



FMC Board Meeting
Wednesday 8th December 2021

Approved Minutes

Present: John Taylor (FMC Chair), Allan Blake, Paulette Morris (College of Mediators), Dan Ronson, Beverley Sayers (FMA), Jane Wilson (Resolution), Caroline Bowden (Law Society, In Part)

Also In attendance: Robert Creighton (FMSB Representative), Elaine Richardson (Law Society, In Part), Claire Webb (FJC Representative), Helen Anthony (Executive Officer)

Apologies: Jane Robey (NFM)

| Open Session – FMC Board Members and observers | | |
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| 1. | STANDING ITEMS | Actions |
| 1.1 | Welcome, introductions, apologies | |
| | The Chair welcomed everybody. | |
| 1.2 | Approval of draft minutes, matters arising | |
| | <p>The minutes of the meeting held on 8.9.21 were approved.</p> <p>Matters arising:</p> <ul style="list-style-type: none">• AB, JT & HA to consider ways to work with mediation firms to encourage placements – yet to be done. The board asked that consideration be given to whether or not this issue could be explored with mediators in Family Mediation Week.• VAT – the board noted it had not yet received advice from the accounts about this, but it looked likely that the FMC will have to Register for VAT. HA to follow up urgently with the accountants, and if no response is received, to contact a VAT specialist.• Draft agreement for student observers – the board noted that this had been completed. | <p>AB, JT & HA to consider ways to work with mediation firms to encourage placements</p> <p>HA to follow up with accountants</p> |

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| | <ul style="list-style-type: none"> StRAWG – CB may be able to recommend somebody who is interested in the StRAWG managed accreditation project. | |
| 2. | Reports | |
| 2.1 | Financial Report & Risk Register | |
| | The board noted the FMC's income and expenditure to 30.11.21 and balance sheet as at that date, and noted the amended Risk Register. The board welcomed the fact that careful budgeting and expenditure had ensured that the FMC remained in a healthy financial position. | |
| 2.2 | Executive Officer Report | |
| | <p>The board noted that the FMC had been asked to support a research project by distributing the survey to registered mediators. The board agreed that it would need to consider each request to help with research on an individual basis, and would need to understand the objectives of the research. HA to circulate the request to board members for consideration.</p> <p>The board noted that it had had a request to use its logo from a commercial organisation. The board agreed it should be cautious before allowing anyone to use its logo, but recognised that this could have advantages in promoting the FMC and hence family mediation. The board agreed that it ought to consider whether to devise criteria for use of a logo (not necessarily the FMC's main logo) or badge of support as part of a more comprehensive strategy of how to promote family mediation which it would develop in 2022.</p> | HA to circulate research request; board members to approve/not approve request to circulate to mediators |
| 2.3 | FMSB Report | |
| | <p>The board approved the proposed changes to the Standards Framework in respect of:</p> <ul style="list-style-type: none"> Complaints (and noted the proposed timetable for implementation) Revised areas of CPD required for mediators (and noted that further guidance providing more detail would be welcome) <p>The board noted that the FMC has accepted its proposed amendments to the Code of Conduct for Observers, and so formally adopted this.</p> <p>The board agreed that the FMSB should continue work on a 'readiness to practice' process for mediators who are</p> | |

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| | <p>working towards accreditation, which would allow mediators to work on legal aid & voucher cases if the Legal Aid Agency and MoJ agreed to this. The FMC noted that it had raised this issue with both the LAA and MoJ and both were open to such proposals.</p> <p>The board noted the permanent retention of Covid contingencies 1,2 & 4 relating to the portfolio, and the ending of contingencies 3 & 5. The board asked the FMSB to emphasise that all competencies must be demonstrated, and that this was very difficult to achieve with only online working.</p> <p>The board noted the progress on the voluntary staged portfolio, and directors were invited to send any comments they had on this to the Chair of the FMSB.</p> <p>The board noted the progress that had been made in drafting MIAMs standards. The board asked the FMSB to ensure that procedural requirements were only included where necessary to achieve key objectives, and that assurance and complaints processes were secure enough to allow for identification of poor practice, and to allow for whistleblowing.</p> | |
| 3. | Governance | |
| 3.1 | FMSB Terms of Reference & Succession Planning | |
| | <p>The board agreed the proposed new Terms of Reference for the FMSB, which specified that the FMC would appoint the FMSB Chair specifically to this role.</p> <p>The board agreed to appoint Ian Hamer to the FMSB for a three-year term.</p> <p>The board noted it did not have a quorum to vote on the renewal of John Hobson's term, as one director present had declared a conflict of interest in this vote.</p> | |
| 3.2 | FMC Recruitment | |
| | <p>The board noted the need to progress the recruitment of a replacement for director Dan Ronson. The board agreed to conduct a skills audit to identify the skills/experience the FMC would wish a new director to have, and to consider spending money on a specialist recruiter in order to reach a diverse field of candidates.</p> | |

