

## FMSB Meeting

Friday 2 February 2024

### Approved Minutes

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

**Also present:** Allan Blake (FMC Representative), Helen Anthony (Executive Officer),

	Part 1 - Open session	Actions
1.	Introductory	
1.1	Welcome and introductions apologies, declarations of interests	
	The Chair welcomed everyone.	
1.2	Approval of minutes of last meeting & matters arising not covered elsewhere	Draft Minutes 20.10.23
	<p>The FMSB approved the minutes of the meeting held on 20.10.23.</p> <p>Matters arising:</p> <ul style="list-style-type: none"><li>Terminology</li></ul> <p>The FMSB expressed concern that whilst the terms and 'FMC Registered' 'Working Towards Accreditation' are accurate, they are not clear or easily understood by the public.</p> <p>The FMSB also noted that the FMC had chosen not to produce logos for mediator's working towards accreditation as it was concerned that an 'FMC Registered' Logo might not be understood and that a logo stating a mediator was working towards accreditation would not be widely used.</p> <p>The FMSB considered that a new descriptor might be needed for those mediators on the staged accreditation pilot at Stage 2.</p> <p>The FMSB discussed the need for the term to indicate that a mediator is FMC registered but also that they have a 'junior' status, in order to give a clear message to the public.</p> <p>The FMSB noted that once a suitable term is agreed, the FMC could produce an appropriate logo which mediators working towards accreditation could use.</p> <p>It was agreed that the Chair would ask the FMC Board to discuss this issue.</p>	RC to discuss with FMC board
	<ul style="list-style-type: none"><li>Guide to family mediation for the courts</li></ul> <p>The FMSB noted that this guide was still being updated.</p>	

	<ul style="list-style-type: none"> <li>Information Commissioners' Office</li> </ul> <p>The FMSB noted that this work was ongoing.</p>	
<b>2.</b>	<b>Reports</b>	
2.1	Chair's Report	
	The Chair had nothing to report, that was not elsewhere on the agenda.	
2.2	Executive Officer's Report	
	The FMSB noted the Executive Officer's report and noted the seemingly positive impact of Family Mediation Week.	
2.3	FMC Report	
	The FMSB noted the draft minutes of the FMC meeting held on 6.12.23 and the Legal Aid Working Group held on 30.11.23. The FMSB noted that it was important to be aware of the impact of standards for low-income families.	
<b>3.</b>	<b>Governance</b>	
3.1	Prioritisation	
	The FMSB agreed that the previously agreed approach to prioritisation had proved too complex as it was too detailed, but that it had never the less been a helpful exercise to try to identify broad priorities. The FMSB agreed that the Chair and Executive Officer would summarise the priorities as identified for the FMC and FMSB joint meeting later in the year.	RC & HA to summarise priorities
3.2	Workplan	
	The FMSB noted the draft workplan and agreed that each panel/working group would develop and maintain the plan in the areas they were responsible for.	
3.3	Terms of Reference for Panels and Working Groups	
	The FMSB noted that the Chair and Executive Officer were updating Terms of Reference for Panels and Working Groups, including for newly proposed groups.	

4.	Items for Discussion	
4.1	MoJ Consultation	
	<p>The FMSB noted the MoJ's response to the consultation it conducted in 2023.</p> <p>The FMSB noted that the response provided a strong endorsement of FMC/FMSB regulation and the accreditation scheme, that the MoJ would like to work with the FMSB to strengthen screening for domestic and child abuse, and that the MoJ was seeking to encourage more child-inclusive mediation. The FMSB welcomed the proposal to allow mediators to apply for enhanced DBS checks.</p> <p>The FMSB welcomed the fact that the MoJ was seeking to build a family justice system that didn't just consist of the courts, but noted that there were no long-term funding proposals in the MoJ's response.</p> <p>The FMSB welcomed the proposal for an Early Legal Advice pilot and emphasised the need to make sure the scope of this was to provide legal advice, not to try to replicate a MIAM.</p>	
4.2	Accreditation Panel	
	<p>The Accreditation Panel had asked the FMSB to consider whether mediators who may not otherwise qualify for an extension could have an extension to their portfolio deadline so that they can participate in the pilot on the basis that they would be able to submit an early stage 1 portfolio and thus demonstrate they had maintained skills and were making progress towards demonstrating their competence. The FMSB agreed that if mediators had kept up with their CPD requirements, PPC hours and had the support of their PPC, then an extension could be given in order to submit a stage 1 portfolio, but that if the stage 1 portfolio did not meet required standards, the mediator would have to complete further training.</p> <p>The FMSB noted that the information sessions for the staged portfolio would take place in February, with applications opened thereafter.</p>	

