

Family Mediation Survey 2019 - Results



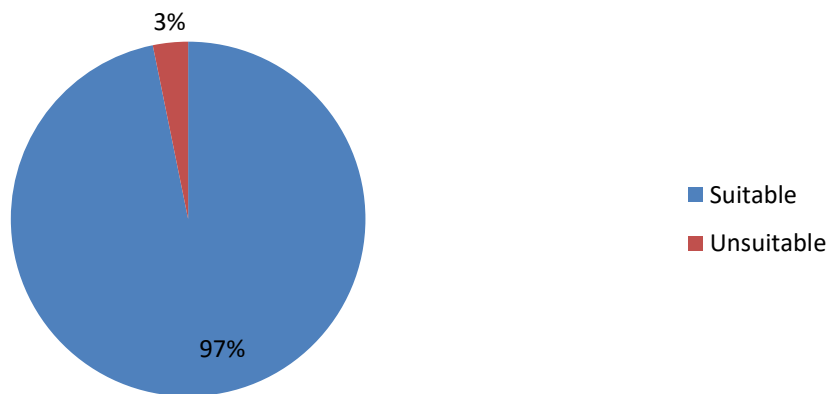
The 2019 autumn family mediation survey had a good response from mediators, with 122 responses.

A higher proportion of accredited mediators answered the survey than mediators working towards accreditation. Respondents were broadly representative of mediators in terms of membership of FMC Membership Organisations (MOs).

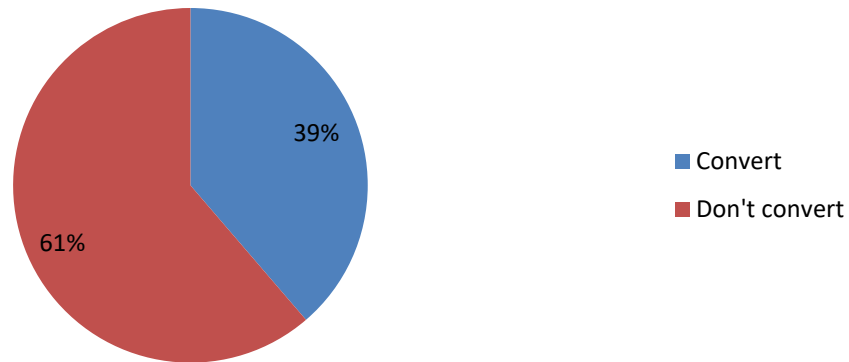
Volume of MIAMs and conversion from MIAMs to mediation

Between them, respondents to the survey had carried out 8479 pre-mediation assessment meetings or MIAMs in the last 6 months.

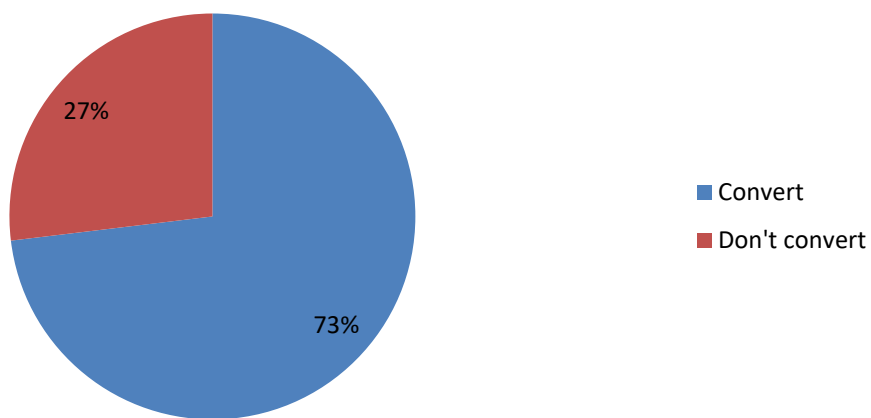
Percentage of MIAMs cases judged unsuitable for mediation by the mediator as a result of domestic abuse



Percentage of MIAMs cases not judged unsuitable by the mediator due to domestic abuse that converted to mediation



