

FMC Board Meeting
Wednesday 13th September 2023

Approved Minutes

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

Apologies: Claire Webb (FJC Representative)

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

	Item	Actions
1.	STANDING ITEMS	
1.1	Welcome, introductions, apologies	
	The Chair welcomed everybody and noted that JC had sent her apologies for the morning session.	
1.2	Approval of draft minutes, matters arising	
	<p>The board approved the minutes of the meeting held on 14.6.23 subject to an amendment to section 5.1.</p> <p>Matters arising:</p> <ul style="list-style-type: none"> • The board noted the FMSB's Accreditation Panel had amended the Extension Policy as requested by the FMC, the policy had now been published and was available on the FMC website. • The board noted the data sheet & organograms were yet to be circulated. 	HA to circulate data sheet and organograms
2.	Strategic Objective – Maintain good governance	
2.1	Risk register	
	<p>The board noted the updated risk register.</p> <p>The board agreed to amend the risk relating to the end of the FMC's administration of the voucher scheme, to include a risk that the office may be put under pressure as a result of queries relating to the scheme that is now operated by a different organisation.</p>	
2.2	Financial report	
	<p>The board considered and approved the accounts for the year ending 31.12.23, though requested the accountants clarified the taxes that were referred to throughout.</p> <p>The board note the FMC's income and expenditure to 31.8.23 and the balance sheet of the same date, which showed the FMC was in a healthy financial position. The board also noted that projections to year end showed that the FMC would have a surplus of income over expenditure.</p>	

	<p>The board agreed that financial planning was a priority for the Executive Officer over the next few months, and it was agreed that JT, AB, RC & HA would take a strategic look at the budget, together with input from the FMC's accountants, as part of a long-term planning exercise.</p> <p>The board agreed to establish whether savings could be made from employing people directly rather than contracting with a company to provide the services it needs, but expressed its preference to continue with existing arrangements unless substantial savings could be made.</p> <p>The board agreed to review its reserves policy.</p>	<p>JT, AB, RC & HA to undertake long-term planning & budgeting exercise</p>
2.3	EDIT Update	
	<p>The board noted that a potential new chair for the Equality, Inclusion & and Diversity Team had been identified, and that the Executive Officer was arranging a meeting of the Team for December, to try to restart the work of this important group.</p> <p>The board agreed that as JT was stepping down as the FMC's Chair in April, a different director should take on the role of EDIT liaison and replace JT as an EDIT member. The Chair asked for any board member who was interested in volunteering for this role to let HA know.</p>	<p>Board members to contact HA to volunteer for EDIT</p>
2.4	Succession Planning	
	<p>The board thanked JT for all his work as Chair. JT noted that although he was not seeking re-appointment for a further term, if the timing of the appointment of the Chair meant that the board would like to him to stay in place for a short time past April, he would be happy to do so. Likewise, if a new Chair is appointed and ready to take up the role sooner, JT would be happy to end his term early.</p> <p>The board discussed the process for appointing a new Chair, and it was agreed a panel of directors who wanted to volunteer for this would be formed to write the detailed role description and person specification.</p> <p>The board agreed that the key role of the Chair was a strategic one, with the Chair leading the board as it set the strategic direction of the FMC and ensuring the board maintained strategic oversight. The board agreed it was preferable to have a Chair who was also comfortable with public speaking. The board agreed that it should not be seeking a Chair who would have an operational role.</p>	<p>Board members to contact HA if would like to be on search panel</p>

	<p>The board noted that there were advantages in appointing somebody from outside the world of family mediation to bring a different perspective to the board.</p> <p>The board agreed the interview panel should have unconscious bias training before shortlisting any candidates for interview, unless they had already had such training.</p> <p>The board agreed AB should lead a parallel appointment process for the independent board member vacancy.</p>	<p>HA to arrange unconscious bias training</p> <p>AB to lead process for independent board member; other volunteer members to join this</p>
3.	Strategic Objective 1 - Increase awareness of mediation	
3.1	MoJ update	
	<p>The board noted that there was no news yet from the MoJ in response to the consultation, which closed in the summer. The board also noted that there had not yet been a response to an FMC request to discuss sustainable funding, but HA would follow up on this.</p>	HA to follow up request to MoJ
3.2	Communications update: public/professionals	
	<p>The board agreed to nominate and train FMC directors & the FMSB Chair to act as spokespeople in response to press requests. AB, BS and CB all volunteered; HA to put them in touch with RW.</p> <p>The board agreed it should delegate responsibility to HA & RW to respond to stories about family mediation that appear in the news, in line with the FMC's agreed messages. HA & RW to develop paper setting out scope of responses, and circulate to board for approval via e-mail.</p>	<p>HA to put ABu, BS, CB & RC in touch with RW</p> <p>RW & HA to draft note setting out scope of delegated authority to respond to news stories</p>
3.3	Family Mediation Week 2024	
	<p>The board welcomed the proposed plan for FMW 2024.</p> <p>The board considered a proposal from the Family Mediation Week working group that it seeks additional sponsors who could display a logo showing they support Family Mediation Week. The board agreed the proposal on the basis that sponsors agreed they support the FMC and its objectives, and a clear invitation setting out the conditions of sponsorship was published in the FMC's newsletter, so the FMC could not be seen as favouring some organisations over others.</p>	
3.4	Updating the Guide to Mediation for the Courts	
	<p>The board noted that the joint FMC and FJC Guide to Mediation for the Courts was now at least six years old and would benefit from being updated and re-circulated to the judiciary and court staff.</p>	

