

## FMSB Meeting

Wednesday 18<sup>th</sup> March 2020

Via video conference

### Approved Minutes

**Present:** Robert Creighton (Chair), Adrienne Cox, Beryl Darling, Ian Hamer, John Hobson, Alexis Walker

**Also in attendance:** Sarah-Jane Turnbull (Associate Member), Jane Wilson (FMC Representative), Helen Anthony (Executive Officer)

	Open session	Action				
<b>1.</b>	<b>Introductory</b>					
1.1	Welcome and introductions apologies, declarations of interests					
	The Chair welcomed everybody, especially Alexis Walker who had joined the FMSB as a new member, and Sarah-Jane Turnbull who had been appointed as an associate member pending taking up a role as member later in 2020.					
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere					
	<p>The FMSB approved the minutes of its meeting held on 11.2.20. It was noted that portfolio audit arrangements have been made, but the audit itself has been postponed because of the coronavirus crisis. It was also noted that the proposed visits to training courses would have to be postponed but the paper-based part of the renewal process could start.</p> <p>The FMSB approved the minutes of the joint FMC FMSB meeting also held on 11.2.20.</p> <p>The FMSB noted that three FMC directors met the MoJ team working on the Divorce Bill. They focused on asking the MoJ to ensure that mediation is signposted as part of the online divorce system, and ensuring the process allows divorcing couples time to mediate and make financial arrangements before decree absolutes are granted. The Executive Officer will add implications of the Divorce Bill to the next agenda.</p>	<p>HA to publish 2 x approved minutes</p> <p>HA to add implications of Divorce Bill to agenda for next meeting</p>				
<b>2.</b>	<b>Update reports</b>					
2.1	Chair's Report					
	The Chair had nothing to report that was not covered elsewhere on the agenda.					
2.2	Executive Officer's Report					
	<p>The Executive Officer had received some enquiries about Standards during the coronavirus crisis, as well as queries and comments about the Regulatory Note issued by the FMSB concerning Online MIAMs and the circumstances in which voice-only MIAMs could be conducted. The FMC was liaising with the LAA about legal aid issues that had arisen.</p> <p>The FMSB discussed the issues that had arisen during the coronavirus and agreed the following:</p>					
	<table border="1" style="width: 100%;"> <thead> <tr> <th style="width: 30%;">Issue</th> <th>Detail and response</th> </tr> </thead> <tbody> <tr> <td>Carrying out Assessment and</td> <td>Code of Practice allows for voice-only MIAMs where in person or video connection MIAMs are not possible.</td> </tr> </tbody> </table>	Issue	Detail and response	Carrying out Assessment and	Code of Practice allows for voice-only MIAMs where in person or video connection MIAMs are not possible.	
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Information Meetings and Mediation remotely	During the coronavirus crisis there would be more circumstances in which telephone MIAMs would be necessary and that this included where a client or mediator cannot access a video connection. Voice-only mediation should only follow voice-only mediation in limited circumstances due to safeguarding issues.	<p>HA to draft guidance about video MIAMs and the exceptional circumstances in which voice-only MIAMs can be conducted</p> <p>HA to draft note re temporary changes in Standards</p> <p>FMSB to finalise documents for distribution to mediators on 19.3.20</p>
Deadlines for portfolio submission for mediators working towards accreditation	<p>Portfolio deadlines are suspended for the duration of the coronavirus crisis. This will be for at least four months, but may be longer.</p> <p>Mediators working towards accreditation should be encouraged to spend time working on their portfolios, by answering case study questions or writing up a case commentary, for example, if this is possible.</p>	
Meeting annual requirements for CPD, PPC time and, for accredited mediators, number of hours of mediation	<p>Whilst the government advises social distancing, ongoing requirements for CPD, PPC time and, for accredited mediators, the number of hours of mediation, will be waived.</p> <p>Allowances will therefore be made if mediators cannot meet these annual requirements. However, mediators due to submit re-accreditation applications should still submit their applications at the scheduled time unless ill or otherwise unable to do so due to caring for others or similar circumstances, in which case the usual provision which allows for an extension of time will apply. If the annual requirements cannot be met due to the coronavirus crisis, this should be stated on the form.</p> <p>Mediators would be reminded that individual PPC consultations can be by video connection or via telephone, provided they are individual sessions.</p> <p>Mediators would also be reminded that CPD can include reading, webinars etc, though they should be specifically relevant to the mediator's work.</p>	
PPC Updating	<p>The Standards require PPCs to attend a PPC updating course every year.</p> <p>Allowances will be made if mediators cannot meet this requirement in 2020, but for the duration of the coronavirus crises mediators will be able to meet this requirement by attending an online course if these are made available.</p>	
Training – Foundation Courses and CIM Courses	<p>As these courses are approved by the FMC in a format dependent on attending in person, the FMSB will liaise with the Training Providers to consider any alternative options that the Training Providers might put forward, for training on line, during this period. The FMSB will update mediators in due course, once discussions have taken place with the Training Providers</p> <p>The FMSB will work with course providers to find a solution where courses have already started.</p>	