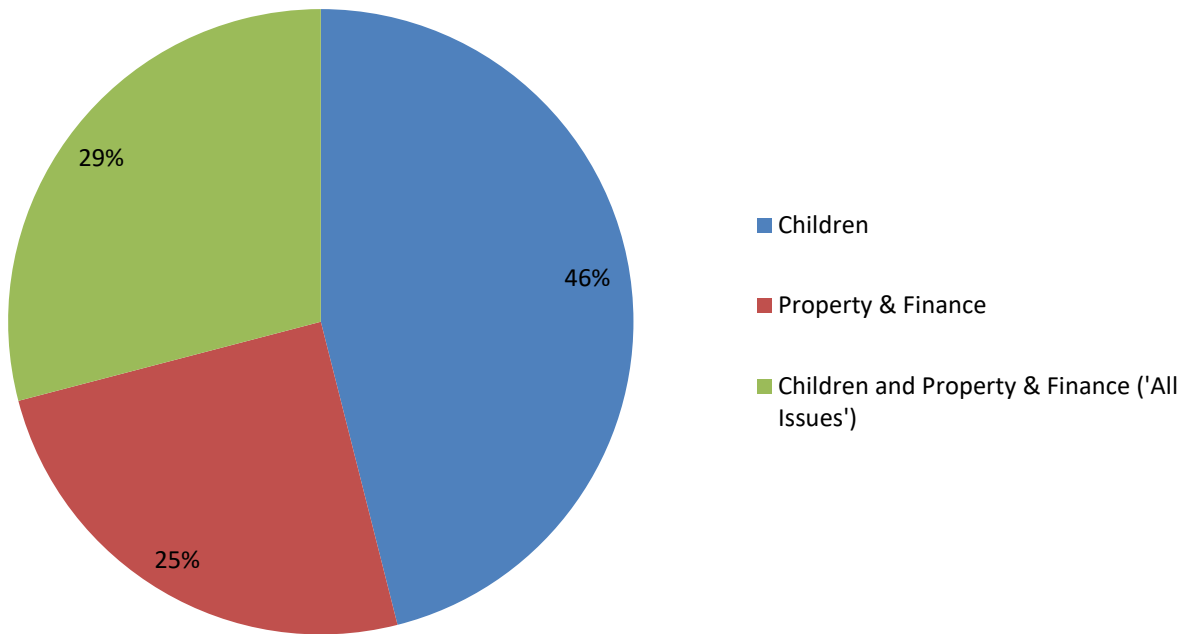
Percentage of MIAMs that converted to mediation when both parties attend a MIAM



Volume and type of mediation

Based on the number of mediations conducted by the respondents (2161) over the last six months, the number of mediations conducted by registered mediators over the course of a year can be estimated to be 37,000.