| 4. | Items to discuss | |
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| 4.1 | Equality, Diversity & Inclusion Proposals | |
| | <p>The board discussed the proposals it had received from EDIT and agreed in principle with the proposals it had made.</p> <p>The board noted that work on training routes was already underway under the auspices of the FMSB's Standards Review Accreditation Working Group and that an EDIT member was welcome to join this group.</p> <p>The board also noted that its work on social media should be considered as part of the work on promotion of mediation to take place in 2022, rather than under the EDIT umbrella.</p> <p>With the exception of training routes and social media (because these issues were being addressed elsewhere), the board asked EDIT to explore the practicalities of the proposals it had made and noted that it would welcome and consider any fully worked out and costed proposals to implement the measures identified.</p> | JT to feedback to EDIT |
| 4.2 | MoJ Voucher Scheme | |
| | <p>The board noted the update provided by the MoJ Voucher Working Party and thanked its members and the PASS team for continuing to implement the scheme successfully. The board noted that the MoJ was looking to extend the scheme with additional funding for vouchers which should allow for allocations to be made until the end of March 2022, and supported this proposed extension.</p> | |
| 4.3 | Legal Aid | |
| | <p>The board noted the Minutes from the Legal Aid Working Group meeting held on 1.11.21 and the draft minutes of the meeting held on 9.11.21. The board also noted the FMC's submission to LAA regarding new legal aid contracts, and thanked the Working Group members for their hard work in producing this.</p> | |
| 4.4 | MoJ | |
| | <p>The board noted that the FMC had submitted a comprehensive response to the MoJ's call for Evidence in October; it also noted that there was a large MoJ team working through the responses, and that the indications were that this was a very substantial piece of work that may result in some long-term policy changes, but that no timeline had been set for any announcements/responses to the Call for Evidence to be published.</p> | |

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| | <p>The Chair reported that he had not yet heard from the MoJ or DWP in relation to the meeting with officials that the ministers in each department had indicated would follow his letter in June, and that the FMC would be both patient and persistent in following this up.</p> | |
| 4.5 | Family Mediation Week 2022 | |
| | <p>The board noted the progress that the Family Mediation Week 2022 Working Group was making in planning events, and welcomed the proposals. The board thanked all the member of the working group, and particularly Sarah Manning & Louisa Whitney, for all their hard work.</p> | |
| 4.6 | Budget 2022 | |
| | <p>The FMC approved the proposed 2022 budget for the time being, but agreed it would consider spending additional funds from cash already held in the bank in excess of the amount of the agreed level of reserves to achieve its strategic objectives, once these are agreed in 2022. The FMC noted that this may include additional expenditure on matters relating to diversity & inclusion, promotion of mediation, or more executive support.</p> | |
| 5. | Updates | |
| 5.1 | Family Hubs | |
| | <p>The board noted that BS had attended a number of events relating to the development of family hubs, and that the focus appeared to be on families staying together, but BS is trying to ensure that they also support separating families by signposting to relevant services, including mediation.</p> | |
| 6. | ITEMS AND PAPERS FOR INFORMATION | |
| 6.1 | Proposed 2022 Calendar | |
| | <p>The board agreed the calendar for 2022, noting that it would try to meet in person where possible, but may need to continue to meet online.</p> | |