

## FMSB Meeting

1 February 2023

### Approved Minutes

**Present:** Robert Creighton (Chair), Sarah-Jane Turnbull, Lesley Allport, Mike Mack,  
Alexis Walker, Lorraine Bramwell

**Apologies:** John Hobson

**Also present:** Jane Robey (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	
	The minutes of the meeting held on 19.10.22 were approved.	HA to publish minutes
<b>2.</b>	<b>Reports</b>	
2.1	Chair's Report	
	The FMSB noted that the Chair had nothing to report, that was not elsewhere on the agenda.	
2.2	Executive Officer's Report	
	<p>The FMSB noted the Executive Officer's report.</p> <p>The FMSB noted the success of FMW 2023 in terms of good attendance at webinars by professionals, exposure in local news outlets, coverage on social media, and engagement with government officials. The FMSB note that FMW continued to take up a significant amount of HA's time in January, and noted that it would need to consider this when planning work for 2024 and beyond. The FMSB noted that the key issue raised during FMW for the standards board was the tension between mediators working towards accreditation wanting more support, and finding PPC support was too expensive.</p> <p>The FMSB noted that Lord Bellamy had requested a briefing on the FMC's registration, training, accreditation, complaints</p>	

and disciplinary processes. It was agreed that LB would attend with RC & HA to deliver this. The FMSB discussed the key points it would like to be raised with the minister:

- That the system is one of voluntary self-regulation;
- That it is possible to practice as a mediator outside of the FMC, and it would be helpful to have the MoJ's support both to try to encourage people to operate only when registered with the FMC, and to try to prevent 'rogues' causing the public harm when operating outside it;
- That the regulatory costs have increased mediators' costs since introduction, but this hasn't been reflected in Legal Aid rates;
- That there are comprehensive standards for who can conduct MIAMs and what they must contain; any alternative such as an 'IAM' must be similarly regulated, and at the moment no such regulation exists;
- The Standards are increasingly robust and evolving all the time – as can be evidenced by the FMSB's active workstreams;
- Once such workstream concerns assurance processes for domestic abuse screening – we're committed to ensuring this is as comprehensive as possible;
- That CIM brings huge benefits to families, and we have robust standards for this, but it is costly to train for and maintain the requisite skills and experience;
- That paying for legal aid for CIM would help address a North/South divide in terms of families being able to afford CIM or not;
- The voucher scheme has increased people's willingness to try mediation.

The FMSB noted the work the FMC was doing on legal aid. The FMSB noted the importance of making sure any proposals made in relation to legal aid work did not lead to a reduction in the quality of mediation provided.

RC to draft aide memoire for meeting with minister and circulate to FMSB members for comment

	<p>The FMSB welcomed the communications work being done by Richard Wyatt and the FMC. FMSB members expressed a willingness to write a short piece once a year for the newsletter focused on a particular area of work which could be called, for example, A View from the Standards Board.</p> <p>The FMSB noted that recruitment of new members needed to be progressed as a matter of priority.</p>	<p>HA to discuss FMSB comms with RW</p> <p>HA to progress recruitment</p>
2.3	FMC Report	
	<p>The FMSB noted the draft minutes of the FMC meeting held on 7.12.22. The FMSB welcomed the FMC's decision in principle to apply to a Royal Charter.</p> <p>The FMSB noted JR was stepping down as an FMC Director when she retired at the end of March. The FMSB thanked JR for the support offered whilst acting as the FMC representative for FMSB meetings.</p>	
<b>3.</b>	<b>Governance</b>	
3.1	Progress on 2022/23 workplan	
	<p>The FMSB reflected on progress made on the 2022 workplan and thanked colleagues in the FMC office for their hard work to help deliver this. The FMSB agreed the review document should now be considered by Richard Wyatt (communications consultant) before being circulated to the FMSB for final sign off before publication.</p> <p>The FMSB agreed that Panel Chairs would produce workplans for entering in to the 2023 template by the end of the month; HA to amalgamate all workplans in to one.</p> <p>The FMSB considered whether standardized reporting in the current form of minutes highlighting key points of discussion and resulting actions from each meeting continued to be helpful, and agreed they were. The FMSB agreed to continue reporting in its current format.</p>	<p>HA to ask RW to consider 2022 review document and advise on changes before final FMSB approval and publication</p> <p>Panel chairs to produce 2023 workplan by end Feb; HA to amalgamate in to one document</p>

4.	Items for Discussion	
4.1	Accreditation Panel	
	<p>The FMSB noted the draft minutes of the meeting held on 25.1.23.</p> <p>The panel had invited the FMSB to discuss the extension policy, which it had been reviewing. The FMSB agreed that there should be a back stop date at five years, but this should be disapplied in extenuating circumstances where there was evidence of commitment to practice, and subject to the mediators' skills being maintained. The FMSB agreed to maintain the 12 months extension for a reasonable start. HA to redraft the extension policy for agreement by the Accreditation Panel, before being circulated by e-mail to the FMSB for its approval.</p> <p>The FMSB noted that Helen Keville was expected to have made progress on her work on modular accreditation by the time of the March Accreditation Panel meeting, and that this was connected with the issue of who could work solo on voucher/legally aided cases.</p> <p>The FMSB noted that the Reasonable Adjustments policy was to be published on an interim basis, with views invited from the mediation community. The FMSB agreed that recognition should be given to those who contributed to the development of the policy should they wish.</p> <p>The FMSB noted the FMC's decision to increase assessor fees and revisit the issue of portfolio fees.</p> <p>The FMSB noted the Accreditation Panel's concern at the number of mediators that were not able to be awarded full accreditation on first submission of their portfolio, and welcomed the work that the Chief Assessor and panel was doing to try to increase the first-time pass rate.</p>	HA to redraft the policy
4.2	Registration	
	The FMSB considered the draft Registration Guidance, and in particular the provisions about listing of practice addresses.	

