



## **FMC Newsletter**

**March 2018**

The FMC board members are keen to hear the views of mediators about current issues in family mediation, such as the drafting of documentation at the end of mediation, and ways in which the Standards Framework can be improved. You are therefore invited to join the board on:

**19<sup>th</sup> April, from 4.30pm – 6.00pm, in Manchester**

**13<sup>th</sup> June, in London (time tbc)**

These events are at the offices of Mills and Reeve, which the FMC would like to thank for its kind hospitality.

As well as offering the opportunity to speak to board members, this informal reception is an opportunity to meet other local mediators.

As numbers are limited, please e-mail [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk) if you are interested in attending. Places will be allocated on a first come, first served basis.

## **Recent FMC Developments**

### **FMC Strategy for 2018-19**

The FMC has recently agreed its strategy for 2018 & 2019, which is separated in to four key areas. These are:

1. Standards Development and Oversight
2. Timely Awareness of mediation, the FMCA quality mark and public access to FMCAs
3. Turning the outcome of mediation into a final settlement
4. Ensuring good governance of the FMC

The work that the FMC does over the next two years will therefore be focussed on these four areas. A summary of the strategic plan can be found [here](#).

## Review of the Standards Framework

The aim of the Standards Review is to identify any places where the Framework lacks fitness for purpose or could otherwise be improved, and to make proposals for improvement. The FMC has agreed that the review should be conducted area by area, according to priority. It has the first two priorities as the accreditation and the complaints and disciplinary processes. The intention is for the review to be conducted under the auspices of the FMSB, working jointly with representatives of the FMC, and to take the views of mediators in to account.

## Increasing attendance at MIAMS

The FMC & FMSB are working with the MoJ, HMCTS and CAFCASS to try to increase MIAMS attendance, which in turn should increase the use of mediation. A joint working group is seeking to ensure that everyone involved in a court process knows of the MIAMS requirements as well as to try to remind them of the benefits of mediation. Initial work has focused on gatekeeping to ensure that MIAMS forms are being properly completed and returned by courts if they are not, as well as training of and dissemination of information to court staff. We are also looking to see whether more mediators could be invited to sit on local family justice boards.

## All Mediation Conference

The FMC was pleased to be asked to arrange the Family session at the [All Mediation Conference](#) on 23<sup>rd</sup> May, organised by the CMC. John Taylor, Chair of the Family Mediation Council, and Robert Creighton, Chair of the Family Mediation Standards Board, will discuss the self-regulation of family mediation, from its early development through to the present day and beyond, looking at both the practical issues that have arisen along the way and the current challenges the system faces. Discounts are available for FMC registered mediators.

## Re-registration for 2018 – a reminder

The re-registration period for 2018 has closed. To remain on the register, all mediators (those accredited and those working towards) have to complete a form confirming we hold correct details for them and pay the annual fee, every year. If you have not sent us your completed re-registration form or fee for 2018, please contact [register@familymediationcouncil.org.uk](mailto:register@familymediationcouncil.org.uk) straight away. If you are posting your re-registration forms, please note our new address.

## Renewal of accreditation – a reminder

In addition to annual registration, the FMC operates a rolling programme of re-accreditation. Mediators who transferred in to FMCA on 1.1.15 have been allocated a date to apply for re-accreditation between autumn 2017 and the end of 2018. Mediators who became accredited in or after 2015 are required apply for re-accreditation every three years from their accreditation date. If you are posting your re-accreditation forms, please note our new address.

