



FMC Board Meeting
Wednesday 8th September 2021

Approved Minutes

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

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

Apologies: Jane Robey (NFM), Robert Creighton (FMSB Representative)

Open Session – FMC Board Members and observers		
1.	STANDING ITEMS	Actions
1.1	Welcome, introductions, apologies	
	The Chair welcomed everybody.	
1.2	Approval of draft minutes, matters arising	
	The minutes of the meeting held on 9.6.21 were approved.	HA to publish minutes
2. Reports		
2.1	Financial Report & Risk Register	
	<p>The board noted the income and expenditure and balance sheet as a 31.8.21 was as expected. The board noted that the need to consult accountants about whether the FMC would need to register for VAT.</p> <p>The FMC noted the updated risk register and agreed to conduct a more thorough review of this at the first board meeting in 2022.</p>	<p>HA to liaise with accountants</p> <p>HA to add issues to agenda for first board meeting in 2022</p>
2.2	Executive Officer Report	
	<p>The welcomed that the number of mediators on the register was increasing, having decreased earlier in 2021. The board also noted with concern that the number of PPCs was decreasing and that this may lead to a decrease in PPC capacity, and recognised that the FMSB was taking a number of steps to try to support PPCs.</p> <p>The board agreed a snapshot of mediators' progression from training through to accredited and PPC status would be useful in helping it understand the health of the profession.</p>	<p>HA to prepare a report on mediators' progression</p>

2.3	FMSB Report	
	<p>The board noted the draft minutes of the FMSB meeting held on 7.7.21.</p> <p>The board also noted the FMSB had published a summary of responses to the MIAMs consultation and the that the MIAMs working group was reviewing its recommendations in light of these responses, with a view to the FMSB considering these in November.</p> <p>The board agreed that the FMC would liaise with the MoJ about legal aid rates for MIAMs if the more than 45 minutes needed to be spent to deliver a MIAM in accordance with the new standards.</p> <p>The board agreed the changes to the Standards proposed by the FMSB in relation to:</p> <ul style="list-style-type: none"> - CPD for PPCs - CPD for mediators (safeguarding) - Good standing - Online Training - Removal of Registered Status Following a Complaint <p>The board welcomed the FMSB's proposal for a Code of Conduct for non-mediators who are observing mediation sessions. The FMC board requested the FMSB consider amending the proposal to include the requirement for observers to sign a short agreement. JT agreed to write a template for mediators to use. The board noted that mediators should be able to enter other agreements with those carrying out research who need to keep records.</p> <p>The board noted that the Standards Review Accreditation Working Group was making progress on the proposed staged portfolio, but that work on longer term issues had stalled due to the fact that nobody had capacity to lead this. Board members agreed to consider whether they may be able to suggest anyone suitable for this roll.</p>	<p>JT to draft template agreement</p> <p>Board members to consider whether they can suggest suitable leader for long-term StRAWG project</p>
3.	Governance	
3.1	Annual Report and Accounts	
	<p>The board agreed to sign off the annual accounts via e-mail.</p> <p>The board agreed that notwithstanding the requirement in articles for an annual general meeting once every two</p>	

