

FMSB Meeting

Wednesday 7th July 2021

Approved Minutes

Present: Robert Creighton (Chair), Professor Lisa Doodson, John Hobson, Michael Mack, Alexis Walker

Apologies: Beryl Darling, Ian Hamer, Sarah Jane-Turnbull

Also in attendance: Jane Robey (FMC Representative), Helen Anthony (Executive Officer)

	Part 1 - Open session	Action
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	The Chair welcomed everybody and apologies were noted.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	<p>The FMSB approved the minutes of the meeting held on 19.5.21.</p> <p>Matters arising:</p> <ul style="list-style-type: none">• The FMSB noted that work relating to the proposed process for appointment of interim PPCs was outstanding• The FMSB noted that the Chief Assessor and Executive Officer has developed a role description and person specification for a Deputy Chief Assessor. The FMSB agreed it was important for the Deputy to be an experienced assessor. The FMSB noted that the Accreditation Panel would finalise the appointment process at its next meeting.	<p>HA to publish approved minutes</p> <p>IH & HA to propose process for appointment of interim PPCs</p>
2.	Reports	
2.1	Chair's Report	
	<p>The Chair reported that the FMC has started the recruitment process for two new mediator members.</p> <p>The Chair reported that he attended the Family Mediation Trust's conference which was very informative, and highlighted that magistrates and legal advisers were not always well informed about mediation. The Chair will feed this back to the FMC, so</p>	

	that it consider contacting the Magistrates Association and the MoJ about training.	RC to feedback to FMC re magistrates and legal advisers
2.2	Executive Officer's Report	
	<p>The FMSB noted the Executive Officer's report.</p> <p>The FMSB noted there were 975 mediators on the FMC Register, which was a small decrease on 2020, and agreed that this highlighted the importance of the FMC ensuring that mediators had a clear career path after foundation training.</p>	
2.3	FMC Report	
	The FMSB noted the draft minutes of the FMC meeting held on 9.6.21.	
3.	Governance	
3.1	Priorities & Workplan July – December 2021	
	<p>The FMSB agreed its priorities for the remainder of the year as follows:</p> <p>Governance and decision-making</p> <p>Recruitment of two new mediator members – one to start immediately, the other to fill the vacancy which will be created when BD steps down at the end of the year. RC & IH to take forward.</p> <p>Review the Board's systems and processes for delegation, prioritising, decision-making and accountability; make proposals for clarification and improvement – MM & JH to take forward. HA to send MM & JH existing documents regarding this issue.</p> <p>Establish the strategic model for organising, presenting and reviewing standards – JH & MM to take forward.</p> <p>Panel workstreams</p> <p>Accreditation: maintain regular review of individual cases. BD to lead panel, ST & MM to sit on this.</p> <p>Complaints: propose and (assuming FMC endorsement) implement and oversee new complaints process; determine</p>	

individual cases as they arise. IH to lead panel, mediator members to sit on this tbc.

PPCs: work with Training Panel to specify training and registration requirements for PPCs supporting WTAs to accreditation and regarding foundation training requirements for PPCs; work with MIAMs group liaise with training panel re annual PPC reviews of MIAMs; continue to produce resources to support PPCs; alongside full FMSB to start conversation with mediators about the role PPCs. Beryl to lead panel, Ian to sit on this, new mediators tbc.

Training: audit and re-licence foundation training providers; explore providers taking a formal role in current accreditation process; work with PPC panel and Chief Assessors for FMC & TLS accreditation schemes regarding training for new staged portfolio; to work with StRAWG to establish best approach to potential all-inclusive route through training and accreditation which could be delivered by current training providers, ensuring that the providers participate in this discussion. Panel to be led by LD with AW & ST as panel members.

Registration: finalise implementation of online registration and preparation for 2022 process. HA to take forward.

Accreditation (StRAWG): agree and introduce staged accreditation process; initiate active review of strategic options for process and portfolio assessment. RC, MM & LD to take forward.

MIAMs: finalise proposals on delivery standards and assurance, secure FMC agreement; oversee implementation and communication; consider remaining standards for proficiency, ethics and service provision, and propose agenda for addressing them. AW & JH to take forward.

On-line working: finalise proposals to bring back to FMSB. HJ to lead this.

	<p>Safeguarding: review the regulatory requirements across all the areas of the standards and determine the Board’s strategy for addressing them. MM to lead this with SJ, other mediators tbc</p> <p>Information: determine the requirements for data collection and analysis; agree with the FMC the equivalent requirements for policy development and promotion; propose a comprehensive information management strategy for the FMC/FMSB. RC and IH to take forward. RC noted that ideas/support from other FMSB members would be welcome.</p> <p>The FMSB also discussed performance assurance, and how best to build on the approach developed by the MIAMs WG to articulate and implement a coherent strategy across all areas of the standards, noting it was important to consider the appropriate balance between proactive and reactive approaches, and resource requirements. The FMSB noted that there were assurance systems in place (such as the re-accreditation process) and that to take on further work in the second half of 2021 was unrealistic. The FMSB agreed however that it would give further consideration to monitoring the assurance processes it has in place.</p> <p>The FMSB discussed whether there were ongoing standards issues which related to child-inclusive mediation which warranted a specific CIM panel or whether the issues were appropriately dealt with elsewhere. The FMSB agreed that standards issues did arise, and although there was often overlap with other areas of work (e.g. safeguarding, online) the area warranted its own working group. HA will consider potential members for a panel; RC to ask FMC to aim to recruit mediator with particular interest in CIM issues as one of the two new FMSB members to join in autumn 2021.</p>	<p>HA to consider potential CIM members; RC to ask FMC to aim to recruit mediator with particular interest in CIM issues.</p>
4.	Items to Discuss	
4.1	Complaints	
	<p>The FMSB welcomed the updated proposed complaints process and thanked the FMC’s Membership Organisations for their input in to this.</p>	

