



**FMC Board Meeting**  
**Wednesday 12<sup>th</sup> June 2019**

John Taylor, FMC Chair  
 Allan Blake  
 Caroline Bowden - Law Society  
 Philippa Johnson – FMA  
 Ewan Malcolm - College of Mediators  
 Jane Robey – NFM (for items up to 4.3)  
 Jane Wilson - Resolution  
 Robert Creighton, FMSB Chair (for items 4.1 onwards)  
 Maja Vojnovic, MoJ Observer  
 Claire Webb, FJC Observer  
 Helen Anthony, Executive Officer

**Approved Minutes**

<b>Open Session – FMC Board Members and observers</b>		
<b>1.</b>	<b>STANDING ITEMS</b>	<b>Action</b>
<b>1.1</b>	Welcome, introductions, apologies	
	<p>The Chair welcomed everybody.</p> <p>Apologies had been received from Dan Ronson and Beverley Sayers. Philippa Johnson attended the meeting on behalf of FMA.</p>	
<b>1.2</b>	Approval of draft minutes, matters arising	
	<p>The minutes of the FMC meeting held on 6.3.19 were approved and the decisions made at that meeting formally adopted.</p> <p>It was noted that Resolution may be able to help with the mapping of mediators.</p> <p>The board agreed that the FMC should formally write to the LAA to make a request that it promotes the fact that legal aid is available for family mediation, as part of its post LASPO review work.</p>	<p>HA to circulate approved minutes of 6.3.19</p> <p>HA to write to LAA</p>
<b>2.</b>	<b>Reports</b>	
<b>2.1</b>	Financial Report & Risk Register	
	The FMC noted the Income & Expenditure report and Balance Sheet to 31.5.19. The board queried an amount paid to accountants showing as income. The EO will ask the accountants why this is.	HA to ask accountants about accountant's fees showing as accrued

	<p>The board noted the updated risk register.</p> <p>The board noted the importance of maintaining a good relationship with the MoJ and the minister responsible for Family Justice, as highlighted in the risk register. The FMC will request a meeting with the Minister for September, when a new Prime Minister and government is in place and ministerial appointments are likely to have been made.</p> <p>The board also noted the importance of building a good relationship with the President of the Family Division. The Executive Officer will work with PJ to try to arrange a meeting and to formulate a detailed agenda with suggestions for the President to consider. The FMC board noted that the Child Arrangements Programme consultation that is due to be published in June 2019 may offer an opportunity for a discussion with the President.</p>	<p>JT to request meeting with minister in September</p> <p>HA &amp; PJ to follow up request for meeting with President</p>
<b>2.2</b>	<b>Executive Officer Report</b>	
	<p>The board noted the Executive Officer's report.</p> <p>The board noted that the number of mediators who have told the FMC that they have attended the CIM Update day was low. The Executive Officer will include a reminder for mediators to tell the FMC that have carried out the course, and that there is a logo available for those who have done so.</p> <p>The FMC will remind the LAA that it does not issue annual registration certificates.</p> <p>The Executive Officer will amend the standard text that is sent confirming annual registration to say that the e-mail is their confirmation of registration and that certificates are not issued.</p> <p>The board confirmed its support for the proposal to look for a solution to the search engine optimisation problem that may be being created by the FMC website displaying one website address several times over. The Executive Officer will develop a proposal for the board to consider.</p> <p>The board was concerned to hear about feedback from a mediator who chose not to remain registered with the FMC, who said this decision had been made because of racial discrimination. The Executive Officer will liaise with the mediator concerned to either enable her to make a</p>	<p>HA to include reminder in newsletter</p> <p>AB/BS/JR to include in next meeting with LAA</p> <p>HA to amend standard text</p> <p>HA to develop a proposal for the board to consider</p> <p>HA to liaise with relevant mediator &amp; MO</p>

	<p>complaint directly to the MO concerned, or ask permission for the FMC to liaise with the MO about the concerns she has raised. All MO representatives agreed that their MO would co-operate with the FMC about this.</p> <p>The board <b>agreed</b> it would review whether additional measures should be taken in relation to equality and diversity, including whether the FMC needed to review relevant Codes and policies, and require directors, FMSB members and others to undergo diversity training. The FMC will adopt its own E&amp;D policy which should form part of the code of conduct that everyone working with the FMC undertakes to comply with. The review should include consideration of whether appropriate measures are in place to ensure mediators and PPCs are required to adhere to suitable equality and diversity procedures.</p> <p>The board <b>approved</b> the opening of a Virgin Money savings account.</p>	<p>HA to carry out equality &amp; diversity review &amp; draft policy</p> <p>HA to arrange for savings account to be opened</p>
<b>3.</b>	<b>Governance</b>	
<b>3.1</b>	MO consultations	
	<p>The Chair reported that, together with the Chair of the FMSB and AB, he had met with representatives of all the Member Organisations.</p> <p>The meetings were productive. The Member Organisations were largely supportive of the FMC's work, provided ideas for improvement and encouraged the FMC to progress work on items identified in its strategy.</p> <p>A note will be circulated, setting out where the Member Organisations views overlapped, and the FMC's agreed action points.</p> <p>The board <b>agreed</b> that strategic papers should be circulated a month in advance of its meetings.</p> <p>The FMC <b>agreed</b> that from this meeting on, it would publish approved minutes of its board meetings.</p>	<p>AB will draft note of MO meetings for circulation to other directors</p>
<b>3.2</b>	FMC Observer for FMSB Meetings	
	<p>It was confirmed that the FMC observers for the next three FMSB meetings will be as follows:</p> <p>17 July – JR</p> <p>18 September – JR</p> <p>13 November – JW</p>	

