

FMSB Meeting

Wednesday 16th September 2020

Approved Minutes

Present: Robert Creighton (Chair), Beryl Darling, Ian Hamer, John Hobson, Sarah-Jane Turnbull, Alexis Walker

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

	Part 1 - Open session	Action
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	<p>The Chair welcomed everybody.</p> <p>The FMSB noted that Katie Kelly had moved in to a different role at the MoJ, and wished her well. Her colleagues Christopher Palmer and Oliver Lendrum have responsibility for family mediation work for the time being and may attend future FMSB meetings. The FMSB noted that the MoJ had expressed a particular interest in the work on MIAMs Standards and the Chair of the Working Group extended an invitation to CP or OL to joint its meetings.</p>	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	<p>The Part 1 & Part 2 Minutes of the meeting held on 8.7.20 were approved.</p> <p>Matters arising:</p> <p>The FMSB agreed to publish the Assessors' Guidance if it had not been able to exchange this with the Law Society by the end of the month.</p>	<p>HA to publish approved Part 1 Minutes</p> <p>HA to publish assessors' guidance</p>
2.	Reports	
2.1	Chair's Report	
	<p>The FMSB noted that the Chair has been working on the good standing test and the accreditation standards review, both of which are on the agenda.</p>	
2.2	Executive Officer's Report	
	<p>The FMSB noted the Executive Officer's report.</p> <p>The FMSB noted that nine mediators had not paid the annual fee despite repeated reminders. They have been warned that if they do not pay, they will be removed from the register. The FMSB agreed to remove these mediators from the register for non-payment of fees, subject to one final reminder.</p>	<p>HA to give final reminder and then remove mediators from register if they have not paid the annual registration fee</p>

	The FMSB noted that it could consider charging late fees next year, as the administrative time spent in chasing late payers was significant.	
2.3	FMC Report	
	<p>The FMSB noted that the FMC had met on 9.9.20 and draft minutes will follow once available.</p> <p>The Chair reported that meeting was positive, with directors reporting that mediators were busy, the number of people looking for mediators through the FMC website had increased on last year, and the MoJ and HMCTS showing interest in promoting mediation.</p> <p>The FMSB noted that the FMC was hoping that online registration would increase the capacity of office staff to support the FMC's work, including that of the FMSB.</p>	HA to send draft FMC minutes to FMSB once agreed by FMC Chair
3.	Items to Discuss	
3.1	Accreditation Panel	
	The FMSB noted the Accreditation Panel's report and endorsed its decision that if a mediator does not achieve full accreditation on their third submission (i.e. their second resubmission) their case should be passed to the Accreditation Panel who should have the ability to move the mediator from provisional status to WTA (NB the mediator would still only have to resubmit the information required by the assessor, not a new portfolio).	
3.2	Training Panel	
	<p>The FMSB considered the position regarding online training. The FMC Representative declared an interest in this item, as she works for an approved training provider.</p> <p>The FMSB recognised the importance of urgently reviewing the remote provision of family mediation training. The Training Panel has planned to consult providers about the long-term position.</p> <p>The FMSB delegated to its training panel the ability to make decisions, on an interim basis, about the remote delivery of training courses that are already approved, whilst the long-term position is being considered. Any permission to allow courses to be delivered online during this period will be temporary and superseded once the FMSB's longer term review is place.</p> <p>The Training Panel will draft guidance for considering applications for courses to be delivered online, which it can use to guide its decisions and to inform training providers about its decision making process.</p>	HA to draft guidance for SJT & AW to agree before circulating to remaining FMSB members for approval and then distribution to training providers.

	<p>The FMSB agreed to make a recommended change to the Standards Framework to allow the FMSB to check that accredited mediators continue to keep up to date with safeguarding issues once accredited.</p> <p>The FMSB agreed that it would ask FMC Membership Organisations and approved training providers (where relevant) to sign a 'Declaration of Compliance' form, which explicitly states the Standards Framework requirements and confirms their understanding and compliance with these.</p>	<p>HA to take FMSB recommendation to FMC</p> <p>HA to ask MOs/training providers for confirmation that courses meet minimum standards</p>
3.3	Fit & Proper Person Test	
	<p>The FMSB agreed to call this the 'Good Standing' test which it deemed more appropriate.</p> <p>The FMSB reaffirmed the need for this test and discussed issues raised by the FMC about the draft policy, agreeing that:</p> <ul style="list-style-type: none"> - the test should be evidence based; - it will look to recognise the status of those who have had their good standing confirmed by other professional bodies; - the process needed to allow for offences that are spent under the Rehabilitation of Offenders Act not to be declared; - whistleblowers should be encouraged. <p>The FMSB also agreed to consider:</p> <ul style="list-style-type: none"> - whether it should be able to grant conditional registration status; - whether there is any benefit to obtaining references; - wording which appropriately reflects the intention of the policy to look to past behaviour as an indicator or likely future actions; - whether a fee should be charged; - whether the FMSB should ask for ongoing complaints or proceedings being brought against the applicant to be declared; - the role PPCs should play in the process. <p>It was agreed that the policy and implementation documents should be updated accordingly.</p>	<p>RC, IH & HA to amend draft policy and implementation documents</p>
3.4	Standards Review: Complaints	
	<p>The FMSB agreed the draft common complaints process was clear and streamlined.</p> <p>The FMSB agreed that it should proceed with its work on the common complaints process independently of engaging with the SRA, BSB and Legal Ombudsman.</p>	

	It was agreed that the FMSB would survey FMC MOs, to find out the number of complaints that are received about the professional conduct of mediators. HA will circulate a draft to FMSB members for approval.	HA to draft complaints questionnaire to be agreed by FMSB members
3.5	Standards Review: MIAMs	
	The FMSB noted that the MIAMs Standards Working Group is working well together, with all members committed to driving up standards, and that it is making good progress.	
3.6	Standards Review: Accreditation	
	<p>The FMSB noted the report on the work of the Standards Review Accreditation Working Group, which is focusing on initial accreditation.</p> <p>The FMSB agreed that JH would start to consider requirements for mediator monitoring and review post-accreditation (including re-accreditation) to ensure standards were being maintained and assured. The FMSB noted that it would need to engage with the profession as processes are reviewed.</p>	
3.7	PPC Panel	
	<p>The FMSB noted the work that the PPC Panel would carry out in autumn 2020.</p> <p>The FMSB identified the longer term need to carry out a longer-term strategic review of the role of the PPC, ensuring they will have capacity to carry out the work that they are expected to do and are properly remunerated for this.</p> <p>The FMSB agreed that the training and development of PPCs needed careful consideration. The lead members of the PPC Panel and Training Panels will have an initial discussion how to approach this work.</p>	BD & AW to discuss PPC Training
3.8	Online Working	
	The FMSB approved the Online Mediation Standards Working Group specification and noted that the FMC MOs had been asked to nominate members for the working group.	HA to follow up with FMC MOs
3.9	Online Sign Up for Registration	
	The FMSB noted the progress in identifying a system for online registration and supported the implementation of this.	
4.	Future meeting dates to note	
	2020 dates: November tbc	HA to circulate Doodle Poll for alternative November date
5.	AOB	