

## FMC Newsletter

July 2020



### Recent FMC Developments

#### MoJ Response to FMC Proposals to Assist Families

In May, the FMC submitted a series of proposals to the MoJ in order to encourage more families to use mediation to settle disputes. The proposals included MoJ-funded MIAMs for all, better gatekeeping by the courts, and an online scheme whereby judges could refer parties to mediation if they had reached court.

Thank you if you wrote to your MP as requested, to bring these proposals to the attention of MPs. We know from the MoJ that they had lots of letters from MPs writing in support of or enquiring about the work the MoJ is doing in relation to these proposals, which definitely helped raise the profile of the issue and has seen the government restate its commitment to mediation. The Secretary of State, the Rt Honourable Robert Buckland QC MP, has said in response:

*'We agree that now is a difficult time for families, as relationships are placed under intense pressures, and we are committed to championing mediation as a better option than court for many suitable families, in turn reducing pressures on the court system.'*

The Parliamentary Under-Secretary of State for Justice, the Honourable Alex Chalk MP, has also said:

*'It can be a difficult time for families and parents, with Covid-19 placing relationships under additional pressures. Mediation can play an important role in helping families resolve conflict in the best interests of their children without the need to come to court. We are committed to championing mediation as an alternative to court for suitable families and are grateful for the FMC for their proposals. We welcome the chance to work closely with the sector, to improve outcomes for families, and manage demand in court through the promotion of alternative dispute resolution.'*

We are pleased to let you know that we have been working with the Ministry of Justice to help them explore the ideas in our proposals paper, and the response from

the MoJ has been positive. We understand that officials are considering options, including potentially piloting some ideas, and we hope to be able to report to you further in the autumn.

### Legal Aid

The FMC's proposal to the Secretary of State for standard non-recoverable payments to be made to Legal Aid providers through the coronavirus crisis has been rejected. The response merely pointed providers to the support the government is making available to all businesses. We understand however that a number of providers have been offered the opportunity to do switch to standard monthly payments and so we encourage any provider who is interested in doing this to make a request through their contract manager.

The Legal Aid Agency has started an exercise to look at the sustainability of legal aid. The FMC participated in an initial discussion on the subject, in which it raised a number of points including rates, the administration burden/proportionality, cross-subsidy by private work, and factors that discourage mediators from wanting to (continue to) hold legal aid contracts.

### Health and Safety

Some mediators have asked the FMC for health and safety advice about working during the current crisis. The FMC cannot provide such advice, and so mediators are advised to follow government guidelines which are here:

<https://www.gov.uk/coronavirus>. Mediators may also find this tool useful:

<https://www.gov.uk/coronavirus-business-reopening>.

The FMC will continue to publish relevant information about coronavirus-related issues on its website [here](#).

### Long-Term Implications of Coronavirus and Ways of Working

The FMSB has made a number of temporary changes to regulations in light of coronavirus, but recognises that the pandemic is likely to lead to an increase in remote working in the longer-term. The FMSB is therefore considering the implications for professional standards of online working and online training.

### Observations for Mediators Working Towards Accreditation

The FMSB is building a list of accredited mediators who are happy to be observed, which would be made available to those who need it. If you are accredited, and happy to be on the list of mediators willing to take observers, please e-mail [info@familymediationcouncil.org.uk](mailto:info@familymediationcouncil.org.uk) to let us know. Please also let us know whether this extends to taking observers during online mediation.

### All Mediation Forum

The FMC continues to work with other mediation organisations as part of the All Mediation Forum, which is currently exploring the possibility of having a common

Code of Practice for mediators across different sectors. It is thought that this will help in promoting mediation as a profession, and is the start of work to identify standards that different mediation sectors have in common. This may in turn make it easier for organisations including the FMC to draft standards for conversion courses, the adoption of which would enable mediators trained and accredited in one sector to move to a different sector more easily.

### FMSB members

At the end of its meeting on 8 July the FMSB said goodbye to one of its longest-serving members, Adrienne Cox. Adrienne joined the Board when it was first formed and served as a mediator member of the Board for a five-year term. She has played an enormous part in its evolution, contributing through her hard work and thoughtful application of reason and intelligence to all aspects of its role. By chairing the Panels on Accreditation and Training, Adrienne gave particularly strong leadership in these two areas, which have been central to the Board's activities. She has been a fine exemplar of the contribution that mediators can make to the self-regulation of the profession. We will all greatly miss her enthusiasm and energy, her determination to do what's right and best, and her sound judgement, and we wish her well for all her future activities.

