



FMC Board Meeting

9th September 2020

Approved Minutes

Present: John Taylor (FMC Chair), Allan Blake, Caroline Bowden (Law Society), Paulette Morris (College of Mediators), Beverley Sayers (FMA)

Also In attendance: Peter Burgess (On behalf of Resolution), Robert Creighton (FMSB Representative), Claire Webb (FJC Representative), Helen Anthony (Executive Officer)

Apologies: Dan Ronson

Open Session – FMC Board Members and observers		
1.	STANDING ITEMS	Action
1.1	Welcome and introductions	
	The Chair welcomed everybody.	
1.2	Approval of draft minutes, matters arising	
	The minutes of the meeting held on 4.6.20 were approved.	HA to publish approved minutes
2.	Reports	
2.1	Financial Report & Risk Register	
	<p>The board noted the income and expenditure and balance sheet to 31.7.20, and that the finances were in good order.</p> <p>The board also noted the updated risk register.</p> <p>The board discussed the impact on the FMC's budget if there was a reduction in the number of mediators due to coronavirus. It noted that it had £10,000 on top of its reserve which could be allocated to a specific purpose, that it had not spent money it had set aside in 2020 on online registration and was likely to pursue an option that spread the cost of the change over several years, and could reduce its expenditure if necessary.</p> <p>The board agreed that it was important to maintain good communication with mediators. This includes ensuring the FMC's newsletters are informative, but also engaging with mediators in other ways.</p>	

2.2	Executive Officer Report	
	<p>The board noted the executive officer’s report and in particular that the number of visits to the FMC website had increased 18% from 2019 and 28% from 2018. The increase early in the year was consistent with an increase in the number of legal aided MIAMs and mediation, and more recent increase, following the coronavirus lockdown, was consistent with mediators across the spectrum reporting that they were busy.</p> <p>The board also noted that 60% of mediators are listed on the FMC website as offering mediation online and agreed to conduct another survey of members to see if, as suspected, this percentage had increased. The board noted that this would help with budgeting, and maintaining a conversation with mediators.</p> <p>It was agreed that the survey should ask whether mediators are working online, obtain feedback from clients and mediators about mediation, and ask about capacity (possibly including the average wait time for MIAMs/mediation). Directors agreed to consider questions that might be included in the survey, and send suggestions to the Executive Officer.</p> <p>The board agreed that the Executive Officer should ask colleagues at the Ministry of Justice, CAFCASS, HMCTS, LAA, FJC and FMSB whether they would like to include any questions. It was however agreed that the survey should be not be too long, otherwise mediators would be less likely to complete this.</p> <p>The Executive Officer will then draft the survey and then circulate to the board before distributing to mediators.</p> <p>The directors noted that Jacky Tiotto, CAFCASS CEO, had been invited to the next FMC board meeting and agreed to send the Executive Officer any questions they have for her before the meeting.</p>	<p>Directors to send suggested Qs for survey to HA</p> <p>HA to invite Qs from FMSB/MoJ/ HMCTS/ CAFCASS/LAA/FJC</p> <p>HA to draft survey, circulate to board for comment and then distribute</p> <p>Directors to send Qs for Jacky Tiotto, CAFCASS CEO, to HA</p>
2.3	FMSB Report	
	<p>The FMC noted the draft minutes of the FMSB meeting held on 8.7.20 (parts 1 and 2).</p> <p>The FMC noted that Adrienne Cox’s term had now ended, and the FMSB and FMC had thanked her for all her hard work. Sarah-Jane Turnbull has now taken up her role as a full FMSB member.</p>	

The FMC noted that the FMSB would be recommending a change to the Standards Framework to allow it to ensure mediators were keeping up to date with safeguarding training following accreditation and agreed to receive a recommendation about this change via e-mail.

The FMC noted that the FMSB was establishing a working group to consider standards related to online mediation. The Executive Officer had invited nominations from MO directors, and will send a follow up e-mail to those whose MO's have not yet made a nomination.

The FMC noted that the FMSB was now considering a single complaints process, though the question of who should operate the first stage of this process remained.

The board noted the good progress being made by the MIAMs Standards Working Group, and the following six areas of work being considered by the Standards Review Accreditation Working Group:

- Quick fixes – can the process be less administratively burdensome?
- How can the FMSB better support PPCs to support mediators WTA?
- Online mediation – can we this opportunity be used to help get more cases and bring together their portfolio?
- Is it possible to make the current portfolio modular?
- Should/how can the FMSB work with training providers to help them support mediators after they have completed foundation training?
- Is there an opportunity to introduce apprenticeships?

