

FMA guidelines for use of Artificial Intelligence in Mediation:

The fast-moving development of Artificial Intelligence offers smarter ways of working and also raises ethical, data privacy and confidentiality issues that must be understood and considered by mediators.

Accordingly, The Family Mediators Association has produced a set of interim guidelines to support FMC Code of Practice-compliant use of AI by mediators. Please note, the Family Mediation Council is yet to produce AI guidelines for mediation, and these guidelines may be superseded once it does so.

1. CONFIDENTIALITY OF INFORMATION:

It is important to be aware how open AI platforms use the data that end-users input. Platforms like Chat GPT and Claude are constantly learning from the information users provide. You should assume that anything you enter is not completely private.

To protect the privacy of you and your clients, follow these best practices:

- **Do not share sensitive information:** Avoid entering personal identifiable information (PII), passwords, financial details, or proprietary business secrets.
 - **Manage your settings:** Review the data controls and privacy settings on AI platforms and opt out of model training if concerned.
 - **Use caution with shared links:** Be aware that shared conversation links can be publicly accessible to anyone with the link.
 - **Consider business tiers:** If you need to process sensitive information for work, use the Enterprise or Team versions, which have stronger data governance policies by default.
- **GDPR regulations:** Mediators must ensure clients have access to any personal data held on file. Consultation with the Information Commissioner's Office (ICO) is recommended for guidance on data protection. AI tools that store data in the cloud must be used with caution.

2. **CONFIDENTIALITY IN MEDIATION:**

AI tools must not be used to generate verbatim transcripts of mediation sessions. This practice conflicts with the principles of confidentiality that underpin mediation, whereby clients are afforded a protected, safe space to explore options and speak openly without fear of being bound by a fixed record. Recording conversations may inhibit openness and spontaneity among participants, undermining the very foundation of mediation.

3. **PERMISSIBLE USES OF AI:**

AI may be used to assist with internal-facing tasks such as editing session summaries, improving tone in communications or shortening emails. AI must not replace mediator judgment or generate autonomous work without human oversight. Eg, a mediator may use AI to refine the wording of a session summary but must ensure the final version reflects their professional judgment.

4. **DATA PROTECTION AND TRANSPARENCY:**

- AI use must be flagged to clients, in the mediation agreement and verbally.

5. **CLIENT USE OF AI AND RECORDING TOOLS:**

- Be aware that many clients will be using AI and online transcription models themselves. It may be helpful to use the FMC's Tips for Online Mediation when discussing confidentiality

under the Agreement to Mediate - [Guidance and Tips for Online Mediation – Members Area](#)
[– The Family Mediators Association](#)