

FMC Board Meeting
Wednesday 14th June 2023

Present: John Taylor (Chair), Caroline Bowden (Law Society), Jan Coulton (College of Mediators), Sarah Hawkins (NFM), Beverley Sayers (FMA), Alison Bull (Resolution)

Apologies: Allan Blake, Claire Webb (FJC Representative)

Also in attendance: Robert Creighton (FMSB Representative), Helen Anthony (Executive Officer)

Approved Minutes

Open Session – FMC Board Members and observers		
	Item	Actions
1.	STANDING ITEMS	
1.1	Welcome, introductions, apologies	
	The Chair welcomed everybody.	
1.2	Approval of draft minutes, matters arising	
	<p>The board approved the minutes of the meeting held on 8.3.23.</p> <p>Matters arising:</p> <ul style="list-style-type: none"> • Equality, Diversity and Inclusion Team – the board noted that a new Chair had been found, but then for personal reasons could not resume the role. HA to continue trying to find a new Chair and identifying how FMC can progress work in the meantime. • Signposting on MoJ website – HA to follow up with MoJ. • Working group re duty of fair presentation – HA to establish this now consultation response has been submitted • Working group re parliamentary & other reports - HA to establish this now consultation response has been submitted • Partnership/research proposal - complete • Data sheet – HA to redistribute 	<p>HA to find new EDIT Chair & progress work where possible</p> <p>HA follow up with MoJ</p> <p>HA to establish WG</p> <p>HA to establish WG</p> <p>HA to circulate data sheet</p>
2.	Strategic Objective 1 - Increase Awareness of Mediation	
2.1	MoJ consultation update	
	<p>The board noted the consultation responses that had been submitted since its last meeting to the Family Procedure Rules Committee and the other to the MoJ, and thanked the Executive Officer for the work done in preparing these documents.</p> <p>The board also thanked the mediators who had attended the online discussions the FMC had conducted as part of its work to prepare the consultation response.</p> <p>The board noted feedback from roundtables held by the MoJ, and the concern from other stakeholders about the focus on mediation to the apparent exclusion of other forms of dispute resolution. The board also noted that the Executive Officer was liaising with the Institute of Family Law Arbitrators and agreed that this presented</p>	<p>HA & AB to speak to IFLA</p>

	<p>an opportunity to try to ensure that processes are in place that enable mediation and arbitration to work be used in combination to resolve disputes. AB volunteered to speak to IFLA with HA.</p> <p>The board agreed to try to focus on developing relationships with MPs from all parties and organisations with an interest in family justice, for example by the Chair writing to the Shadow Secretary of State for Justice. HA to develop plan with RW.</p> <p>The board agreed to re-issue its standing invitation to the MoJ for it to send a representative to FMC and FMSB meetings. The board asked for an organogram showing which staff at the MoJ work at what level. This prompted the board to ask for the FMC/FMSB organograms to be re-circulated.</p>	<p>HA to work with RW on engagement strategy for parliamentarians</p> <p>HA to reissue MoJ invitation</p> <p>HA to request/create MoJ organogram</p> <p>HA to circulate FMC/FMSB organogram</p>
2.2	Communications with public & other professionals	
	<p>The board noted that the FMC had made good progress on its communications plan and in 2023 had:</p> <ul style="list-style-type: none"> - issued regular press releases to establish itself with the press. Though this had resulted in stories in the legal press and an invitation speak at a conference in September; - made press releases templates available for mediators to use which had resulted in stories in several local newspapers; - reviewed public facing pages of the FMC website to ensure still relevant and informative which has helped keep the public informed and been used by other professionals seeking to understand family mediation including the clerks to the Justice Select Committee. - reviewed key messages to push out in all comms including social media, resulting in 188% increase in referrals from social media channels in March 2023 compared to 6 months earlier; - connected with other professional organisations concerned with outcomes for separating families, including Women’s Aid, the Rights of Women, the Domestic Abuse Commissioner’s Office and the Institute of Family Law Arbitrators. <p>The board noted that next steps were to:</p> <ul style="list-style-type: none"> - continue with regular press releases and templates for mediators; - deliver marketing training to mediators; - develop the FMC’s media operation; - create a leaflet for use by mediators; - Investigate developing infographic/s for social media use; - provide advice and ideas to help prepare for FMW 2023; - start a newsletter for referrers; - undertake FMC website restructure to include ‘associated professions’ information; - maintain/develop new working relationships with stakeholders. 	
3.	Strategic Objective 2 - Generate Confidence in Mediation	

