



## FMC Newsletter

September 2017

### Recent FMC Developments

#### FMC Survey

The FMC will shortly be distributing to mediators a survey aimed at gathering important information about the type, cost, extent and success rate of family mediation, the enforcement of MIAMs rules, and mediators' views on a number of relevant issues such as training. Each question seeks to provide the FMC and FMSB with evidence it can assess when formulating policies and to assist us to inform interested parties, such as the Ministry of Justice, about family mediation in England and Wales.

The survey should take about 20 minutes to complete (if you hold figures relating to the number, type and outcome of your cases, it would help to have these to hand) and the FMC would be very grateful if as many mediators as possible would complete within the time-scale set.

#### Child Inclusive Mediation

The FMSB is implementing the [recommendations](#) of the FMC working group on Child Inclusive Mediation, and is inviting feedback from family mediators on its proposed timetable for the introduction of the additional training requirements that were recommended. For more details, please see the [FMSB's consultation on the issue](#).

#### FMC & CMC Academic Conference – Compulsory Mediation: Opportunity or Threat?

On 13 October, the FMC is joining with the CMC to host a conference '[Compulsory Mediation: Opportunity or Threat?](#)'. The conference will hear from speakers about the psychological case for mandatory mediation, the dangers this poses, and the implications for legal principles, as well as looking at experiences in other jurisdictions and to the future with online courts.

The FMC and CMC are very pleased that the conference will hear from Lord Justice Ryder, as its key note speaker, as well as number of other highly regarded speakers including Paul Randolph, Marian Roberts and Lesley Allport. Booking for the Conference is through the [Eventbrite ticket page](#), with FMC registered mediators eligible for a discounted rate.

### [Criminal record checks](#)

Following work regarding criminal records checks with the Disclosure and Barring Service, the FMC has concluded that it cannot, at present, require a mediator to have a DBS check to work as a child inclusive mediator. The Code of Practice is therefore being amended to reflect this. The FMC will be asking the MoJ to reconsider whether legislation ought to be changed in order to allow for mediators working in child inclusive practice to have DBS checks. Unless or until this legislation changes, mediators who do not currently have a DBS check but who want to show, in so far as possible, that they do not have a criminal record, can apply for a Basic Check with Disclosure Scotland, which will provide a record of any unspent criminal convictions.

### [Extension Policy Announced](#)

The FMSB has published its [policy](#) setting out the circumstances in which those mediators who completed their foundation training before 1.1.15, and who are therefore due to submit their portfolios before 31.12.17, can apply for an extension (if need be). The policy has been designed to uphold standards whilst providing opportunities for mediators who are working towards accreditation to achieve FMCA. This may be of interest to people who were previously working towards accreditation but who have chosen not to pursue this. Mediators who know any colleagues who have chosen not to register with the FMC for this reason are encouraged to bring this policy to their attention.

### [Portfolio Amendment](#)

Following feedback from PPCs that there are fewer 'all issues' cases being taken to mediation than in previous years and, taking account of advice from the FMSB, the [FMC has made a change](#) to the way in which mediators can demonstrate they meet the FMC's competence standards for mediation. A mediator may now show that the competence standards have been met through submitting two case commentaries concerning 'children' cases, and two concerning 'property and finance' in his or her portfolio, as well as a reflective account which includes either a reflection on one or more 'all issues' mediation undertaken (but not concluded) or, if none have been undertaken, reflection on the issues that do need to be addressed in an 'all issues' case.

## Re-accreditation

The FMSB has announced its [re-accreditation process](#), and has published its re-accreditation timetable for mediators who transferred in to FMCA on 1.1.15. Mediators who transferred in to FMCA on that date will shortly receive an e-mail setting out their re-accreditation date. All mediators are required to renew their FMCA status every three years (with the exception of the first re-accreditation period, which may be different) in accordance with requirements of the Standards Framework. Re-accreditation forms and guidance are available on the FMC website.

## Changes to the FMC website

A number of changes will be made to the FMC website over the coming months. Minor amendments to the Find A Mediator search screen will ensure the search terms are more accurate and that members of the public are provided with some explanation about these terms. The increasing numbers of forms mediators may need to access will all be accessible in one place. Other changes will also be made, including those which reflect research carried out by the Ministry of Justice about the information that helps people make choices about mediation.

## FMC Logo

Please remember not to use the FMC logo on your website or any promotional material. The FMCA logo is available for anybody with FMCA status, and can be downloaded from the [FMC website](#). Please e-mail [info@familymediationcouncil.org.uk](mailto:info@familymediationcouncil.org.uk) giving your name and URN to be sent a password (if you have lost yours). In addition, if you are working towards accreditation, please make sure that you correctly represent yourself as doing so. The FMC will write to anybody who is seen to be using the FMC logo or representing themselves as FMCA without holding this status, and will require them to stop doing so.

