



FMC Meeting

Wednesday 6th March 2019

Approved Minutes

Allan Blake
 Caroline Bowden, on behalf of the Law Society
 Peter Burgess, on behalf of Resolution
 Ewan Malcolm - College of Mediators
 Dan Ronson
 Beverley Sayers – FMA
 Robert Creighton, FMSB Chair
 Maja Vojnovic, MoJ Observer
 Helen Anthony, Executive Officer
 Helen Adam, for item 8

Open Session – FMC Board Members and observers		
1.	STANDING ITEMS	Lead (Paper)
1.1	Welcome, introductions, apologies	
	<p>Apologies had been received from John Taylor, Jane Robey and Jane Wilson. Peter Burgess was attending on behalf of Resolution.</p> <p>Those present agreed that in the absence of the FMC Chair, the meeting would be chaired by Allan Blake, and thanked him for offering to do this.</p> <p>It was noted that the meeting was not quorate. Items that were agreed will therefore need to be confirmed by a quorate board at a later date.</p>	
1.2	Approval of draft minutes, matters arising	
	<p>The minutes of 12.12.18 were approved subject to changes to 5.5 to include the discussion about the mediation roundtable and an amendment to clarify 4.4.</p> <p>The minutes of the joint FMC and FMSB meeting on 16.1.18 were also approved.</p> <p>Matters arising from FMC meeting 12.12.18</p> <p>2.1 – Concerns about applications to court not being properly completed with a mediators' URN (and therefore increasing the risk that this has not been signed by an FMCA mediator) were discussed at the MoJ/HMCTS/CAFCASS meeting. The MoJ Observer is considering whether a sample check can be</p>	HA to circulate approved minutes.

	<p>completed.</p> <p>2.1 The FMC noted that the Chief Assessor has now been appointed.</p> <p>2.3 It was suggested that university geography departments may be able to help with mapping of mediators. The Executive Officer will follow this up.</p> <p>2.3 There is no update from the CMC about the National Mediation Awards yet.</p> <p>4.4 The Executive Officer will follow up with the Law Society and put Money Laundering on the next FMC agenda.</p>	<p>HA to follow up ideas to get help to map the location of mediators.</p> <p>HA to follow up with Law Society and put Money Laundering on next agenda</p>
2.	Reports	
2.1	FMSB Report	
	<p>The FMSB minutes from 16.1.19 were noted.</p> <p>The FMC thanked DR for his advice and support in preparing the survey. The FMC noted that there had been a good response to the Standards Review survey so far, with 200 responses received.</p> <p>The Executive Officer will send an e-mail to mediators, thanking those who had completed the questionnaire and reminding those who have not done so that the survey is open until 17th March.</p> <p>The Executive Officer will also e-mail mediators who were previously on the FMC Register, to ask them to complete the questionnaire, after checking that this is permitted under data protection laws.</p> <p>The FMSB Chair reminded the FMC that it is the accreditation process as set out in the Standards Framework that is being reviewed at present not the standards themselves. The review is starting with the accreditation process and then the complaints processes. Outcome documentation and the structure of the standards were also identified as priorities and these areas will be considered before looking at other parts of the Standards Framework. If the review of the accreditation process reveals questions about the competencies themselves, then these will be considered, but this is not the focus of the review at present.</p>	<p>HA to send survey reminder</p> <p>HA to send survey to those who have come off the register, where appropriate</p>

