

FMSB Meeting

Wednesday 24 April 2024

Approved Minutes

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

Apologies: Alexis Walker, Anthony Blackman

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

| | Part 1 - Open session | Actions |
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| 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 | |
| | <p>The minutes of the meeting held on 2.2.24 were approved.</p> <p>Matters arising:</p> <ul style="list-style-type: none">• Mediator Representatives on Local Family Justice Board – at the last meeting the FMSB noted that the Terms of Reference for Local Family Justice Boards were to be amended so that each Board had a Family Mediator as a member. The FMC Office has provided details of local mediators for two boards in the Midlands. The experience of mediators who sit on local boards is that despite having a mediator on the board, judges do not always understand the benefits of mediation: a recent example is a senior judge saying the FPR changes won't change anything because courts still have to meet targets for processing cases within a time limit. The FMSB noted the need to address these targets with the MoJ (HA to follow up with MoJ) – as well as a need to establish a strategy for mediators to participate in LFJBs effectively. | <p>HA to follow up with MoJ</p> <p>LJFB board issue to be considered by Registration & Promotion Panel</p> |
| 2. | Reports | |
| 2.1 | Chair's Report | |
| | The Chair had nothing to report, that wasn't elsewhere on the agenda. | |
| 2.2 | Executive Officer's Report | |
| | The FMSB noted the Executive Officer's report, and in particular that: | |

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| | <ul style="list-style-type: none"> • Good progress was being made on annual registration • Work on ICO/data protection issues had begun • The FMC had asked Policy & Secretariat Services to appoint an Operations Officer to work alongside the existing PASS team on FMC business • The FMC had received an application for the independent FMSB member vacancy which would continue to be advertised for the time being. | |
| 2.3 | FMC Report | |
| | The FMSB noted the draft minutes of the FMSB meeting held on 13.3.24. | |
| 3. | Governance | |
| 3.1 | Workplan | |
| | The FMSB noted the new format for the workplan, which will be used to track progress of work and will be uploaded to a shared drive so that FMSB members can see live updates. | HA to upload workplan to shared drive and keep this up to date |
| 3.2 | Terms of Reference for Panels and Working Groups | |
| | The FMSB noted the updated Terms of Reference for panels and Working Groups. The FMSB agreed to review the powers that were delegated to panels at its next meeting and asked all panels to consider the scope of activities and delegated powers and suggest any changes so that the ToR could be finalised at the next FMSB meeting. | HA to ask all panels to consider ToR and add to the agenda for the next FMSB meeting |
| 3.3 | Process for Annual Update of Standards Framework & Code of Practice | |
| | The FMSB considered the proposed process for annual updating of the Standards Framework and Codes of Practice and agreed this, subject to the addition of an implementation date for each decision. HA to amend the proposed process and add to FMC agenda. | HA to amend process & add to FMC agenda |
| 4. | Items for Discussion | |
| 4.1 | MoJ Consultation: Issues arising for FMSB | |
| | The FMSB considered whether MIAM Standards and Guidance needed updating in the light of the forthcoming changes to the Family | FMSB members to agree changes to |

