

FIFTY-EIGHTH CIVIL MEDIATION COUNCIL BOARD MEETING

5th May 2011, Chartered Institute of Arbitrators, 4.00pm to 7.00pm

Attendees: Sir Henry Brooke (Chair), Robin Ap Cynan, Amanda Bucklow, Nicola Cohen, Clive Lewis (Hon. Sec), Mark Mattison, Andrew Paton, Paul Randolph, Beverly-Ann Rogers, Richard Schiffer (Treasurer), Jeremy Tagg, Andrew Wareing, Bill Wood (Vice Chair), Tracey Stewart (Registrar)

MINUTES

1. Apologies for Absence

Heather Allen, Philip Bartle, Michael Cover, Gail Davis, James South.

2. Chair's Welcome

Welcome to AW now attending as ACAS observer as Keith Mizon has taken early retirement. Welcome back to the Board to AB.

3. Minutes of the last meeting 230211

SHB notes he has an outstanding action point to write to Judge Guggenheim. He asked that TS provide people with their action points for the future. The minutes were signed by the Chair.

4. Matters Arising

None.

5. Chair's Overview

This was provided to the Board with the papers prior to the meeting. SHB thought it was important to set the scene. He had tried to identify three different threads in the MoJ consultation paper and otherwise: 1) the idea of compulsory mediation for all small claims; 2) the proposal that the processing of all claims from £15,000 up to £100,000 should include a mandatory mediation session. The National Mediation Helpline Providers' Association were piloting this at three courts; 3) What takes the place of the National Mediation Helpline (RapC commented that he had been putting a family mediator in court for half a day each month but that it was barely economical).

There were then a whole host of issues regarding the new website and what we should do with it, training issues from last year which needed to include workplace and community and life after the BIS and MoJ consultation papers. All would be discussed at the Board Away Day on 8th June.

6. Hon. Secretary and Officers Report

6.1 A report from the Officers Plus meeting on 30th March 2011 was circulated with the Board papers prior to the meeting.

6.2 The Board agreed that TS could now destroy the voting papers from the February 2011 Board elections.

- 6.3 The Board Away Day agenda had been sent out with the papers prior to the meeting. AP would find out if Pinsent Masons in London could host and CL confirmed the facilitator as Leatham Green from East Sussex County Council. The Board agreed.

7. Treasurer's Report

- 7.1 RS advised that Provider and individual membership plus accreditation were doing fine. Workplace membership plus registration however had been disappointing. Nicole Nwasike has now left and following a handover meeting prior to her leaving, it had been decided not to replace her in workplace. RS felt that workplace was not being tackled in the correct way and there was no money to replace her.

RS felt the conference would produce a good result on what he has seen so far and it will be a good year as expected.

- 7.2 With regards to the 2010 accounts drawn up by the accountants and circulated prior to the meeting, RS would like the Board's approval to sign these off. It was agreed to provide £1k in charitable donations each year. The 2010 accounts were agreed by the Board subject to minor typo amendments.

- 7.3 RS then moved on to discuss possible charitable status for the CMC. BAR had introduced him to the lady who helped with CEDR's charitable status to talk him through the process. She will help RS with a presentation to the Board at the Away Day in June. If the Board give the go ahead after that then we can move forward to the next step.

There was much to consider. Considerations included the Constitution being changed, the CMC's work has to be for the public and as we are membership based, it will not be easy to raise money, and we would not be able to campaign for changes to legislation. The Board need to think carefully about why we would want to do this. There is no hurry.

SHB read the note from Philip Cullum of Consumer Focus who was unable to attend today. They wanted more focus on consumers as do the Communications Committee.

8. Written Reports to the Board

8.1 Committee reports from:

(a) Workplace

CL briefly talked of the response to the BIS consultation and the survey carried out by Dr. Paul Latreille. It will be three months before we hear back from BIS with the consultation outcome.

The WP forum had been excellent with around 30 attendees. The Minister, Edward Davey, was very generous with his time and CL thanked GD and Natasha Chopra of BIS for helping with the organisation.

With regards to the Ken Cloke CPD session on 23rd May, around 30 people were booked to attend. It was a one-off event.

Some Board members felt the CMC should do more of this and that the price of £99 was very good to hear someone like Ken Cloke. SHB advised this was a policy issue and we could look at what to do for the future in relation to “educational” activities of this kind. BAR requested that this item go on the Board’s away day agenda.

SHB said the CMC has not got the relationship with workplace right. CMC Registered had not taken off in the way expected and the forum attendance was not great. He asked CL if it was worth having a meeting with the workplace providers about what the relationship should be from now on. CL agreed this was a good idea. The CMC was still seen as lawyer-centric but workplace was different. Very few from workplace were attending the conference and it was felt the same would happen if community mediators also came on board. The Board agreed that SHB and CL would work out the relationship with workplace with the providers and BIS.

