

## **SIXTY-FIRST CIVIL MEDIATION COUNCIL BOARD MEETING**

**Wednesday 23<sup>rd</sup> November 2011, 1630 to 1900, Chartered Institute of Arbitrators**

Attendees: William Wood QC (Vice-Chair), Richard Schiffer (Treasurer), Clive Lewis OBE (Hon. Secretary), Heather Allen, Amanda Bucklow, Philip Bartle QC, Peter Causton, Colin Manning, Mark Mattison, Paul Randolph, James South, Dominic Stanton, Jeremy Tagg, Tracey Stewart (Registrar).

### **MINUTES**

1. Apologies for Absence

Sir Henry Brooke (Chair), Gail Davis, Andrew Paton, John Price, Andrew Wareing.

RS updated all on SHB's absence.

2. Vice-Chair's welcome

WW welcomed all to the meeting.

3. Minutes of the Last Meeting 7<sup>th</sup> September 2011

The minutes were agreed and signed by the Vice-Chair.

4. Matters Arising

No matters arising not covered in the agenda.

5. Secretary and Officers' Report

5.1 Officers' Report

All covered throughout the agenda.

5.2 AGM

All had been advised on the venue change to Holborn Bars. There were no constitutional changes. It was hoped the Lord Slynn Prize winner would be in attendance.

5.3 Mediation Leader Meetings

RS talked of the meetings with community, family, workplace and the Law Society. The conversations focused on whether there should be one mediation council and if so how to do this. Not all sectors are for this at present although most agree mediation should be talking with one voice. In this respect, consideration of a name change would go on hold until the new year. The membership can be informed at the AGM that these talks have taken place. As part of this, domain names for the 'Mediation Council' have been purchased but not necessarily for the CMC.

5.4 Lord Slynn Prize 2011

The Officers had discussed the three nominations received and had chosen the 2011 winner.

5.5 2012 Board Elections – transition period

The 2012 elections will be announced at the AGM. Those elected will serve three year terms. TS will make a minor amendment to the formal notice to go out to all

members the day after the AGM. WW will contact Judge Guggenheim to ask if she would be willing to count the votes again for 2012.

## 6. Treasurer's Report

### 6.1 Membership

Individual membership is now approaching the 400 mark.

### 6.2 Finances

As it stands the profit is to be approximately £10k.

### 6.3 2012 Budget

The 2012 budget has been prepared on the basis of 2011 with TS as the only employee. The conference makes a difference to the profit. The assumptions are good and reasonably conservative. The budget was approved by the Board. HA asked about plans to increase income to employ more staff. Ideas were discussed in brief. It was thought an umbrella body and full accreditation could make the difference.

### 6.4 Company limited by guarantee and PI insurance

Details to become a company limited by guarantee are now being finalised. It is envisaged this proposal will go to an EGM in 2012. The insurance application has been made and should be in place shortly.

### 6.5 Student Membership

The Outreach Committee will develop a proposal for student membership. Full time education will be one of the criteria.

## 7. Written Reports to the Board

### 7.1 Committee reports from:

#### (a) Workplace

CL talked of the revisiting of the workplace objectives. The BIS consultation response with regards to resolving workplace disputes had been sent around the membership today, published on the website etc. CL talked through the key points. The Committee are invited to a meeting with GD at BIS in this respect on 12<sup>th</sup> December. BIS are planning to carry out a London forum and a forum up north during 2012. It may be the CMC can have a joint forum with BIS rather than run its own in March as planned.

AB talked of the Restorative Justice programme recently on the BBC which was very good. Re-offending rates were shown to be lower with victims and offenders meeting. JT mentioned that MoJ groups were looking to do community resolution for low level criminal offences and neighbour disputes.

#### (b) Accreditation

WW asked for views on the draft accreditation scheme document for training providers. The scheme can be presented to members at any EGM that goes ahead. A questionnaire still needs to be developed. JT asked if individuals were accredited under a CMC accredited training scheme how that meant there were not CMC accredited mediators? WW advised that the CMC accredit providers and not individuals but it could become a form of delegated accreditation in time – via providers of mediation, not training providers.

