

FMSB Meeting

Wednesday 6th July 2022

Approved Minutes

Present: Robert Creighton (Chair), John Hobson, Sarah-Jane Turnbull, Lesley Allport, Mike Mack,
Alexis Walker

Apologies: Lorraine Bramwell

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

	Part 1 - Open session	Actions
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	<p>The Chair welcomed everybody.</p> <p>FMSB members expressed their deep sadness at the loss of Ian Hamer, who had been an FMSB member since 2019 and who had died on 5 July. The FMSB recorded its thanks to Ian for his highly valued contribution to the FMSB's work.</p>	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	<p>The minutes of the meeting held on 29.4.22 were approved. The FMSB noted that issues arising from the online working group had not yet been addressed (item 3.5) and noted the need to ensure these are properly incorporated in to workplans.</p>	<p>HA to ensure issues arising from online working group are properly addressed</p>
2.	Reports	
2.1	Chair's Report	
	<p>The Chair did not have any items to report, that were not elsewhere on the agenda.</p>	
2.2	Executive Officer's Report	
	<p>The Executive Officer reported that the FMC was due to meet the MoJ to learn more about its current ideas about dispute resolution in family law; this comes in light of a Sunday Times article which suggested the Ministry of Justice was to make mediation mandatory in family cases.</p>	

	<p>The FMSB welcomed the news that the MoJ appeared to be ready to make mediation more prominent and noted the need to be ready to consider the implications for professional standards of the MoJ's proposals.</p> <p>The FMSB also noted it would welcome policies that ensured a second participant attended a MIAM, but considered that mandating mediation would not necessarily lead to increased engagement in the process.</p> <p>The Chair & Executive Officer undertook to update FMSB members following the MoJ meeting.</p>	RC & HA to update FMSB members following meeting with MoJ
2.3	FMC Report	
	<p>The FMSB noted the draft minutes of the FMC meeting held on 15.6.22. The FMSB welcomed the FMC's focus on increasing resources to cover the work it wanted to carry out.</p>	
3.	Strategic Items	
3.1	Accreditation Panel	
	<p>The FMSB noted the minutes of the meeting held on 28.6.22 and in particular the Panel's considerations about pathways to accreditation.</p> <p>The FMSB asked the Accreditation Panel to undertake research in to different ways that mediation practices support mediators working towards accreditation, as well as to understanding more about how those working solo are supported. It was suggested that this might be achieved by contacting people who are recently accredited to ask them about their experience and what helped them.</p> <p>The FMSB agreed to produce a clear statement about what the entitlements are, for mediators working towards accreditation. It was noted that this might lead to a discussion about what mediators working towards accreditation might call themselves.</p> <p>The FMSB again noted the benefits of a modular system of accreditation, including the encouragement that such a system</p>	SJT/HA to ask Accreditation Panel to conduct this exercise

	<p>would provide to mediators working towards accreditation, as well as the importance of addressing the questions of how much authority should be given to PPCs to sign mediators off at different stages of their work.</p> <p>HA to draft statement detailing about what registration and accreditation permits mediators to do. SJT & HA to then identify midpoints in the process, which advanced mediators from trained to accredited status, to assist with the introduction of a modular model of accreditation.</p> <p>The FMSB agreed that more support was needed for mediators working towards accreditation, and that could only be provided by accredited mediators. The FMSB agreed it would be valuable to consider what incentives could be provided for accredited mediators to support those working towards accreditation, as well as to consider what support the FMSB could give to those accredited mediators. The FMSB noted that the FMC's Member Organisations and FMSB approved training providers' input would be helpful in any discussions about incentives and support for accredited mediators willing to help those working towards accreditation.</p> <p>The FMSB agreed the renewed portfolio & assessor Fees, subject to agreement with the FMC's Chief Assessor.</p>	<p>HA to draft clear statement detailing what registered & accredited mediators are entitled to do</p> <p>SJT & HA to identify points in process at which mediators could be assessed</p> <p>HA to consider incentives for accredited mediators to provide more support for those WTA</p>
3.2	Publication of MIAM Standards	
	<p>The FMSB welcomed the fact that the FMC had approved the MIAM Standards and Guidance as recommended.</p> <p>The FMSB agreed that it should distribute the documents to mediators and stakeholders, ahead of the MIAM Standards coming in to force in autumn 2022. The FMSB delegated the commencement date for the Standards to the Chair and Executive Officer.</p> <p>The FMSB thanked the MIAMs working group for their work in drafting the MIAM Standards and for its offer to conduct seminars for trainers, PPCs and mediators. The FMSB agreed these</p>	<p>RC/HA to write to stakeholders; HA to distribute to mediators & arrange seminars with WG</p>