<p>3.1</p>	<p>FMSB Report</p> <p>The board noted the draft minutes of the FMSB meeting held on 26.4.23.</p> <p>The board approved the amended portfolio fees. HA to include notice of the increase of fees and an explanation about the reasons for the change in the July newsletter.</p> <p>The board thanked the FMSB's for the annual complaints report that shows the care and attention the FMSB's complaints panels give to each complaint, and welcomed the learnings for mediators. The board welcomed the FMSB's undertaking to consider all the recommendations it had received from the complaints panels that related to the Codes or Practice or the Standards Framework. The board noted the indicative outcome document which had been produced by the FMSB.</p> <p>The board approved the extension policy, subject to a request to amend section 3 to remove the clarification that exceptional circumstances do not include where a mediator has not had time to pursue accreditation because they have been focussing on another professional activity. The board noted the FMSB's intention to keep the extension policy under review.</p> <p>The board thanked Ryan Compton and Jan Coulton for their support in developing the process for considering requests for reasonable adjustments to the portfolio process. The board approved the Reasonable Adjustments policy.</p>	<p>HA include notice of increase in fees & explanation in July newsletter</p>
<p>3.2</p>	<p>Charter update</p> <p>The board noted that the Chair had arranged to meet a person with considerable experience of submitting applications for Royal Charters, who was willing to support the FMC make such an application without lawyers and to do so free of charge. The board noted the Chair would send a report after the meeting has taken place.</p> <p>The board noted that proceeding without lawyers would require the FMC to take responsibility for drafting documents itself. The board noted that some directors did not feel able to contribute to the drafting of documents, and the board agreed those directors who were qualified as lawyers could not and would not be expected to provide legal advice or to draft documents or provide legal advice to the FMC.</p> <p>The board noted that not all the FMC member organisations would have to support the application for a Royal Charter in order to make the application.</p> <p>The board noted that it had previously decided to consult mediators about whether they support an application for a Royal Charter after the MoJ consultation had been submitted, and that</p>	<p>JT to report to board after Charter meeting</p>

	Richard Wyatt (communications consultant) had advised that the autumn would be a good time for the mediator consultation to take place.	
4.	Strategic Objective 3 - Strengthen the financial viability of mediation	
4.1	Voucher scheme	
	<p>The board noted that the FMC had not been successful in its bid for a new contract for the administration of the voucher scheme, but that it had agreed with the Ministry of Justice that it would extend its current contract to 31.7.23.</p> <p>The board thanked everyone who has been involved in making the voucher scheme so successful, and in particular thanked the members of the Voucher Working Group.</p> <p>The board noted that the Voucher Working Group was continuing its work to ensure there is a managed exit from the scheme, and that there are clear communications to mediators about arrangements for the scheme from 1.8.23.</p>	
4.2	Legal Aid	
	<p>The board noted that the Legal Aid Agency had started the process of consulting on new contracts which will run from September 2024 for one year. The board noted that the changes were minimal and the length of the contract did not allow businesses to conduct any long-term business planning.</p> <p>The board noted that the government's Means Test Review had confirmed that Universal Credit would no longer be a passporting benefit, meaning that mediators (and other legal aid providers) would have to carry out a means assessment for those in receipt of universal credit. The board noted the concern that this would make the assessment more difficult and time consuming and place further pressure on services that are already operating legal aid cases at a loss. The board also noted that the MoJ was developing an eligibility tool to try to reduce the time it takes to assess eligibility and the FMC had asked the Legal Aid Agency to ensure that mediators helped test this tool.</p> <p>The board noted the importance of continuing to raise the issue of Legal Aid rates and an overall funding structure that works, that the FMC had raised this in its recent MoJ consultation response and that it would be raised with the Justice Select Committee.</p>	
5.	Strategic Objective 4 - Ensure capacity in the mediation sector	
5.1	Modular Accreditation Proposals	
	The board noted the proposals for the modularisation of the existing portfolio process and agreed that these should be piloted. The board welcomed the FMSB's approach of maintaining the	

