

FMSB Meeting

Wednesday 18th September 2019

Approved Minutes

	Open session: Robert Creighton (Chair), Adrienne Cox, Beryl Darling, Ian Hamer (from item 2.1 onwards), John Hobson, Jane Robey (FMC Observer), Helen Anthony (Executive Officer) present	Action
1.	Introductory	
1.1	Welcome and introductions, apologies, declarations of interests	
	<p>The FMSB noted Douglas Morgan's resignation from the board. The FMSB thanked Douglas for his contribution to the board and wished him well for the future.</p> <p>Apologies had been received from Martin Hau (MoJ).</p>	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	The minutes of the FMSB meeting held on 17.7.19 were approved.	HA to circulate & publish approved minutes
2.	Update reports	
2.1	Chair's report	
	<p>The Chair reported that he had heard from the Chief Assessors of the FMC and the Law Society, who had a productive meeting to discuss how they could work together to address issues that are common to both accreditation processes. Among the issues discussed were the need for clarification about observations taking place by video conferencing and ensuring that information about potentially fraudulent portfolios was shared between the two sets of assessment teams.</p> <p>The FMSB agreed that it was important to ensure that the FMC Chief Assessor was involved in relevant conversations about policy. It asked the Chair of the Accreditation Panel to continue to have regular discussions with the Chief Assessor and agreed to invite the FMC's Chief Assessor to sit on the Standards Review Panel.</p> <p>The Chief Assessors of the FMC and Law Society were arranging a joint meeting of all assessors in the new year, and the FMSB will invite both Chief Assessors to the FMSB meeting that follows this.</p>	RC to invite JD to join StRAWG
2.2	Executive Officer's report	
	<p>FMSB members had previously requested information about the status of mediators who are provisionally accredited. This has been provided. The FMSB agreed that it should consider whether mediators who are provisionally accredited should be able to hold themselves out as accredited. To help it do so, it will consider the results of the audit that will be undertaken by the Accreditation Panel and seek the views of the Chief Assessors.</p> <p>The FMSB noted the FMC budget for the year (which had been provided to give context to discussions about online registration) and the Executive Officer's projections which suggest the budgeted end-of-year position will be approximately accurate.</p> <p>The FMSB considered whether an online registration would be beneficial and agreed that it would. The FMSB will recommend that the FMC to invest in a system that was capable of future development, was secure and GDPR compliant and that works well for users. It noted that the</p>	<p>HA to seek views of JD & ALC re provisional accreditation following audit</p> <p>RC to pass recommendation to FMC</p>

	<p>proposal for mediators to be able to submit their portfolios online could be treated as a separate issue, linked to the Standards Review.</p> <p>The FMSB noted that a new system was unlikely to be ready for registration in 2020 and it therefore expects to continue with the current system for registration for next year.</p>	
2.3	FMC report	
	<p>The FMSB noted the FMC's draft response to the Child Arrangements Programme consultation. They welcomed the FMC's intention to include in this a statement that issues relating to standards should be referred to the FMSB.</p> <p>The FMSB recommended that (given the above) the FMC does not include any specific reference to standards related issues in its response, as this would be inconsistent with the principle that standards issues should be referred to the FMSB.</p> <p>The FMSB noted that a new website, Legal Choices, contains information about mediators (including family mediators) that may be misleading and asked that the Executive Officer liaises with the website publishers to ensure correct and helpful information is included.</p>	<p>RC to refer issue of CAP review and Legal Choices website to FMC</p> <p>HA to liaise with publishers of Legal Choices</p>
3.	Core Business	
3.1	Registration	
	<p>The FMSB noted the registration report.</p> <p>The FMSB asked the EO to draft a short piece to send to FMC MOs and approved foundation training course providers, asking that they send this to their members, to let them know that the FMC has a procedure which can enable mediators who:</p> <ul style="list-style-type: none"> - have completed a foundation course - haven't ever, or are not currently, registered with the FMC - now want to work towards accreditation to join the register. 	<p>HA to draft & circulate encouragement to register & to send to FMSB for comment before distributing this</p>
	Break	
3.2	Accreditation	
	<p>The FMSB noted that there had been an Accreditation Panel meeting the previous day.</p> <p>It had considered a number of individual applications (including an application for a mediator accredited in another jurisdiction to submit a reduced portfolio, return to practice, re-accreditation and extension applications). It had also considered drafts of documents which have been produced following the Standards Review, to try to help people have a better understanding of the portfolio process and to provide guidance in completing that process.</p>	
3.3	Standards Review	
	<p>The FMSB noted that good progress had been made on the 'quick fixes' identified as a result of the Standards Review accreditation survey. The Standards Review Accreditation Working Group is due to meet in October and will start to focus on the strategic questions that have arisen as part of the review.</p> <p>The FMSB noted the proposed new structure for the Standards Framework. HA will proceed with the work on the supporting manuals with support from JH and will circulate an example to FMSB members in order to help their understanding of what the supporting manuals will look like. HA will also circulate Appendix B (list of supporting manuals) to FMSB</p>	<p>HA & JH to work on supporting manuals & circulate an example</p>

	<p>members who will indicate which supporting manuals they will be able to check to ensure the work in transposing them from the old to new format hasn't resulted in any omissions.</p> <p>The FMSB agreed that the work on the Principles Manual, and the gap analysis, needed to be carefully planned and managed.</p> <p>JH, RC & HA will work together to propose a mechanism, and resources, to consult about the content of the Principles Manual (as set out in Appendix A).</p> <p>The FMSB considered the proposed approach to reviewing complaints. It agreed that IH & RC should take forward the work to talk to the FMC and its MOs to establish their positions on complaints, and whether they wish to or would be willing to switch to a common complaints procedure, as well as who might operate this. It was noted that in considering the review of the complaints system, the FMSB will need to consider any overlap with other regulators such as the Legal Ombudsman or SRA.</p>	<p>HA to circulate Appendix B</p> <p>JH, RC & HA to propose mechanism to consult on content of Principles Manual</p> <p>IH & RC to draft a paper and talk to FMC & MOs re complaints</p>
3.5	PPCs	
	<p>The FMSB noted that there had been a number of good applicants for roles on the PPC Panel and that Lesley Saunders, Zen Thompson and Mabel Edge had been invited to join the panel. The panel is due to meet at the end of October.</p> <p>The FMSB agreed the amended Terms of Reference for the PPC Panel.</p>	
4.	Strategy, planning & governance	
4.1	<p>Governance updates</p> <ul style="list-style-type: none"> • Reflective Review • FMSB Recruitment 	
	<p>The FMSB reflected upon the way in which it worked and whether it could improve upon this.</p> <p>The Chair will summarise this discussion and make a note of issues to follow up on, which the FMSB will do at its next meeting.</p> <p>The FMSB noted that the FMC will now need to recruit for one lay member of the FMSB as well as two mediator members (one for an immediate start, and one starting in Spring 2020).</p>	<p>RC to summarise discussion. HA to add to agenda for November meeting</p>
5.	Future meeting dates to note	
	<p>13 November 2019</p> <p>Proposed 2020 dates (all Wednesdays): 15 January 2020 (morning Joint FMC meeting; afternoon short FMSB meeting); 18 March; 13 May; 8 July; 16 September; 11 November</p>	