	<p>The FMSB had already identified three areas in which further work was required:</p> <ul style="list-style-type: none"> - The locus of third party complainants - The anonymity of panel members - Producing guidance about vexatious or personal complaints. <p>The FMSB identified that the following areas needed further consideration:</p> <ul style="list-style-type: none"> - Where a complaint is made against a staff member at a mediation firm who is not a mediator, or the complaint is made against the firm itself. - Whether a whistleblowing policy is also required - What will happen to cases that exist when the new process comes in to being (i.e. transitional arrangements). <p>IH & HA to make proposals regarding these issues and circulate to FMSB with the aim of signing the process off by e-mail.</p>	<p>IH & HA to make proposals regarding these remaining complaints issues</p>
4.2	MIAMs	
	<p>The FMSB noted the draft minutes of the working group meeting held on 23.6.21 and welcomed the impressive response to the MIAMs consultation.</p> <p>The FMSB agreed that it would report on progress to mediators in the July Newsletter, and publish a document to bring this to the attention of the wider family justice community. The FMSB agreed that the documents to be published alongside this would be:</p> <ul style="list-style-type: none"> - A summary of responses & all the MO responses (if permission is given) - A document setting out areas of agreement and areas to resolve. This will also cover why changes are being made and should note any areas where detailed standards are yet to be developed such as identifying domestic abuse and the use of video conferencing. 	<p>HA, AW, RC to finalise documents</p>

	<p>The FMSB noted that it was important that the summary included all key points that mediators had made, in order to demonstrate that all responses had been taken in to account. JH has identified some key themes and would send these to AW, RC & HA, so that these could be incorporated in to the summary if absent in the current draft.</p> <p>The FMSB noted that if it were to increase the time that it expected mediators to spend on MIAMs, this would:</p> <ul style="list-style-type: none"> - reduce the capacity of the industry to spend on mediation and it was therefore important to look at ways to increase this; - increase costs for clients and therefore risk reducing the ability of families to access services, and it was therefore important to ensure that this is considered in determining what the standards should be. <p>The FMSB noted the importance of the FMC liaising with the LAA about the changes in MIAMs standards, particularly with regards to cost.</p>	<p>JH to send note of key themes to AW, RC & HA</p>
4.3	PPC Panel	
	<p>The FMSB noted the draft minutes of the meeting held on 10.6.21 and welcomed the proposal to engage with the mediation community about the roles and responsibilities of PPCs later in the year. The FMSB noted that this engagement would need to be carefully planned and this was likely to mean that this engagement took place towards the end of 2021.</p>	
4.4	Accreditation Panel	
	<p>The FMSB noted that the Accreditation Panel was due to consider the temporary Standards which relate to the portfolio and which were brought in, in May 2020, in response to the pandemic. The FMSB noted that the Panel was expected to make recommendations about whether the recommendations should be continued or ended, and that it intended to circulate these recommendations by e-mail to FMSB members for approval with a view to these being agreed by the FMC in September and the changes taking effect in January 2022.</p>	

4.5	Online Mediation	
	<p>The FMSB noted the draft minutes of the meeting held on 10.2.21, that the working group is due to meet to finalise recommendations for the FMSB. The FMSB asked the working group is clear about the issues it considered that the FMSB needs to explore further.</p>	
4.6	Observations by Non-Mediators	
	<p>The FMSB agreed that a Code of Conduct should be published for observations by non-mediators. The FMSB agreed that the Code should be as drafted subject to amendments to say:</p> <ul style="list-style-type: none"> - No notes should be taken and - The observer should not react to what it said in a non-verbal way (just as they should not say anything) <p>The FMSB agreed to amend the introduction to the Code of Conduct to say that mediators should ensure observers are out of the eyeline of participants if in room together, or after introductions, should be off camera if online. The FMSB agreed to consider making a standard confidentiality agreement available for mediators to ask observers to sign.</p> <p>It was agreed that once amended the Code of Conduct would be sent to the FMC for ratification.</p>	<p>HA to amend draft Code of Conduct</p> <p>MM to send HA confidentiality agreement</p> <p>HA to send Code of Conduct to FMC for ratification</p>
5.	Future Meeting Dates	
	<p>September/Early October tbc – HA to send Doodle poll</p> <p>17 November (time and location tbc)</p>	<p>HA to send Doodle poll</p>