



**FMC Board Meeting**

**24<sup>th</sup> September 2019**

John Taylor, FMC Chair  
 Allan Blake  
 Caroline Bowden - Law Society  
 Ewan Malcolm - College of Mediators  
 Jane Robey – NFM  
 Dan Ronson  
 Beverley Sayers - FMA  
 Alison Bull - Resolution  
 Robert Creighton, FMSB Chair  
 Helen Anthony, Executive Officer

**Approved Minutes**

Open Session – FMC Board Members and observers		
1.	STANDING ITEMS	Action
1.1	<p>Welcome, introductions, apologies</p> <p>The Chair welcomed everybody.</p> <p>Apologies had been received from Martin Hau (MoJ observer) and Claire Webb (FJC observer). Alison Bull was attending the meeting on behalf of Resolution as Jane Wilson was unable to attend.</p>	
1.2	<p>Approval of draft minutes, matters arising</p> <p>The minutes of the FMC meeting held on 12.6.19 were approved.</p> <p>Matters arising:</p> <p>2.1 The board agreed that with a general election expected shortly, it would now wait until asking to meet the Minister</p> <p>2.2 The board agreed to produce annual registration certificates once the process was moved online. The Executive Officer will consider whether there is an efficient way that annual registration certificates can be produced whilst the system is still manual.</p> <p>3.1 The note summarising the meetings that the FMC had had with its member organisations had been circulated, but the Executive Officer will re-send this as not everyone recalls reading this.</p> <p>4.1 Resolution are still happy to help with marketing, but had not heard anything further. The Executive Officer will follow up on this.</p>	<p>HA to circulate and publish approved minutes.</p> <p>HA to resend MO note</p> <p>HA to follow up with MoJ &amp; Resolution</p>

<b>2.</b>	<b>Reports</b>	
<b>2.1</b>	<b>Financial Report &amp; Risk Register</b>	
	<p>The board noted the income and expenditure report and the balance sheet. The projection for the year was as per the budget.</p> <p>The board noted the risk register and noted that the action to mitigate the risk of having more money in one bank than is protected by the FSCS scheme had not yet taken place. This is because administrative processes were lengthy. The Executive Officer will progress this before the next board meeting.</p> <p>The board discussed the risk of mediators failing to re-register and the consequential effect on the FMC's income. It reiterated that it wanted to encourage people to work within the FMC's system wherever possible. The board asked the FMSB to consider, before the next annual registration process, the position of mediators who trained pre-2015, who have not yet become accredited, and who are shortly due to retire. It is believed that some people in this position have extensions to submit their portfolio, but are not genuinely working towards accreditation because of their approaching retirement.</p>	HA to open new bank account
<b>2.2</b>	<b>Executive Officer Report</b>	
	<p>The FMC noted that a low number of people had reported that they had carried out CIM Update training. The Executive Officer will liaise with CIM trainers to obtain names of those who had carried out CIM Update training or to encourage people to let the FMC know that they had undergone this training.</p> <p>The FMC noted that there is confusion about when mediators need to undertake CIM Update or CIM Awareness and Understanding Training. The Executive Officer will include an item about this in the next Newsletter.</p>	HA to include item in newsletter
<b>2.3</b>	<b>FMSB Report</b>	
	<p>The FMC welcomed the FMSB's ongoing work on a 'Fit and Proper Person' test.</p> <p>The FMC confirmed it supported the FMSB's decision that the Chair of the FMSB should always be an independent FMSB member. The Chair of the FMSB will draft revised Terms of Reference to reflect this.</p> <p>The FMC noted that Douglas Morgan had stepped down from the FMSB at the end of his probationary period. The FMC thanked Douglas for his work. The FMC will now recruit for one independent member of the FMSB, as well as one mediator member of the FMSB to start immediately, and one mediator member to start after spring 2020.</p>	

