

FMSB Meeting

5 July 2023

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

Also present: Tony Swabe (Prospective FMSB Member), Sarah Hawkins (FMC Representative),
Helen Anthony (Executive Officer)

Approved Minutes

	Part 1 - Open session	Actions
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	The Chair welcomed everybody who introduced themselves.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	
	The FMSB approved the minutes of the meeting held on 26.4.23. Matters arising: <ul style="list-style-type: none">The FMSB noted that the FMC & FMSB did not discuss how to give more weight to the FMSB's regulation at its joint meeting, and agreed to ask the FMC to discuss the issue at its next board meeting.	
2.	Reports	
2.1	Chair's Report	
	The FMSB noted that the Chair had been involved in the recruitment process for new FMSB members.	
2.2	Executive Officer's Report	
	The FMSB noted the Executive Officer's report. The FMSB welcomed the significant amount of work that was carried out to prepare the FMC's response to the MoJ's consultation, noting that the FMC had engaged mediators and motivated many mediators to send in direct responses. The FMSB welcomed the clear and united message that was put to the MoJ, and the fact that the FMC had addressed important issues that weren't explicitly included in the consultation but which were relevant to the issues raised. The FMSB noted the consultation process had helped cement the FMC's relationship with the MoJ and had also allowed the FMC to make new connections with relevant organisations. The FMSB noted that the FMC	

	<p>was aware that it would need to ensure resources were available if it wanted to maintain these relationships.</p> <p>The FMSB noted that HA would continue conversations with the MO whose website appeared to be misleading, in terms of allowing practising family justice professionals to join at lower cost if they were not FMC Registered, compared to if they are FMC Registered.</p>	HA to continue discussions with MO
2.3	FMC Report	
	<p>The FMSB noted the draft minutes of the FMC meeting held on 14.6.23.</p> <p>The FMSB noted that the loss of the contract to administer the voucher scheme was disappointing, in particular because the FMC would no longer have access to raw data from the scheme. The FMSB noted however that the MoJ would still collect and analyse this data which would remain valuable. The FMSB noted that the FMC would write to mediators to let them know that the contract would be taken on by a new operator, and provide contact details for the new operator.</p> <p>The FMSB noted that the FMC Chair had given notice that he would step down once his term ended in Spring 2024, and that the FMC was starting the process of appointing a new Chair.</p>	
3.	Governance	
3.1	2023 workplan, priorities and resources	
	<p>FMC Priorities and Resources</p> <p>The FMSB welcomed the revised format of its workplan, and noted that this could be further developed to highlight current priorities, sub-tasks and final end dates, as well as record completed work. HA to develop format further.</p> <p>The FMSB discussed how it could prioritise work in the longer term. The FMSB agreed that it would produce a set of criteria against which it could score each possible action, and then prioritise accordingly.</p> <p>The FMSB agreed to add an additional item to its workplan: liaising with the SRA. The FMSB noted it had started correspondence with the SRA prior to the Covid pandemic, and that more recently MM had written to the SRA to ask whether it would consider a complaint about a mediator</p>	<p>HA to develop format of workplan</p> <p>JH to develop prioritization criteria</p> <p>HA to add item to workplan</p>

	<p>who worked for an SRA regulated firm. The FMSB noted that the SRA's Professional Ethics department confirmed it regulates both firms and solicitors who are acting as mediators, in accordance with their relevance Codes of Conduct. The FMSB noted that these Code of Conduct include certain relevant provisions – for example they require firms/solicitors not to have misleading advertising and to respect confidentiality – but that the Codes do not explicitly say anything about the FMC's Code of Conduct.</p> <p>The FMSB agreed it would be helpful to work together with the CMC to approach the SRA.</p> <p>It was agreed that MM should reply to the SRA saying he has referred their response to the FMSB and that HA will be in touch, and that HA will then follow up with the SRA to start a discussion. It was also agreed that HA would ask the CMC if they would like to join the discussion with the SRA.</p> <p>The FMSB agreed to add a further item to its workplan: to ask all FMC Member Organisations to conduct an audit to find out how many of their members are practising as family mediators, and how many of these are registered with the FMC. The FMSB noted that it needed to understand the size of the challenge it faced in trying to ensure all practising family mediators became registered and then accredited. The FMSB noted that all the FMC's MOs members should be registered with the FMC if they were practising as family mediators, but recognised that in reality this was not the case.</p> <p>The FMSB agreed that RC would liaise with FMC Directors from relevant MOs where there were concerns about individuals from those MOs presenting themselves as mediators when they are not on the FMC Register.</p>	<p>MM to write to SRA; HA to follow up with further letter</p> <p>HA to add to workplan & arrange audit</p> <p>RC to liaise with relevant MO directors</p>
4.	Items for Discussion	
4.1	Domestic Abuse	
	<p>The FMSB noted that LA was preparing a summary of standards relating to SCDA and would send this to JH & HA once complete, with a view to the FMSB publishing a summary of the FMSB's current position with regard to standards relating to domestic abuse.</p>	<p>LA to send summary to JH & HA</p>