	<p>standards whilst trying to ease the process. The board noted that implementation would depend on the training of PPCs and of those offering mediation work/support.</p> <p>The board noted the FMSB planned to bring together a working group, which would include representatives from all FMC Member Organisations to help monitor the progress of the pilot and deal with issues relating to implementation.</p> <p>The board noted that there were some concerns in the mediation community that mediators were choosing not to pursue accreditation as they would have to submit a portfolio relating to child and financial matters, but did not have sufficient experience to complete the requirements for financial matters. The board noted that people who may be very good Child-Only mediators were leaving the profession, and so it may be timely for the FMSB to consider whether it should reintroduced Child-Only accreditation.</p>	
5.2	Communications with mediators	
	<p>The board noted that good progress had been made on improving the FMC's communication with mediators, and in particular that:</p> <ul style="list-style-type: none"> - increasing the regularity of newsletters to mediators, which are now monthly had resulted in increased information flow to and positive feedback from mediators; - the FMC has hosted several online sessions for mediators about MoJ consultation which resulted in mediators having the ability to feed in to FMC's consultation response and their views being heard; and - initial work to understand improvements that can be made to mediator area of FMC website had been undertaken. <p>The board noted that the next steps to ensure good communication with mediators was maintained were:</p> <ul style="list-style-type: none"> - to continue issuing the FMC newsletter monthly; - to establish a regular online event schedule for mediators for further nurture comms with mediators; and - to improve layout of mediator area of FMC website. 	
6.	Strategic Objective – Maintain good governance	
6.1	Risk register	
	<p>The board noted the updated risk register.</p> <p>The board agreed to revise the severity of the impact of the withdrawal of firms from legal aid contracts on the FMC to 'low' as it was thought that the majority of mediators would continue to offer private mediation after ceasing to do legal aid work.</p>	HA to make agreed revision to the risk register

6.2	Financial report	
	<p>The board noted expenditure and income to 31.5.23, and the balance sheet at that date. The board noted that the FMC was in a healthy financial position. The board requested that at its September meeting it has figures for the projected year end.</p>	HA to work with accountants to obtain projected year-end figures
6.3	Conformation of strategic priorities and resources	
	<p>The board reviewed the summary of strategic priorities, and noted that the draft needed to be amended to include the ability for enhanced DBS checks to be obtained for mediators.</p> <p>The board agreed it also needed to be more specific on its priorities for example 'PPCs' had been identified as a priority, but this encompassed a range of issues from reviewing the role of PPCs, to the FMSB considering providing training to support PPCs.</p> <p>The board agreed to make significant progress on its priorities it needed to free up management time, and that this would be best achieved by having a deputy executive officer if this could be afforded.</p> <p>The board agreed the FMC could benefit from considering long term financial planning and resource allocation, and it was agreed to ask whether the FMC's accountants or some of the FMC's MOs could assist the FMC with this. The board noted that this would help determine how best to spend its resources.</p> <p>It was agreed that a more detailed, long-term plan for priorities and resources would be developed. JT, RC & HA to start work on this.</p>	
7.	AOB	
	<p>The board noted that John Taylor's term as Chair will expire in spring 2024, by which time he would have served in this role for 8 years, and considered that it would be a matter of good governance for the FMC to find a new person for the role. It was agreed that the Executive Officer would circulate a role description and a list of places to start looking for a new Chair, with a view to the search starting in September.</p>	HA to circulate role description & list of places to search
8.	Next meeting dates	
	<p>September 13 December 6 or 7 – TBC</p>	