

FMSB Meeting

20th March 2019

Approved Minutes – Part 1

	Open session: Robert Creighton (Chair), Adrienne Cox, Ian Hamer, John Hobson, Douglas Morgan, Maja Vojnovic (MoJ Observer), Ewan Malcolm, for items 4.1(i) and 4.2 (FMC Observer), Helen Anthony (Executive Officer) present.	Action
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	Apologies had been received from Beryl Darling. The two usual FMC Observers were unavailable and so Ewan Malcolm attended in their stead for part of the meeting. There were no new declarations of interests.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	The minutes of the FMSB meeting held on 16.1.19 were approved. There were no matters arising from the minutes that were not elsewhere on the agenda.	HA to circulate approved minutes of 16.1.19
2.	Update reports	
2.1	Chair's report	
	The Chair noted that he had attended the Assessors' meeting to thank Dominic Raeside, who was stepping down as the FMC's Chief Assessor, for his many years' work.	
2.2	Executive Officer's report	
	The FMSB considered whether a mediator with provisional accreditation could carry out CIM training, on the proviso that they do not practice until obtaining full FMCA. The FMSB agreed that the mediator could attend CIM training so long as the reason for provisional nature of the accreditation did not relate to the need for the mediators to prove competencies relating to mediation on children issues, and she is close to obtaining full accreditation. The mediator cannot practice as a CIM mediator as until she has full FMCA.	HA to confirm details and then let mediator know decision
	The request led to a discussion about whether the FMSB has been specific enough about the timing of when update courses are required. This question was remitted to the Training Panel to consider.	HA to add to Training Panel agenda

	<p>The request also led to the FMSB discussing the reasons for the award of provisional accreditation and whether it is right that mediators with this status can hold themselves out as having FMCA. The question was remitted to the Accreditation Panel to consider.</p>	<p>HA to add to Accreditation Panel agenda</p>
2.3	<p>MoJ report</p>	
	<p>The FMSB noted that the MoJ is continuing with its Digital C100 development programme. HMCTS will take this programme over from the MoJ in due course as part of its digital reform work. The project is expected to expand over the next year.</p> <p>The MoJ has produced a short mediation video. It may be added to the MoJ's You Tube channel. The MoJ observer will ask colleagues whether this could be made available to be added to the FMC website, if it is appropriate.</p> <p>The President of the Family Division has convened a working party to review the Child Arrangements Programme, as was reported to the FMC. Any amendments to the paper court forms will not go ahead until the review makes its recommendations, in case the review concludes that changes to the same form are required.</p> <p>The MoJ Observer noted that, along with her colleagues, she had met the Lucy Fraser, the Family Justice Minister, to discuss a number of ideas to try to enable people to reach an agreement without coming to court. The minister was interested in mediation and SPIPs, the idea that people are not going to mediation because the outcome is not binding, and digitalisation.</p>	<p>MV to ask if MoJ video can be made available for the FMC to use on its website</p>
2.4	<p>FMC Minutes to note</p>	
	<p>The FMSB noted the draft minutes of the FMC meeting held on 6.3.19.</p> <p>The FMSB noted in particular the concern that panel members are selected fairly.</p> <p>The FMSB noted with interest that the Magistrates Association may be willing to publish an article about mediation in its magazine, and recommended that any such article explains what mediation is, what mediators do and who regulates them.</p> <p>The FMSB asked the Executive Officer to</p>	

	consider whether the FMC could publish its own newsletter, aimed at the judiciary and others, as part of the FMC Marketing Plan.	HA to consider external FMC newsletter as part of marketing plan
3.	Strategy, planning & governance	
3.1	Governance updates	
	<p>The FMSB confirmed that the organogram gives an accurate picture of the way that the FMSB organises itself at present. Panel leads will look to the list of volunteers to fill vacancies. The FMSB asked to receive an update on the number of mediators that had volunteered (as part of the registration process) to help the FMC, at its next meeting.</p> <p>The FMSB discussed its obligation to manage conflict of interests, as noted in the Code of Conduct. It agreed to produce and publish a register of interests and will publish a document outlining how it manages conflict of interests.</p> <p>The FMSB members asked for confirmation that the FMSB is covered by appropriate insurance. The Executive Officer confirmed that it is and will circulate the relevant insurance policy.</p>	<p>HA to provide FMSB with update on volunteers at its next meeting.</p> <p>HA to re-circulate the Code of Conduct & a form on which to declare interests to all FMSB members. HA to compile a register of interests. RC & HA to draft note setting out how FMSB manages conflicts.</p> <p>HA to circulate insurance policy</p>
4.	Core Business	
4.1	Registration	
	<p>The FMSB noted the registration report. The Executive Officer reported that at the date of the meeting, about 200 mediators had not re-registered for 2019.</p> <p>The FMSB agreed that the Executive Officer should write as follows, copying in mediators' PPCs:</p> <ul style="list-style-type: none"> - to FMCA mediators, that they have until 19th April to re-register otherwise they will be removed and will not be able to sign MIAM forms; their MO and PPC will be informed. - to mediators working towards accreditation within their deadline for submitting their portfolio, that they have until 19th April to re-register; their MO and PPC will be informed. - to mediators working towards accreditation outside their deadline, that they have until 19th April to get in touch with the Executive Officer about a retrospective extension, otherwise they will be removed from the register; their MO and PPC will be informed. 	
4.2	Accreditation	
	The FMSB noted the Accreditation Panel's report and the draft minutes of the Accreditation Panel's	

