



FMC Newsletter

May 2022

Key information and actions for mediators

- A new, more straightforward complaints system has been introduced for all FMC Registered Mediators. [Make sure your complaints process meets requirements.](#)
- Registration for 2022 took place in April. If you haven't yet re-registered, please [check your inboxes and junk mail folders for your registration e-mail and take action to re-register now.](#)
- The FMC's diversity survey remains open. [Complete it here](#), if you have not done so already.
- The LAA has found a way to allow for more than 50% of applications for legal aid to be made remotely, under the current contract. [Contact your contract manager if you are a LAA contract holder and think you will exceed the 50% threshold.](#)
- The MoJ has extended the Family Mediation Voucher Scheme. [You can continue to tell clients about the scheme and make applications for vouchers.](#)

Ukraine

A number of FMC Registered family mediators have worked over the past few years with colleagues in Ukraine, some of whom are now helping relief efforts in the conflict there. The FMC wishes to express its support for those colleagues, and for a peaceful resolution to the conflict. Anybody wishing to make a donation in support of humanitarian relief efforts can do so through the Disasters Emergency Committee fund [here](#).

Recent Developments – Policy & Promotion

Legal Aid

We are pleased that the Legal Aid Agency has listened to feedback about allowing applications for Legal Aid for family mediation to be made remotely, where clients ask for this.

The Legal Aid Agency has said that it will revert to the contractual position regarding office and supervision standards and remote working on 16 May 2022. The contract allows for 50% of applications (plus any that fall under the Equality Act) to be made remotely. However, the LAA has also highlighted the provision in the contract which allows for providers to exceed the 50% threshold if they obtain advance written authority from the LAA. Providers who believe they will

exceed this threshold should request written authority from their contract managers, setting out the reasons why. Reasons can include the health circumstances of individual fee- earners or client choice. Furthermore, the LAA has recognised the need to treat these requests consistently.

The FMC has previously called on the LAA to use this contract provision to continue to allow over 50% of applications to be made remotely, especially where driven by client choice or mediators' health requirements. We therefore consider this a very welcome development and will continue to liaise with the LAA to try to ensure that requests that mediators make to contract managers to exceed the 50% limit result in the required written authority from the LAA. Happily we are aware that some requests have already been made and approved.

The FMC's calls for supervision arrangements to change have not succeeded, but the FMC believes there is a much better chance of succeeding in these requirements – and so to allow for more flexibility - when the new contracts come in.

Please see the LAA's announcements for full details:

- Remote working: <https://www.gov.uk/guidance/coronavirus-covid-19-working-with-clients>
- End of office and supervisory arrangements: <https://www.gov.uk/guidance/coronavirus-covid-19-contract-management-and-assurance>

On a different issue, the Ministry of Justice has published a [consultation](#) as part of its Means Test Review regarding eligibility for legal aid. The FMC's Legal Aid Working Group, which is made up of representatives from the FMC's Member Organisations who have legal aid contracts and is chaired by Allan Blake, an independent FMC director, is preparing a response on behalf of the FMC but we would urge all mediators who offer legal aid, or might consider applying for a legal aid contract, to read the consultation and respond directly to the MoJ if they think changes to the means test may have an impact on whether their firm will apply for a legal aid contract in the future.

Voucher Scheme

We are delighted that the Ministry of Justice confirmed it will continue to fund the Family Mediation Voucher Scheme for a further period from 1 April 2022. As well as helping families, the Scheme continues to provide vital data which demonstrates the value of mediation, which is of critical importance in light of decisions that the Ministry of Justice is making at present about the future of the court system (see below). We are not yet able to confirm the amount of funding (and therefore the length of time that the pilot can continue to run) but will share this information with mediators as soon as we can.

We are very grateful to those participating in the Scheme for the work you have done to support families via the Scheme.

Mediators Working Towards Accreditation

The FMC is aware of the impact that the Voucher Scheme has had on the ability of mediators working towards accreditation to carry out child or All Issues cases, where they cannot conduct a case under the direct supervision of an FMCA mediator who is present in the room with them. The FMSB is working on detailed proposals for both the Voucher Scheme and legal aid, to consider

whether there may be circumstances in which mediators working towards accreditation to carry out more of these cases. The FMC has also written to its Member Organisations and larger mediation firms to try to ascertain the extent of support that is available for mediators working towards accreditation, and to try to identify other opportunities that the FMC might be able to make available to those working towards accreditation.

Family Solutions Group – and an ‘ambitious demand reduction programme’ for the courts

Representatives from the FMC, including its Chair John Taylor, and Chair of the FMSB Robert Creighton, recently attended a reception hosted by the Family Solutions Group with the support of Family Law In Partnership and Kingsley Napley. The event was a call for action from the Family Solutions Group, following its report which was published in November 2020, for a long overdue ‘family solutions system’ to be introduced by government. Attendees heard from Siobhan Baillie MP, who is not a member of the government, but nevertheless announced that the Ministry of Justice was embarking on an ambitious demand reduction programme for the family courts, which may include early referral to parenting programmes, the family mediation Voucher Scheme, and a system of court fees and costs to discourage parents from going to court. Sir Andrew McFarlane, President of the Family Division, agreed to consider the language used in the family court so as not to position parents being against each other. Suella Braverman, the Attorney General, was an unexpected guest. She emphasised the success of the Voucher Scheme and was persuaded by the excellent moderator, Paddy O’Connell, to agree to convene an event to discuss whether children of separated families would be better served if one government department had responsibility for their wellbeing. Our Chair spoke to her afterwards, and emphasised the paramount importance of taking this step, and of following it through.

