

## FMSB Meeting

Friday 29<sup>th</sup> April 2022

### Approved Minutes

**Present:** Robert Creighton, Lesley Allport, Lorraine Bramwell, John Hobson, Alexis Walker,  
Sarah-Jane Turnbull, Ian Hamer

**Apologies:** Mike Mack

**Also in attendance:** Caroline Bowden (FMC Representative), Helen Anthony (Executive Officer)

	Part 1 - Open session	Actions
<b>1.</b>	<b>Introductory</b>	
1.1	Welcome and introductions apologies, declarations of interests	
	The Chair welcomed everybody.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	<p>The minutes of the meeting held on 26.1.22 were approved.</p> <p>Matters arising</p> <ul style="list-style-type: none"><li>• Deputy Chief Assessor advert has been circulated.</li><li>• Lord Wolfson – the FMSB noted that it was now not possible to follow up from Family Mediation Week with Lord Wolfson as he resigned, but that it was hoped that the MoJ would not change policy as a result</li><li>• The FMSB noted that it had identified PPCs &amp; data collection as two areas of priority work, and this remained the case even despite not being on the agenda for this meeting</li></ul>	
<b>2.</b>	<b>Reports</b>	
2.1	Chair's Report	
	<p>The Chair reported that he had been briefed about the FMC's discussions with the CMC regarding whether to pursue chartered status, and that these were at an exploratory stage.</p> <p>The Chair reported that the FMC had invited an FMSB member</p>	

	to represent the FMC on the organising committee of the National Mediation Awards, should they wish to do so.	
2.2	Executive Officer's Report	
	The FMSB noted the Executive Officer's report and in particular the need to capture issues arising from the Family Solutions Group event, such as the profile of Child Inclusive Mediation in the FMSB's work, at the joint FMC/FMSB strategy meeting in May.	
2.3	FMC Report	
	The FMSB noted the draft minutes of the FMC meeting held on 9.3.22.	
<b>3.</b>	<b>Other Items to Discuss</b>	
3.1	MIAMs	
	The FMSB noted that the FMC had asked it to review whether the draft provision in the standards (as of 9.3.22) was more restrictive than was necessary in relation to consecutive MIAMs. The FMC Representative set out the concerns that had been raised at the FMC's most recent meeting and the FMSB considered all of these carefully. The FMSB noted in particular the importance of people feeling as though they have sufficient space from anybody who may influence their decision making in a MIAM, so as to provide clients with a genuine choice about whether to participate in mediation. After a thorough review the FMSB considered that the strong presumption against consecutive MIAMs was not an unreasonable restriction as it still allowed consecutive MIAMs, but balanced the inherent risk in conducting these with the need to demonstrate they are delivered safely. The FMSB therefore agreed to ask the FMC to approve the Standards as drafted. The FMSB agreed to emphasise in the Guidance the circumstances in which it may be suitable for consecutive MIAMs to take place.	

3.2	Complaints	
	<p>The FMSB noted that an accidental anomaly had arisen between the Standards Framework and minimum requirements for mediators' own complaints processes. IH/HA to circulate proposed amended wording.</p> <p>The FMSB agreed that it was appropriate to develop proposals for how the FMSB would initially consider concerns raised by other mediators, before they reached formal complaints stage. It was agreed that IH &amp; HA would explore options for this alongside consideration of how the FMSB and PPCs could initiate a complaint.</p> <p>The FMSB noted that it had a good response to the advert for complaints pool members from mediators and confirmed the process for their appointment to the Complaints Pool, including a check with the FMC's Member Organisations (with the consent of the applicants) as to whether a complaint against them has ever been upheld, in which case further exploration of the mediator's suitability for the role would be required.</p>	<p>IH/HA to circulate proposed amended wording</p> <p>IH/HA to consider how mediators, PPCs &amp; FMSB can raise complaints</p>
3.3	Accreditation Panel Mediators WTA	
	<p>The FMSB noted the draft minutes of the Accreditation Panel meeting held on 13.4.22.</p> <p>The FMSB approved the panel's recommendation that the Standards Framework be amended to specify that portfolios cannot contain only case commentaries on shuttle mediations.</p> <p>The FMSB noted the panel's discussions about whether and how mediators working towards accreditation can be supported and supervised to conduct publicly funded mediation. The FMSB noted the challenges that the Accreditation Panel had identified and agreed it was its responsibility to try to address these in time</p>	<p>HA to draft note re standards change for FMC</p> <p>HA/RC to plan pathway for work re WTAs/public funding</p>

