



To: Family Mediation partners

2nd
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FAMILY MEDIATION UPDATE AND STRATEGY FOR 2016

You may be aware that before Christmas, in a response to Relate's "Breaking up is Hard to Do" report, I stated my desire to reform the private family law system so that it better meets the needs of those who use it. I want to update you on this, along with the steps we are taking to promote mediation and highlight developments in the regulation of family mediation, which will be of interest to you in the profession. It is also a chance to thank you for the role that you, as mediators, play in out of court dispute resolution – helping parties work together to make arrangements in a non-adversarial manner.

Reform of the private family law system

Late last year I spoke at two events – "Supporting Families Through Separation" run by Resolution and the launch of Relate's "Breaking Up Is Hard To Do" report. I was very happy to participate in these, as their aims echo my own views on family justice and the current system.

I want to see a system which minimises the impact of separation on parents and their children, brought about by a cultural change to enable people to solve their own disputes in a less acrimonious way and not look to the court to do it for them. With the right support, most separating couples should not need to take their disputes to court.

Our Varying Paths to Justice report, published in December 2015, shows that people feel they would benefit from improved access to clear and timely information about the options available to them to help them resolve their problems - especially online. An improved system should include clear and timely information, which signposts individuals to the options available to them, and helps parties to make their own arrangements. The family law system should not have a one-size-fits-all approach, but instead be responsive to individual needs. This is not about excluding lawyers, but recognising that people should not always require a lawyer to access accurate information or understand the system.

We will be taking on board the wide range of research and professional insight as we consider how best to help those experiencing separation. There are many working in family justice and in mediation, legal, voluntary and other sectors that have important experience in this area.

Recent performance of publicly funded mediation

I wish to reiterate my belief in the benefits of family mediation and I am committed to making sure that more people make use of it where appropriate. I was therefore pleased to see that up until June 2015,

the number of publicly funded mediations rose in five consecutive quarters. Although, disappointingly this growth did not continue into the last published quarter, the number of publicly funded mediation starts remains higher than the corresponding period in 2014.

It is, however, disappointing that the number of couples attending publicly funded Mediation Information and Assessment Meetings (MIAMs) has fluctuated recently. The MIAM is an opportunity to get people through the door, discuss their suitability and inform parties what mediation and other forms of dispute resolution can offer. However, increasing referrals to MIAMs is not enough. What I really want to see is more people progressing on to mediation and other appropriate forms of dispute resolution, agreeing their own way forward and resolving their disputes away from court.

I am sure you will agree when I say that mediation should not be seen as a 'magic bullet'. There are some instances where the court needs to make decisions in the most serious or complex cases. The court also has an important role to play in verifying consent orders, where agreements made between parties can be 'rubber stamped' (and every approved consent order, where the terms have been negotiated and agreed away from court, should be seen as a success). But more must be done to introduce people to the benefits of out of court dispute resolution.

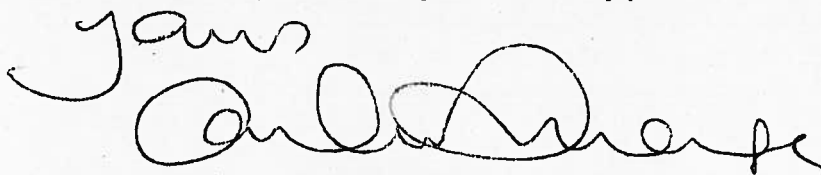
Developments in Family Mediation

Work continues to embed the new Professional Standards Framework, introduced by the Family Mediation Council (FMC) in January last year and characterised by a single professional designation, FMCA (Family Mediation Council Accredited Family Mediator). From 1 January 2016, a mediator holding FMCA status is able to sign the relevant MIAM page on the C100 application form or other appropriate court form should they be required to. Guidance on MIAMs and signing court forms has now been published by the Family Mediation Standards Board (FMSB), an independent board responsible for setting and maintaining professional standards for family mediators. The FMSB provides a transparent accreditation system to enhance the standing of mediation as a profession.

The FMC and FMSB have also implemented a central registration of individual family mediators. The FMC Register of family mediators is now stored on a database, providing an accessible list for potential clients. I understand that almost 1,200 family mediators have now registered with the FMC, half of whom are accredited FMCA mediators, with over 150 mediators having already submitted their portfolios for assessment. All of this is most encouraging as it demonstrates a commitment to the profession's high standards and system of accreditation. I have been impressed by the contribution the FMSB has made and believe the FMC and its member organisations deserve credit for the work they have done to establish both the FMSB and the Standards Framework.

Building on last year's 'First Stop: Family Mediation' communications campaign, which saw a 340% increase in visitors to the FMC website and a 45% increase in visitors to their 'find a mediator' page, in January this year, MoJ launched a new public information campaign. It aims to provide information to parties to help them resolve disputes away from court and to signpost people to mediation, as well as other dispute resolution resources, including the Separated Parents Information Programme (SPIP) and the Parenting Plan. It has been encouraging to see how many in the legal and mediation professions have contributed to and supported this campaign. The full range of information, leaflets and posters can be accessed via: www.gov.uk/government/publications/family-mediation

Thank you again for your hard work in 2015 and I look forward to working with the FMC, member organisations and mediators as we develop a private law system that truly places the user at its heart.



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