

**FMC Board Meeting**  
**Wednesday 8<sup>th</sup> March 2023**  
**Approved Minutes**

**Present:** John Taylor (Chair), Allan Blake, Caroline Bowden (Law Society), Jan Coulton (College of Mediators), Jane Robey (NFM), Beverley Sayers (FMA), Alison Bull (Resolution)

**Also in attendance:** Robert Creighton (FMSB Representative), Claire Webb (FJC Representative), Helen Anthony (Executive Officer), Sarah Hawkins (NFM Director Designate)

Open Session – FMC Board Members and observers		
	Item	Actions
<b>1.</b>	<b>STANDING ITEMS</b>	
<b>1.1</b>	Welcome, introductions, apologies	
	<p>The Chair welcomed everybody, especially Jan Coulton, who had been newly appointed as the College of Mediator’s nominated director, and Sarah Hawkins, who was due to take on the role of NFM’s nominated director as of 1.4.23.</p> <p>The board thanked Dan Ronson and Paulette Morris, both of whom had stepped down as FMC directors, for all their work, and also extended their thanks to Jane Robey who was due to retire at the end of the month.</p>	
<b>1.2</b>	Approval of draft minutes, matters arising	
	<p>The minutes of the meeting held on 7.12.23 were approved subject to minor amendments.</p> <p>Matters arising</p> <ul style="list-style-type: none"> <li>• The board noted that lack of time had prevented planned discussions about ‘one lawyer, one couple’ – HA to arrange.</li> <li>• The board noted that no further progress had been made on the work of the Equality Diversity and Inclusion Team. It was agreed that making progress on this within the next three months should be a priority for HA. The FMC noted that applications for the non-mediator vacancies on the FMSB and FMC board had not attracted applicants who would increase diversity on the boards, and agreed to extend the deadlines for these roles and to try to ensure the adverts for these reached more diverse communities in the meantime. MO directors agreed to share adverts with their Equality and Diversity Committees and to ask members to share these more widely. It was agreed that the recruitment panels for FMSB and FMC would need to be convened according to availability, and would be confirmed by e-mail.</li> </ul>	<p>HA to amend and publish minutes</p> <p>HA to arrange discussion</p> <p>MO directors to share adverts for FMC/FMSB roles with E&amp;D committees</p> <p>HA to progress EDIT work by June board meeting</p>

<b>2.</b>	<b>Strategic Objective 1 - Increase Awareness of Mediation</b>	
<b>2.1</b>	Anticipated government consultation	
	<p>The board noted that the Ministry of Justice was expected to publish a consultation which proposes that mediation becomes a required step before a court application can be issued, subject to exemptions similar to those that exist for MIAMs.</p> <p>The FMC agreed upon actions that needed to be taken to hear mediators' views, to draft and consider its response, and to communicate with mediators and others about this. HA to add timescales to plan and organise first meeting to discuss the FMC's response once the consultation has been published.</p> <p>It was agreed that HA &amp; AB would produce a data sheet that board members and FMSB could referred to if asked questions about, for example, the number of FMC registered mediators and success rates of mediation.</p> <p>The board noted that this consultation was significant and that it would add to an already-full workload for the FMC. The board agreed that HA would lead the drafting of the FMC's consultation response and noted that this would have a knock-on impact on other work which had been planned for spring 2023. The FMC agreed to consider whether additional resources could be called upon to help deliver the work necessary to respond to the consultation. Directors representing FMC Member Organisations agreed to speak to colleagues/consider whether MOs could offer additional support.</p>	<p>HA to add timescales to FMC's response plan &amp; organise first meeting</p> <p>HA &amp; AB to produce data sheet</p>
<b>2.2</b>	Communications update	
	<p>The board welcomed the updated key messages that had been produced by Richard Wyatt, following consultation with directors. The FMC acknowledged that as RW had a background working for NFM, a lot of these messages built on this work, as well as reflecting messages that had been promoted by other FMC member organisations in the past.</p> <p>The board discussed whether the word "regulation" should be used as part of the key messages, or whether 'quality assured' was better terminology. The board noted that the professional qualifications Act defines regulated profession as a profession regulated by law in the UK, but that the term "regulation" was widely used to describe the FMSB's work, both by FMC itself and by other interested parties, including the Ministry of Justice.</p>	

