



MANAGING CONFLICTS OF INTEREST IN THE FMSB

INTRODUCTION

The Family Mediation Standards Board (FMSB) is charged with implementing the system for professional self-regulation of family mediation under policies determined by the Family Mediation Council (FMC). While it has a role in advising the FMC on issues relating to professional standards and regulatory policies, it is not itself a policy-making body.

It has two types of members – practising mediators and lay (non-mediator) members. There is an inevitable potential conflict of interest for practising mediators in relation to their mediation businesses, but this is explicitly recognised as inherent in a system of voluntary professional self-regulation. There is also potential for conflict or perception of conflict in relation to their MO affiliations; practising mediators agree to join the Board as individuals, without taking into account the views or interests of any MOs to which they belong.

AREAS OF POTENTIAL CONFLICTS OF INTEREST

The FMSB recognises that conflicts of interest may arise when members or their families or their close associates (“connected persons”):

- may be or may be perceived to be benefitted by decisions that affect them;
- or where any such connected person is in a position of influence, or being influenced, in relation to the FMSB or the FMC;

and that such conflict may happen:

- commercially, in relation to businesses or other organisations offering family mediation or training in any aspect of family mediation;
- organisationally, in relation to any of the five Member Organisations that nominate FMC Board members, or in relation to others who are stakeholders;
- personally, when there may be occasions for close personal relationships to influence members’ views on any subject.

MANAGING CONFLICTS OF INTEREST

FMC Code of Conduct

All members are bound by the FMC’s Code of Conduct, which they sign on appointment to signify that they have understood and agree to abide by its terms. Specifically, paragraph 4 requires the effective management of conflicts of interest through registering, declaring and resolving them.

Accountability to the FMC

The FMSB is accountable to the FMC, which may at any time call it to account for its management of possible conflicts of interest in line with its Code of Conduct. The FMSB keeps the FMC informed of its management of these issues and consults it in the event of uncertainty over potential conflicts.

Register of Interests

The FMSB maintains a register of its members' interests, which is referenced and updated as necessary at each meeting and is reviewed annually.

Identification and Declaration of Potential Conflicts of Interest

At the beginning of each meeting the Chair reminds members of the interests they have declared on the Register and invites consideration of whether potential conflicts – or the potential for the perception of conflicts – should limit the participation of any members in discussion of items on the agenda. In this case the potential conflicts are explicitly minuted and appropriate arrangements are agreed for affected members to stand aside.

Standing Aside

Members with any identified potential for conflicts of interest are required to absent themselves for the relevant items on the agenda, but this should not affect their contributions on all other items. They should also avoid divulging to any connected person any information about, or about the fact of, the discussion in question.

Circulation of Papers

When the Secretary of the FMSB identifies that a declared interest represents a potential conflict with any item on an agenda, papers for that item will be withheld from the member concerned. In cases of uncertainty the Secretary will consult with the Chair.

Publication of Minutes

The Minutes of FMSB meetings are published on the FMC website and are therefore accessible to public scrutiny.