## Notices for Mediators

**Staffordshire Family Mediation Service** requires an accredited Mediator able to work from a variety of venues in the East Midlands. Applicants must be a Family Mediation Council accredited Mediator able to undertake all types of private and legally aided work. As part of a salaried post of 2 or more days a week the service will pay your FMC, Membership, supervision costs, and a pension contribution. Closing date for applications: 01.05.2018. For an information pack please contact [sue@staffsmediation.co.uk](mailto:sue@staffsmediation.co.uk) or telephone 01827 314020

**Dr Lesley Allport** is undertaking a small research project to explore:

- the use of social media platforms by parties who are using mediation, the impact it may have on their discussions and the extent to which this use may or may not fuel the conflict
- the level of use that is being made of internet systems such as Skype or Zoom to offer mediation for parties who cannot meet together and the impact this has on communication

Lesley is acting independently of any mediation provider or mediation organisation and has asked if you could spare the time to complete the questions in her survey, which should take about 15-20 minutes. You can find the survey by following this link: <https://www.surveymonkey.co.uk/r/D3R63D2>. The survey is for any practising mediators who may be working in one or more field of delivery. Responses to the survey are anonymous but the findings will be shared - if you would like to be kept informed please contact me Lesley at [lesley.allport@ladr.net](mailto:lesley.allport@ladr.net). The survey closes on Friday 13th April.

**Amel Ketani** is working towards a PhD in Family Mediation, and is looking for family mediators who would be interested in taking part in a focus group covering: a review on the family mediation training, centralised body to regulate family mediation, MIAM, child-inclusive mediation and family mediation models. The focus group will last for 1 hour and will take place in London at BPP University Waterloo Campus. If you are interested in taking part, please contact Amel at [amelketani@bpp.com](mailto:amelketani@bpp.com).

**Brooke Townsley** (Senior Lecturer, Public Service Interpreting and Translation, Middlesex University, London) is carrying out into the impact of language difference and the use of interpreters on Mediation outcomes for a doctoral research project. She is looking for family mediators who have experience of mediating through spoken language interpreters, or who conduct mediations in both English and non-English language. If you have experience of this, and are willing to be interviewed, please contact Brooke at [b.townsley@mdx.ac.uk](mailto:b.townsley@mdx.ac.uk) or by telephone at 07968 739918.

## Board Briefing

Allan Blake\* has been a Co-Opted Director on the Family Mediation Council since June 2017.

### Family Mediation: Quality, Access & Funding

My appointment onto the Board of Directors of the Family Mediation Council ('FMC') comes at a time when the policy for family justice is evolving as is the impact of its implementation. Decisions on the funding of legal aid for matrimonial matters have had an impact on:

- Family courts;
- The way the legal profession structures its matrimonial departments (size, scope and personnel); and
- The development and growth of family mediation as a profession, of particular relevance to the FMC.

Significant changes in legal aid were introduced through The Legal Aid, Sentencing and Punishment of Offenders Act 2012 ('LASPO'), a catalyst for many of the unintended consequences we are seeing for family mediators and their potential clients. LASPO removed legal aid funding for nearly all private matrimonial disputes. In April 2014 legal aid was introduced for compulsory but limited family mediation, normally required before a court appearance, extending to all FMC Accredited providers ("FMCAs").

LASPO has led to a significant increase in Litigants in Person appearing before courts, causing difficulties for the judiciary in the treatment of unrepresented parties and delays in court. The legally aided Mediation Information Assessment Meeting ('MIAM'), a compulsory gateway to the commencement of family proceedings and potentially an inducement for more mediation, has received a mixed reception and not led to the expected increase in take up of mediation services; MIAMs and their exceptions appear to be treated in different ways within the court gatekeeper system, something the FMC is encouraging the Ministry of Justice and the Courts and Tribunals Service to correct.

The legal profession will have seen a significant reduction in legal aid revenue in matrimonial law sections. Some practices have recruited family mediators to continue to provide a full matrimonial service and/or lawyers have accredited as FMCAs. Lawyers comprise about 60% of FMCAs.