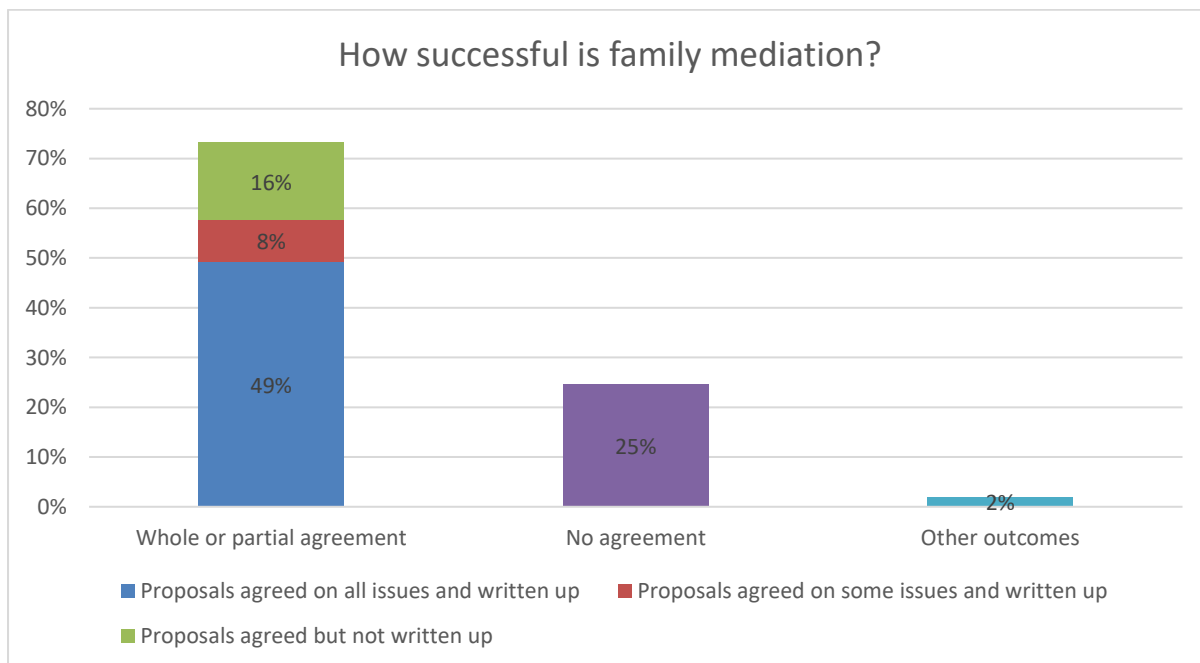
Type of issue being mediated



33% of cases involved children aged 10 or above still living at home. Children were consulted in 26% of those cases.

In 15% of the mediations which took place, there had been domestic abuse within the family.

How successful is family mediation?



After mediation has concluded

Only a small number of respondents knew what happened to cases after they had produced outcome documentation. Those did know commonly said 80% or over obtained a court order by consent for financial matters. Those respondents who mentioned children only cases said that they rarely resulted in an order, instead resulting in either an open letter or parenting plan.

Many mediators wrote to participants shortly following the conclusion of successful mediations, with a feedback form or questionnaire. Some reminded participants that they could return to mediation if needed. About a third of respondents said they followed up with a telephone call, e-mail, or letter at a later date to identify how the case had concluded and again to remind participants that they could return to mediation if needed.

Family mediation not involving separating couples

One third of respondents had conducted mediations in the last 6 months concerning families but not the breakdown of a couple's relationship.

The vast majority of these mediators had carried out small numbers of cases (i.e. one or two), but a handful had carried out over 15. Those cases most commonly concerned grandparents, but also included family relationship mediation between children and their parents and disputes between in-laws.

Private vs public funding

51% of respondents didn't work in a service which had a legal aid contract; 49% of respondents did.

On average, respondents who worked in a service which had a legal aid contract estimated that the proportion of family mediation they carried out where one or both parties had public funding was 44%.

45 respondents were qualified to consult children directly and had a legal aid contract. 75% of these said they carried out CIM in publicly-funded cases but few had done so in the last few months, with the majority of those who had done so citing only one or two cases. Mediators said that this was either because there were no children over 10 involved, or because clients would not consent to the children being consulted.

Those who were CIM qualified and had a legal aid contract, but who did not carry out legally aided CIM, questioned the commercial viability of doing this work. One mediator said 'It isn't financially viable - £294 plus VAT per person for at least two mediation meetings plus a meeting with the children works out at around £50 per hour not including admin.'

Cost of mediation information and assessment meetings (MIAMs)

The majority of mediators (71%) charged a fixed fee for an assessment or MIAM. The average cost of a MIAM was £107 per person.

The average length of time for an assessment or MIAM was 54 minutes (with the vast majority of mediators offering either a 45 minute or hour-long assessment).

Most (80%) of mediators did not charge separately to sign a court form following a MIAM, but 20% did, with an average of £58 being charged.

Cost of mediation

The average fee that mediators charged for privately-funded work was £140 per person. The lowest fee that mediators charged was £50 and the highest £333, per person per hour. These figures include VAT where this is charged.

A very small proportion (3%) of respondents offered fixed-fee packages for family mediation consisting of more than one session plus paperwork. The packages varied from 2 x 2-hour sessions and paperwork for £780 to £2500 for 6 x 90-minute sessions and paperwork.

Some respondents had a range of charges and operated a sliding scale according to income.

The average total cost for both participants to attend a MIAM, a successful mediation, and any relevant outcome documentation was £1641. (NB A successful mediation is one where participants reached agreed proposals on some or all issues, whether or not end of mediation documentation was produced).