There was a discussion around contract law. When the accreditation scheme for providers was first developed, the requirement in training was aimed at

non-lawyers. PR felt the law element was dangerous i.e. what about costs, what is basic contract law, where do you stop? There was also discussion around whether training providers had any responsibility to find those they trained observerships. It was also thought the scheme must be course accredited and not training provider accredited. HA believed the word 'accreditation' was unfortunate as we already have an accreditation scheme. The Committee will revisit the terminology used.

The Accreditation Committee will finalise the scheme and then distribute it to training providers to see if they can work with it. It will then go to the Board for sign off in January with a view to the scheme being in place during April 2012. It was thought standards would continue to develop over time.

(c) Academic

The Academic Committee thought if the CMC had money for research then it should think about topics it would like researched and then put out a call for proposals in what is a competitive field.

(d) Communications

The Committee had a very productive meeting on 15<sup>th</sup> November. A website policy was being developed. It was thought training courses and events could go on the events page of the website with a template to ensure consistency. The Board discussed whether members should be charged to use this service. There could be a higher charge for using the messenger. Training being advertised was queried as CMC full members are already trained but many would be looking for CPD events. TS is working on the identity manual. Some of the Committee are meeting with the CMC Webmaster on 28<sup>th</sup> November.

(e) Outreach, Conferences, and Forums

Conference discussed at point 9.

7.2 Government activities:

(a) MoJ

JT advised that the consultation response was imminent.

(b) BIS

GD was not at the meeting. The response to resolving workplace disputes had been published today as per point 7.1(a).

7.3 Meetings with Providers and Groups

(a) Midlands Mediation Network

AP was not at the meeting but his report had been received in what looked like a useful meeting.

7.4 NMPA Update

The group were looking to formalise their meetings and would no longer be a forum but a trade association. They are working on a constitution. The prime intention is to work with the CMC and not in competition with the CMC. They want to be more commercial and sell mediation as opposed to the CMC who are more academic, regulatory etc. They are working with JT and the MoJ and are looking at issuing a leaflet on pre-allocation. They are planning to relaunch in March 2012.

A number of Board members were confused by the role of the NMPA and asked why they could not do this work as part of the CMC? They felt yet another body could cause confusion especially when all the recent talks were about one voice in mediation. DS explained the group had been going prior to the NMH and that some providers feel more comfortable talking amongst themselves rather than via the CMC. It also meant the group fed back to the CMC as a group rather than many different individual providers. WW talked of good work the group had done. CL asked if they asked providers for a charge and DS advised they asked for a small contribution for items like leaflets.

JS asked the group to consider holding their meetings etc under the CMC and vice versa.

8. MoJ Consultation

As per point 7.2(a).

9. Sixth National Conference - May 2012

(a) Date: Tuesday 15<sup>th</sup> May 2011

(b) Venue: Senate House, London

The speakers and programme are being worked on and ideas were talked about. WW will look for sponsorship again for 2012. TS was asked to approach all accredited providers to see if anyone would like to consider sponsoring the conference. Included in the £3k cost would be a trade stand, 2 people attending the conference to man the stand, attend the conference and attend the dinner the evening before. Ticket sales could start in January. Their organisation logo would also appear on the brochure etc.

10. Community Mediation

This item can now be removed from the agenda following all the recent sector meetings as it is being picked up there.

11. A.O.B.

None raised.

12. Dates of meetings

- (a) CMC AGM – 14<sup>th</sup> December 2011 – Holborn Bars
- (b) Board Meeting 62 – 11<sup>th</sup> January 2012
- (c) Board Meeting 63 – 22<sup>nd</sup> February 2012
- (d) Officers Plus – 21<sup>st</sup> March 2012
- (e) Board Meeting 64 – 25<sup>th</sup> April 2012
- (f) Sixth National Conference – 15<sup>th</sup> May 2012
- (g) Board Away Day – June date tbc
- (h) Officers Plus – 13<sup>th</sup> June 2012
- (i) Board Meeting 65 – 11<sup>th</sup> July 2012  
NO MEETING IN AUGUST
- (j) Board Meeting 66 – 12<sup>th</sup> September 2012
- (k) Officers Plus – 24<sup>th</sup> October 2012
- (l) Board Meeting 67 – 28<sup>th</sup> November 2012
- (m) CMC AGM – 12<sup>th</sup> December 2012

Meeting ended 1830.

Signed: .....  
(Sir Henry Brooke, Chair)