	<p>meeting on 25.2.19.</p> <p>The proposal for mediators with Child Only accreditation to obtain accreditation for all issues was approved by the FMSB. The FMSB asked the Executive Officer to circulate this to the FMC by e-mail, indicating that it had been approved by the FMSB, that it affects a small number of mediators, and that the FMSB views this as implementation rather than an issue of principle that requires the FMC to approve it, and inviting any FMC members with concerns about this to let the Executive Officer know.</p> <p>The FMSB confirmed that as the appointment of assessors was delegated to the Accreditation Panel, wider FMSB members did not need to be involved in these appointments.</p> <p>The FMSB noted the report of the Assessors' Meeting, which took place on 27.2.19. The FMSB agreed to the assessor's request that any extension forms and the response from the FMSB should be included in a mediator's portfolio when this is submitted and that the forms should be amended accordingly.</p> <p>The FMSB noted that its Chair had received a letter from the Law Society suggesting that re-accreditation should be postponed until the accreditation part of the Standards Review is complete. The Accreditation Panel was not in favour of this, having said that all mediators should be re-accredited by 30.6.19. The FMSB Chair will discuss the Law Society's concerns with the Law Society as part of the FMC's upcoming governance meetings with its Member Organisations.</p>	<p>HA to circulate Child Only policy to FMC directors</p> <p>HA to amend extension form and standard reply re extensions</p> <p>RC to discuss re-accreditation with Law Society as part of FMC/MO meeting</p>
4.3	Standards Review	
	<p>The FMSB noted the progress that was being made on the Standards Review.</p> <p>There have been 299 responses to the survey about the accreditation process. The working group will meet on 3rd April to review the responses, and to decide next steps.</p> <p>The FMSB noted that the issue of complaints will be addressed when the FMC & FMSB have their annual meetings with the FMC's Member Organisations, to gather initial views on the idea of reforming the current system.</p>	

	<p>The FMSB recognised that the work that Resolution and the Law Society had done about outcome documentation, and which is to be discussed at the FMC meeting in June may assist the development of standards in this area. The FMC has asked to speak to the President of the Family Division about this and other issues, and will also approach other members/representatives of the judiciary. It was suggested that the FMC also approach the Justice's Clerks Society.</p>	<p>HA to contact the Justice's Clerks Society</p>
4.4	<p>Training Panel</p> <p>The FMSB noted the Training Panel's report and in particular that two CIM Course Applications has been approved by the FMSB, via e-mail, since the last FMSB meeting.</p> <p>The training panel will meet within the next two months, with a provisional date of 15th May being agreed.</p>	<p>HA to arrange training panel meeting</p>
4.5	<p>PPCs</p> <p>The FMSB noted the PPC's Panel report and thanked the FMC's MOs for expressing a willingness to share their template PPC Agreements with the FMSB.</p>	
5.	Communication	
5.1	<p>Events update</p> <p>The FMSB accepted the invitation to send a speaker to regional Resolution event in June.</p>	<p>RC, AC & HA to liaise to confirm who will attend</p>
5.2	<p>Presentations</p> <p>The FMSB noted that amended presentations will be circulated by e-mail, and members will be invited to comment on these.</p>	<p>HA will circulate amended presentations for comment.</p>
6.	Future meeting dates to note	
	<p>15 May 2019, 17 July 2019, 18 September 2019, 13 November 2019</p>	
7.	AOB	
	<p>The FMSB noted that its meeting in July will be especially important, as members will review the way they work together. As not everybody is available, an alternative date will be found.</p> <p>The FMSB noted that Ian Hamer has been appointed as a non-executive Director of the Legal Services Board. He will take up his post in the autumn.</p>	<p>HA to set new date for July meeting</p>