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| | <p>Procedure Rules; the FMSB agreed that the Standards did not need to be changed but that the guidance should be updated. FMSB members agreed to make suggested changes to the Guidance via e-mail.</p> <p>The FMSB agreed that mediators should be given re-assurance that MIAM standards do not need to be changed and given the opportunity to alert the FMC to the issues that it would be helpful to have guidance on. HA to consult RC & SJT as well as Caroline Bowden re newsletter wording.</p> <p>The FMSB noted that the guide to family mediation for the judiciary, court users and staff was being updated and that the FMC was asking the FJC and the President of the Family Division to endorse the updated guide. The FMSB noted the need to ensure that this was distributed to magistrates as well as judges, and that the Magistrates Association may be able to help with this.</p> | <p>MIAMs Guidance via e-mail</p> <p>HA to consult RC, SJT & CB re newsletter wording.</p> |
| 4.2 | DCA Panel | |
| | <p>The FMSB noted the draft minutes of the inaugural DCA Panel meeting held on 27.3.24.</p> <p>The FMSB noted that MoJ funding for development of a screening resource had not yet been secured, and that the panel may have to consider how the resource could be developed in the absence of this. The FMSB noted that the DCA Panel will address this at its May meeting.</p> <p>The FMSB noted the importance of remembering that the purpose of the screening is to ensure suitability for mediation and that just as important as ensuring that the resource was comprehensive was ensuring that mediators knew how to use it. The FMSB agreed that the term 'screening resource' should be expanded to refer in future to a 'resource to aid screening for suitability for mediation' or similar. HA to develop a short summary to address the development of this resource.</p> | <p>HA to draft summary addressing development of resource</p> |
| 4.3 | Complaints | |
| | <p>The FMSB welcomed the draft annual complaints report for 2023-2024 and thanked all the members of the complaints pool for their work on complaints panels during the last year. FMSB members were</p> | <p>FMSB members to send suggestions for amendments to report</p> |

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| | <p>invited to send proposals for change to HA with a view to the report being updated and published.</p> <p>The FMSB considered the following recommendations from the complaint panels:</p> <ul style="list-style-type: none"> • Whether it is appropriate for a mediator to invite a second participant to a MIAM when the mediator has signed a court form for a first MIAM participant, and whether a mediator should be obliged to tell potential MIAM/mediation participants when they have issued a C100 to another participant. The FMSB welcomed this recommendation and agreed to review the MIAMs Guidance in Summer 2024. • Being more explicit in stating that a mediator must have a complaints process that relates to all a mediator’s practice (including MIAMs). The FMSB welcomed this recommendation and agreed to reviewing the wording of the requirements for mediators to have complaints processes in place in Summer 2024. • Amending the good standing requirements to make clear that any temporary removal from a professional register must be declared to the FMSB and to say that mediators must (rather than can) declare any other relevant matters. The FMSB welcomed this recommendation and will recommend to the FMC that the Standards Framework be amended accordingly, in summer 2024. <p>The FMSB welcomed the recommendations for mediators, and agreed it should encourage all mediators to read these. The FMSB noted there were no patterns of complaints being made against mediators who worked in a particular way (eg mediators who work alone, for not-for-profit services or who have other professions).</p> <p>The FMSB welcomed the complaints review and agreed to discuss this at the next FMSB meeting.</p> | <p>to HA; HA to make changes and publish.</p> <p>HA to add to next FMSB agenda</p> <p>HA to add to next FMSB agenda</p> <p>HA to add to FMC Agenda</p> <p>HA to add to next FMSB agenda</p> |
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| 4.4 | PPC Panel | |
| | <p>The FMSB noted the draft interim report from the PPC Panel, the minutes from the meeting held on 12.2.24 and the draft minutes of the meetings held on 20.3.24 & 12.4.24.</p> <p>The FMSB welcomed the draft interim report and members were asked to suggest improvements that could be made to the format before publication in June.</p> <p>The FMSB noted that the PPC Panel was aiming to conduct further consultations with mediators in June.</p> | <p>FMSB members to send suggested changes to HA; HA to finalise with PPC panel for publication in June</p> |
| 4.5 | Training Panel | |
| | <p>The FMSB noted LB & LA's conflict of interest for this item.</p> <p>The FMSB noted the draft minutes of the Training Panel Meeting held on 27.3.24 and in particular the concern about a training provider which had run an approved Foundation Training Course seemingly with trainers who did not meet the requirements set out in the FMC Standards Framework. The FMSB endorsed the Training Panel's decisions that:</p> <ul style="list-style-type: none"> • the course provider which had been given approval to run the Foundation Course until March 2024 should not be continued pending a course inspection as planned, but should be withdrawn and the course provider should not be able to renew unless and until the FMSB was satisfied that its concerns had been addressed and the FMSB could have confidence that future courses would be delivered in accordance with the requirements of the Standards Framework; • To confirm the extent to which the standards have been breached, and how many courses have been affected; and • The confirm that delegates on the course(s) had the skills and knowledge necessary to have passed the training course, whilst not penalising or disadvantage the course delegates as they had undergone a training course which was approved by the FMSB in good faith. <p>The FMSB noted that training course provider was still displaying the FMC Approved Training Course logo and advertising its June course as approved – HA will contact the provider and ask that these be</p> | |