	<p>seminars should take place before the introduction of the Standards.</p> <p>It was agreed to consider a formal launch event of the MIAM Standards prior to these coming in to force, to which stakeholders could be invited.</p> <p>It was agreed that in announcing the MIAM Standards, the FMSB should ensure it makes clear how these will benefit the public, and that the FMSB should be prepared to answer questions on what the next steps may be.</p>	<p>RC/HA to consider launch event</p> <p>RC to amend letter introducing standards; JH to consider answers to questions re next steps</p>
3.3	Strategy & Resources	
	<p>The FMSB noted the updated strategy document, which aimed to reflect discussions held at the joint FMC/FMSB meeting, and had been agreed by the FMC board.</p> <p>The FMSB welcomed proposals for further resources, and that those resources would provide extra administrative and project support for standards development and implementation.</p> <p>The FMSB noted that it was difficult to identify the resources expended, particularly in terms of time spent, on any particular project. The FMSB noted the very significant amount of time that volunteers spent in developing and implementing the standards, and that this was not measured and so no numerical value could be put upon it, which made it difficult to assess the resources needed for any particular piece of work. The FMSB noted that more specific mapping about needs, objectives and resources could help address this.</p> <p>The FMSB noted that the additional expenditure would be funded through existing, unreserved funds that the FMC has accumulated through careful budgeting over the past few years, and by a fee increase for mediators from 2023. The mediator members of the FMSB noted that the FMC's fees had not increased for several years, and so a free increase wouldn't be a surprise, but that it should be accompanied by an explanation of what fees are used for so that mediators understand the value of their fees.</p>	<p>HA to draft/work with comms person if recruited in time on explanation of fee spending</p>

3.4	Assurance & Compliance	
	<p>The FMSB noted that the issue of compliance was an important part of its wider assurance work, and that compliance with key standards were checked as part of the accreditation and re-accreditation processes. The FMSB considered whether there was enough concern about compliance with other FMC Standards Framework by mediators to warrant an audit and concluded that concerns about compliance we primarily linked to how mediators represented themselves to the public. Examples included:</p> <ul style="list-style-type: none"> - mediators working towards accreditation advertising themselves as 'trained mediators' which could lead the public to believe they are fully qualified; - mediators advertising that they worked in particular offices when in fact they would not travel to those offices, but instead offer mediation online. <p>The FMSB did not agree an audit was needed, but did agree that there needed to be clearer rules about how FMC Registered Mediators could represent themselves and the behaviour expected in the delivery of services. The FMSB agreed that it needed to clearly define the behaviour that was reasonable, so that this could be enforced. HA/RC to draft first proposals.</p> <p>The FMSB agreed that it should develop a logo for mediators working towards accreditation, that could be easily distinguished from the logo for accredited mediators.</p> <p>The FMSB asked that the FMC consider the possibility of whether certain phrases could be copyrighted/trademarked, for brand protection purposes.</p>	<p>HA/RC to draft first proposals re standards for representation</p> <p>HA to research logo options</p>
4.	Other Items to Discuss	
4.1	Complaints	
	<p>The FMSB noted that complaints had started to be received under the new system, and that the first panels would be convened over the summer.</p> <p>The FMSB noted the need to develop its process for complaints made by mediators about other mediators, and that concerns raised by Registered Mediators may be relatively minor, or quite</p>	

	<p>significant. There may also be a number of concerns raised across a period of time about one mediator, but from different sources. The FMSB agreed that this would enable whistleblowing, which was to be encouraged. The FMSB agreed in principle that concerns/complaints raised by mediators should be fed in to the process which the FMSB uses to ensure compliance/initiate its own complaint if there is sufficient evidence to do so. The FMSB agreed that the process should include a threshold of seriousness/and consideration of the nature of the breach noted.</p> <p>The FMSB noted concerns about the capacity of the new complaints system, and the extent of the demand it would put on the time of non-mediator members of the FMSB. The FMSB agreed to amend the process to allow for independent members of the complaints pool (previously used only for appeals) to chair complaints panels.</p>	<p>HA to continue to develop this aspect of complaints process</p>
4.2	Registration Update	
	<p>The FMSB noted that the registration process for 2022 had largely run smoothly, with the vast majority of mediators completing the first stage of their registration (indicating they wanted to renew, and making payment) by the deadline, and most mediators also having completed the second stage (updating details, notifying us whether they had met requirements in 2021) by the end of June. The FMSB noted that the FMC's office team were following up with those who had not completed registration to ensure this process was completed or remove them from the register as appropriate.</p>	
5.	AOB	
	<p>The Chair thanked everybody for their continued hard work. It was suggested that the FMC could host an end of year event to thank all volunteers – including those on working groups/panels – for their hard work.</p>	
6.	Future Meeting Dates	
	<p>19th October 2022 TBC (Doodle poll to follow due to a request for change this date)</p> <p>Items to include on the agenda: DA, CIM, Training, Accreditation Reform</p>	<p>HA to circulate Doodle Poll</p>