4.3	Accreditation Reform Group	
	<p>The FMSB noted the draft minutes of the ARG meeting held on 17.1.23 at which the ARG had considered responses to the consultation about long term accreditation reform.</p> <p>The FMSB noted that although a relatively low number of responses had been received, they were very well considered and helpful, and there had been some particularly helpful responses from academics.</p> <p>The FMSB noted the ARG was preparing a summary of responses for initial publication, and would be considering the responses further.</p> <p>LA to meet AnB to discuss experiences in other professions, that may help the ARG's considerations.</p>	LA & AnB to meet to discuss qualification routes in other professions
4.4	Accreditation Policy Development	
	<p>The FMSB noted that Resolution had submitted a preliminary proposal for a different pilot route to accreditation, based on existing FMC competences. The FMSB agreed that a small group of people should meet Resolution to discuss the proposal, to try to understand it in more detail. It was agreed that this group should consist of the Chair of the FMSB, the Chairs of the Accreditation Panel and ARG, the FMC's Chief Assessor and the Executive Officer.</p> <p>The FMSB had previously identified that it would establish an independent monitoring panel to oversee and assess the accreditation pilots. The FMSB agreed to discuss the details of this at its next meeting.</p>	<p>HA to arrange meeting with Resolution</p> <p>HA to add to FMSB agenda</p>
4.5	Registration and Promotion	
	<p>The FMSB noted and agreed the proposal to form working group, chaired by MM, to promote and protect the FMC Register.</p> <p>The FMSB noted that the Terms of Reference for Local Family Justice Boards are being amended so that each group should include an FMCA mediator.</p> <p>The FMSB noted and agreed the proposal to amend the standards to include a duty of fair representation. The FMSB noted the proposal</p>	

	<p>to limit the number of addresses that mediators can list on the FMC Register to three, unless they demonstrate they offer in person mediation at additional addresses. The FMSB agreed to the proposal subject to an amendment that would allow a mediator to list an address on the basis that they confirm to the FMSB that they would provide in person mediation at that address if requested, within a reasonable time scale (e.g. 15 working days, to coincide with MIAM exemptions). The FMSB noted that this approach would also help it track areas where there were no mediators' offices.</p>	<p>HA to amend paper &amp; take recommendation to FMC board</p>
4.6	SDCA	
	<p>The FMSB agreed to establish a Domestic and Child Abuse Panel to consider the issues set out in the scope of activities. It was agreed that the scope of activities should extend beyond screening, to cover actions to be taken to act upon the results of the screening.</p> <p>The FMSB agreed that the DCA Panel would be Chaired by AW, with LA, LB, JH as other FMSB members, with invitations to be sent to Adrienne Cox, the domestic abuse commissioner's office, at least one domestic abuse agency, and possibly an academic, as well as the MoJ.</p> <p>The FMSB noted that a bid for funding to develop a mediation specific domestic abuse screening tool had been submitted to the MoJ, and a response was awaited.</p>	
4.7	CIM	
	<p>The FMSB agreed to establish a working group to address a range of issues that relate to Child-Inclusive Mediation. The FMSB noted that Beverley Sayers had agreed to sit on this working group as an FMC Director, which was important to ensure good communication with the FMC board, and to ensure that issues relating to the promotion or understanding of CIM are taken forward.</p>	<p>RC &amp; HA to take forward establishment of CIM WG</p>
4.8	PPCs	
	<p>The FMSB noted the draft minutes of the PPC Panel meeting held on 10.11.23.</p>	

	<p>The FMSB noted that there had been a good response to the consultation from PPCs and FMCA mediators, although only a small number of responses from mediators working towards accreditation.</p> <p>The FMSB noted that the PPC panel is now reviewing the responses to the consultation, which included a written questionnaire and three zoom discussions.</p> <p>The FMSB noted that areas the panel will continue to explore include:</p> <ul style="list-style-type: none"> <li>• The ambiguous nature of a support and a regulatory role</li> <li>• Conflicts of interest</li> <li>• Supporting mediators not on the FMC Register (but who are eligible for registration)</li> </ul>	
4.9	Assurance	
	The FMSB agreed the proposed approach to assurance. RC & JH to operationalise.	RC & JH to operationalise assurance proposals
4.10	Complaints	
	<p>The FMSB noted the quarterly complaints report. The FMSB noted that a large proportion of recent complaints had been received at a very similar time, which put particular pressure on the FMC office as there were a large number of papers to anonymise at the same time. The FMSB agreed to ask the FMC to budget for additional overtime expense that could be drawn down in the event that this happens again.</p> <p>The FMSB noted that the AnB and HA had been gathering feedback from people with experience of the complaints process and would bring any recommendations for change to the next FMSB meeting.</p>	<p>HA to include request in draft budget</p> <p>AnB &amp; HA to report to next FMSB meeting</p>
<b>5.</b>	<b>AOB</b>	
	The FMSB noted that the monthly FMC newsletters and virtual coffee mornings were now well established. The FMSB agreed to try to include something from an FMSB member in each newsletter, and FMSB members agreed to consider leading a discussion at a coffee morning.	

6.	Future Meeting Dates	
6.1	FMSB Dates 2024: 24 April Online 3 July (In person) 16 October (Online)	