Family mediation meanwhile is developing well as a profession in its own right with nearly 1,000 FMCAs operating within law firms, as sole traders, companies or not-for-profit networked organisations. It's a hard slog to achieve FMCA accreditation

and family mediation on its own will often not generate enough volume of work, small businesses needing to develop other activities to achieve financial viability. As family mediation continues to develop as a profession the FMC, the standards setting authority, works to understand the issues that confront all the providers of family mediation to ensure that the action it takes assists the profession's development both professionally and as a viable business. The FMC is well placed to work with and advise others, such as the Legal Aid Agency, the Ministry of Justice and the Courts and Tribunals Service, as to how policies may impact or enhance the provision of quality assured family mediation services. This is a part of our new two year strategy, a summary of which is now available on the [FMC website](#).

The family mediation profession will continue to grow. However, it will take time and needs support. Society and its processes for dealing with family separations has not yet adjusted to the new regime that LASPO heralded. The conflict model of managing family break downs still remains dominant and our judicial processes and complex language have not changed significantly, although standard templates for Consent Orders are now being issued and changes in the family law courts are being looked at as part of the continuing evolution of how we deal with family justice. Another unintended consequence of LASPO is that the conflict model may fade as the default option for settling matrimonial disputes. The potential introduction of no-fault divorce would further assist in the development of mediation for settling family matters, not necessarily just at the harsh conclusion of a relationship. However, the funding and development of family mediation in parallel with these changes is a critical component in the development of the mediation profession and has yet to be resolved satisfactorily in a manner that also assists in the delivery of civil justice objectives.

I am optimistic for family mediation both as a profession and as a business operating in a variety of forms: from sections within lawyers' firms to sole traders supported by a mediation network of the FMC's Member Organisations. The FMC is focused on ensuring the quality of the services provided under its accreditation banner. This also involves monitoring the funding structure that facilitates that hallmark of quality and delivers meaningful access for the public to FMCAs as a key part of developing family law civil justice objectives. This is a challenge, but it is also why I was delighted to be offered the opportunity to become a Co-Opted Director of the FMC and contribute to the future development of the quality assured family mediation services that FMCAs provide.

\* Allan has recently retired as Director of the Bristow Helicopter Group. Prior to that he was Head of Law at Leeds Polytechnic, Dean of Leeds Business School and one of the founding Members of the Legal Aid Board. He is currently an aviation journalist and consultant and author of 'Dynamic Directors, Aligning Board Structure for Business Success' (1999/ 2014) Macmillan.

## 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.

- 10 April, Anvers Mediation: Family Mediation Taster Course, Manchester. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 11 April, College of Mediators: North East Mediation Network Meeting. (Location tbc) For more information, please e-mail: [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- 13 April, Anvers Mediation: How Do Family Mediators Define 'the Family'?, Leeds. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 16 April (and later dates), Resolution Training: [Mediation Foundation Training](#), London
- 17 April, NFM: [General Data Protection Regulation Virtual Workshop](#), Online
- 17 April, Anvers Mediation, PPC Annual Update Theory and Practice, Leeds. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 18 April, Anvers Mediation: Family Mediation Taster Course, Leeds. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 19 April, NFM: [General Data Protection Regulation Virtual Workshop](#), Online
- 19 April, NFM: [Introduction to Mediation](#), London
- 19 April, Anvers Mediation, Family Mediation and Legal Update, Leeds. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 19-20 April, FMA: [Child Inclusive Mediation](#) (Formerly known as Direct Consultation with Children), London
- 20 April, FMA: [PPC Update of Theory and Practice](#), London
- 25 April, NFM: [General Data Protection Regulation Virtual Workshop](#), Online