4.	<b>Items to discuss</b>	
4.1	Marketing plan	
	<p>The FMC considered the draft marketing plan. It <b>agreed</b> that professional support was needed and decided to create a role for a Marketing and Communications Support Officer, who would report to the Executive Officer. Details of people who may wish to tender for the role should be sent to the Executive Officer by 19<sup>th</sup> June. The Executive Officer will then invite tenders for the role which should include the cost and timescale for advising on the effectiveness of the draft plan, revising this where necessary, and for delivery of an agreed plan.</p> <p>The board discussed whether research could help identify how messages about mediation could be delivered in the most effective way for people to understand. Resolution may be able to assist with this. The Executive Officer will work with Resolution's marketing team to see if this is possible. The MoJ Observer will share the MoJ's research with the FMC so Resolution's team is aware of this, if it is to carry out further work.</p>	<p>Anyone with contact details for marketing professionals who may want to bid for role to e-mail HA their details</p> <p>HA to invite tenders</p> <p>MV to send HA the MoJ's marketing research</p> <p>HA to contact Resolution's marketing team</p>
4.2	Money Laundering/POCA	
	<p>The board discussed the advice it had received from the Law Society's Anti-Money Laundering Policy Adviser about money laundering and the Proceeds of Crime Act (POCA). The advice was that it was unlikely that mediators were covered by either the requirements in current money laundering regulations or POCA, but there was still some uncertainty in relation to POCA. For mediators working in regulated firms therefore, a safer course of action was to report concerns when it is believed that a duty to do so may arise.</p> <p>The FMC reviewed the wording in its Code of Practice and <b>agreed</b> to leave it unchanged, as it considered that it allowed a mediator to make an appropriate judgment call given the particular circumstances they were in, and would allow for any future change to legislation in this area.</p> <p>It was <b>agreed</b> that FMC exposure on this issue (by addressing it in the Code of Practice) should be added to the risk register.</p>	<p>HA to let mediator who raised the issue know</p> <p>EM/HA to add to risk register</p>
4.3	CAP Review	
	The FMC formed a working party of CB, PJ, HA and a member of the FMSB (TBC) to consider the CAP Review consultation when it is published and make proposals for an	CB, PJ, HA to form working party to agree draft FMC response

	FMC response, to be considered at the FMC's meeting in September.	
<b>4.4</b>	<b>CAFCASS</b>	
	<p>The board noted DR's report from CAFCASS Cymru.</p> <p>The <b>FMC</b> agreed to support CAFCASS in its co-parenting conference in the autumn.</p> <p>The FMC has been invited to CAFCASS Family Justice and Young People's Board Conference on 24 July. Any board member who wishes to attend should let the Executive Officer know.</p>	<p>HA to liaise with CAFCASS re this</p> <p>Any board member who wishes to attend</p>
<b>4.5</b>	<b>Law Society/Resolution Guidance on Drafting Proposals</b>	
	The board welcomed the Law Society/Resolution guidance on drafting proposals within a Memorandum of Understanding. Agreeing that it the guidance was consistent with its Code of Practice it thanked the organisations for the drafting this. The FMC will include a link to this in its next newsletter.	HA to include link in next newsletter
<b>5.</b>	<b>FMSB Report</b>	
<b>5.1</b>	<b>FMSB Report</b>	
	<p>The board noted the approved minutes of the FMSB meeting which took place on 20.3.19; the draft minutes of the FMSB meeting which took place on 15.5.19; and the draft minutes of the Standards Review Accreditation Working Group which took place on 3.4.19.</p> <p>The FMC congratulated the FMSB Chair on his re-appointment to that position.</p> <p>The FMC welcomed the FMSB's flexible approach to continue to help mediators who are registered as working towards accreditation remain within the FMC's regulatory system.</p> <p>The board noted the progress being made on the Standards Review. It noted that work would begin shortly on the re-organisation of the documents to ensure that high level principles are stated and remain static in the long term, but to make it easier to change the way the Standards are implemented. The board was assured that this would not delay the work on the review of the accreditation process, which had been identified as one of the top two priorities for considerations.</p>	

	<p>The board <b>agreed</b> to amend the Standards Framework as recommended by the FMSB.</p> <p>The board asked the FMSB to take forward work to develop a fit and proper person test to be included in the Standards.</p>	HA to publish amended standards
<b>6.</b>	<b>ITEMS AND PAPERS FOR INFORMATION</b>	
<b>6.1</b>	<p><b>2019 FMC Board Dates:</b> 5 September; 4 December</p>	
<b>7.</b>	<b>AOB</b>	
	<p>The Chair noted that his term will come to an end in April 2020. The Executive Officer will liaise with the Chair to establish whether he would like to be considered for re-appointment, discussing with AB as appropriate to put in place a process for deciding next steps.</p> <p>It was agreed that interviews for a new FMSB member will take place in w/c 22<sup>nd</sup> July if the remaining members of the panel are available then.</p>	<p>HA liaise with JT, AB &amp; other directors</p> <p>HA to confirm FMSB interview date</p>