution signed by a majority of the members of the FMSB will be as valid as if the decision had been passed at a meeting.
- i. Minutes of all meetings of the FMSB must be made and signed as an accurate record by the member who chaired the meeting. A copy of all minutes must be sent to the Secretary of the FMC for distribution to all the directors of FMC.

10. Conflicts of Interest

Members of the FMSB shall deal with any conflicts of interest in accordance with Articles 18-20 of the FMC.

11. Delegation of tasks

The FMSB may delegate specific tasks to any of its individual members or to a panel that includes at least one of its members. The FMSB will remain responsible for making decisions based on the advice or findings of any individual member or panel. At the point of making any such delegation the FMSB must set out in writing the terms of reference according to which the delegation is made.

12 The Role of the Board of the FMC in relation to the FMSB and these Terms of Reference

- a. In consultation with the FMSB the Board of the FMC may amend the Framework as described in paragraph 2b and set the strategic direction of the FMSB.

- b. After consultation with the FMSB the Board of the FMC may amend these Terms of Reference with the agreement of its Members. It may only make constitutional changes to the FMSB or replace it with an alternative structure after it has:
 - i. conducted a thorough review that includes oversight from a source independent from the FMC and its Members;
 - ii. consulted publicly with the family mediation community and with key stakeholders;
 - iii. made provisions as necessary to minimise any detrimental effect that changes may have on the public or on the profession;
 - iv. obtained the agreement of its Members at a General Meeting of the FMC.
- c. Should the FMSB fail without good cause to discharge its duties and fulfil its remit, or act in a way that brings the FMC or the profession into disrepute or otherwise contravenes the Code of Practice, the Board of the FMC shall inform the Chair of the FMSB in writing of the remedial actions to be taken and the timetable for doing so. Should the FMSB fail to comply with the reasonable direction of the FMC, the Board of the FMC may dismiss the FMSB and initiate appointment of a new Standards Board.
- d. Without prejudice to clause 12(a), the Board of the FMC shall not seek to influence the FMSB in relation to individual decisions that fall within its delegated authority.

13 Communication with the Board of FMC

- a. In order to assist communication with the Board of the FMC:-
 - i. the FMSB will ensure that the Board of FMC has full access to minutes of FMSB meetings;
 - ii. the FMSB will provide to the FMC a summary of its activities, including its income and expenditure, at intervals agreed between it and the FMC;
 - iii. the FMSB will produce an annual plan and report detailing the FMSB's activities for the previous year, any matters arising and solutions that the FMSB intends to implement or for which it seeks the approval of the Board of FMC. The report will be made available to the Board of FMC and published on FMC's website;
 - iv. the Board of FMC will inform the FMSB of any relevant decisions, advice or guidance agreed in board meetings;

- v. The Board of the FMC and the FMSB are each entitled to send an observer to each others' meetings in accordance with clause 9(e) above.

14. Review of these Terms of Reference

These Terms of Reference will be reviewed annually by the Board of the FMC following advice from the FMSB.

Dated 3 November 2015