- 25 April, FMA: [How to Talk with Children in High Conflict Divorce and Separation Cases](#), London
- 26 – 28 April, NFM: [Refresher Training for Family Mediators](#), London
- 30 April – 2 May, Resolution: Family Mediation Refresher Training, London. For more information please e-mail: [louisa.grisdale@resolution.org.uk](mailto:louisa.grisdale@resolution.org.uk)
- 9 May, FMA: [From Conflict to Conversation](#), Leeds
- 14 – 16 May, Elder Mediation International Network: [9<sup>th</sup> World Summit & Symposium on Elder Mediation](#), Bristol
- 16 May, NFM: [Introduction to Mediation](#), London
- 16 May, NFM: [Welfare benefits update and refresher: training for mediators](#), York
- 17 May, NFM: [Welfare benefits update and refresher: training for mediators](#), London
- 23 May, CMC: [All Mediation Conference](#), London
- 24 May, Anvers Mediation: How Do Family Mediators Define 'the Family'?, Newcastle. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 25 May, Anvers Mediation: PPC Annual Update Theory and Practice, Newcastle. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 31 May – 1 June, FMA: [Non-Violent Communication \(NVC\) for Family Mediators](#), London
- 5 June, NFM: [Introduction to Mediation](#), Birmingham
- 5 June, Anvers Mediation: Family Mediation and Legal Update, Manchester. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 5 -6 June and 4 September: LADR, Professional Practice Consultancy Training, Birmingham. For more information please contact [lesley.allport@ladr.net](mailto:lesley.allport@ladr.net)
- 7 June, FMA: [Solution Focused Mediation](#), Leeds
- 7 June, Anvers Mediation: How Do Family Mediators Define 'the Family'?, Manchester. For more information, please e-mail [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)



- 19 – 21 June, [FMA Refresher Training](#), London
- 21 – 22 June, NFM: [Child Inclusive Mediation Training](#), London
- 27 – 28 June, Resolution: [PPC Foundation Training](#), London
- 7 July, NFM: [Introduction to Mediation](#), London
- 23 July, Anvers Mediation: Post Family Mediation Foundation Training - What Happens Next?, Leeds. For more information, please e-mail: [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 1 August (and later dates), [NFM: Foundation Training](#), London/distance learning
- 5 September, NFM: [Introduction to Mediation](#), Birmingham
- 5 -7 September, Resolution: Family Mediation Refresher Training, London. For more information, please e-mail: [louisa.grisdale@resolution.org.uk](mailto:louisa.grisdale@resolution.org.uk)
- 6 September, College of Mediators: Professional Practice Consultant (PPC) Conference, London. For more information, e-mail: [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- 12 September, College of Mediators: South East Mediation Network Meeting. For more information please contact [magrob521@msn.com](mailto:magrob521@msn.com)
- 13 September, NFM: [Child Inclusive Mediation Awareness and Understanding](#), London
- 26 – 27 September, [FMA: Annual Conference](#), London
- 4 October, FMA: [PPC Update of Theory and Practice](#), Leeds
- 4 October, NFM: [Child Inclusive Mediation Awareness and Understanding](#), London
- 4 October, FMA: Parental Alienation: [Recognition and Appropriate Responses in Mediation](#), London
- 6 October, NFM: [Introduction to Mediation](#), London
- 11 October, College of Mediators: North West Mediation Network Meeting. For more information please contact [info@solutiontalk.co.uk](mailto:info@solutiontalk.co.uk)



- 11 October, College of Mediators: South West Mediation Network Meeting. For more information please contact [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- 11 – 12 October, Resolution: [Dispute Resolution Conference 2018](#), Nottingham.
- 11 – 13 October, NFM: [Child Inclusive Mediation](#), London  
\*Subject to FMSB Course Approval, a process happening in mid 2018
- 18 October, Anvers Mediation: Post Family Mediation Foundation Training – What Happens Next?, London. For more information, please e-mail: [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 18 October, Anvers Mediation: PPC Annual Update Theory & Practice, London. For more information, please e-mail: [jancoulton08@gmail.com](mailto:jancoulton08@gmail.com)
- 25 October, Annual General Meeting Event, Milton Keynes. For more information, please e-mail [admin@collegeofmediators.co.uk](mailto:admin@collegeofmediators.co.uk)
- Ongoing, NFM Training: [Professional Practice Consultancy Training](#) (distance learning)

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