	<p>The board noted that an experience FMCA mediator and PPC, Neil Robinson, had offered to lead this piece of work with a group of PPCs. The board welcomed this offer.</p> <p>It was agreed that NR would be asked to liaise with RC whilst updating the Guide so that the FMSB could ensure that it was consistent with the Standards Framework. HA to put RC in touch with RC.</p> <p>It was agreed that the FMC should liaise with the FJC about updating the Guide; HA to do this.</p> <p>The board noted that once the Guide had been updated, its re-issue would present an opportunity for publicity. HA to liaise with RW re this.</p>	<p>HA to put RC in touch with NR</p> <p>HA to liaise with FJC</p> <p>HA to liaise with RW</p>
3.5	HMCTS invitation to participate in public engagement group	
	<p>The board thanked HMCTS for the invitation to take part in its new family jurisdiction public engagement group and agreed it would send a representative to this meeting. HA to circulate details to the board.</p> <p>The Chair asked for board members who were interesting in attending to let HA know. The board agreed it could ask HA or other mediators not on the board to attend on its behalf.</p>	<p>HA to circulate HMCTS JPEG information to the board</p> <p>Board members interested in volunteering to let HA know</p>
4.	Strategic Objective 2 - Generate confidence in mediation	
4.1	FMSB Report	
	<p>The board welcomed the appointment of two new independent members of the FMSB, Tony Swabe and Anthony Blackman. The Chair of the FMSB will circulate their CVs to members of the board for reference.</p> <p>The board noted the draft minutes of the FMSB meeting held on 5.7.23.</p> <p>The board noted that the FMSB was carrying out a comprehensive prioritisation exercise to ensure its resources were appropriately directed. The board noted that this included work on Child Inclusive Mediation.</p> <p>The board noted that the FMSB was intending to conduct two consultations in the autumn: one concerning the roles, responsibilities and career paths of PPCs, and one concerning ‘learning blocks’ for accreditation as part of the Accreditation Reform Group’s work.</p> <p>The board discussed concerns about PPCs, including a perceived lack of support and structure for PPCs who have consultees working towards accreditation, which was</p>	<p>RC to circulate CVs</p>

	<p>preventing more mediators from training as PPCs. The FMC noted that a number of resources have already been made available for PPCs and people working towards accreditation to offer guidance on preparing a portfolio for submission and it was agreed to remind mediators these resources were available. The FMC also asked the FMSB to consider the viability of funding for training of PPCs who support mediators working towards accreditation at present, and whether it should be compulsory to do such training in the future. The FMSB Chair noted that these questions could be considered as part of the PPC's panel's current work to review roles and responsibilities of PPCs.</p> <p>The board noted that the FMSB was working on a number of potential accreditation reforms, including a pilot of a modular approach to the current portfolio, longer term reforms based on learning blocks, and introducing restricted accreditation as the first step in an alternative modular approach.</p> <p>The board noted that the FMC had been asked by an FMCA mediator to bring Parenting Co-ordination in to the scope of work the FMSB regulates. The board noted that in order to bring Parenting Co-ordination under its umbrella, there would need to be careful consideration of whether it was close enough to mediation, but that at present the FMC did not have sufficient resources to consider or implement it. The board therefore agreed that in principle the board would be willing to consider this in the future, but it was not something the FMC could commit to doing at present. HA to update the mediator who made the request.</p>	<p>HA to let CW know PC decision</p>
<p>4.2</p>	<p>Charter Update</p>	
	<p>The board noted that Chair had met with Keith Lawrey, who had supported many organisations submit an application for a Royal Charter, and was willing to assist the FMC with its application free of charge.</p> <p>The board also noted that the CMC had confirmed it would be starting the application process.</p> <p>The board noted that it had previously agreed in principle to apply for a Royal Charter, but that this decision had not been unanimous, and that the board would prefer to proceed with unanimous support.</p> <p>The board noted that Resolution felt unable to support an application for Chartered status at present as it did not consider it the priority. The board noted that it was important to Resolution that the FMC made progress on accreditation reform first.</p>	