<p>The Executive Officer will circulate the PID and the summary of the current priorities for the Standards Review to everyone present and include a copy of the summary of the Standards Review in the next FMC newsletter. It is the intention in due course to review other areas of the standards eg training programmes but this is some way off.</p> <p>Alongside the work to be done on outcome documentation as part of the Standards Review, the FMC intends to meet with members of the judiciary to discuss whether the courts could recognise documentation produced in mediation (eg MoUs). The Executive Officer has asked the President of the Family Division's clerk if the President will meet with the FMC to discuss this and other issues. The Executive Officer is also aware of the need to contact other members of the judiciary.</p> <p>The Law Society and Resolution have drafted some guidance for their members about outcome documentation. The FMC would welcome developing standards for MoUs. At present, it relies on the old UK College Guidance; whilst the principles in this guidance are still sound, some of the references are out of date. It may be time to revisit this. It was agreed that the Law Society & Resolution's guidance would be added to the agenda for discussion at the next FMC meeting.</p> <p>The FMSB asked whether the FMC's MOs would share their current templates for PPC agreements with the PPC Panel. This will help the Panel's work which includes drafting an example agreement that PPCs and mediators can use, that complies with the new PPC Code. There was a general willingness to do this, as well as a request for MOs to be consulted as part as the drafting process. Templates should be sent to the Executive Officer, who will ask the panel to consider the request for MOs to be consulted as part of the drafting process.</p> <p>There was an explanation of the selection process for panel members. The FMSB identifies necessary skill set and experience requires, and then invites mediators who meet these criteria to volunteer for the roles. The FMSB tries to ensure there is diversity among panel members so different experiences are reflected, but mediators sit on panels in their own capacity and do not represent anyone (an FMC member organisation, for example). The situation is different for policy working groups where some members do represent FMC MOs.</p>	<p>HA to circulate Summary of Standards Review and PID to directors, abd the summary of the Standards Review in the next FMC newsletter alongside an update on progress</p> <p>HA to make progress contacting judiciary re outcome documents</p> <p>HA to add LS & Resolution guidance to agenda for next FMC meeting</p> <p>MO directors to send PPC agreement templates to HA</p> <p>HA to speak to PPC panel about consulting MOs when drafting template</p>
---	---

2.2	Financial Report & Risk Register	
	<p>The board noted the financial report and the risk register.</p> <p>The board noted its appreciation to the Executive Officer for keeping costs under control.</p>	
2.3	Executive Officer Report	
	<p>The Executive Officer's report of 27.2.19 was noted.</p> <p>The board noted updated registration figures: 800 people had re-registered, and all their applications had been processed. There are therefore a further 300 people who may re-register for the year. Further reminders will be sent in the next fortnight.</p>	
3.	Governance	
3.1	FMSB Recruitment & MO consultations	
	<p>The FMC needs to recruit a new mediator member of the FMSB. The FMC has already confirmed the FMSB recruitment panel will remain as it was last year (JT, EM, RC, BD, MV). The Executive Officer will circulate the advert with relevant paperwork to the panel for approval.</p> <p>It was noted that Member Organisation consultations are being arranged for beginning of April.</p>	<p>HA to circulate FMSB member advert to recruitment panel</p>
4.	Items to discuss	
4.1	Marketing plan	
	<p>The board noted the outline marketing plan.</p> <p>The FMC agreed that it didn't need a one-off marketing campaign to promote mediation, as participating in family mediation is something that people do usually not think about until they find themselves in a situation where they might need this. The FMC therefore needs to place information where people can find it, when they have separated from their partner or dispute arises between them and a child's other parent. This needs to be available in the long term.</p> <p>The FMC has limited resources on its own. Resolution has offered the support of its marketing team, if the FMC has a specific campaign in mind.</p> <p>The FMC asked whether there was any scope for support from the MoJ too, given that the FMC & MoJ's joint interest in encouraging people to settle disputes outside of the courts, that the LASPO review identified the need for more people to</p>	

	<p>be made aware that legal aid is available for family mediation, and that MoJ digital had identified actions that could be take in respect of digital marketing but had highlighted that some websites do not always respond well to approaches from Government to include content on their site, and had asked whether the FMC would be interested in working alongside them to place some content on various sites.</p> <p>The MoJ cannot guarantee any funding or resources. A grant was unlikely, and any such request would have to be put to the minister.</p> <p>It was agreed that the FMC should build on the draft plan to create a framework for marketing; agree two or three short, key messages with its MOs; and consider how to put the plan in to operation. The Executive Officer will bring a more developed plan to the next FMC meeting.</p>	HA to develop plan for next FMC meeting, consulting MOs in the meantime
4.2	FMC Response to LASPO Review	
	<p>The MoJ has published a report as part of the Post Implementation Review of LASPO. The Legal Aid Agency has published an Action Plan alongside this.</p> <p>The FMC was disappointed to note that the documents did not contain a specific plan to promote mediation and the availability of Legal Aid.</p> <p>The MoJ observer reminded the FMC that there an innovation fund has been included in the Legal Aid Action Plan and this might be available to promote the availability of legal aid for private family. The MoJ observer also reminded the FMC that her team was looking at a number of options to remove cases from court, and was waiting to discuss these with the Minister.</p>	
4.3	PPC Forum	
	<p>The FMC's MOs indicated a willingness to work together with regards to PPC events. The FMC will support all relevant MO events, including any collaboration, where it can, by continuing to provide speakers and promote events to its registered mediators.</p>	MO directors to liaise with each other as appropriate
	Lunch	
5.	Updates	
5.1	MoJ/HMCTS/CAFCASS working group	
	<p>The FMC noted the presentations and the note of the meeting that took place on 30.1.19.</p> <p>The FMC noted that the Executive Officer was due to arrange</p>	