	<p>for September, in case the voucher scheme was extended again.</p> <p>The FMSB asked that the Accreditation Panel took in to account that mediators WTA may be finding it more difficult to secure cases involving child arrangements at present due to the voucher scheme, when it was considering extension requests.</p>	<p>RC to report to AB so he can update FMC Voucher &amp; LA WGs</p>
3.4	Accreditation Reform Group	
	<p>The FMSB noted that steps have been taken to establish the Accreditation Reform Group, which was to be Chaired by LA and that one of its early tasks would be to consider how to drive the modular agenda more within current framework. It was noted that it was intended that the group would meet before the next FMSB meeting and formulate its draft Terms of Reference.</p>	
3.5	Online Mediation	
	<p>The FMSB considered the report from the Online Mediation Standards Working Group.</p> <p>The FMSB agreed to adopt the principles set out in Annex 2 (draft Standards, Expectations and Guidance) and agreed these would be recast in to the format of Standards and Guidance only. The FMSB agreed that Appendix 1 &amp; Appendix 2 should be endorsed as part of the Guidance but not mandated.</p> <p>The FMSB noted a number of other issues that the working group had highlighted as needing further consideration as follows:</p> <ul style="list-style-type: none"> <li>• Domestic abuse screening – what is best practice &amp; training for this</li> <li>• Child-inclusive mediation – what is best practice &amp; training for this</li> <li>• Whether there ought to be a specific competence for online mediation, and supported the requirement that</li> </ul>	<p>HA to redraft with the support of JH and send to FMSB for approval</p>

	<p>training courses needed to include provision for mediating online.</p> <ul style="list-style-type: none"> <li>• It would be helpful for the FMSB to provide some standard wording including online content for the agreement to mediate and for the CIM parental consent form.</li> <li>• Advice and/or signposting to mediators would be useful to support the use of online tools. For example, how to share documents in property and finances cases, as this was a particular skill that some mediators struggle with.</li> <li>• Amending the Code of Practice to give equal prominence to online video and in person meetings.</li> </ul> <p>The FMSB agreed to incorporate these issues in to its work plan.</p> <p>The FMSB thanked WG members for their work.</p>	<p>HA to ensure issues are on relevant panel agendas</p> <p>RC to thank WG members</p>
3.6	Registration Update	
	<p>The FMSB noted the registration update, and in particular that the ‘Sheep’ platform introduced last year appeared to be working well, with over 80% of mediators having completed the first stage of registration before the deadline, which is a significant improvement on previous years.</p>	
3.7	Training Course Reviews	
	<p>The FMSB agreed to explore ways to make progress on the Training Panel’s agenda in the absence of a chair, by assisting with the development of the framework to review and improve training.</p>	
<b>4.</b>	<b>Strategic Items</b>	
4.1	Domestic Abuse	
	<p>The FMSB noted the draft strategy for assuring the provision of safe and appropriate mediation services where domestic abuse is an issue. It was agreed that actions that mediators take in relation to domestic abuse are not widely known, and so it would</p>	

	be helpful to clarify this in a position statement that also recognises the challenges that mediators face when domestic abuse is a factor in a case.	
4.2	CIM	
	The FMSB noted that the University of Exeter had recently published a number of recommendations about CIM, and asked LB to take these in to account when considering the FMSB's next steps with regards to CIM. The FMSB also noted that there was a need to consider standards for conducting CIM online.	
<b>5.</b>	<b>Future Meeting Dates To Note</b>	
	19 <sup>th</sup> May Joint FMC/FMSB Meeting (London) 6 <sup>th</sup> July 2022 (in person if possible) October 2022 – 19 <sup>th</sup> provisional date, but doodle poll to follow	