	<p>The FMC noted that the FMSB and the Law Society were working well together over the issue of re-accreditation and that the Chief Assessors for the FMC and Law Society's Accreditation schemes were working together to consider issues of joint interest, and to arrange assessor training.</p> <p>The FMSB sought clarification about the status of the guidance regarding the drafting of proposals at the end of financial mediations, which has been produced jointly by the Law Society and Resolution. The FMC confirmed that this guidance was voluntary and doesn't have any formal FMC status at present, though some mediators would find it helpful.</p> <p>The FMC noted that the FMSB had reviewed the way in which its members worked together. The review was primarily positive but had identified potential for some improvements which the FMSB would address.</p> <p>EM declared a conflict of interest in relation to the board's discussion about a community mediation service which appears to offer family mediation services outside the scope of the FMC. The FMC noted that the FMSB Chair was arranging to meet the organisation to discuss how this service may be encouraged to join the regulatory system.</p> <p>The FMC noted that good progress was being made in finalising the documents that should be useful for mediators working towards accreditation, identified as part of the Standards Review. A date for the next Standards Review Accreditation Working Group meeting was in the process of being agreed. This meeting will review the work that has been done so far, and the impact this has had. It will also start to address the bigger strategic questions. As part of the Review, the Chair of the FMSB and the Chair of the Complaints Panel are preparing a paper which sets out the options, and advantages and disadvantages of each, before discussing this with its Member Organisations. The Law Society director confirmed that the Law Society wouldn't participate in these discussions as it does not have a complaints process (instead it requires members of its Accreditation Scheme to be registered with another Member Organisation).</p> <p>The FMC noted the significant amount of work being carried out by the FMSB and that it might need more administrative support.</p>	
<b>3.</b>	<b>Items to discuss</b>	
<b>3.1</b>	CAP Review	
	The board noted the draft response to the consultation about the Child Arrangements Programme.	

	<p>It agreed that the FMC's response shouldn't contain comments on specific issues related to standards because these should be considered by the FMSB, and the consultation response shouldn't pre-empt any decision by the FMSB.</p> <p>Additional comments were invited by e-mail by 26 September, so that the Executive Officer can incorporate amendments and submit the response by the deadline of 30 September. The Executive Officer will circulate the FMC's draft response to mediators by 27 September so that they can read this before submitting their own responses, if they choose to do so.</p> <p>Resolution formally asked that the FMC considers whether it should adopt a position to call for Assessment and Information Meetings (AIMs) rather than MIAMs, which can be delivered by other professionals. This will be added to the agenda for discussion at the next FMC board meeting.</p> <p><i>Correspondence regarding mediation and domestic violence</i></p> <p>An e-mail from a member of the public about domestic violence in mediation had been shared with the board. This was discussed as part of the CAP Review as the consultation includes questions related to domestic violence and mediation. The board agreed it was a thoughtful and thought-provoking e-mail, and asked the Executive Officer to ask for permission to circulate the e-mail (anonymously) for training purposes. The board noted that the FMSB was due to look into standards (including training in relation to mediation and domestic violence) and asked the Executive Officer to convey this to the writer.</p>	<p>Directors to send comments re CAP to HA; HA to finalise and submit response</p> <p>HA to add AIMs to agenda for next board meeting</p> <p>HA to ask for permission to share e-mail for training, and to tell writer re the FMSB's work</p>
<b>3.2</b>	Appointment of marketing assistant	
	<p>The FMC considered two expressions of interest from marketing professionals to carry out marketing work on behalf of the FMC. One of the marketing professionals had been referred to the FMC through an FMC Member Organisation and the other through a recommendation from somebody known to a director.</p> <p>The board was concerned that it could spend a lot of money on marketing and see no or little impact. It agreed to spend some money on initial work to ascertain if proposed work is effective and produces results. It agreed to try to engage mediators on the FMC Register to promote mediation.</p> <p>The board agreed to ask Richard Wyatt, whose expression of interest showed a good understanding of the FMC's requirements, to spend a day to refine his suggestions, and to produce for a note for the board – giving the details the board would need, in order to make a final decision – in which he:</p>	

