

FMC Newsletter

July 2021



Recent FMC Developments

MIAMs Standards – A letter from the Chair of the FMSB

Dear Colleagues,

You will find [here](#) the next stage of the FMSB's review and development of standards and assurance for mediation information and assessment meetings (MIAMs) – a comprehensive summary of the responses to the consultation that we ran in the spring. I am writing to reiterate and expand on the context and purpose of this work.

Firstly, thank you very much for the profession's impressive response. As well as papers from the FMC's Member Organisations we received comments from 40 individual mediators or mediation providers by email and c.70 mediators took part in the remote consultation discussions hosted by members of the Working Group. All the views expressed were measured, thoughtful and constructive contributions, and we are grateful for all of them. As you will see from the summary, the dominant tone was support for the principles, with large areas of agreement about the practice. There were, inevitably, some areas of practice where there was not consensus, on which we are now doing further work to propose a collective way forward, with recognition and respect for the legitimacy of the divergent views.

There have been some questions about why we are undertaking this work on MIAMs at this time, to which there are interlinked strategic and tactical answers. The FMC's Standards Framework for professional practice was published in 2014. It was recognised to be a pioneering document that would need review and revision in light of application in practice. Once the system had been given four years to bed down, the FMC asked the FMSB to start a rolling programme of review, identifying accreditation and complaints as the highest priorities for attention, and proposals on these have been made over the past two years. The FMC also asked that, when time permitted, the structure, format and definition of the standards, including the means of assurance, should be reviewed, with a view to ensuring both their robustness and their capacity for development in light of changing circumstances.

As information and assessment meetings are the key point of entry to mediation, standards for their conduct are appropriately a high priority. When in 2019 the President's Private Law Working Group identified the centrality of these meetings and asked the FMC to confirm that they were being appropriately conducted, it was a suitable trigger for the FMSB to make them the next subject for review. In so doing we have sought to pilot a more structured and rigorous format for defining standards with the intention that it can be applied to all sections of the Framework in future, and to make explicit the systems for ensuring adherence to standards across the board.

This has led us to clarify what it means for family mediators to act as professionals. The starting point is to establish high standards for expected practice, but these must not be too rigid lest they inhibit legitimate professional judgement and stifle innovation. It is also inherent that mediators should be – and should clearly be shown to be – accountable for their practice to the public and their fellow mediators through their professional body. For the benefits of being acknowledged professionals, mediators must accept both some peer supervision and some monitoring of their practice. The challenge for the FMSB is to oversee a system that achieves sufficient rigour while permitting suitable flexibility and avoiding unreasonable burdens.

The results of applying all this thinking to MIAMs are evolving, with the help of your responses to the consultation. The specifications aim to clarify and codify current good practice without generating significant new requirements and the proposals for assurance are designed to embed the spirit of professional accountability. As a package, by demonstrating the mediation community's commitment to quality and accountability, we intend that this work will strengthen the profession's self-reliance and give confidence to its partners in the family justice system that it conducts its unique and pivotal role with integrity.

The Working Group is doing a great job in this pioneering activity, especially in the scale of its consultation. I am most impressed by and grateful for the dedication, thoughtfulness and sheer hard work that the members, led by Alexis Walker, are putting into this. We aim to maintain communication and engagement as we go forward. If you have any thoughts for them or me, stimulated by this material, we are eager to hear them; please route them through Helen Anthony (executive@familymediationcouncil.org.uk).

With best wishes,

Robert Creighton

Chair, Family Mediation Standards Board

Mediation Voucher Scheme

The mediation voucher scheme for cases concerning child arrangements is proving to be successful in helping families resolve disputes. Early data from the scheme shows that whole or partial agreement is reached in 75% of cases, and 71% of mediation participants do not go on to court. These figures are consistent with those generated by FMC surveys in recent years and are helping us make a strong argument for the extension of the scheme.

Vouchers are still available under scheme, so please do continue to tell clients. The FMC will notify mediators when vouchers have all been allocated. For more details about the voucher scheme, please see [here](#).

Some mediators who are not participating in the scheme asked for a list of those who are participating in the scheme to be made available, so that they could signpost eligible participants to colleagues. This is now available [here](#).

