

FMSB Meeting
Monday 9th November 2020
Approved Minutes

Present: Robert Creighton (Chair), Ian Hamer, John Hobson, Alexis Walker

Also in attendance: Jane Robey (FMC Representative), Helen Anthony (Executive Officer)

	Open session	Action
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	The Chair welcomed everyone. Apologies had been received from Beryl Darling and Sarah-Jane Turnbull.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	The Part 1 and Part 2 minutes of the meeting held on 16.9.20 were approved.	HA to publish Approved Minutes (Part 1)
2.	Reports	
2.1	Chair's Report	
	The FMSB noted that the Chair has continued to work on the good standing test and the accreditation standards review, both of which are on the agenda.	
2.2	Executive Officer's Report	
	<p>The FMSB noted the Executive Officer's report.</p> <p>The FMSB noted that the number of mediators on the FMC Register. The FMSB noted that this reduction was primarily as a result of retiring or, in the case of those who trained some time ago and have not become accredited, deciding not to continue working towards accreditation, which was as expected. The FMSB also noted, however, that new mediators had not been registering as they had not been able to complete training courses due to the coronavirus crisis and restrictions regarding training online. It was further noted that as training courses have now recommenced (some in person, some hybrid, some online) in line with FMSB Guidance, a relatively high numbers of new mediators were likely to register in the new year. The FMSB agreed to keep a watching brief on the numbers of mediators registered.</p> <p>The FMSB had been asked to confirm the position of mediators who had been qualified to carry out Direct Consultation with Children (DCC) but who did not want to become qualified to carry out Child Inclusive Mediation (CIM). The FMSB considered that as the purpose of the CIM Awareness and Understanding Day was to ensure that all family mediators can explain the principles, purpose and the basic process of CIM to parents as they should routinely detail this in initial assessment meetings, and that DCC trained mediators have already been trained in this. The FMSB also confirmed that mediators who</p>	HA to confirm to mediators who do not want to continue CIM qualification

	<p>had been qualified to carry out DCC and who did not want to become qualified to carry out CIM do not have to attend a CIM Awareness and Understanding day.</p> <p>The FMSB noted that a contract had not yet been agreed for the FMC to use the Sheep registration management system. It was anticipated that a contract would be agreed within a few weeks. The FMSB agreed that if necessary, annual registration for 2021 could be delayed until February or early March if this meant the registration could take place online. The Executive Officer agreed to update the FMSB at the beginning of December so that a decision could be made as to how to proceed.</p> <p>The FMSB supported the proposal to invest in the mediator area of the FMC website, if funds could be found for this.</p>	<p>HA to update FMSB on progress at beginning of December</p>
2.3	<p>FMC Report</p>	
	<p>The FMSB noted that FMC was proceeding with the appointment of a non-mediator (lay) member to the FMSB to fill the existing vacancy. It was noted that the Chair of the FMSB and another FMSB member would be on the appointment panel and that IH and JH volunteered to sit on the panel if required. FMSB members were invited to suggest potential sites for the advertisement to the Executive Officer.</p> <p>The FMSB noted that, together with the MoJ, the FMC was drafting a survey to send to mediators about their capacity to mediate and their experiences of online mediation. The FMSB noted that FMC was aiming to circulate this and get responses before mediators stop working for the Christmas period.</p>	
3.	Items to Discuss	
3.1	<p>Accreditation Panel</p>	
	<p>The FMSB noted the draft minutes of the Accreditation Panel meeting on 16.9.20 and thanked the members of the panel for the careful way in which they have considered individual applications, as this remains critically important to the integrity of the self-regulatory system.</p> <p>The FMSB reviewed two sets of arrangements it had made in response to the coronavirus crisis earlier in 2020, at the request of the Accreditation Panel and the Standards Review Accreditation Working Group:</p> <ul style="list-style-type: none"> - The suspension of the deadline for mediators working towards accreditation to submit their portfolios due to the coronavirus crisis. The duration of the suspension was not specified, but was to be for at least four months. 	

	<p>- The temporary changes made to portfolio requirements due to coronavirus until further notice. These changes were initially brought in until the end of 2020.</p> <p>The FMSB considered the responses to the survey it had conducted, in order to inform its review, which asked mediators working towards accreditation whether they were be in a position to continue working towards their portfolios. This survey showed about half of mediators working towards accreditation had enough cases to submit their portfolio; it also showed that the pandemic had not had a significant impact on mediators' ability to submit their portfolios.</p> <p>The FMSB agreed that the suspension of deadlines will remain in place until March 2021, thus giving all mediators a total of a year's extension to submit their portfolio. After the general suspension has ended, individuals will still be able to apply for extensions if necessary.</p> <p>The FMSB also agreed to extend the temporary changes made to portfolio requirements due to coronavirus until further notice.</p> <p>The Executive Officer will draft an e-mail to inform mediators working towards accreditation and PPCs of the changes and confirm the wording with the Chair.</p>	<p>HA to draft e-mail & RC to confirm</p>
3.2	Training Panel	
	<p>The FMSB noted the Training Panel Report, and in particular the positive and productive meetings that had been held with the Training Providers and Training Course Reviewers.</p> <p>The FMSB noted that approved Training Course Providers had adapted their foundation courses to include teaching for online mediation. The FMSB agreed that the Standards Framework should be amended to introduce a requirement for online training. The Executive Officer will draft an amendment.</p>	<p>HA to draft change to Standards Framework re online training</p>
3.3	Good Standing Test	
	<p>The FMSB considered the amended good standing policy and process and noted that approved training providers (who had all been consulted by the Training Panel) supported the introduction of this test.</p> <p>The policy and process were agreed subject to</p> <ul style="list-style-type: none"> - Amending the recognition of other professions so that this does not need to be mutual - Minor revisions suggested by some members, who were invited to send these to the Executive Officer. <p>The FMSB noted that some training providers were urging the FMC to campaign for mediators to be included on the list of professions for whom enhanced DBS checks can be obtained.</p>	