The FMSB is pleased to welcome two new mediator members this year: Alexis Walker and Sarah-Jane Turnbull. Alexis and Sarah-Jane bring a wealth of practical experience to the FMSB and have already started to contribute to its work on online mediation, training and accreditation.

### Volunteers Needed

Volunteers are being sought for the following roles. If interested, please e-mail Helen Anthony ([executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk)) for more details.

Family Mediation Week Working Group – Family Mediation Week will take place in January 2021. We need volunteers to join a working group which will plan and deliver the material that will be distributed throughout the week to promote family mediation.

FMSB Accreditation and Training Panel Members – The Accreditation Panel works with the FMC's assessors, supports the FMSB in developing policy relating to the current accreditation scheme, and makes decisions about some individual applications, such as from mediators returning to practice. The Training Panel works with training course reviewers to consider applications for course approval and supports the FMSB in developing policy relating to training requirements.

## **The FMSB Five Years On – Brief Reflections**

A couple of months ago the FMSB passed its fifth birthday, which prompted me to a few reflections about its formation and progress, derived from my experience as a member of the Board since the beginning.

The first is to salute the profession for its unyielding commitment to self-regulation. The writing of standards was a huge effort and a massive achievement, to which numerous mediators contributed, but it was only with the creation of the FMSB that the system became operational. This inevitably imposed costs and administrative requirements that could have been considered unwelcome or excessive, but the profession has accepted and absorbed them. This has occurred because family mediators are strongly committed to high standards both as a safeguard for the public and as the bedrock of the profession's standing and self-confidence.

This is evidenced also in the way in which the Board has been supported in going about its business. Its financial resources are limited, so it can have only a small – but highly efficient and effective – secretariat, and much of its work is done with and through volunteers. Mediators have been generous with their time and effort in support of our panels, and it is very heartening that this continues so strongly.

Of course, this applies in spades to the mediators who sit as members of the Board. They are the essential links to the community of family mediators and their judgements are critical to ensuring that the Board acts appropriately and proportionately. We benefit greatly from the current group – Beryl Darling, Alexis Walker and Sarah-Jane Turnbull – and the contribution of Adrienne Cox, who has recently come to the end of her term, is acknowledged above.

The field of family mediation is somewhat crowded with bodies that have interlocking roles and interests – the FMC, the MOs and the FMSB. This certainly makes for some complexity, which the Board has had to negotiate while retaining its operational independence. Early on there were some distracting and potentially debilitating tensions, but thanks to the collective will to make the system work, time was taken for reflection, clarification and adjustment, helping to build the Board's positive relationships with its partners.

A huge amount has been achieved over the past five years to establish the system of regulation and to keep it robust – for instance, most recently in the face of the challenges posed by Covid-19. We are moving on into the era of improving it, to make it fit for purpose and to strengthen the profession's position as a key player in the evolving sphere of family justice. The most important tasks lie in the process of accreditation – to increase its flexibility and to alleviate the burdens on aspirant FMCAs. I am confident that the Board is well placed to address these and all the other issues it may face.

Robert Creighton,  
Chair, FMSB  
July 2020

## Developments from Elsewhere

### National Mediation Awards – nominate now

The National Mediation Awards celebrate excellence in mediation. This free virtual event, run by colleagues at the Civil Mediation Council and College of Mediators, will take place on 23<sup>rd</sup> September. Nominations for 'Family Mediator of the Year' are open until 31<sup>st</sup> July, and mediators can self-nominate or nominate others. Please visit <https://www.nationalmediationawards.com/> to find out more, and to make your nomination.

### The clinical and legal management of parental alienation in the United Kingdom: a research study to map provision and identify gaps

This research study, which is being led by the University of Wolverhampton, is mapping services for parental alienation in England and Wales and wants to hear more about what services there are, the effectiveness of these services, and where the key gaps are. Mediators are invited to complete a survey, using the link below, which should take about 10-15 minutes to complete: <https://uow-survey.onlinesurveys.ac.uk/parental-alienation-national-survey-final>. A Participant Information Sheet is available [here](#).

## Opportunities for Mediators

Please see the FMC website [here](#) for information about opportunities for mediators.

## Upcoming Events & Training

The FMC aims to bring you information about training, courses and workshops related to family mediation, to aid professional development. Courses are listed on our [website](#), where you will find more details about submitting events to be included.

Course listings are currently being updated in light of the coronavirus crisis, and we intend to show courses that will be run online as well as in person. Please do therefore check this page regularly.

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