Legal Aid

Mediators offering legal aid should by now have liaised with their contract managers if they wish to rely on the Covid temporary standards in relation to offices and supervision (see [here](#)). If you are relying on these temporary standards but have not yet discussed this with your contract manager, we urge you to contact them straight away.

As 19 July and the end of most Covid restrictions approached, there were concerns that the Legal Aid Agency would end its temporary measures in relation to the signing of the Means 7, which would mean reverting to the terms of the contract - so that a maximum of 25% of applications can be made remotely in any one schedule period. The LAA has said it is reviewing the position with regards to this and that it will give a minimum of three weeks' notice of any change. The FMC [has written to the LAA](#) to argue for this measure to remain in place though at the time of writing we have not had a response.

As the LAA is starting to conduct audits again, and we continue to try to ensure that auditing practices are fair and consistent, the FMC has agreed with the LAA that mediators can raise specific audit concerns with the FMC which can be passed on to the LAA. This doesn't replace the formal appeals system, and our LAA liaison officer cannot intervene in a decision-making processes, but it does present an opportunity to tell the LAA about audit concerns through a different route and may result in the LAA checking correct processes are followed whilst issues are still live. If you are audited by the LAA and have any concerns about issues that arise as a result, please do let us know by e-mailing executive@familymediationcouncil.org.uk

Separating Families: the Way Ahead

John Taylor, Chair of the FMC, has written to government, the courts and other colleagues who work with separating families to urge them to come together to take action following a number of reports published at the end of 2020 which stressed the need for urgent reform of the private family law process. Lord Wolfson, the minister responsible for family justice at the Ministry of Justice, and Baroness Stedman-Scott, Parliamentary Under-Secretary of State and the Department for Work and Pensions are among those to have responded, and the FMC will be following up on these replies by accepting invitations from these ministers to meet their officials, to discuss how to progress matters further.

Equality, Diversity and Inclusion Team

The FMC established its Equality, Diversity and Inclusion Team (EDIT) earlier this year, with a remit which includes considering and recommending to the board steps that the FMC could take actively to encourage diversity in the family mediation, and to identify and remove barriers to people from those groups who are under-represented from becoming mediators and accessing mediation. EDIT members are actively considering a number of options to help the FMC ensure the principles set out in its [Equality, Diversity and Inclusion Policy](#) are upheld. In order to measure whether its actions are having an impact, the FMC ask mediators to complete a diversity questionnaire on an annual basis – please do look out for this in the autumn, as it is important that as many mediators as possible complete this questionnaire.

CIM

The FMC and FMSB, having reviewed progress since the Family Solution Group's 'What About Me?' report, have concluded that more needs to be done both to clarify standards and expectations in this area and to encourage the practice of child-inclusive mediation. They intend to set up a joint working group on the subject, and to that end are looking to recruit one of the new mediator members of the FMSB with specific experience in this area to lead, and will then seek volunteers to join the group.

FMSB Recruitment

The FMC are now seeking to appoint two family mediator members to sit on the FMSB. Applicants should be FMC Accredited mediators and have a particular interest in and experience of either safeguarding or Child Inclusive Mediation.

Members will be at the forefront of the implementation and development of the new standards and self-regulatory framework of the FMC. One of the two vacancies has been created by a recent increase in the number of FMSB positions available, which the FMC agreed in order to increase the capacity of the FMSB. The mediator appointed to fill this post will therefore take up their post immediately. The second vacancy arises due to the retirement of an existing mediator member, and the mediator appointed to fill this post will take up their position in January 2022, but will be invited to shadow the FMSB until then.

For full details of the role, please see [here](#).

Volunteers

We are continuing to look for accredited mediators to join our Accreditation Panel. The FMSB's Accreditation Panel meets once every two months online, to consider issues of policy on which it makes recommendations to the full FMSB, and to make decisions on delegated matters such as return to practice applications or non-standard extension requests. Please contact Helen Anthony at executive@familymediationcouncil.org.uk for more details.

Opportunities for Mediators

Please see the FMC website [here](#) for information about opportunities for mediators including a training developer role with NFM, and job vacancies 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.

Listings include a free event hosted by NFM, which brings together colleagues from the UK, US and Ukraine, allowing mediators to see how financial issues mediation works in different countries, and to share good practice. See [here](#) for more details.

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