

## FMC Newsletter

September 2021



### Recent FMC Developments

#### Legal Aid

The FMC has responded to the Legal Aid Agency's short consultation regarding the percentage of legal aid applications that may be made remotely and changes to supervision rules. The response can be found [here](#).

The FMC also met with the Legal Aid Agency last week. At that meeting, the LAA said they had had legal advice that to increase the percentage of remote applications which was allowed to more than 50% would be a substantial change in the contract, which would require the LAA to retender and so this number could not be increased. Whilst the FMC does not necessarily agree that this is the case, it urged the LAA to find other solutions to continue to allow applications to be made remotely, such as by extending the Covid contingencies or using a clause in the contract which allows for exceptions to be made to the (currently 25%) limit of remote applications allowed. Whilst the LAA said it was unlikely to be able to extend the Covid contingencies given directives from central government about returning to face-to-face working, and that the exception in the contract was not supposed to apply on a blanket basis the LAA did commit to considering all arguments and options carefully.

In the meantime, we advise those with LAA contracts to consider how best to prepare for a scenario in which only 50% of applications for legal aid can be made remotely. To be clear, the application for legal aid is the signing of the form. This can be done separately from the MIAM and mediation sessions, which can continue online. We also advise those with LAA contracts to contact their contract manager if there are particular health related reasons for mediators or staff not being able to meet clients face to face (for example they have a health condition which makes them more vulnerable to Covid, or they live with somebody with such a condition) to request a specific exemption from the 50% rule (currently 25%) on health grounds.

Finally, the FMC has agreed to increase the size of its Legal Aid working group from three members to six, both to ensure extra resources are available in this important area of work, and to ensure that mediators across the legally-aided mediation community can have their views heard. Each Member Organisation has been invited

to nominate a representative to the working group, which will continue to be led by independent FMC director (and former member of the Legal Aid Board) Allan Blake. Member Organisation representatives will be able to take views/soundings from their own members on a regular basis in order to bring these to the working group.

### Mediation Voucher Scheme

The FMC was pleased to confirm in August that the Ministry of Justice's family mediation voucher scheme had been extended. Launched in March 2021 with an initial fund of £1m, the fund has now been extended by a further £800,000. At the current rate, we have projected that this means vouchers will be available for the FMC to allocate up until mid-December.

As well as making mediation more accessible to those who could not afford it, encouraging those might otherwise have been reluctant to give it a try, and enabling more children, the scheme continues to provide incredibly valuable data about mediation: early indications are that 77% of clients using the voucher scheme reach whole or partial agreement, which is a fantastic success rate. The scheme has also brought additional publicity about family mediation, with stories in the Telegraph, Daily Mirror, some local press and on social media.

If you have not yet signed up to participate in the scheme but would like to consider doing so, please see [here](#).

We welcome all feedback about the scheme – please e-mail [vouchers@familymediationcouncil.org.uk](mailto:vouchers@familymediationcouncil.org.uk).

### Changes to the FMC's Standards Framework

The FMC has agreed a number of changes to the Standards Framework, following recommendations from the Family Mediation Standards Board – see [here](#) for full details and the reasons for the changes. The FMSB will write to all mediators shortly explaining what the changes mean for them, and how they will be implemented.

### FMC Board Meeting

The FMC Board met on 8 September to discuss current issues, including its response to the MoJ's Call for Evidence about dispute resolution processes, its work liaising with family hubs, as well as the other issues detailed in this newsletter. The board also carries out regular governance tasks at its meetings, such as reviewing income and expenditure and the risk register. Minutes from FMC board meetings are published once approved (at the next meeting), and can be found [here](#).

## FMSB Recruitment

As a reminder, the FMC is 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.

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

Deadlines for applications have been extended from 10th September to noon on Monday 13th September to give potential applicants the weekend to submit their applications.

## Volunteers

We are looking for volunteers to help the FMC promote mediation, in particular through Family Mediation Week 2022. If you are interested in joining a small group of individuals who are passionate about mediation and can come up with creative ideas to help promote this, please contact Helen Anthony at [executive@familymediationcouncil.org.uk](mailto:executive@familymediationcouncil.org.uk).

## 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.

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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