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| | <p>removed immediately. The FMSB also agreed a note should be added to the FMC website to say that the course is not approved at present.</p> <p>The FMSB noted that as the course had been run as an approved course, it had a responsibility to ensure the delegates affected were not disadvantaged. This may require material to be re-assessed, and individual action plans for course delegates. RC, AB & HA to work together to ensure suitable next steps are taken.</p> <p>The FMSB noted there was a need to change the Standards Framework to place responsibility on a course provider to provide remedies if they deliver an approved training course in breach of the Standards Framework.</p> | <p>RC, AB & HA to work together to ensure suitable next steps taken</p> |
| 4.6 | Accreditation Panel | |
| | <p>The FMSB noted the minutes of the Accreditation Panel Meeting held on 14.11.23 and the draft minutes of the meeting held on 8.3.24.</p> <p>The FMSB welcomed the detailed proposals for a viva-like 'clarification meeting' for those mediators who would otherwise receive provisional accreditation and who might achieve full accreditation if matters could be clarified (rather than there being documents missing for example). The FMSB agreed that it should trial the clarification meeting, and asked the Accreditation Panel to implement this.</p> <p>The FMSB noted that a number of good applications for assessors for the expanding assessment team had been received, and interviews would be arranged for May. The FMSB welcomed the induction programme that had been put in place by the Chief Assessor and noted that one new assessor had now completed this process and was conducting assessments independently to a high standard.</p> <p>The FMSB welcomed the report on portfolio outcomes for 2023 and agreed this should be published.</p> <p>The FMSB noted that the staged portfolio was being introduced in accordance with the implementation plan.</p> | |

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| 4.7 | Accreditation Policy Development | |
| | <p>The FMSB noted the ARG consultation summary and update on its work, noting the ARG would meet again before the next FMSB meeting.</p> <p>The FMSB noted the discussions that had taken place with Resolution regarding a possible new pilot.</p> <p>The FMSB noted that the issue of restricted accreditation would be revisited with the FMC at the joint FMC FMSB meeting in autumn.</p> <p>The FMSB agreed to consider the Terms of Reference for the Accreditation Evaluation Advisory Group at its next meeting.</p> | <p>HA to add issue to FMC/FMSB agenda</p> <p>HA to add to next FMSB agenda</p> |
| 4.8 | CIM | |
| | <p>The FMSB noted that the Ministry of Justice was due to publish guidance setting out that child-inclusive mediators could obtain enhanced DBS certificates, and the FMC was looking to facilitate this for self-employed mediators. The FMSB noted that it could now consider whether child-inclusive mediators must have enhanced DBS checks.</p> | <p>HA to add DBS checks to next agenda</p> |
| 4.9 | Scope of Practice & Terminology: Mediators Working Towards Accreditation | |
| | <p>The Chair invited FMSB members to send comments on the draft document which set out the current scope of practice for mediators working towards accreditation.</p> <p>The Chair noted the FMSB would revisit the issue of terminology later in 2024.</p> | <p>FMSB members to send RC comments on draft</p> |
| 4.10 | Assurance | |
| | <p>The FMSB noted the updated report on assurance.</p> | |
| 4.11 | Registration & Promotion Panel | |
| | <p>The FMSB noted the new Registration and promotion panel was due to meet before the next FMSB meeting.</p> | |
| 5. | Future Meeting Dates | |
| 5.1 | <p>FMSB Dates 2024:</p> <p>3 July (In person)</p> <p>16 October (Online)</p> | |