



Joint FMC & FMSB Board Meeting

Tuesday 11th February 2020

Approved Minutes

Present:

John Taylor, FMC Chair
Allan Blake, FMC Director
Ewan Malcolm, FMC Director - College of Mediators
Jane Robey, FMC Director – NFM
Dan Ronson, FMC Director
Beverley Sayers, FMC Director – FMA
Jane Wilson, FMC Director - Resolution

Robert Creighton, FMSB Chair
Adrienne Cox, FMSB Member
Beryl Darling, FMSB Member
Ian Hamer, FMSB Member
John Hobson, FMSB Member

Also in attendance:

Juliette Dalrymple, Chief Assessor FMC Accreditation Scheme
Katie Kelly, MoJ
Paulette Morris
Helen Anthony, FMC and FMSB Executive Officer

Apologies:

Caroline Bowden, FMC Director - Law Society
Claire Webb, FJC Observer

	Item	Action
1.	Welcome & Introductions	
	The Chair welcomed everyone, who introduced themselves.	
2.	MoJ Update	
	<p>Martin Hau and colleagues in his team had met the Secretary of State, Robert Buckland MP, and the minister responsible for family law reform, Wendy Morton MP. The meeting had been very positive, and the team had been asked to come up with ideas to reduce the number of families in court as well as increasing efficiency in the court system. The team is looking at early intervention (and is working with other departments on this), triage and tracking in court, and returners to the court system. The team is looking at encouraging mediation as part of its work, including considering staggering fees to encourage non-court dispute resolution. The FMC urged the MoJ to consider fees for Respondents who choose not to attend a MIAM.</p> <p>It was suggested the MoJ should consider a standard format for parenting plans which could be recognised by the courts, or training offered to judges about such plans. It was also suggested that more</p>	

judges order attendance at MIAMs at the FHDRA stage and noted that, although judges are not supposed to order that parties mediate (because the process is voluntary), such orders are made and are very effective.

The FMC blog on the MoJ website reached 35,000 people, and some of the posts that the MoJ put out during FMC were re-tweeted by the Secretary of State. The communications team may be able to support with more communication about mediation throughout the year.

The online C100 application was opened up to solicitors last month and a record number of applications was received in January. The number of clicks through to the FMC website increased 74% from December to January, though in part this would have been due to the number of separations that occur in January each year.

It was noted that the C100 process required a fee to be paid before applicants are required to fill out the section of the form relating to MIAMs. People are reluctant to come to a MIAM after they have paid a court fee. The MoJ representative confirmed that the MoJ was aware of this problem, which is on the list for reform when the system is reviewed from September.

It was noted that the MoJ has asked HMCTS for a breakdown of exemption data as there is a concern that people are claiming exemptions for domestic abuse or emergency situations more often online than on paper applications. The MoJ is looking to other jurisdictions to see how such exemptions are handled, to try to draw on examples of best practice.

The FMC and FMSB asked whether the MoJ played a role in public legal education. At the moment, this is limited to sign posting, but it is starting to work with other departments and family hubs and is considering wider work in this area.

The FMC and FMSB asked whether the MoJ anticipated the Divorce, Dissolution and Separation Bill leading to an increase in applications for divorce. It did not anticipate such an increase in the long term. The FMC and FMSB expressed concern that the process currently proposed in the draft Bill may have the unintended consequence of making the time in which people have to resolve financial issues too short to properly consider all their options, including mediation. The FMC requested a meeting with the team dealing with the Bill to discuss such concerns. The Executive Officer will explore whether the FMC should support an amendment that Lord Harries of Pentregarth has said he would table, which may require the Government to send divorcing couples information about mediation.

The MoJ representative said she was happy to receive further ideas via e-mail.

KK to request meeting for FMC with Divorce Bill team

3.	<p>To review and confirm joint working arrangements</p> <p>The FMC and FMSB agreed that both boards were working together well, and existing arrangements enabled members of both boards to have constructive discussions and support each other's work.</p> <p>It was agreed that the documents that set out the way the FMC and FMSB worked together could be improved. IH & EM would work together to suggest improvements to the wording, supported by the Executive Officer. Changes will be made carefully and need to make sure the two documents still work together and don't harm the good working relationship which exists at present.</p> <p>It was specifically noted that changes should include:</p> <ul style="list-style-type: none"> • Part 2 Minutes of FMSB meetings should be published in anonymised form, with a note on them explaining why they had been anonymised. • There is no probation for MO directors as MOs can nominate anybody they choose, but there should be an opportunity for feedback to MOs. • The language about delegation and operational autonomy could be improved to ensure that there is clear delineation between work done on regulation and work on promotion and marketing. • Observers will be renamed Representatives, to more accurately reflect the role they play at meetings. • The purpose of annual meetings with MOs should be noted. • The 'Remit' document should specify that it is the FMSB's role to consider appeals against Provisional Accreditation decisions. • The 'Day to Day' Management document should have numbered paragraphs. <p>It was noted that the FMC had not carried out an annual review of its Directors, and the FMC agreed that it should do so.</p>	<p>IH & EM to suggest revisions to documents, with support of HA</p> <p>JT & HA to add item to FMC agenda</p>
4.	<p>Strategy 2020/21</p> <p>The FMC and FMSB agreed the review of the previous strategy was accurate. The Executive Officer will add commentary to set the progress made in context and circulate the amended version to the FMC and FMSB for comment before finalising and publishing it.</p> <p>The FMC and FMSB agreed the outline strategy for 2020-21. The FMC and FMSB agreed the priorities for work on the Standards Review were to continue with work that had started on accreditation, complaints and restructuring, and to establish new working groups for the remaining issues in the following order of priority:</p> <ol style="list-style-type: none"> 1. MIAMs consistency 2. = Outcome documentation = Domestic Abuse 3. Online Mediation 	<p>HA to add to review of 2018-19 strategy circulate to FMC & FMSB for their comments then publish once finalised</p>

	<p>The Executive Officer will add more detail and circulate an updated plan for approval, along with a plan setting out when volunteers will be required to contribute to the working groups.</p> <p>The FMC and FMSB discussed the work of the Standards Review Accreditation Working Group, which had identified and carried out a number of 'quick fixes' to the current system in 2019. At its last meeting, the meaning and purpose of accreditation arose as an issue, with the group discussing whether accreditation should represent the point at which MIAMs should be signed off, and whether accreditation should represent competence or excellence.</p> <p>The FMC and FMSB agreed that any action it took should not dilute the Standards and that, rather than the bar being lowered, people should be supported to help reach it. It was agreed that it was important to support PPCs to support their consultees. The FMSB's PPC panel would look at this issue, and would also draft standard terms for the appointment of PPCs.. It was also suggested that the MIAMs guidance should be re-written.</p> <p>The FMC and FMSB agreed that the focus of the accreditation process should be competence, not excellence. It was also agreed that the portfolio process could be broken down to make a mediator's journey to accreditation easier.</p> <p>The FMC and FMSB agreed that the FMSB should take a wholesale look at the Standards Framework to ensure that it was fit for purpose, and that, if necessary, a radical approach to filling gaps should be considered. This action had clear support from the FMC, including all MO directors present.</p>	<p>HA to add detail & priorities to strategy for 2020-21, and circulate along with timeline for work to be done</p> <p>FMSB to take this forward</p>
5.	AOB	
	<p>The FMC thanked the Executive Officer and her colleagues for all their work on behalf of the FMC and FMSB.</p>	