<p>The FMSB noted that it was misleading and unfair to the public for mediators to list several addresses to widen their geographical reach if they did not offer in person mediation from that address. The FMSB made minor suggestions to amend the Registration Guidance so that this was clearer.</p> <p>The FMSB also agreed there should be a duty of accurate representation in the Standards Framework. RC to raise this with the FMC.</p> <p>The FMSB noted that at a recent complaints hearing, the FMSB had found a mediator breached the Standards Framework by not properly describing herself as working towards accreditation. The FMSB noted that this decision would be published in its annual complaints report which would be published in the spring.</p> <p>The FMSB noted that this was a separate issue to mediators operating outside of the FMSB's jurisdiction.</p> <p>The FMSB discussed whether the current search facility on the FMC website should explicitly state whether in person mediation is offered from that address, but concluded this wasn't necessary if mediators were only listing sites they offered mediation from (unless it was their only address).</p> <p>The FMSB discussed whether the search should allow people to search for online mediators only without any other restrictive factors (i.e., without putting in a postcode). The FMSB noted that this was already possible but agreed that the list produced as a result was far too long to be helpful to the public. The FMSB noted that there were still benefits of using a local mediator even if mediating online, because for example local knowledge can be helpful in understanding whether proposals are practical, and in making referrals to local support service/other dispute resolution practitioners. HA to work with RW to add guidance to this effect to the search facility.</p>	<p>RC to raise issue with FMC</p> <p>HA to produce annual complaints report</p> <p>HA to work with RW to add guidance to this effect to the search facility.</p>
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	<p>The FMSB considered the impact of the FMC's fee increase for 2023. The mediator members of the FMSB noted that increases are never welcome, but this increase was understandable. RC to consider proposed text for newsletter and send any amendments to HA.</p> <p>The FMSB noted that it believed that there was a feeling that the FMC itself offered good value for money, but that mediators were increasingly questioning why they also needed to be a member of an FMC Member Organisation. The FMSB noted the value that Member Organisations can bring in offering good quality training and other support, but noted that it had not reviewed this requirement from a regulatory standpoint since the inception of the Standards and agreed to do so at its next meeting.</p>	<p>RC to send any amendments of text to HA</p> <p>HA to add issue to FMSB agenda for May</p>
<b>5.</b>	<b>Updates</b>	
5.1	Accreditation Reform Group (ARG)	
	<p>The FMSB noted the draft minutes of the meeting held on 14.12.22 as well as the draft 'Learning Blocks for Accreditation' document.</p> <p>The FMSB welcomed the progress being made by the Accreditation Reform Group. The FMSB noted that the group intended to consult with specific stakeholder groups e.g., PPCs as well inviting feedback from the mediation community as a whole, in April 2023.</p> <p>FMSB members noted that they had contacts with some universities offering mediation modules as part of current courses; it was agreed that members would send any such contacts to LA.</p>	
5.2	Complaints	
	<p>The FMSB noted the complaints report.</p> <p>The FMSB approved the amended indicative outcome document and the amended policy for considering complaints made by other mediators and those who are not clients.</p>	<p>HA to publish indicative outcome document. HA to add policy for complaints made by mediators to FMC agenda for approval</p>

	<p>The FMSB agreed that further work was needed to address practical issues associated with whistleblowing e.g. whether client consent is required.</p> <p>The FMSB noted that HA and MM had not yet been able to progress work on complaints about services.</p>	<p>HA to consider practicalities of whistleblowing</p> <p>HA &amp; MM to work on complaints about services</p>
5.3	Assurance	
	The FMSB noted the progress being made by the Screening for Domestic and Child Abuse Working Group on this important area of work.	
5.4	Training	
	The FMSB noted that foundation course reviews had started and that the process so far appeared to have worked well.	
5.5	MIAMs	
	The FMSB noted the MIAMs group was due to meet again shortly to progress stage 2 of the FMSB's work on MIAMs.	
5.6	PPCs	
	The FMSB welcomed the fact that the PPC panel was being reformed. The FMSB noted the panel was due to meet at the end of February and invited the panel lead (LB) to circulate the agenda to colleagues on FMSB so they could understand the panel's priorities, which link to so many other areas of the FMSB's work.	
<b>6.</b>	<b>AOB</b>	
	The FMSB noted that mediators would find it helpful to have a protocol to be followed regarding whether and, if so, how MIAM notes can be shared between practices. The FMSB noted there was a protocol in place where a MIAM participant had had legal aid, and that there may be a protocol for solicitors to follow regarding their files. HA to add the issue to the log of matters to be considered by FMSB.	HA to add to log of issues to be considered by FMSB
<b>7.</b>	<b>Future Meeting Dates</b>	
7.1	<ul style="list-style-type: none"> <li>• 26 April 2023 (in person)</li> <li>• Joint FMC/FMSB (in person) – tbc</li> </ul>	

	<ul style="list-style-type: none"><li>• 5 July 2023 (online)</li><li>• 11 October 2023 (in person)</li></ul>	
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