

FMSB Meeting

Wednesday 13th November 2019

Approved Minutes

	Open session: Robert Creighton (Chair), Adrienne Cox, Beryl Darling, Ian Hamer, John Hobson, Jane Robey (FMC Observer), Martin Hau (MoJ Observer), Helen Anthony (Executive Officer) present	Action
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests The chair welcomed everyone.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere The minutes of the meeting held on 18.9.19 were approved. The Executive Officer is yet to contact the Legal Choices website.	HA to circulate & publish approved minutes
2.	Update reports	
2.1	Chair's report The Chair reported that, along with the Executive Officer, he was due to attend a meeting the following day with a community mediation service which appeared to offer family mediation services outside the scope of the FMC. Correspondence with the organisation had indicated that the mediation services offered do not include mediation upon separation. At the meeting, the Chair and Executive Officer will try to establish how the service identifies family mediation cases, and where it refers these to, as well as understanding the work it does more widely. The FMSB noted that the FMC will shortly be setting the budget for 2020. The Chair will request that the budget includes money to cover the cost of training for assessors, the auditing of training courses, and the Chief Assessor to conduct a webinar about accreditation.	RC to include items in budget request
2.2	Executive Officer's report The FMSB noted the Executive Officer's report. The Executive Officer also reported that she had attended the second meeting of the All Mediation Forum with the FMC Chair, John Taylor. Participants discussed working together to highlight the benefits of mediation to government, and to identify principles and/or training that are or could be common to all mediators. The Executive Officer will circulate draft minutes of the AMF to FMSB members when these are available.	HA to send draft AMF minutes to FMSB members when available
2.3	MoJ report The MoJ Observer noted that it was now purdah (in the run up to the general election) so no new policy initiatives can be discussed. The MoJ's work with the Public Law Working Group can be progressed as this is 'business as usual'. The Private Law Working Group is expected to report in the New Year, with the Public Law Group reporting before Christmas. The FMSB noted that CAFCASS was continuing its involvement in exploring a pre-court parenting alliance, as it recognised that the increase in numbers of applications which are being made to court is not manageable in the long term and that many of those families making applications did not need to go to court. An event to explore	

	<p>ideas relating to an alliance was taking place the following week, and a representative from the Ministry of Justice will be there. The Executive Officer is also attending.</p> <p>The FMSB welcomed the news that two new people were joining the MoJ's private family law reform team.</p>	
2.4	FMC report	
	<p>The FMSB noted that the Chair had asked the FMC to clarify the status of the guidance about the drafting of end of mediation documentation that had been published by Resolution and the Law Society. The FMC had clarified that the guidance was voluntary. The Chair reported that the FMC had discussed but did not formally require FMSB to look again at whether standards in this area are sufficient. The FMSB noted that the drafting of end of mediation documentation was strategically important and agreed that it should discuss with the FMC whether this should be a strategic priority, during the joint FMC/FMSB meeting in the New Year.</p> <p>The FMSB noted that Resolution would be asking the FMC support an initiative to move from Mediation Information and Assessment Meetings (MIAMs) to Assessment and Information Meetings (AIMs).</p> <p>The FMSB also noted that the FMC's 5th Birthday was in April 2020 and recommended that the FMC considers using the occasion to hold an FMC Conference to bring together mediators from different member organisations. The Chair will take this recommendation to the FMC.</p> <p>The FMSB discussed whether to ask the FMC to strengthen the Code of Practice in respect of telephone only MIAMs in response to anecdotal reports that these are being conducted regularly. The FMSB agreed it did not need to ask the FMC to strengthen the Code as this already says that 'Assessments...should not be carried out via voice only connections except where there are specific problems about access to an online video link. The Mediator must record in writing what those specific problems are.' The FMSB agreed to put out a regulatory note reminding mediators it is a breach of the Code of Practice to conduct telephone assessments as a matter of routine.</p>	<p>RC to take recommendation to FMC</p> <p>HA to draft regulatory note</p>
3.	Core Business	
3.1	Registration	
	<p>The FMSB asked the Accreditation Panel to consider what extensions could be granted for mediators who trained prior to 1.1.15 who are not able to submit portfolios, before these mediators are invited to register for 2020.</p> <p>The FMSB noted the draft Annual Registration Forms for 2020 and suggested minor amendments.</p> <p>The FMSB noted that its work on the Fit & Proper Person Test was continuing. The Chair & IH are due to meet Douglas Bilton from the Professional Standards Authority (PSA) which has done a lot of work on this topic, after which IH will summarise the PSA's report for other FMSB members.</p> <p>The Executive Officer has had an initial look at the Standards Framework and Code of Practice to identify if any there are any gaps that need filling before a Fit and Proper Person Test is introduced. One significant gap is the need to deliver a good quality service (being on time, completing paperwork etc). The FMSB concluded that this needed</p>	<p>AC to ask Accreditation Panel to consider extensions for mediators who trained prior to 1.1.15 who are not able to submit portfolios</p> <p>HA to amend draft Registration Forms</p>

	to be addressed – along with many other issues – as part of the Standards Review. The Fit and Proper Person Test will focus on behaviour, morality and ethos.	
3.2	Accreditation	
	The FMSB noted the Accreditation Panel's report. The FMSB agreed that the timescale in which the Panel should deal with Return to Practice applications should be amended to be more realistic.	
3.3	Standards Review	
	The FMSB noted that a Complaints Options paper had been circulated to FMC Member Organisations. The Executive Officer will follow up with MOs in order to arrange to hear to their views about the options that had been identified. The FMSB agreed it should write to the Legal Ombudsman and the SRA, asking them to direct complaints about mediators to the FMC's complaints process (mediation first, then MO, then FMC). The FMSB noted that work to restructure documents was ongoing. The work that the Standards Review Accreditation Working Group is also carrying out risks getting ahead of the work to identify gaps in the Standards Framework. The FMSB agreed to ask the Governance Group to consider the structure for future discussions so they can proceed in a constructive way.	HA to follow up with MOs IH to write to LeO & SRA RC to liaise with Governance Group
3.4	Training Panel	
	The FMSB noted the Training Panel's report. The FMSB had previously agreed a foundation course applicant could submit a course for approval at a reduced fee due to particular circumstances. It agreed this fee would be £750.	
3.5	PPCs	
	The FMSB noted the draft PPC Panel minutes, and that the first panel meeting was very positive. The FMSB noted that the Panel expected to have completed its first few pieces of work by the spring.	
4.	Communication	
4.1	Events update	
	FMSB members were encouraged to apply to attend the FJC's Annual Debate.	
5.	Future meeting dates to note	
	FMSB members were asked to hold 24 January in their diary, subject to confirmation that this will be the date of the joint meeting with the FMC in the morning, with a short FMSB meeting in the afternoon. Confirmed 2020 dates (all Wednesdays, 12.30 – 4.30pm): 18 March; 13 May; 8 July; 16 September; 11 November	
6	Governance updates	
6.1	FMSB Reflective Review	
	The FMSB noted the draft report on its reflective review. The Chair will send this to the FMC as a draft to demonstrate work in progress.	RC to send draft report to FMC

	<p>The FMSB members noted that the documents agreed with the FMC nearly three years ago to describe working arrangements could be made clearer; the Chair and Executive Officer will liaise with the FMC to see if improvements can be made.</p>	<p>HA & RC to liaise with FMC re documents which set out working arrangements</p>
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