



FMC Board Meeting

Wednesday 14th September 2022

Approved Minutes

Present: Dan Ronson, Caroline Bowden (Law Society), Paulette Morris (College of Mediators), Jane Robey (NFM), Beverley Sayers (FMA)

Also in attendance: Alison Bull (Resolution Representative), Robert Creighton (FMSB Representative), Claire Webb (FJC Representative), Helen Anthony (Executive Officer)

Apologies: John Taylor (FMC Chair), Allan Blake

Open Session – FMC Board Members and observers		
1.	Appointment of Chair	Actions
1.1	Directors appointed Dan Ronson as the Chair for the board meeting, as the FMC Chair was unable to attend the meeting. The board noted that the meeting was quorate.	
1.2	The minutes of the meeting held on 15.6.22 were approved.	HA to publish minutes
2.	Approval of Accounts	
2.1	The board approved the 2021 Accounts which included the Directors' report.	

FMC Board Discussion Meeting

Wednesday 14th September 2022

Approved Minutes

Present: Dan Ronson, Caroline Bowden (Law Society), Paulette Morris (College of Mediators), Jane Robey (NFM), Beverley Sayers (FMA)

Also in attendance: Alison Bull (Resolution Representative), Robert Creighton (FMSB Representative), Claire Webb (FJC Representative), Helen Anthony (Executive Officer)

Apologies: John Taylor (FMC Chair), Allan Blake

1.	STANDING ITEMS	Actions
1.1	Welcome, introductions, apologies	
	Those present appointed Robert Creighton to chair a discussion meeting, in the absence of John Taylor and Allan Blake.	
1.2	Update on matters arising from 15.6 22 board meeting	
	<ul style="list-style-type: none">Resources The Executive Officer reported that additional administration and project support had been secured in the FMC office, as requested, and that work had started to appoint a communications consultant. The need to make good progress on appointing a new independent director and two new non-mediator members of the FMSB was noted.VAT It was noted that the accountants had answered some remaining questions regarding VAT, and that the Executive Officer would follow up on remaining questions.Organogram It was noted that this action was outstanding – Executive Officer to action	<p>HA to progress director/FMSB member recruitment</p> <p>HA to follow up with accountants</p> <p>HA to produce organogram</p>
2.	Reports	
2.1	Financial Report	
	The income and expenditure & balance sheet to 31.8.22, including the expected outturn which had been updated to reflect additional agreed expenditure, was noted.	
2.2	Risk Register	
	It was noted that the FMC had acted upon the concern highlighted in the risk register in June, which was that it did not have enough resources to deliver its agenda: this had been addressed by bringing in additional administrative/project support and agreeing funds for communications work. It was noted that the Risk Register had been updated accordingly.	

2.3	Executive Officer Report	
	<p>The Executive Officer's report was noted, and in particular:</p> <ul style="list-style-type: none"> • NMA <ul style="list-style-type: none"> ○ Louisa Whitney from the Family Mediation Week working group had volunteered to represent the FMC on the NMA organising committee, and had taken on responsibility for liaising with the judges. Directors thanked LW for her work. ○ Awards ceremony takes place in parliament 8 December ○ Nominations close 30 September – everyone to encourage nominations ○ Sponsorship opportunities still available – everyone to refer potential sponsors to the Executive Officer • MIAM Exemptions <ul style="list-style-type: none"> ○ CB is representing the FMC on the Family Procedure Rules Committee's working group which is considering rules relating to MIAMs ○ MIAM exemptions are being reviewed – the FMC has made recommendations, many of which have been accepted ○ Other discussions include cost consequences for not engaging in NDR ○ The issue of the level of feedback that mediators send to the court if the parties have been referred from there to mediation has been discussed – it was agreed that the FMC view was that mediation & MIAMs are confidential. CB to feed back to FPRC WG ○ A formal consultation is anticipated – HA to draft papers which can be adapted when the details of the consultation are known and to set up a meeting for approximately two weeks after the consultation is published. 	<p>All – encourage NMA nominations and refer any potential sponsors to HA</p> <p>CB feed confidentiality issue back to FPRC WG</p> <p>HA to draft paper & then set up meeting if/when consultation issued</p>
2.4	FMSB Report	
	<p>It was noted that the MIAM standards had been published, and were due to come in to force on 1 October 2022. It was noted that a series of webinars would take place in September to help mediators understand the changes that may be required to ways of working and that the new standards would be promoted to external audiences such as the judiciary, government and lawyers.</p> <p>It was noted that two panel hearings had taken place under the new complaints system, and the FMSB was developing</p>	

