



Guidance on the use of AI in Family Mediation

This brief guidance has been produced in response to multiple questions and concerns about how to navigate the use of artificial intelligence (AI) tools in family mediation.

It is not practical for the FMSB to issue guidance on individual tools due to the number and rapidly changing nature of available tools, and because of the wide variation in their purposes and the way in which they work.

Instead, this guidance aims to set out some principles for you to consider in the use of any tools as part of family mediation work.

1. Mediators should not permit the use of AI to erode their professional skills. Your judgement is always required and human oversight is critical. Don't assume AI tools will get things right and make sure you check outputs manually.
2. Ensure the tool allows you to conduct mediation in accordance with all relevant laws and regulations, and consider the way in which tools may help or hinder compliance with these (for example data protection responsibilities including appropriate privacy notices).
3. Ensure the tool allows you to conduct mediation in accordance with the requirements set out in the FMC Codes of Practice and Standards Framework. Consider ways in which the tool may help or hinder your compliance with professional obligations.
4. Think about the impact using the tool may have on the mediation process. Are there any safeguarding risks? Can confidentiality be maintained? Could the tool give the appearance that you are not impartial?

5. Ensure you have client consent to using tools and storing client data (if this is what the tool does).
6. Any AI tool has a hinterland and many are set to use data gathered through users (i.e. you) to train their tools to get better. You should therefore thoroughly research how the tool works, including but not limited to: whether the tool is cloud based or downloaded on to your computer; how it affects/interacts/directs other programmes; where data is stored, what other data from outside the tool it has access to, and what it can do with that data; who the tool is visible to and how it might be perceived.
7. Look at all settings to make sure you are in control of the tool and what it can do.
8. Make sure you fully explore and test any new tools before using them. Tools may allow you to offer an improved service to clients, but incorrect use can result in inadvertent mistakes which could contribute to a worsening of conflicts between participants and make you look unprofessional.
9. AI tools are rapidly changing. If a product is updated or the Terms and Conditions of the tool change (or you access another tool that can change settings), check the use of the tool is still appropriate.