

**FMC Board Meeting**  
**Wednesday 6<sup>th</sup> December 2023**

**Approved Minutes**

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

**Apologies:** Sarah Hawkins (NFM), Ruth Hay (FJC Representative)

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

<b>Open Session – FMC Board Members and observers</b>		
	<b>Item</b>	<b>Actions</b>
<b>1.</b>	<b>STANDING ITEMS</b>	
<b>1.1</b>	Welcome, introductions, apologies	
	The Chair welcomed everyone.	
<b>1.2</b>	Approval of draft minutes, matters arising	
	<p>The minutes of the meeting held on 13.9.23 were approved, subject to the correction of an error in paragraph 4.2.</p> <p>Matters arising:</p> <ul style="list-style-type: none"> <li>• The board noted that the data sheet and organograms had been circulated to directors. The board agreed that these could be circulated to colleagues within FMC Membership Organisations.</li> <li>• The board noted that the Guide to Mediation for the courts was in progress. The board noted that it may be helpful to refer to the recent court case of <i>Churchill v Merthyr Tydfill</i>.</li> </ul> <p>The minutes of the AGM held on 13.9.23 were approved.</p>	
<b>2.</b>	<b>Strategic Objective 5 – Maintain good governance</b>	
<b>2.1</b>	Risk register	
	<p>The board reviewed the Risk Register.</p> <p>The board agreed to add that a data breach by mediators, and the inability of mediators to apply for enhanced DBS checks could both result in adverse publicity and were therefore risks to the mediation profession. HA to update the register.</p> <p>The board noted that the FMSB was liaising with the ICO about the ICO answering questions mediators have about data protection, and the FMSB publishing these. The board recommended that HA contact a data protection specialist who had recently delivered training for Resolution.</p>	<p>HA to update risk register</p> <p>HA to continue to liaise with ICO</p> <p>HA to contact data protection specialist</p>

<p><b>2.2</b></p>	<p><b>Financial report</b></p> <p>The board noted the income and expenditure to 31.10.23, and the balance sheet of the same date.</p> <p>The board noted that the FMC’s accountants that it had completed the annual process of checking VAT that had been recovered accurately; this process was necessary because the FMC benefits form partial exemption, which allows it to recover a certain amount of input tax relating to exempt supplies.</p> <p>The board noted the accountants’ advice that it would be no more cost effective for the board to employ people directly than it would be to contract out services at present. The board agreed it wished to continue to contract out services.</p> <p>The board agreed proposals as set out in the financial planning paper to:</p> <ul style="list-style-type: none"> <li>• update the level of reserved funds to three months’ regular expenditure;</li> <li>• to spend unreserved funds on a part time basis Operations Officer in order to increase the capacity of the FMC office and free up the Executive Officer’s time to work on policy development and communications. The board agreed this should be on a two-year, fixed term basis initially with a view to making it a long-term position if in year income increases in line with projections and can cover the cost of the post;</li> <li>• to retain the services of the FMC’s marketing consultant on a long-term basis;</li> <li>• not to increase registration fees in 2024; and</li> <li>• to increase fees by a small amount annually from 2025.</li> </ul> <p>The board noted that income projections were dependent on increasing the number of mediators on the FMC register, and so it was important to monitor this.</p> <p>The board asked the HA to draft a budget for 2024 on this basis.</p>	
<p><b>2.3</b></p>	<p><b>EDIT Update</b></p> <p>The board welcomed Jo O’Sullivan as the Chair of the Equality, Diversity and Inclusion Team. The board agreed the budget for 2024 should include provision for expenditure by EDIT.</p>	

<b>2.4</b>	<b>Succession Planning</b>	
	<p>The board noted the process and draft role description and person specification for the new FMC Chair. Directors were invited to send comments on the draft to BS &amp; HA.</p> <p>The board agreed that HA should prioritise the recruitment of a new independent FMC board member and an independent FMSB member, along with the recruitment of a new Chair, in early 2024.</p>	Board members to send comments on draft role description & person specification to BS & HA
<b>3.</b>	<b>Strategic Objective 1 - Increase awareness of mediation</b>	
<b>3.1</b>	<b>MoJ update</b>	
	The board noted the MoJ was expected to publish its response to the consultation 'Supporting earlier resolution of private family law arrangements' in January, but that the Family Procedure Rules Committee was expected to publish amended Rules in December. HA to circulate new Rules when published.	HA to circulate new Rules when published
<b>3.2</b>	<b>Communications with the public and professionals</b>	
	<p>The FMC noted the progress that had been made on the FMC communications plan.</p> <p>The board reviewed the draft leaflet which sets out basic information about family mediation, and suggested some improvements. The board noted that Resolution had offered the support of its marketing team in reviewing the draft. HA to liaise with Resolution and provide feedback to RW.</p> <p>The board noted that the note setting out the scope of delegated authority was yet to be drafted.</p>	HA to liaise with Resolution & HA re leaflet
<b>3.3</b>	<b>Family Mediation Week 2024</b>	
	The board thanked the Family Mediation Week working group for its work in planning Family Mediation Week. The board noted that the launch event was still being planned and suggested some speakers.	
<b>3.4</b>	<b>Law Commission Financial Remedies</b>	
	<p>The board noted that ABu and HA had met with the Law Commission team which was reviewing financial remedies and that team had been interested in how and why couples are using mediation to resolve the financial consequences of the end of their marriage or civil partnership.</p> <p>The board noted that the Law Commission team had said it had found the session helpful and had indicated they would be interested in further conversations with mediators, particularly those who mediate in cases where participants have low incomes or few assets.</p>	