Length of sessions

Respondents' sessions varied in length from 45 minutes to 2 ½ hours. Sessions were most commonly 90 minutes long.

Cost of supervision

PPC support costs were, on average, £103 per hour (inc VAT, where applicable). The lowest amount a PPC charged per hour was £28, the highest £240.

Some mediators had in-house PPCs, for which there was no direct cost to the mediator and others had reciprocal arrangements with their PPC.

Other mediators had fixed-fee arrangements with PPCs. The range of those reported in the survey was £200 - £840 per year.

Forms of Non-Court Dispute Resolution, personal or family support available to separating families

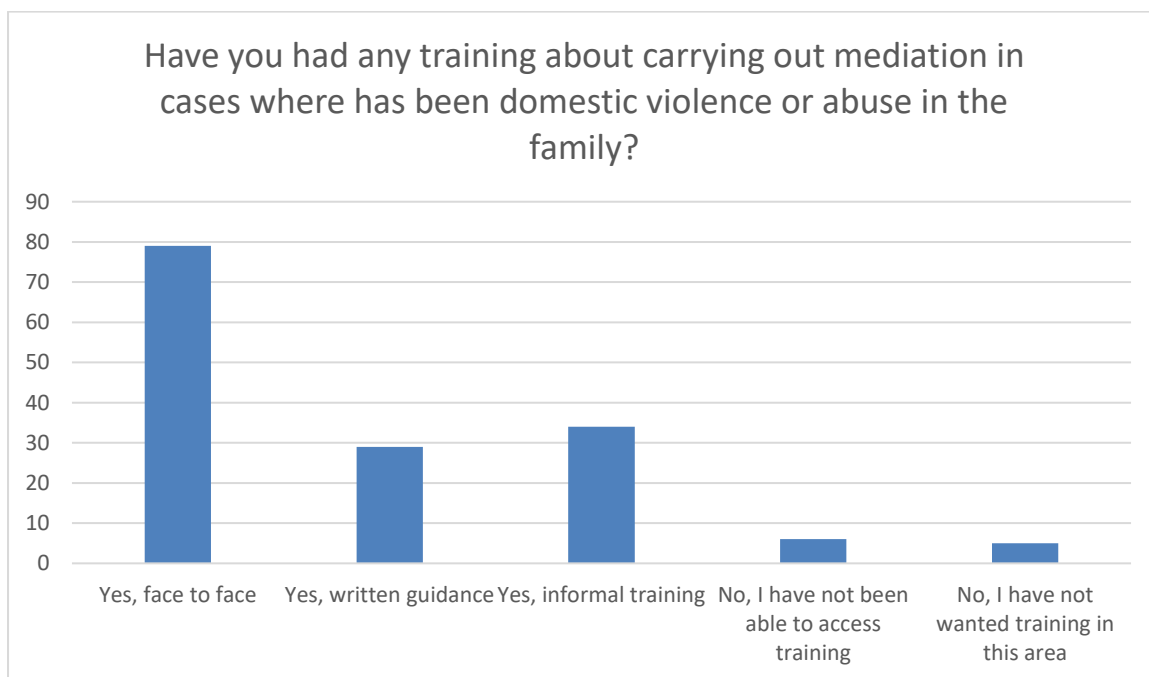
Mediators were asked what forms of non-court dispute resolution, personal or family support was available to support separating families in their area. The responses were varied, with some including a long list of support services, and others saying they were not aware of any, or limiting their responses to solicitors or arbitration.