	<p>Training – CIM Update and Awareness &amp; Understanding</p>	<p>The Standards require mediators to attend a CIM Update Day or Awareness and Understanding day.</p> <p>For the duration of the coronavirus crisis, allowances will be made for mediators due to attend these courses, but mediators will also be able to meet this requirement by attending an online course if these are made available.</p>	
2.3	FMC Report		
	<p>The FMSB noted the draft minutes of the FMC meeting held on 4.3.20, and the amended strategy. It agreed that the content and priorities were right, but noted that in light of the coronavirus crisis the timetable may need amending.</p> <p>The FMSB noted the need to be clear about the order in which strategic issues were addressed, and by whom.</p>		
<b>3.</b>	<b>Governance</b>		
3.1	FMSB Annual Report 2019		
	<p>The FMSB approved the annual report.</p>		HA to send FMSB Annual Report to FMC
3.2	Business Plan		
	<p>The FMSB noted the business plan, which may need revising in light of the coronavirus crisis.</p>		
<b>4.</b>	<b>Core Business</b>		
4.1	Registration		
	<p>The FMSB noted the Registration Report.</p> <p>The FMSB agreed that mediators who had not responded to the call to re-register should be removed from the Register after being told this will happen.</p>		
4.2	Standards Review: Complaints		
	<p>Conversations are being arranged with MO representatives to discuss reforming the complaints process.</p> <p>The FMSB noted that the new Chair of the Office of the Legal Ombudsman had appeared in front of a select committee yesterday and said she wanted the Legal Ombudsman to consider looking at complaints about non-regulated activities in the legal sector. Prior to this FMSB had written to the Legal Ombudsman and the Solicitors' Regulation Authority to ask to discuss issues relating to complaints.</p>		
4.3	Standards Review: MIAMs Consistency		
	<p>The FMSB noted the draft Terms of Reference for the MIAMs working group and agreed these should be amended to:</p> <ul style="list-style-type: none"> <li>- be clear that the purpose of the group should be to consider how the FMSB can ensure that the quality of the delivery of MIAMs is more rigorously monitored and consistently maintained</li> </ul>		

	<ul style="list-style-type: none"> <li>- include any tasks which emerge from future reports from the President of the Family Division's Private Law Working Group</li> <li>- include not only the development of the standards but how these can be implemented and delivered.</li> </ul> <p>The Executive Officer will amend the draft Terms of Reference and propose a way to moving forward with this work via e-mail.</p>	HA to amend the draft Terms of Reference and propose a way to moving forward with this work via e-mail
4.4	<b>Standards Review: Restructuring</b>	
	<p>The FMSB noted the Proposed Structure Paper and the example Supporting Manual, and thanked JH for these helpful documents.</p> <p>The FMSB agreed in principle it would be better to separate requirements from guidance, and would give further consideration to how this can be best presented.</p> <p>The Executive Officer will co-ordinate the restructuring of the documents in the summer. Each panel will be asked to review the relevant section of the document. The FMSB noted that this additional work may require more hours' work than usual and asked the Executive Officer to let it know if an extra charge would be incurred for this work.</p> <p>The FMSB noted the need to consider how the Principles Manual should be drafted and consulted upon.</p>	<p>HA to co-ordinate restructuring of documents</p> <p>HA to add drafting of principles manual to agenda for May meeting</p>
4.5	<b>Standards Review: How can standards evolve?</b>	
	The FMSB noted the discussion paper about how the Standards Framework should evolve and agreed to revisit this at its next meeting.	HA to add paper to agenda for May meeting
<b>5.</b>	<b>Future meeting dates to note</b>	
5.1	2020 dates (all Wednesdays, 12.30 – 4.30pm): 13 May; 8 July; 16 September; 11 November	
<b>6.</b>	<b>AOB</b>	
	The FMSB noted the need to support the Executive Officer and her colleagues in the FMC Office during the coronavirus crisis. The Chair will ensure this support is given.	