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The Rt Honourable Robert Buckland MP  
Secretary of State for Justice

Care of Martin Hau, Ministry of Justice  
By e-mail

20<sup>th</sup> March 2020

Dear Secretary of State

### **Legal Aid Proposal - Covid-19 Pandemic**

We are writing to set out a proposal to ensure that family mediation firms who have contracts with the Legal Aid Agency can survive the financial crisis they face as a result of the Covid-19 pandemic.

Whilst mediators are working hard to move as much of their business online as possible, it is inevitable, during this time when we are guided or required to avoid as much direct person to person contact as possible, that there will be fewer Mediation Information and Assessment Meetings and fewer Mediations, and income will drop. This is particularly true of legally-aided clients, who are less likely to be able to access suitable technology for MIAMS and mediation to be held remotely.

Most family mediators who hold contracts are small businesses that do not have significant reserves to enable them to survive for several weeks or months if their income drops. It is therefore likely many mediation firms, especially those who conduct a large amount of legally-aided work, will collapse without their usual levels of income from their legally-aided work.

Mediation, unlike certificated legal aid work, provides a relatively fast cash-flow measured in weeks, not months. Therefore, when business falls away the impact is felt much sooner on the business and is harder to make plans to adjust to. Whilst the total legal aid sums are relatively small at just over £5m, the impact on 144 contract holders will be severe. We have already seen the number of contract holders fall recently from 182 in FY2014. A financially healthy cohort of Family Mediation Accredited Mediators (FMCAs) is essential to deliver the MIAM process

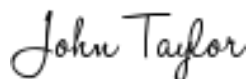
and family mediation which, with a 70%+ success rate, significantly eases pressures on the Family Court structure. As the new Divorce, Dissolution and Separation Bill is promulgated, it is mediation and FMCAs who will be at the forefront of dealing with the projected bulge of cases ensuring the courts are not overwhelmed. Put simply, the family justice system needs legally-aided mediation firms to be able to survive this crisis.

We therefore propose that for the next 12 months, the Legal Aid Agency pays firms their average monthly income billed over the previous 12 months so that cash-flow from legal aid is not volatile.

We know that this is an unusual proposal, but these are exceptionally unusual circumstances. The Prime Minister has said that 'We must act like any wartime government and do whatever it takes to support our economy.' We suggest that paying firms their average income is what it will take to ensure legally-aided family mediation businesses survive and, critically, to ensure access to the family justice system for people on low incomes once the Covid-19 crisis is over.

We urge you to consider this proposal as soon as possible, and would of course be happy to discuss this further.

Yours sincerely

A handwritten signature in black ink that reads "John Taylor". The script is cursive and fluid, with the first letters of "John" and "Taylor" being capitalized and prominent.

**John Taylor**

Chair

Family Mediation Council