Features of successful and unsuccessful MIAMs

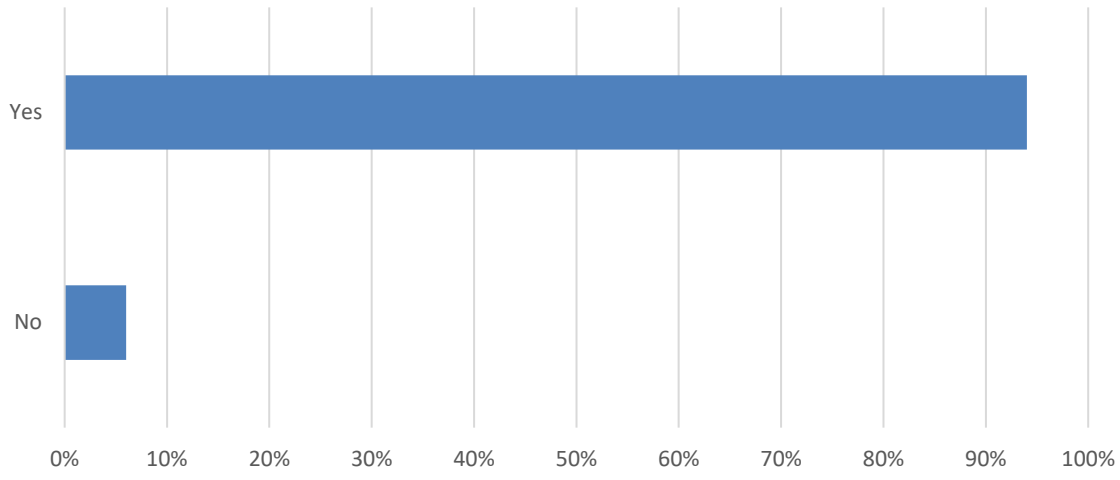
A client's ability to fund mediation, trust between mediator and client, willingness to listen, engage and provide information so that clients could make an informed choice about the right way forward for them were all listed as key features that helped mediators convert from a pre-mediation meeting to mediation.

The adverse influence of a client's solicitor and a 'tick-box' approach to a MIAM were frequently listed by respondents to the survey as features of cases which were less likely to convert to mediation. Mental health issues, a fear of their ex-partner and of participating in the process were also listed as features of cases which were less likely to convert to mediation.

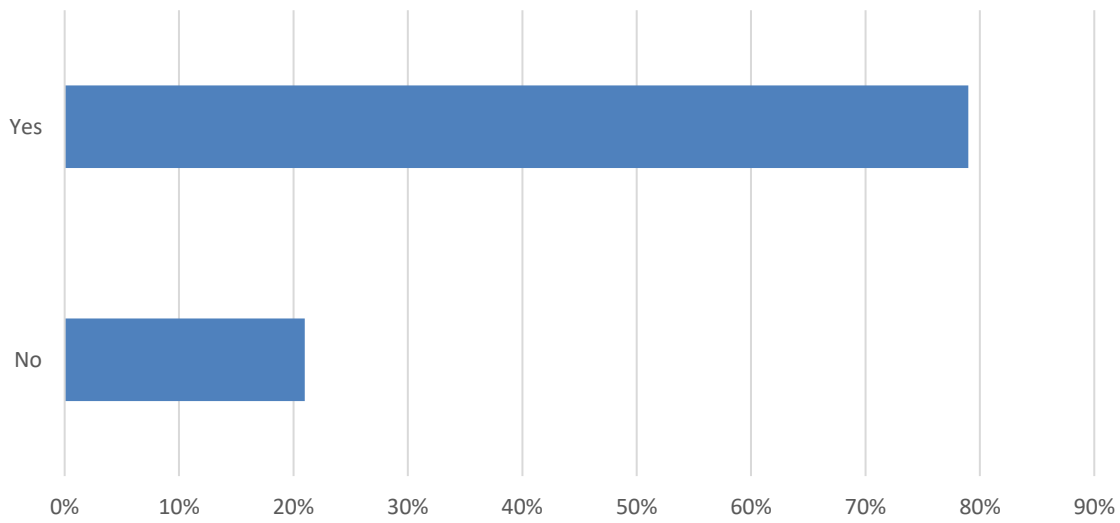
Cases where there has been domestic violence or abuse in the family