	<p>The board noted the Google analytics report, and that numbers of visits to the FMC website had reduced compared to three years ago (pre-pandemic). The board also noted that the number of referrals from the gov.uk website had reduced over this period, despite the government committing to increased sign-posting to mediation. The FMC noted that the no-fault divorce pages do not contain any links to services that may help people resolve disputes. HA to ask MoJ to consider rectifying this. The board noted an increase in referrals from Citizens Advice.</p>	<p>HA to speak to MoJ re signposting</p>
<b>2.3</b>	Family Mediation Week report	
	<p>The board noted the Family Mediation Week report and thanked the working group for organising such a successful event. The board particularly noted how the working group had responded positively to feedback from previous years, and the working group's intention to start work to plan FMW 2024 early in 2023.</p>	
<b>3.</b>	<b>Strategic Objective 2 - Generate Confidence in Mediation</b>	
<b>3.1</b>	FMSB Report	
	<p>The board noted the draft minutes of the FMSB meeting held on 1.2.23 and the note of a meeting between representatives of the FMSB and Lord Bellamy, the Minister responsible for family justice and dispute resolution.</p> <p>The board noted that the FMSB had discussed how addresses should be presented on the FMC register, and whether there should be a duty of fair presentation in the Standards Framework. The FMC agreed that this topic raised issues for both the FMC and the FMSB, and agreed that it should convene a working group after the MoJ consultation response had been submitted, to consider matters in time for FMC Registration in 2024.</p> <p>The board noted that Helen Keville, whom the FMC had contracted to research and make proposals for a modular approach to the portfolio, had started work and consulted several people, and would report on progress to the FMSB in April.</p>	<p>HA to set up working group after MoJ consultation response is submitted</p>
<b>3.2</b>	Charter update	
	<p>The board noted that the Chair had now obtained three quotes from different law firms for work required to submit an application for a Royal Charter. The board noted that these quotes varied significantly, and one was particularly low</p>	

	<p>because it relied on the FMC doing a lot of work itself. JT to clarify the scope of work within each quote.</p> <p>The board noted that not all of the FMC's Member Organisations supported the FMC's application at present and agreed to get clarification on whether full support would be required. The board agreed that it would be preferable for all Member Organisations to support the application.</p> <p>The board noted that a request for feedback in the newsletter had only resulted in two responses and agreed that it would be helpful to have a much clearer indication from mediators about whether they would support an application for a Royal Charter. The board agreed to consult mediators by sending a very specific questionnaire out later in 2023, once the FMC's submission to the government's consultation (see 2.1 above) had been submitted. It was agreed that the questionnaire should explain the background, what chartered status would mean and the costs of applying for it, and should ask:</p> <ul style="list-style-type: none"> <li>- whether mediators would be willing to pay for the cost of the application;</li> <li>- whether their answer would be different if they were only a member of a chartered organisation or if they were individually chartered; and</li> <li>- which FMC Member Organisation(s) they belong to.</li> </ul>	<p>JT to clarify scope of each quote</p> <p>JT to clarify whether support of all MOs required for application</p> <p>HA to arrange mediator survey after consultation response submitted</p>
<b>3.3</b>	Partnership/research proposal	
	<p>The board considered a proposal which had been received from a parenting programme provider to work in partnership on a project it hopes to run as a result of a bid to the DWP Reducing Parental Conflict Challenge Fund 2. The board considered that the FMC did not have the resources to embark on any new projects at present and could not therefore agree to the proposal.</p>	HA to reply to proposal
<b>4.</b>	<b>Strategic Objective 3 - Strengthen the financial viability of mediation</b>	
<b>4.1</b>	Voucher scheme	
	<p>The board noted vouchers had been issued to 15,393 families since the start of the scheme nearly two years ago, that 12,010 of those vouchers had been paid and 3,383 remained live. The board also noted that 86% of FMCA mediators were participating in the scheme, that vouchers were being issued at an average rate of 243 a week and that the average cost being paid for each voucher was £430 including VAT.</p>	