	years that it should call an AGM every year, and that it should therefore call an AGM for December.	
3.2	FMSB Terms of Reference & Succession Planning	
	<p>The board noted that the FMSB's Terms of Reference limited the time a member could serve to six years. The board noted that under this provision, the current FMSB Chair's term had reached an end. The board agreed it wished to invite the current Chair to remain in post, and the current Chair had agreed to do so. The board therefore agreed to amend the FMSB's Terms of Reference to remove the provision which limits FMSB members from being eligible to serve a third term, on the basis that re-appointment was always at the discretion of the FMC, and to re-appoint Robert Creighton to the FMSB for a further three year term.</p> <p>The board noted the importance of succession planning and in light of the fact that two of the non-mediator members' terms would expire early in 2022, agreed to discuss this with its member organisations.</p>	JT/HA to amend FMSB ToR
3.3	FMSB Recruitment Update	
	The board noted that applications for mediator members of the FMSB closed at the end of the week; board members agreed to encourage applicants and it was agreed that a reminder be included in an imminent newsletter.	Board members to encourage FMSB applications
4.	Items to discuss	
4.1	MoJ Voucher Scheme	
	<p>The board thanked the Voucher working party, the Executive Officer and her team for their work on the voucher scheme. The board welcomed the extension to the scheme that had taken place at the end of August and agreed to work with the MoJ to see if it could be extended further, and in particular so that it is in force when the Divorce Act comes in to place in 2022.</p> <p>The board agreed to ask the working party to consider the issue of whether bills could be paid when £500 of costs had been incurred, as this would ease the administration at the end of the scheme and help mediators' cashflow.</p>	Voucher WP to discuss payment at £500 point
	Break	
4.2	Legal Aid	
	The board noted the minutes of the meeting held on 22.6.21 and that the legal aid working group had met with	

	<p>the LAA on 1.9.21. The board also noted the FMC's recent submission to the brief and unexpected consultation in August.</p> <p>The board recognised the challenges facing mediators given the uncertainty about the end of Covid contingency measures which allowed for remote applications to be made, and the challenges the forthcoming change in supervision brought. The board agreed to continue to press for the extension of the Covid measures until such time as more permanent changes allowing remote applications and remote supervision are introduced.</p> <p>The board also formally approved the new format of the LA working group, and board members representing member organisations. The Executive Officer will invite MOs to nominate a member of the working group.</p>	HA to invite MOs to nominate representatives
4.3	Call for Evidence	
	<p>The board noted the MoJ had issued a call for evidence about dispute resolution and agreed it was important that the FMC submitted a full response. Board members were asked to add information relevant to the questions on to a joint working document so that the Executive Officer could draft the response before circulating to the board members on the working group for final comments. BS offered to join the working group in addition to its existing members.</p>	Board members to add information to table of evidence
4.4	Separating Families – Follow Up	
	<p>The Chair reported that he had received only a handful of replies to his letter, sent in June to government departments and other interested parties, to follow up on the recommendations of the Family Solutions Group which were made at the end of 2020. It was agreed that the Executive Officer should continue to chase responses.</p>	HA to follow up Separating Families letter
4.5	Family Mediation Week 2022	
	<p>The board agreed that to put a call in the next newsletter for members of a working party to organise Family Mediation Week specifically and for marketing more generally. The board also agreed that the FMC should pursue suitable sponsorship opportunities.</p>	HA to put call for volunteers in newsletter & liaise with potential sponsors
5.	Updates	
5.1	HMCTS Reform	
	<p>The board noted that there had been no further progress on the HMCTS reform project, that stakeholders had been made aware of.</p>	

5.2	Equality, Diversity & Inclusion Working Group	
	The board noted the progress EDIT was making in developing its goals and ideas. The board noted that EDIT had explored ways to encourage diversity in the profession, and identified an opportunity for the FMC to speak to the largest firms to encourage them to consider taken on trainees and ensuring recruitment for any roles encouraged applicants from underrepresented groups. AB, JT & HA agreed to explore this.	AB, JT & HA to consider ways to work with mediation firms to encourage placements
5.3	Family Hubs	
	The board noted that BS was liaising with Samantha Callan about links between mediators and family hubs, and continued to work with the mediators involved in the Dorset pathfinder project to develop guidance/rules of engagement with a view to liaising with the FMSB about this issue when appropriate.	
6.	ITEMS AND PAPERS FOR INFORMATION	
6.1	2021 FMC Board Dates	
	8.12.21 – Online	
7.	AOB	
	The FMC considered whether Member Organisations should name people known to be acting as mediators who are not registered with the FMC and about whom repeated complaints are made by members of the public, in particular where these complaints involve allegations of fraud. The board recommended that names are not published, but instead that MOs recommended that members of the public check whether the mediator they are using is registered with the FMC.	