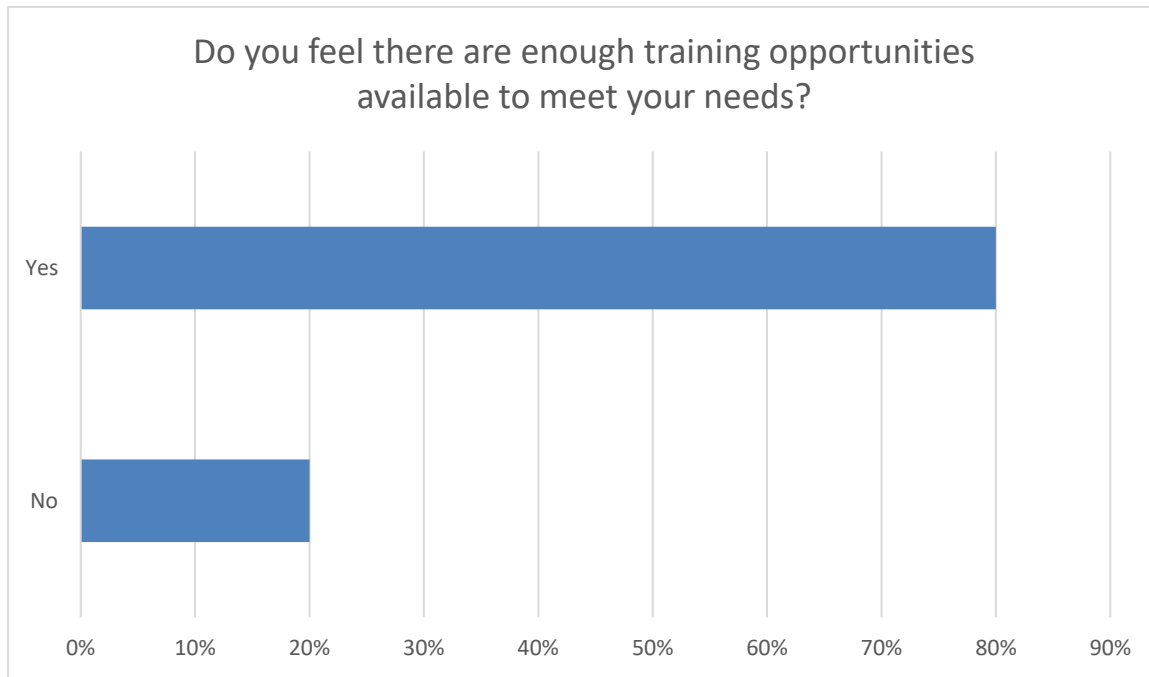
Do you feel confident about assessing whether mediation is suitable in cases where there has been domestic violence or abuse in the family?



Do you feel comfortable in facilitating mediation where there has been domestic violence or abuse in the family?



Training



Mediators who felt that there were not enough training opportunities available to meet their needs commonly mentioned that training should be more affordable and less London-centric.