	<p>The FMSB agreed to formalise the Screening Domestic & Child Abuse (SDCA) Working Group, to be led by LA or LB, and with existing members of the informal group being invited to join. HA to draft Terms of Reference.</p> <p>The FMSB agreed that it should work with Domestic Abuse agencies as it reviews existing provisions relating to domestic abuse and considers improvements.</p>	HA to draft ToR
4.2	Quality Assurance	
	<p>The FMSB agreed its approach to be developing a quality assurance structure, with next steps being:</p> <ul style="list-style-type: none"> - to clarify the working group for taking this forward – terms of reference, membership; - to determine and scope priorities for attention; - to identify and engage additional capacity as required; and - to develop and implement a deliverable programme of work. <p>The FMSB noted that RC would co-ordinate this work for the time being, with support from JH, LA & LB.</p>	RC to co-ordinate
4.3	PPCs	
	<p>The FMSB noted that the PPC panel was developing a questionnaire for mediators to start its consultation about the role of the PPC.</p> <p>The FMSB also noted that the PPC panel had started to prepare guidance which would be published, in stages, to form a PPC handbook.</p>	
4.4	Accreditation reform	
	<p><u>Modular Accreditation</u></p> <p>The FMSB recalled that it had approved in principle the modular accreditation pilot, and to finalise arrangements and start the scheme any remaining points of principle relating to the operation of the pilot would be brought back to the FMSB for consideration, with details being delegated to the Accreditation Panel.</p> <p>The FMSB considered the proposal that, to pass module one and to move to solo working with enhanced supervision, mediators should submit a portfolio covering all the competencies showing that they were</p>	

<p>safe to practise. The FMSB agreed that mediators should also demonstrate that they practise effectively. The FMSB noted that effectiveness should not be measured in terms of conversion rates from MIAMs to mediation, but instead by the mediator's awareness of their own limitations, and demonstrating that they know when to make referrals to FMCA colleagues or seek the support of their PPC. The FMSB noted that this may result in a change of focus on a mediator's Training and Development plan, with more emphasis on development rather training courses</p> <p>The FMSB considered and agreed the proposal to replace one MIAM case commentary with a MIAM observation, noting the competencies would remain unchanged, that this should mean less paperwork for the mediator to prepare as part of the portfolio, and would enhance assurance processes.</p> <p>The FMSB agreed it was important to monitor and assess the pilot, as well as to ensure that the information about the pilot was communicated well to mediators.</p> <p><u>Child Only and Property & Finance Only Accreditation</u></p> <p>The FMSB discussed a proposal to reintroduce 'Child Only' and 'Property & Finance Only' accreditation, considering arguments for and against doing so.</p> <p>The FMSB agreed that it was important that family mediators are able to deal with all issues relating from family separation, noting that a mediator does not know what issues a family might need to resolve before participants attend a MIAM, and that a relatively high proportion of cases are 'All Issues' i.e. involve both child and property and finance issues (statistics from voucher scheme show 25% of cases are All Issues; similarly, one provider has recorded that 29% of cases are All Issues).</p> <p>The FMSB noted that one reason that the re-introduction of Child Only and Property and Finance Only accredited status had been proposed was to try to improve the accreditation process and increase the supply of accredited mediators.</p>	<p>HA to feedback to HK & the Accreditation Panel</p>
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	<p>The FMSB agreed that in principle if could pilot a second type of modular portfolio, whereby mediators could become accredited as Child Only or Property & Finance Only for a set period of time (e.g. a year) during which time they should work towards all issues accreditation. The FMSB noted that introducing such a system would be relatively straightforward (given that the FMC has already identified the additional work required for a Child Only accredited mediator to become an All Issues mediator). However, the FMSB also noted that this would take up some resources, and potentially delay other development work on accreditation. The FMSB agreed to discuss with the FMC whether, in light of other work the FMSB was carrying out, the FMC wished the FMSB to pursue this and, if so, when.</p> <p><u>ARG</u></p> <p>The FMSB noted that the learning blocks identified by the ARG had been modified to make provision for Child-Inclusive Mediation Awareness and Understanding. The FMSB noted that the ARG was preparing a questionnaire over the summer, in order to consult on its proposals in the autumn, and asked the ARG to liaise with the PPC panel about the timing of their respective consultation.</p>	RC/HA to raise with FMC
5.	Updates	
5.1	Accreditation Panel	
	The FMSB noted the draft minutes of the Accreditation Panel meeting held on 10.5.23.	
5.2	Complaints	
	The FMSB noted the quarterly complaints report. The FMSB thanked JH & MM for chairing the complaints panels.	
5.3	Training	
	The draft minutes of the Training Panel meeting held on 28.6.23 were noted. The FMSB thanked AW & SJT for co-chairing this panel on a temporary basis.	
6.	Future Meeting Dates	
6.1	Original date of 11 October 2023 (in person) no longer viable - HA to send Doodle poll for week before or after	HA to send Doodle Poll