AW of ACAS then gave the Board some information on his background. He was a workplace person as opposed to a mediator. His background was in industrial relations and he had been at ACAS since 1995. He lives in Newcastle and is now the ACAS Director of Delivery. ACAS are entering a new era of listening to government more than say the Industrial Tribunals Service and are looking forward to seeing what happens after the BIS consultation. He is convinced the market is to be grown. The government are not giving money but they do need to help - so what is their role? AW said one thought he had on barriers to mediation was around accreditation or qualifications of mediators – had users actually complained about this? He felt the use of mediation was about word of mouth, people use it then they talk about it. The focus should be on when it can be used and its effectiveness, not quality control. SHB said he was grateful to ACAS for AW’s attendance at the meetings now and advised that the CMC had got involved because when the new Act came into force there were concerns about workplace mediators coming out of the woodwork with no training, etc.

SHB also spoke of Edward Davey, the minister who spoke at the forum, saying he was extremely cordial and felt that private mediation providers had an important role to play. He offered to attend an Officers Plus meeting later in the year. He was interested and keen to listen. A heavyweight response had been given on the BIS consultation and he thanked CL for his work on this.

(b) Accreditation

The process of accreditation and reaccreditation was now complete for 2011. A short report given out at the meeting set out the number of members each provider had. NMH providers were very slightly down this year. SHB feels that nearly all civil providers are coming to the CMC for accreditation and find it a useful kite mark. The new committee would now take over.

Training will be discussed at the Away day. There had been three requests from other providers now for training recognition. Conversion courses would also need to be on the agenda of the Committee going forward.

(c) Academic

PB had been away so SHB had co-chaired this meeting. The report had been circulated and it had been a good meeting.

(d) Communications

The Committee feel the website needs to be more outward looking to consumers at least as much as for members. There was no identified significant cost at this stage for the next year or so although ultimately it may require a redesign of the front page. If we are looking at users then we may need to talk about regulation or quality assurance. If the Board agreed a move towards charitable status then it would have to be changed anyway. If this shift of emphasis was agreed following the Away day then it should be costed then. The Board endorsed the recommendations for early action that were contained in the Committee's paper.

More front page news and new photos were required by David Simmonds to keep the website fresh. There will be conference information to come shortly but there were also photos from the workplace forum and the Lord Slynn Prize photos that could be used.

(e) Outreach, Conferences, and Forums

Just the conference to cover. See point 11.

8.2 Government Activities:

(a) MoJ

JT advised the MoJ were waiting to see the results of the consultation. The EU Directive comes into force in May. The NMH website was now no more and the details were now on Direct Gov. The MoJ are still looking for the CMC to accredit providers.

(b) BIS

No representative at the meeting.

8.3 Meetings with Providers and Groups

Same as last time. If TS sends out a request from a provider for a meeting then please try to assist.

9. Planning the Response to the MoJ Consultation Paper

The Board authorised SHB, WW and PB to co opt a working party to plan the response to the consultation paper. We also needed to listen to what members say at the conference. A response from the field was required for the Board Away day.

10. List of Members on the Website

The list was now up and running although workplace individual members do not qualify under the current Constitution to appear on the list.

11. Conference

The room layout was cabaret style this year. The venue, materials and speakers were looking great. Around 60 people were booked in for the dinner the evening before.

AB was setting up a LinkedIn group related to topics of the conference.

12. Working Party on Community Mediation

The working party will arrange to meet after the away day.

13. EU Mediation Directive

The Directive comes into force this month.

14. SCMA Membership of the CMC

SCMA are associate members but would like consideration of how they might become more involved with the CMC. The very important work this association of mediation advocates was doing was acknowledged. WW will speak to Andrew Goodman to find out in more detail what they are thinking.

15. A.O.B.

None.

16. Dates of Meetings

(a) CMC 5th National Conference – 10th May 2011

(b) Officers Plus – 8th June 2011

(c) Board Meeting 59 – 6th July 2011

NO MEETING IN AUGUST

(d) Board Meeting 60 – 7th September 2011

(e) Officers Plus – 12th October 2011

(f) Board Meeting 61 – 23th November 2011

(g) CMC AGM – 14th December 2011

(h) Officers Plus – 11th January 2012

(i) Board Meeting 62 – 16th February 2012

(j) Officers Plus – 21st March 2012

(k) Board Meeting 63 – 25th April 2012

Meeting ended at 6.39pm

Signed:

(Sir Henry Brooke, Chair)