	<p>The board noted that a tender to administer the voucher scheme from 1.6.23 – 31.3.25 had been published and agreed that the FMC should submit a bid to operate the scheme. HA &amp; AB to lead on the bid, with JT approving documents before submission.</p> <p>The board discussed whether there was any prospect of the voucher scheme being extended for finance cases, but concluded there was not any prospect of the scheme being changed for the purposes of the contract that was out to tender.</p> <p>The board agreed to the Ministry of Justice’s request to extend the FMC’s contract to run the voucher scheme to 31.5.23.</p>	AB, HA & JT to prepare tender
<b>4.2</b>	Legal Aid	
	The board noted that the FMC’s Legal Aid working group was due to meet the Legal Aid Agency w/c 13 <sup>th</sup> March.	
<b>5.</b>	<b>Strategic Objective 4 - Ensure capacity in the mediation sector</b>	
<b>5.1</b>	Encouraging mediators outside FMC to join its Register	
	The board agreed that it was important to have a clearly communicated pathway for those people who have trained as family mediators but who are not currently registered with the FMC to join the FMC register, whether currently practising or not. The board noted that the FMSB had a process in place for this, and that as part of the development of the mediator area of the website this would be presented more clearly. The board also noted that the FMSB would be reviewing processes in light of the expected forthcoming government consultation about increasing the use of mediation and when considering new approaches to accreditation.	
<b>5.2</b>	Communications with mediators	
	<p>The board noted that Richard Wyatt’s work to strengthen communications with mediators had started in December 2022, and since then the FMC has:</p> <ul style="list-style-type: none"> <li>• Adopted a more regular pattern of sending FMC Newsletters to registered mediators and those who have asked to receive them, so that a newsletter will now be sent monthly.</li> <li>• Scheduled template press releases to be sent out to mediators for them to tailor and use, along with detailed guidance notes. The FMC has previously</li> </ul>	

	<p>done this on an ad hoc basis, but will now produce templates several times a year.</p> <ul style="list-style-type: none"> <li>• Asked a small number of mediators (who are not FMC board or FMSB members) for feedback on the mediators' area of the website. This will lead to a reorganisation of the website so that information is easier for mediators to find.</li> </ul> <p>The board noted that the next steps were to:</p> <ul style="list-style-type: none"> <li>• Deliver training to mediators in marketing / comms, and in media training</li> <li>• Develop a regular event schedule which may include F2F and Zoom to nurture mediator-mediator and mediator-FMC engagement</li> </ul>	<p>RW to deliver training to mediators and develop regular event schedule</p>
<b>6.</b>	<b>Strategic Objective – Maintain good governance</b>	
<b>6.1</b>	<b>Risk register</b>	
	<p>The board noted the updated risk register, which had been fully reviewed.</p> <p>The board noted a new risk, that the FMC missed parliamentary or other significant inquiries or reports about family mediation, and did not therefore respond at all, or did not respond in a timely or appropriate manner.</p> <p>The board agreed it would set up a working group to monitor these reports; BS volunteered to lead this. The board also agreed to include an item in the FMC newsletter encouraging mediators to send any relevant information to the working group.</p>	<p>BS/HA to set up working group</p> <p>HA to include note in newsletter</p>
<b>6.2</b>	<b>Financial report</b>	
	<p>The board noted the financial report to 28.2.23, and the revised budget with three-year budget projections.</p> <p>The board agreed to ask the FMC's accountants for a quote to produce quarterly management accounts, in order to reduce the Executive Officer's workload whilst still receiving accurate and timely reports about the FMC's financial position.</p>	<p>HA to ask accountants for quote for quarterly management accounts</p>
<b>6.3</b>	<b>MO meetings</b>	
	<p>The board noted that annual meetings between the FMC/FMSB and the FMC's Member Organisations were being arranged.</p>	
<b>6.4</b>	<b>Insurance renewal</b>	

	The board noted that the FMC's professional indemnity insurance was due for renewal by 25 March and that the process of renewing this had therefore started.	
<b>6.5</b>	<b>Succession planning</b>	
	<p>The board noted that it had had one application from a candidate for the non-mediator board member role and agreed to extend the deadline for submissions, and in the interim to try to extend the reach of the advert to attract candidates from different backgrounds.</p> <p>The board noted that Jane Robey had been attending FMSB meetings as the FMC's representative and, as she was retiring as a director, a new representative was required. It was agreed that this should be a role that was shared on a rotating basis, which would be particularly beneficial for newer FMC directors who had not observed FMSB meetings before.</p> <p>The Chair noted that his term was due to expire in 2024, by which time he would have been in post for eight years, and invited directors to consider whether they would wish to replace the Chair at this point.</p>	Directors to consider Chair position for 2024
<b>7.</b>	<b>Next meeting dates</b>	
	<b>TBC</b>	HA to circulate Doodle Polls