3.5	<p>HMCTS Public engagement group</p> <p>The board noted that HA had intended HMCTS' public engagement group's first meeting. The board noted that the group was a large one, and a large part of the agenda wasn't directly related to mediation, but there was an opportunity to feedback on an online version of the form respondents complete when submitting an initial response to the consultation, and highlight opportunities to direct people to MIAMs.</p>	
4.	<p><b>Strategic Objective 2 - Generate confidence in mediation</b></p>	
4.1	<p>FMSB Report</p>	
	<p>The board noted the draft minutes of the FMSB meeting held on 20.10.23.</p> <p>The board noted that the FMSB was carrying out an extensive prioritisation exercise to prepare for the joint FMC/FMSB meeting where organisational priorities would be decided. The board agreed the FMC should carry out a similar exercise.</p> <p>The board agreed to add governance at the joint FMC/FMSB meeting in May, so that there was clarity over decision making processes.</p> <p>The board noted that at its October meeting, the FMSB had received a paper from its Screening for Domestic and Child Abuse working group, which had identified the ways in which the Standards and Code of Practice require mediators to take steps identify domestic and child abuse when considering suitability for mediation, and the actions they must take if abuse identified. The FMSB now proposed to formalise the working group as a standing panel to progress this work. In the meantime, however, the FMSB &amp; FMC had been liaising with the Ministry of Justice about the potential for funding the development of the screening resource identified as necessary in the working group's paper. The FMC board agreed the development of this resources in principle and agreed to submit a request for funding of this to the MoJ.</p> <p>The board noted that the FMSB had agreed an implementation plan for the staged portfolio pilot, and intended to establish an oversight panel consisting of non-mediator members of the FMSB, an independent member of the FMC, and people outside of the FMC.</p> <p>The board also noted that the FMSB had received a proposal from Resolution that outlined a new accreditation process, based on the existing competences, and the FMSB</p>	<p>HA to prepare FMC prioritisation exercise for March board meeting</p> <p>HA to send updated SDCA paper to FMC board</p> <p>HA to submit funding request to MoJ</p>

	<p>would bring together members of the Accreditation Panel and the Accreditation Reform Group to consider this in the first instance.</p> <p>The board noted that FMA may wish to propose a pilot of a child-only accreditation scheme. The board agreed that as this changed the nature of accreditation (from all issues to just child issues), this would require approval from the FMC board.</p> <p>The board agreed that the FMSB had to continue to rigorous, as the preservation of standards was critical.</p> <p>The board noted that the FMSB was conducting a review of the complaints process, with a view to the FMSB considering this report in the spring.</p> <p>The board noted that the FMC's PPC Consultation was complete, had had an excellent response rate and the FMC's PPC Panel was considering the responses.</p>	
<b>4.2</b>	<b>Charter Update</b>	
	<p>The board noted that the Civil Mediation Council had submitted its initial approach to the Privy Council for Chartered Status and was waiting for a response.</p>	
<b>5.</b>	<b>Strategic Objective 3 - Strengthen the financial viability of mediation</b>	
<b>5.1</b>	<b>Voucher scheme</b>	
	<p>The board noted that the FMC's contract to pay vouchers issued before 31.7.23 was due to end on 31.12.23 and arrangements were being made for a handover of the remaining cases where vouchers had been issued, and cases ongoing but which had not yet reached £500 of costs.</p> <p>The board noted that the working group would continue to liaise with the MoJ and Opia to ensure the scheme operated efficiently for the benefit of the public.</p>	
<b>5.2</b>	<b>Legal Aid</b>	
	<p>The board noted the draft minutes of the Legal Aid Working Group held on 30.11.23.</p> <p>The board noted the MoJ had not yet made a decision on whether mediators participating in the pilot scheme for staged accreditation would be able to conduct legal aid cases at Stage 2.</p> <p>The board noted the Legal Aid Agency had amended the Legal Aid contract so there were no longer restrictions on remote supervision.</p>	

	The board noted that the MoJ had decided that Universal Credit would cease to be a passporting benefit, but no date for this change had been announced.	
<b>6.</b>	<b>Strategic Objective 4 - Ensure capacity in the mediation sector</b>	
<b>6.1</b>	Communications with mediators	
	<p>The board noted that monthly newsletters and monthly virtual coffee mornings were now well established to maintain good communication with mediators.</p> <p>Directors were invited to suggest topics and to volunteer to lead coffee mornings in 2024.</p>	
<b>7.</b>	<b>Next meeting dates</b>	
	<ul style="list-style-type: none"> <li>• 13 March 2024</li> <li>• 12 June 2024</li> <li>• 18 September 2024</li> <li>• 11 December 2024</li> </ul> <p>The board agreed to hold the 13 March and at least one other meeting in person in 2024, with an option for joining online.</p> <p>The board noted that the date for the joint FMC/FMSB meeting would be confirmed when the new Chair was in place.</p> <p>The board noted that FMC representatives were also required for FMSB meetings throughout 2024.</p>	