Call for Evidence - summary of responses published

The Ministry of Justice has published a summary of the responses to its call for evidence about dispute resolution processes, which was conducted last autumn. The summary can be found [here](#). The summary confirms that the government will use information gathered to inform its work on ‘how to utilise dispute resolution processes to deliver swifter, more cost-effective and more consensual access to justice.’ As soon as we hear more about this work, we will let you know.

Equality, diversity, and inclusion

The FMC’s diversity survey remains open for mediators to complete. If you have not yet completed it, please do so now. It will take two minutes of your time, and it is really important that as many mediators as possible complete it, as it will help us identify areas to focus on, ensure the FMC is serving mediators as well as it can, and enable us to measure our progress in reaching our goal of being an inclusive organisation. You can complete the survey [here](#).

Family Mediation Week

Family Mediation Week took place in January, and was full of lots of excellent conversations about family mediation. We can confidently say that during the week mediators spread the word about mediation to more than a thousand non-mediators, and learnt some more about mediation themselves!

FMW started with an online launch, attended by both Lord Wolfson, the minister responsible for mediation, and Sir Andrew McFarlane, the President of the Family Division. Lord Wolfson expressed the MoJ's unequivocal support for family mediation, saying that his overall message was "one of absolutely full-throated support to the family mediation sector with no ifs and no buts", whilst acknowledging the significant benefits of the mediation process for children and families and saying that he hoped 2022 would see a step-change in family mediation. This was swiftly followed by the President of the Family Division reiterating his support for family mediation and saying this should be at the forefront of a joined-up approach which enables parents to settle their disputes outside of court.

Throughout the week, FMC hosted a series of well-attended online events.

Thank you to everyone who was involved in putting Family Mediation Week together. Our particular thanks go to Sarah Manning who chaired the Family Mediation Week working group and put together such a fantastic programme of events; thank you, too, to the rest of the working group members for all the time and effort you have put in to making this week a success. A huge thanks to all of our speakers, who are too numerous to list but without whom none of the events would have happened, and to everyone who attended an event and encouraged their contacts to attend. We were also grateful for the sponsorship of [OurFamilyWizard](#) again this year, and to [Clarion Solicitors](#) for sponsoring some of the events.

Videos from Family Mediation Week remain on the FMC website [here](#) and the resources that mediators shared during the week also remain [here](#).

National Mediation Awards 2022

The FMC is pleased to be joining the College of Mediators and Civil Mediation Council to host this year's National Mediation Awards. The event, which celebrates excellence in mediation is planned for late 2022 and we are looking to make a number of awards to family mediations. More details to follow soon.

Recent Developments: Standards & Regulation

Registration with the FMC for 2022

Registration for 2022 took place in April. If you have not re-registered with the FMC for 2022, please check your inboxes and junk mail folders for your registration e-mail and take action to register now. Contact us at register@familymediationcouncil.org.uk with any queries.

Changing Complaints Processes

From 1 March 2022, the FMSB took on the responsibility for handling complaints once a mediator's own complaints process has been exhausted. The full process can be found [here](#).

To underpin this, the FMC has also introduced common minimum standards for mediators' own processes. Following consultation by the FMSB, these have been confirmed by the FMC to take effect in parallel with the FMSB's new role. The minimum requirements can be found [here](#).

There are some important steps that you need to take as a mediator to reflect the new complaints system. These are:

1. Check that your own complaints process complies with the new minimum standards and amend it, if it does not;
2. Identify any changes that will need to be made to any documents where you refer to the complaints process (agreements to mediate, letters, your website) and amend them where necessary;
3. Check and update your privacy notices and policies to ensure that relevant documents can be passed to the FMSB in the event of a complaint reaching that stage.

The FMSB has introduced a transitional phase to allow mediators time to update their documentation which will last until 30 June 2022.

Updated Standards Framework

The FMC Manual of Professional Standards and Self-Regulatory Framework has been updated to reflect the changes to the complaints system. Other changes which were announced last year have also been included, relating to: CPD for all mediators, CPD for PPCs, Training for Online Mediation and the Good Standing Requirement for all mediators. The updated Framework can be found [here](#).

MIAMs Standards

Last year, the FMSB consulted mediators on draft MIAMs standards. A high number of detailed and helpful responses were received and the FMSB's working group has spent the time since the consultation closed considering these responses and refining the drafts. The FMSB anticipates presenting the final documents to the FMC Board for approval in June, and they will be published once agreed.

Volunteers

We are looking for accredited mediators to join the FMSB's Accreditation Panel. The panel meets online once every two months, to consider issues of policy on which it make recommendations to the full FMSB, and also 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.

Other Recent Developments

The FMC is now required to register for VAT. The FMC's accountants have confirmed that mediator's registration fees are outside the scope of VAT, and so will be unaffected by this change. We are awaiting confirmation from our accountants about whether other fees will attract VAT and will confirm details as soon as we can.

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.

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