	<p>a meeting with CAFCASS. This will help develop relations between the FMC and CAFCASS, which is important give that the Manchester pilot showed that more CAFCASS officers felt cases were appropriate for mediation once there was a better understanding of the mediation process and more familiarity with mediators.</p> <p>The MoJ were not planning any further work at present in relation to the Manchester pilot. Although the pilot showed that 14 -20% of cases shouldn't be in court, it didn't lead to significant reduction in court time because so few people chose to use the mediation process. The MoJ concluded that this was because the interventions came too late in the process.</p> <p>The working group had asked that the FMC encourages feedback from any mediators who have experience of the C100 digital pilot. HA will ask for this in the next FMC newsletter.</p> <p>There had been a suggestion following this meeting that there might be an opportunity to change the paper C100 form and this had been circulated to FMC and FMSB members for urgent comments. The changes won't now take place straight away, and so there is more opportunity for careful consideration of any proposed amendments. The Executive Officer will e-mail the joint proposals (gather from proposals made in response to the call made above) to the FMC members for further comment.</p>	<p>HA to ask for mediator feedback re digital C100</p>
5.2	LAA inc Civil Consultative Group	
	<p>The FMC noted the draft minutes of the FMC's meeting with the LAA on 6.2.18.</p> <p>The minutes show that a number of items are pending, but they are at least on the agenda and being discussed.</p> <p>Significantly, the LAA had agreed that agreed minutes could be published and relied upon by mediators, which is helpful when the LAA clarifies practice issues at these meetings.</p>	
5.3	CAFCASS/CAFCASS Cymru	
	<p>It was noted that BS & HA will attend the CAFCASS Conference on 21 March.</p>	
5.4	FJC Consultation	
	<p>BS, JR & Paulette Morris had had a telephone conference with</p>	

	Rosemary Hunter (on behalf of the FJC) who is producing a best practice guide in cases of domestic abuse with the intention that this is used by the judiciary. The FMC is sending RH some relevant articles, and will follow this up with a further telephone conference. The Executive Officer will ensure that Jane Wilson can attend this second telephone conference, given her extensive experience in this area of work.	
6.	ITEMS AND PAPERS FOR INFORMATION	
6.1	2019 FMC Board Dates: 12 June (General Meeting); 5 September; 4 December	
6.2	CJC Report to Note	
	The CJC Report (Dec 18) was noted.	
7.	AOB	
7.1	AOB	
	The MoJ Observer has contacted the Magistrates Association which is happy to take an article about mediation for its Magistrates' Magazine. There may also be an opportunity for information to be put in regional newsletters, speakers to visit local benches for training, and an opportunity for a conference speaking slot (in the autumn). The MoJ Observer is going to send an outline of options to the Executive Officer.	MV to send outline of potential Magistrates' Association opportunities to HA
8.	Further discussion	
	CAP Review	
	<p>The FMC welcomed Helen Adam, an FMCA mediator who is sitting on the working group which, at the FJC's instigation, is reviewing the Child Arrangements Programme (CAP).</p> <p>The CAP was brought in 2014 to try to encourage parents to take responsibility for resolving issues themselves, and doing so out of court.</p> <p>The working group has been asked to present proposals for consideration by Easter. There is no money for the project, and any changes that are recommended should not require primary legislation.</p> <p>Helen Adam is considering a number of possibilities at present. These are:</p> <p>1) A multi agency alliance that could provide a support hub for separating parents, with mediators participating in and/or co-ordinating this. A very successful example of this operates in Croydon, backed by the Council. The FMC was generally supportive of this idea but had a number of questions about funding and practicalities.</p>	

	<p>2) Emphasising the Information and Assessment part of the MIAM. The FMC was supportive of this idea.</p> <p>3) Encouraging parties to turn a parenting agreement reached in mediation in to an open document. This is relevant to a very significant policy debate that the FMC is having at present, but whilst reserving a formal decision those present felt that this could be something the FMC could support.</p> <p>4) Changing the C100 so that mediators tell the court if a party does not want to proceed to mediation. The FMC did not support this. Mediation is a confidential process and the FMC felt strongly that mediators could not disclose the details of a MIAM to the court.</p>	<p>HA to liaise with Helen Adam as appropriate</p>
--	---	--