	<p>The Chair noted that as the people who would be working on accreditation reform are different to those working on the Royal Charter application, that both workstreams could proceed without effecting the progress of the other.</p> <p>The FMSB Chair renewed his commitment to discussing FMSB priorities with Resolution, and considering any proposals Resolution makes with regard to accreditation reform.</p> <p>The board expressed concern about waiting indefinitely for proposals about accreditation reform to be made, when other FMC board members and FMC Member Organisations wanted to pursue a Royal Charter. The Chair asked Resolution to review its position.</p> <p>The board agreed that a long-term business plan which set out the FMC's work, its resources and timescales could help reassure board members and MOs be clearer about all of the FMC's aims and how it would achieve this. The board noted that the long-term planning process being undertaken by JT, AB, RC & HA should therefore help ensure progress on key matters.</p>	
4.3	Recent communications from mediators	
	<p>The board noted recent communications from mediators, including an e-mail from a group of PPCs proposing that the FMC consider whether mediators should be subject to statutory regulation. The board noted that the subject of statutory regulation had been discussed by the FMC and FMSB previously, and it had been agreed that self-regulation was more appropriate. The board also noted that the concerns the mediators had raised related to mediator status and that the FMC was considering other ways to enhance mediators' status, such as applying for a Royal Charter. The board agreed that JC & HA would offer to discuss the topic with the PPC group.</p> <p>The board noted that it had received a complaint over the summer about an FMC Member Organisation, and proposal from a mediator that the FMC introduce service standards for its MOs. The board agreed that this was not a priority at present. The board also agreed that the FMC should continue to ask mediators who had concerns about MOs back to direct those concerns back to the MOs, but asked that the FMC Office make MO directors aware of any concerns that are raised in relation to the MO that they represent.</p>	<p>JC & HA to offer to attend PPC group meeting</p>

5.	Strategic Objective 3 - Strengthen the financial viability of mediation	
5.1	Voucher scheme	
	<p>The board noted that the FMC contract to issue new vouchers had ended, but it continued to pay vouchers already issued. The board noted the Voucher Working Group was considering the best way to deal with any vouchers that are still outstanding when the vast majority have been made, and would discuss the most practical way forward with the Ministry of Justice.</p> <p>The board also noted that the Voucher Working Group continued to liaise with MoJ about the operation of the scheme under the new provider by Opia, as it is in the interests of families that the voucher scheme continues to operate well and important that mediators retain confidence in the scheme. The board noted that the MoJ had said it had resolved one of the most common concerns raised by mediators about the new operation of the scheme i.e., that families could not provide consent to participating in the scheme or to the privacy policy via e-mail. The board noted that the Voucher Working Group was keeping a watching brief on number of mediators have signed up to the new scheme and the number of vouchers issued, which was lower than expected than in August, but was expected to rise since the school summer holidays had finished.</p>	
5.2	Legal Aid	
	<p>The board noted the draft minutes of the Legal Aid Working Group meeting held on 18.7.23, and the next steps.</p> <p>The board also noted that the Legal Aid agency had unexpectedly published its invitation to tender for new legal aid contracts that morning (i.e., 13.9.23). The board noted that the LAA had not responded to the FMC's comments in relation to the draft contracts, and that no representative groups had been given notice that the invitation would be published on that date. The board noted the short date for submitting bids, and agreed that it should notify mediators about the contracts that day (i.e., 13.9.23).</p>	HA to circulate LAA invitation to tender to WG & to mediators on 13.9.23
6.	Strategic Objective 4 - Ensure capacity in the mediation sector	
6.1	Communications with mediators	
	The board noted the summary of communications with mediators, and that the FMC had positive responses from mediators to its monthly newsletters and new online coffee mornings.	

7.	AOB	
	<ul style="list-style-type: none"> • National Mediation Awards The board agreed the FMC would actively participate in the National Mediation Awards if invited to do so. • Research requests The board approved requests from Renee Luthra, University of Essex and Andrew Sims and Dr Maria Moscati, University of Sussex, to include notices in the FMC newsletter relating to their research projects. <p>The board noted the importance of research in to mediation, and noted that in future it may wish to consider commissioning research of its own.</p> <ul style="list-style-type: none"> • Enhanced DBS Checks The board noted that the MoJ's response to FMC's request for mediators to be able to apply for enhanced DBS checks was expected to come in its response to the consultation. • FMSB Complaints Process The board asked whether the FMSB would be open to receiving feedback from mediators who have experience of the complaints process, which was introduced in March 2022. The FMSB Chair confirmed feedback was welcome and encouraged, and that the FMSB was about to start a planned review of the process, as it had been in place for 18 months. 	HA to let researchers know board decision
8.	Next meeting dates	
	<p>6 or 7 December TBC</p> <p>The board confirmed it was happy to start putting MO meetings in the diary for May 2024, when the new Chair would be in post.</p>	Board members to send availability for December & 2024 meetings to HA