The board discussed the draft Good Character policy paper, which was aimed at strengthening public protection, and was part of the FMSB's regulatory function.

The Chair of the FMSB clarified that the process would not put an obligation on training providers to carry out checks on potential course delegates, but that checks would instead be carried out by the FMSB.

The FMC asked the FMSB to consider:

- whether mediators who are subject to similar checks but other organisations (e.g. solicitors) could have this

HA to remind MO directors if online working group volunteers are still needed

	<p>recognised and not have to complete the FMSB's proposed process</p> <ul style="list-style-type: none"> - whether, where there were some concerns but not enough to prevent mediators from working, the FMSB could put conditions on someone's registration - to focus on past actions which have resulted in a specific sanction, rather than bad conduct or feeling which didn't have a specific penalty - whether references should be sought as part of the test <p>The FMC asked the FMSB to continue to work on this policy and the implementation of this.</p>	
3.	Items to discuss	
3.1	Developments in family mediation	
	<p>The board noted that the FSSG had prepared a report which would be submitted to the Private Law Working Group before the end of September.</p> <p>The board noted that the MoJ remained positive about a funded MIAM pilot, but had had to make a bid along with all other government departments for its funding, as part of the government spending review. It noted too that HMCTS was considering whether referrals could be made to mediation to clear the backlog that had grown during the coronavirus crisis.</p> <p>The board acknowledged the MoJ's concerns that the mediation profession may not have capacity to absorb a significant increase in cases, but the board itself was not concerned about this. Conducting mediation online had resulted in mediators gaining capacity (by removing travel time between outreach offices) and most mediators work part time, meaning they could increase the number of hours they work as mediators. The board agreed however to invited the MoJ to include questions in the FMC's survey (see Executive Officer's report above).</p>	
3.2	Marketing	
	<p>The board noted the Family Mediation Week (FMW) working group's plans, which it supported. The board agreed in principle that it was happy for Family Mediation Week to be sponsored (either in-kind or financially) and was happy for the Executive Officer to continue exploring options with potential sponsors. The board noted that the working group was exploring direct marketing to the public via Google Ads and agreed it was happy with this in principle, so long as any sponsorship covered the cost.</p>	<p>HA to continue conversations with potential FMW sponsors</p>

	<p>The board agreed that Richard Wyatt’s marketing workshop for mediators should be run online, and agreed the associated cost of running this (an extra day’s preparation by RW, and the Zoom webinar licence). The board had no preference for the date of the workshop.</p>	
3.3	Online Registration	
	<p>The board noted the work that had been done to explore options for online registration and acknowledged that the Sheep management system appeared to be a good fit for the FMC’s requirements.</p> <p>The board noted the price (c. £10,000 for the first two years then £3000 thereafter, plus VAT) compared to a bespoke system, the lowest estimate for which the FMC had obtained was £20,000. It noted that £20,000 would cover about 5 years’ worth of the Sheep system if the price remained constant, and include technical support. A bespoke system was likely to meet all the FMC’s needs but would need updating and maintaining.</p> <p>The board noted that the FMC had used its contracted IT support hours, on a contract which runs from April to April. This is because the FMC had used the hours to introduce the online mediation search on the website, which wasn’t predicted, and to resolve some problems which had arisen with the Find A Mediator Search. The board agreed to purchase an additional six support hours.</p>	<p>HA to obtain Sheep Contract, JT to consider</p> <p>HA to arrange additional IT support</p>
4.	Governance	
4.1	Meetings with MOs	
	<p>The board noted that the FMC’s meetings with Member Organisations were being arranged for November, and would take place online.</p> <p>The Executive Officer will circulate to MO directors the information which the FMC and MOs agreed would be in the shared by the MOs with the FMC on an annual basis.</p> <p>An anonymous summary of the issues raised in the meetings would be circulated for FMC directors after the meetings for information.</p> <p>The topics to be discussed will be agreed between the MOs and the FMC ahead of each meeting.</p>	<p>HA to circulate to MO directors a request for information to be sent ahead of MO meetings</p> <p>Directors to consider topics for discussion</p>
4.2	Recruitment - Independent Member of FMSB	

	<p>The board agreed Beverley Sayers would join the Chair on the panel to recruit an additional independent member of the FMSB.</p> <p>The board noted the importance of ensuring that the advert was seen by likely, suitable volunteers.</p>	<p>HA to progress recruitment, including asking MOs to circulate advert</p>
5.	ITEMS AND PAPERS FOR INFORMATION	
5.1	<p>2020 FMC Board Dates: 2 December – Online</p>	