## FMSB Speakers

Members of the FMSB have been pleased to be invited to a number of conferences and seminars to provide an update about the progress the FMSB is making with regards to regulatory issues, and to discuss with family mediators current issues relating to self-regulation. If you would like a member of the FMSB to make a presentation at a family mediation event you are arranging, please contact [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk)

## FMC Financial Planning

The FMC and FMSB are in the process of strategic financial planning and in particular of budgeting for 2018. We want to keep mediators informed of our thinking, and will be glad to respond to any questions or comments that may arise.

The bodies' work – FMC for governance, policy development and promotion of the profession; FMSB for managing the self-regulatory system – is currently funded from two principal sources: mediators' registration fees and the diminishing balance of a grant from the Ministry of Justice (with small contributions from each Member Organisation to the FMC). The self-regulatory system is central to the health of the family mediation profession. By voluntarily holding themselves up to high standards and submitting themselves to scrutiny, judged independently to the standards set by their peers, family mediators are rightly able to hold themselves out as offering a service to the public as qualified professionals.

The MoJ's one-off grant of £150,000 in 2015 was to enable the FMC to establish the system of self-regulation and set up the FMSB. This has been invaluable, and has covered essential start-up and development costs, but as soon as possible the system needs to be self-financing - ie. covered year on year by the fees received from mediators. For 2017 these are £100 per year for FMCA mediators, and half that for those working towards accreditation. At this rate, fee income doesn't cover costs, leaving about £25,000 being met from the remainder of the MoJ grant, acting as a subsidy. But that situation cannot continue.

The costs of the FMC and FMSB are necessarily constrained. There is only a small core of paid support – the Executive Officer and the administrative service, both working as contractors – and a group of assessors and training course reviewers who are paid for their time as required. The FMC scrutinises costs carefully and has successfully renegotiated contracts within the last year where it felt it was not achieving value for money. Moreover, much work is undertaken voluntarily – for instance, all Board members provide substantial time without any cost to the FMC other than travel.

The FMC board is due to consider fees for next year at its October meeting. In doing so, it will look at the fact that there is still work to be done towards implementing the Standards Framework in full, as well as the ongoing costs to maintain those parts of the Framework that have already been implemented. At the same time the FMC will take into account the costs to mediators, as well as the other professional expenses that a mediator must bear, in the context of levels of income in the profession. In light of these considerations it is expected that fees will rise, but by only a modest amount.

## **Developments from elsewhere**

### **LAA 2018 Contracts – Procurement Process Open**

The Legal Aid Agency has opened its 2018 procurement process, which closes at 5pm on 10 November 2017. For full details please see

<https://www.gov.uk/government/publications/civil-2018-contracts-tender>

## MoJ Research – London based practitioners needed

The Ministry of Justice is carrying out work to improve the process of how members of the public and professionals complete the C100 form, including considering whether this process can be digitised. As part of its research into this, the team carrying out this work would like to conduct one to one interviews with mediators in the London area. The interviews are estimated to take about an hour, and are not remunerated. If you are interested in taking part in the research, please contact Mahbuba (Mohini) Jannath at [mahbuba.jannath@justice.gov.uk](mailto:mahbuba.jannath@justice.gov.uk)

## Notices to Mediators

### Mediator Position Available

Thames Valley Family Mediation Service is seeking an Accredited Mediator to join its mediation team at Slough Family Court one Thursday morning per month (9-1pm): £110/session. To apply, please send TVFMS your CV or for more information please contact Alison Crossley at [servicedirector@tvfms.org.uk](mailto:servicedirector@tvfms.org.uk) or Gillian Krajewski at [ppc@tvfms.org.uk](mailto:ppc@tvfms.org.uk)

### Can you support the work of the FMSB?

The FMSB is seeking to appoint FMCA mediators to assist the work of its panels. Experienced mediators are needed:

- to assist the Complaints and Disciplinary Panel by being a part of an adjudication group, whose members can be called upon to hear appeals from the outcomes of FMC Member Organisations' complaints decisions;
- to assist the Accreditation Panel in its work on accreditation and re-accreditation, including considering individual applications in non-standard circumstances and hearing complex re-accreditation applications.

These posts are unpaid.

If you are interested in either of these roles, please e-mail your CV to [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk)

### Mediation Awareness Week

[Mediation Awareness Week](#) takes place from 14<sup>th</sup> October 2017 – 21<sup>st</sup> October 2017. It aims to provide a wide range of events that will increase awareness of the benefits of mediation across all sectors and jurisdictions within the UK, bringing together individuals, businesses, professional groups and communities that can benefit from the use of mediation to resolve disputes. Mediators hosting relevant events are invited to register them on the website, where full event listings also appear.

## Board Briefing

**Beverley Sayers is the FMC board member nominated by FMA. She represented the FMC as an external research partner for research undertaken by a team at Exeter University, 'Creating Paths to Family Justice'. Beverley's report is set out below.**

'Creating Paths to Family Justice' was undertaken by Anne Barlow, Jan Ewing, Rosemary Hunter & Janet Smithson. I was pleased to be part of a team of external partners who have worked with the researchers, and to attend a briefing event with the MoJ and other interested organisations and individuals on 28 July, where the Key Findings were published.