	<p>The FMSB would welcome the inclusion of mediators on the list and, if agreed with the FMC, will ask the Family Justice Council to raise this with the Ministry of Justice.</p> <p>The FMSB agreed that the panel to consider applications should consist of 2 independent FMSB members and one lay person who is not otherwise involved with the FMC or FMSB.</p> <p>The FMSB asked the Executive Officer to consider which professions the FMSB should recognise as already having carried out a good standing test and circulate a list to the FMSB. Suggestions included: Solicitors' Regulation Authority Bar Standards Board ILEX CAFCASS Counselling (BACP) Social Workers (name of regulatory organization tbc)</p> <p>The FMSB agreed to consult mediators about whether the proposed policy and process achieve what they set out to, without being unduly burdensome to the mediation community.</p> <p>The Chair of the FMSB will ensure the Chair of the FMC is content for the consultation to go to mediators in its current form.</p>	<p>HA to amend policy/process/consultation documents as discussed</p> <p>RC to send updated versions to JT & liaise re mediator consultations</p> <p>HA to consider list of professions to automatically recognise</p>
3.4	Standards Review: Complaints	
	<p>The FMSB discussed its survey of FMC Membership Organisations (MOs), which had been conducted to find out the extent of complaints they received. Two MOs had replied, and together with information received from the remaining three MOs prior to the survey. The FMSB noted that the information suggested the number of complaints received about professional standards was very low, and likely to be in the region of about 10 – 15 a year.</p> <p>The FMSB agreed that in principle there should be one complaints system operated by the FMSB and that the number of complaints anticipated could be handled by the proposed system.</p> <p>The FMSB agreed that the proposed process was clear, and that in the first instance an independent member of the FMSB should sit on a panel with two mediators.</p> <p>The FMSB considered who should sit on the appeals panel and agreed that the panel needed to both be and appear independent. The FMSB agreed to give this further consideration.</p> <p>The FMSB agreed that its next steps were to:</p>	<p>RC/IH/HA to consult MOs and clarify nature of complaints</p>

	<ul style="list-style-type: none"> - Consult with MOs regarding the proposed changes - Clarify the nature of complaints it would consider, and the definition of these - Develop FAQs for concerns/complaints - Consider what administrative capacity would be needed - To develop minimum standards for mediator's own complaints processes and to consult with mediators regarding this. 	<p>HA to develop FAQs HA to consider administrative requirements</p> <p>HA to draft minimum standards for mediators' own complaints processes</p>
3.5	Standards Review: MIAMs	
	<p>The FMSB noted the report of the MIAMs Working Group, in particular the excellent progress that had been made, and the amended timetable.</p> <p>The FMSB noted the challenge in ensuring the FMSB's approach to assurance was proportionate. The FMSB suggested the working group might consider the approach of other professions such as lawyers, opticians or physiotherapists.</p> <p>The FMSB emphasised that it was likely that most mediators were already taking the actions which would be required by the new MIAMs standards, but that never the less it would be important to consult the profession before the new standards were finalised.</p>	
3.6	Standards Review: Accreditation	
	<p>The FMSB noted the draft minutes from the Standards Review Accreditation Working Group meeting held on 9.10.20, and the November update due to be sent to the mediation community.</p> <p>The FMSB welcomed the proposal to consider developing a system whereby mediators working towards accreditation could be allowed to carry out Legal Aid work if properly supervised. The Chair and Executive Officer will consider how this project could be managed.</p> <p>The FMSB noted that the Chair of the Training Panel, AW, had notified the FMSB Chair of a potential conflict of interest, having been a former member of an MO's Board of Directors within the last three years and having made a decision together with another panel member, SJT, about a training course run by that MO's trading company. AW did not sit on the board of the trading company. The FMSB Chair noted the interest had been declared but did not consider that there had been a conflict.</p>	
3.7	PPC Panel	
	The FMSB noted the draft minutes of the PPC Panel meeting held on 6.10.20 and in particular that the panel was aiming to publish a template PPC/Consultee agreement by the end of November, and that the Executive Officer would redraft the	

	Standards/PPC Code of Practice/Guidance in the newly agreed format for the panel meeting in December.	
3.8	Online Standards Working Group	
	The FMSB noted that this working group was due to have its first meeting in early December.	
4.	Future meeting dates	
	13 th January – Jt FMC/FMSB meeting tbc 27 th January 24 th March 20 th May 8 th July 22 nd September 17 th November	
5.	AOB	
	The FMSB welcomed a request from the FJC for a member of the FMSB to attend a working group meeting in December regarding professional standards for public law mediation cases. The Executive Officer will obtain more details so that an appropriate FMSB member can attend.	HA to obtain more details of FJC meeting & identify FMSB member to attend