	<p>guidance which sets out the range of possible consequences and when these might be applied, where a complaint is upheld.</p> <p>The FMSB's paper on developing accreditation processes was noted, and those present confirmed they were happy for the FMSB to explore options as outlined in the paper. The FMSB Chair noted concerns that new processes might introduce additional requirements which could have the unintended consequence of creating a disincentive to accredit or increase pressure of PPCs. The need to progress options which could allow mediators working towards accreditation to gain access to work was noted.</p>	
3.	Strategic Items	
3.1	Royal Charter	
	<p>The options for pursuing chartered status for family mediators were considered. It was agreed that there were benefits in continuing to investigate this objective further. It was agreed that there was no benefit in trying to obtain chartered status for mediators through the Chartered Institute of Arbitrators, as arbitration and mediation are quite distinct practices. There was some support for the FMC pursuing chartered status alone, and some for pursuing chartered status together with the CMC.</p> <p>It was noted that the board would need to engage with the wider mediation community once it had decided its preferred course of action, to ensure it had the support of family mediators, and that a list of benefits of obtaining chartered status for mediators would be helpful for some Member Organisations and for mediators.</p>	HA to circulate document setting out benefits of mediators
3.2	Mandatory Family Mediation	
	<p>The issue of mandatory mediation was discussed, in anticipation of potential proposals on this issue from the MoJ.</p> <p>The following issues were identified as being important:</p> <ul style="list-style-type: none"> • Clarity about what 'mandatory mediation' would mean. It was thought options were: mandatory attendance at a MIAM; mandatory mediation at a mediation meeting; and compulsion to reach (or try to reach) a mediated solution • The first part of any mediation meeting would have to cover the issues covered in a MIAM (if this had not been conducted separately) • People cannot be compelled to reach agreement • Emphasising the importance of getting two clients in the room – mediators have a high conversion rate to mediation where two clients attend a MAIM 	

	<ul style="list-style-type: none"> • Experience of court referred MIAMs is that clients are initially reluctant but once discussions start progress is often made • There is arguably too much room for interpretation in MIAMs legislation – mandatory mediation is much clearer • Research shows that mandatory mediation works • Proposals for mandatory mediation would present an opportunity to change people’s mindsets about how to resolve disputes <p>It was agreed that the Executive Officer would:</p> <ul style="list-style-type: none"> • Develop the discussion paper further taking the above in to account • Draft a letter for JT to send to the Ministry of justice, offering a meeting to help clarify the issues in any potential consultation paper before publication, and that that draft letter would be circulated to the board before it was sent to the MoJ. 	
3.3	Draft FMC Response to MoJ Consultation on Mandatory Civil Mediation	
	<p>The draft response to the MoJ Consultation on Mandatory Civil Mediation was welcomed.</p> <p>The need to be need to be clear about the distinction between proposals for civil and family mediation was noted.</p> <p>Views on the draft were invited to be submitted by e-mail by 21 September – the Executive Officer would then work with JT & AB to finalise, before circulating a final version for board sign off, with a view to this being submitted to the MoJ by the deadline of 4 October.</p>	All – comments on draft to HA before 21/9/22
4.	AOB	
	The board discussed obtaining the views of mediators about staying or and/or joining the FMC register. The board agreed to ask its member organisations for a report containing key information ahead of its annual meeting and to include a question on the above topic within this.	
5.	Future Meeting Dates	
	7 th December 2022 – Board meeting	