The research led to four Key Findings:

- Parties need to be emotionally and practically ready to engage in DR
- Parties are increasingly turning to online assistance following separation
- There needs to be better, more consistent screening into and out of appropriate DR
- DR processes are child-focused but rarely child-inclusive

The FMC will be considering a number of these points in detail at its Board Meeting in October and FMC progress on these work areas will be reported in future FMC newsletters.

The research team has also produced a video following the research findings to try to address the need for more information about how mediation works and what MIAMs/initial/assessment meetings are. The research team would be particularly interested to get views on the video from couples who have separated or who are separating, so if you are able to try it out on some of your clients and send feedback to Beverley Sayers (via [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk)), that would be very useful. The video may also be useful in family mediation foundation training, as trainees often say they would like to see mediation in action and there is a lack of videos showing mediation practice.

The Briefing Paper & Report on Key Findings from the research can be read [here](#), with the video and full report available from the [Exeter University website](#).

## Upcoming events & training

The FMC aims to bring you information about training, courses and workshops related to family mediation to aid professional development. Courses are also listed on our [website](#), where you will find more details about submitting events to be included.

- 5 October 2017, Resolution Training: [The Modern Family - A comprehensive update on emergent issues in child and family law](#), London
- 11 October 2017, College of Mediators South East Mediation Network Meeting, London. For more information, please contact [magrob521@msn.com](mailto:magrob521@msn.com)
- 12 October 2017, College of Mediators South West Mediation Network Meeting, Bristol. For more information, please contact [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- 12 October 2017, Family Matters Mediate: [Pensions in Divorce and Separation](#), Doncaster
- 13 October 2017, CMC & FMC Academic Conference: [Compulsory Mediation in the Civil and Family Courts: Opportunity or Threat?](#), London.
- 13 October 2017, FMA Training : [PPC Update of Practice and Theory](#), London
- 13 October 2017 (and later dates), Dialogue: [Family Mediation Foundation Training](#), London
- 18 October 2017, College of Mediators North East Mediation Network Meeting, Doncaster. For more information please contact [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- 18 October 2017, NFM Training: [Elder Mediation](#), London (Further date: 15 November, London)
- 19 – 20 October 2017, [Resolution's Dispute Resolution Conference 2017](#), Nottingham
- 19 October 2017, NFM Training: [How to prepare for FMC re-accreditation in 2018](#) (A one-day workshop for all accredited family mediators), Birmingham

- 19 October 2017, College of Mediators North West Mediation Network Meeting, Manchester. For more information, please contact [info@solutiontalk.co.uk](mailto:info@solutiontalk.co.uk)
- 19 October 2017, CMC Training: [Save Time, Save Money, Save Stress \(Workplace Mediation\)](#), Solihull, West Midlands
- 2 November 2017, FMA Training: [Systemic Theory and Practice in Separation and Divorce Solutions](#), Leeds
- 7 November 2017, FMA Training: [Annual Update of Law and Practice](#), Leeds
- 7 November 2017, Bath Street Seminars: Using legal and other information in family mediation to support participants, generate options and overcome impasse, Cheltenham. For more information, please contact [nicholas@familymediator.org.uk](mailto:nicholas@familymediator.org.uk)
- 8 November 2017, NFM Training: [Welfare Benefits Update and Refresher: Training for Mediators](#), London
- 9 November 2017, NFM Training: [Personal Tax, Pensions and Family Law Update 2017](#), London (Further dates: 23 November 2017 in Bristol; 6 December 2017 in Birmingham)
- 9-10 November, FMA Training: [Direct Consultation with Children](#), Leeds
- 16 November 2017, Resolution Training: [Turning Enquiries into Mediations](#), London
- 16 November 2017, Family Matters Mediate: [FMC Portfolio Preparation](#), Doncaster
- 22-23 November 2017, FMA Training: [Non-Violent Communication for Family Mediators](#), London
- 22 November 2017, Bath Street Seminars: Helping parents to improve communication and trust, accept difference and co-parent more effectively, Cheltenham. For more information, please contact [nicholas@familymediator.org.uk](mailto:nicholas@familymediator.org.uk)
- 22 November 2017, LBA Excellence: [Family Law Update](#), London
- 23 November, FMA Training: [PPC Update of Practice and Theory](#), Manchester



- 29 November 2017, LBA Excellence: [Reflective Practice](#), London
- 8 February 2018, Family Matters Mediate: [Strategies for Dealing With High Conflict Cases](#), Doncaster
- 19 February 2018 (and later dates), Resolution Training: [Mediation Foundation Training](#), London
- Ongoing, NFM Training: [Professional Practice Consultancy Training](#) (distance learning)

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