Promotion and marketing

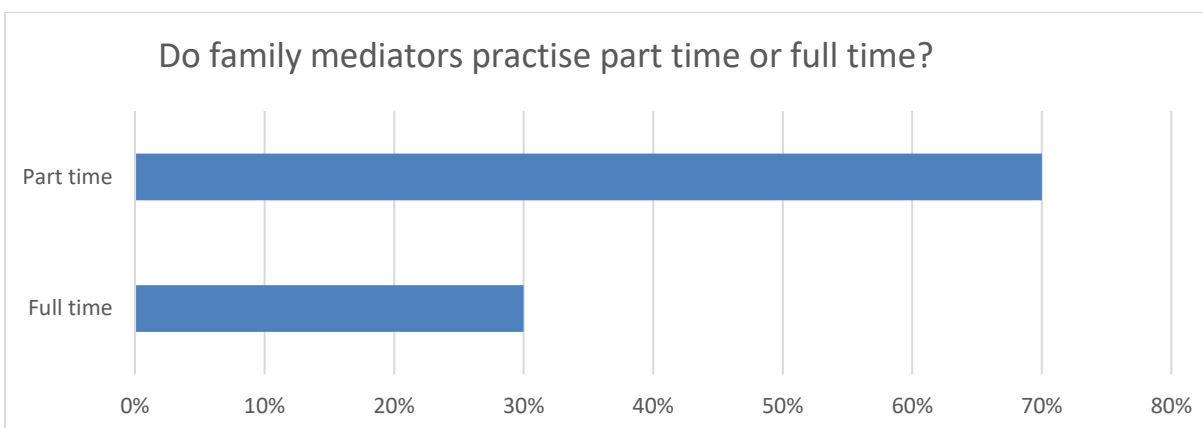
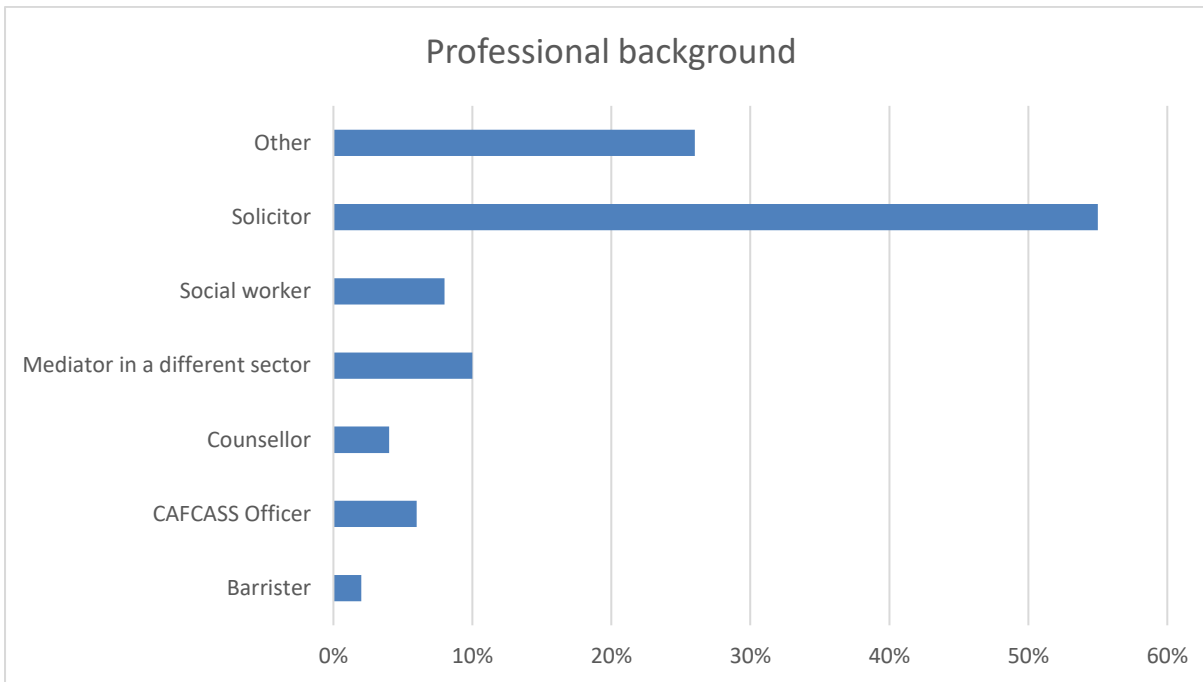
Many respondents said the courts needed to do more to enforce MIAMs rules and encourage mediation. The government, FMC and MOs were also identified by respondents as needing to do more to promote family mediation.

The vast majority of respondents felt confident in marketing their practice.

Mediators ranked sources of referrals as follows:

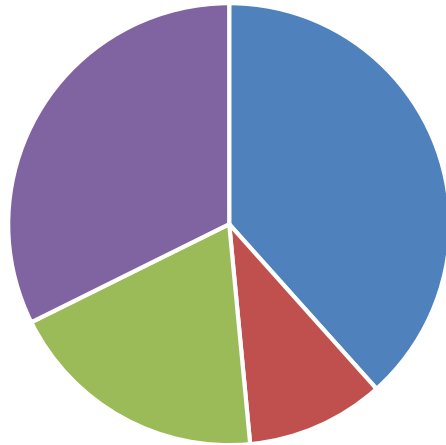
| Item | Rank |
|------------------------------------|------|
| Solicitor | 1 |
| Online - own website | 2 |
| Referred from friend/family member | 3 |
| Online - FMC website | 4 |
| Advice organisation (eg CAB) | 5 |
| Court | 6 |
| Online - other website | 7 |
| Other | 8 |

The background and practices of mediators who completed the survey



Just over 1/5 of mediators said they practised non-family mediation. The most common types were workplace (10% of all respondents) and commercial (9% of all respondents).

How mediators practise



- As a sole practitioner
- For a not for profit mediation organisation/charity
- For a for profit mediation firm
- For a law firm

Number of Years' Experience