	<ul style="list-style-type: none"> <li>- Identifies the audiences he recommends the FMC focusses its marketing on (geographically and otherwise), and the messages it wants to share not only greater awareness of the benefits of family mediation, but also a greater take-up by members of that target market</li> <li>- Recommends two areas specific areas of focus for initial FMC work, one based on the best way to empower mediators to deliver the FMC's key messages and one a trial for some direct marketing in a small geographical area, with a measurable impact.</li> <li>- Sets out the cost to us of implementing his recommendations - in terms of both set-up cost, and any ongoing costs.</li> </ul> <p>The board noted that Richard Wyatt's daily rate was £300 and agreed to pay this a the day's work to do the above.</p> <p>The Chair and Executive Officer will liaise with Richard Wyatt about this.</p> <p>The board also agreed that it will need to carry out work on its website.</p> <p>The board noted that a new website, 'Legal Choices', that is being developed by a consortium of organisations including the SRA doesn't refer to FMC regulation of family mediators. HA will write to the publishers regarding this.</p>	<p>JT &amp; HA to liaise with Richard Wyatt</p> <p>HA to write to Legal Choices website</p>
<b>3.3</b>	Online Registration	
	<p>The board agreed to proceed with the online registration project. It agreed that specialist support may be necessary in order to support the Executive Officer to ensure that the specification was correct, and that a more refined quote was necessary. It was agreed that the FMC would need to be able to demonstrate the value of this work.</p> <p>NFM will put the Executive Officer in touch with its IT specialist, who may be able to advise on whether 'off the shelf' membership software would offer good value for money or if a bespoke or adapted system needs to be designed for the FMC.</p>	<p>JR to put HA in touch with IT specialist</p>
<b>3.4</b>	Update from stakeholder meetings	
	<p>Meetings with the LAA, MoJ, HMCTS and CAFCASS were due to take place the day after the FMC board meeting.</p> <p>The Executive Officer had had a telephone call with CAFCASS about its CAP review response. CAFCASS were supportive of a model involving mediation and SPIP, and of mediators being able to refer to this. It was also supportive of mediators</p>	<p>HA to follow up with CAFCASS</p>

	<p>developing relationship with CAFCASS officers. The FMC will follow up with CAFCASS about these issues.</p> <p>The Chair and Executive Officer had attended the inaugural meeting of the All Mediation Forum. Participants welcomed the forum and have been asked to identify if other organisations ought to be invited to participate and to identify priorities for short and long-term projects. The board asked that the forum consider whether it should to invite faith-based mediation organisations. The board asked the Chair to raise the issues that the FMSB had identified as areas for the forum to address.</p>	<p>JT to raise issues at All Mediation Forum</p>
<b>4.</b>	<b>Governance</b>	
	<p>The FMC agreed it will have a joint meeting with the FMSB in January 2020. Meetings will be scheduled with MOs towards the end of 2020 in preparation for its joint FMC FMSB meeting in 2021</p> <p>The FMC agreed that it should have its meetings in 2020 outside of London, and to meet mediators after each meeting.</p>	
<b>5.</b>	<b>ITEMS AND PAPERS FOR INFORMATION</b>	
	<p><b>2019 FMC Board Dates:</b> 4 December</p> <p><b>2020 dates:</b> 15 January (joint meeting with FMSB, 10.30am – 12.30pm) 4 March, 4 June, 9 September, 2 December (times tbc depending on venue – Executive Officer to confirm)</p>	<p>HA to confirm time and venue of FMC board meetings in 2020</p>
<b>6.</b>	<b>AOB</b>	
	<p><i>FMC Chair</i></p> <p>The board had unanimously agreed to invite John Taylor to serve another term as chair when his current term ends in April 2020. The Chair was pleased to accept.</p> <p><i>The 5<sup>th</sup> Anniversary of the FMC's formation</i></p> <p>The FMC will be five years old in April 2020. The board agreed it should mark the occasion with a small event.</p>	