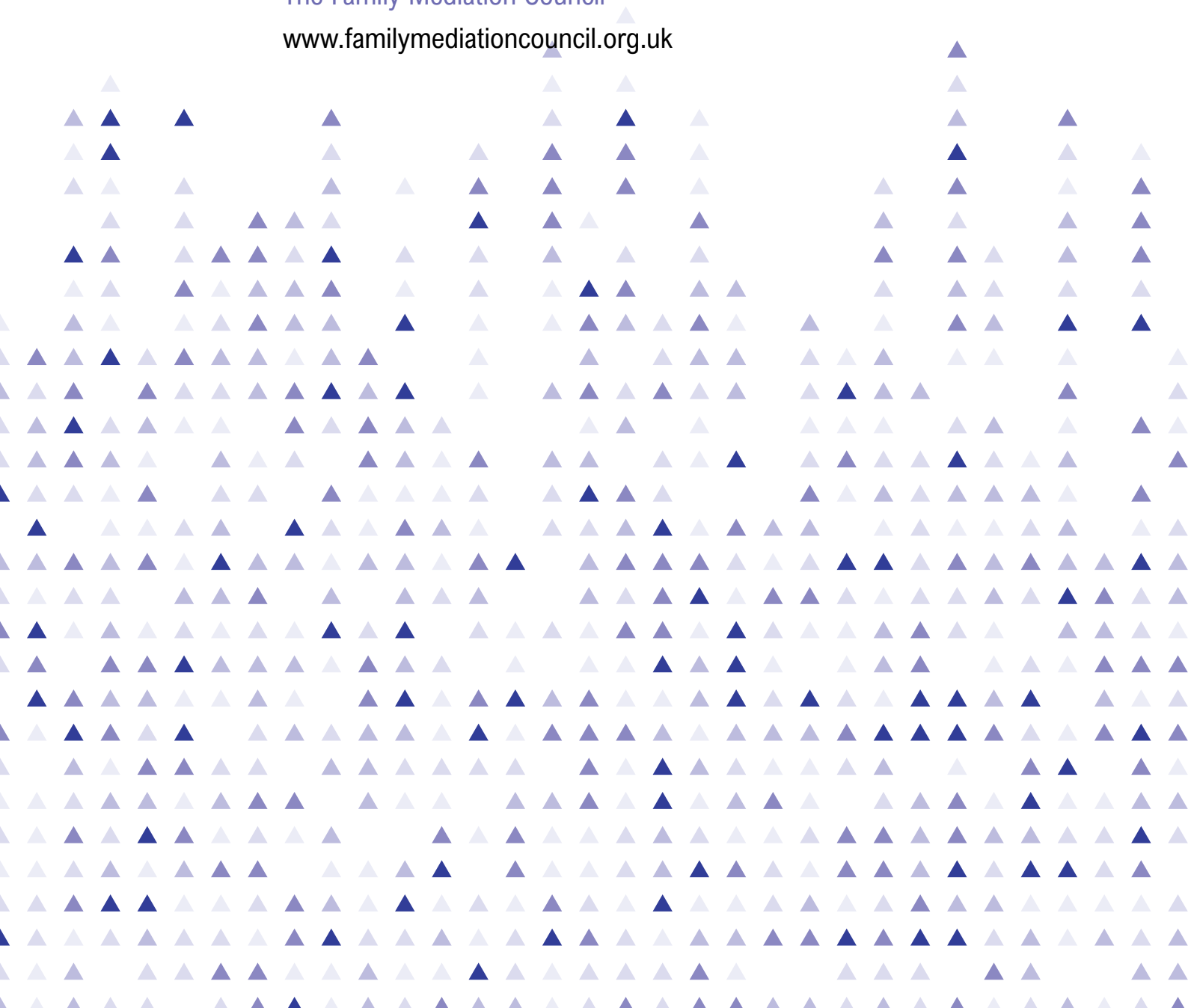




THE STATE OF FAMILY MEDIATION 2025

The Family Mediation Council

www.familymediationcouncil.org.uk



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Foreword

As the Family Mediation Council marks its tenth anniversary, it's a good opportunity to reflect on the state of family mediation in England and Wales and to look to the future.

This first 'state of family mediation' report provides a valuable benchmark and shows how far the profession has come.

Awareness of family mediation is higher amongst our key stakeholders as well as the general public.

Access to family mediation is easier for many separating couples, but funding for those who cannot afford to pay is at risk.

And assurance of family mediation standards gives us all more confidence in the quality of services.

Many congratulations and thanks to everyone who has made this happen – mediators and their organisations, the Ministry of Justice and other government departments, our partner organisations nationally and locally, and of course all those families who have used our services. The development of the profession and its recognition are primarily due to the many hours put in by an army of volunteers over the years.

The FMC will continue to strive to ensure that wherever families live, they can find affordable quality mediation to take control of their futures and give their children better futures too. We have a way to go to achieve this vision. We will pursue it with renewed vigour as we enter a second decade.

This research report would not have been possible without considerable input by Rachael Blakey, Amazing Izeke and Helen Anthony. We are very grateful for their hard work and insight, and to Warwick University for their support.

Having waited ten years for this report, I hope that it will become a regular publication benchmarking progress towards our vision of making family mediation available to all separating couples who want to use it.

Onwards and upwards!



*Stephen Burke, Chair
Family Mediation Council
September 2025*

Executive summary

The past ten years have cemented family mediation as a profession, built on foundations laid first by family conciliators, and then family mediators. They worked together on a voluntary basis to establish agreed professional standards, to offer the public confidence in family mediators as professionals who help resolve issues arising out of separation and divorce.

Today, the Family Mediation Council (FMC) provides a public list of 1,025 mediators who choose to subscribe to the FMC's professional standards, meaning they have been trained to agreed levels, follow the FMC's Code of Practice, maintain their professional practice by carrying out appropriate professional development activities, are supported by a supervisor (known as a Professional Practice Consultant or PPC), are insured and offer access to a complaints process if something goes wrong.

FMC registered mediators help families resolve issues arising from separation quickly and without the need to go to court. This helps parents avoid prolonged and damaging conflict which has been shown to have many poor outcomes for children, and families avoid cost and time of contested court proceedings.

The amount of family mediation that takes place is growing, with a particular increase since an amendment to court rules in 2024 strongly encouraged parties to consider non-court dispute resolution. However, about a third of potential mediation cases cannot proceed as the second participant – the potential respondent – chooses not to attend a Mediation Information and Assessment Meeting (MIAM).

Legal aid is available to fund family mediation for those on low incomes but access to this is becoming more difficult, due to a 50% reduction in the number of family mediators offering legal aid since 2018. The Family Mediation Voucher Scheme has increased the current level of public funding for mediation to over £9 million per annum. This investment is welcome as the voucher scheme encourages people to mediate, but the scheme is time-limited and serves a different purpose to legal aid which is there for those who can least afford mediation. The legal aid system is at a critical juncture, and change is needed now so that legal aid for family mediation continues to be available to the public.

Family mediation offers a clear structure to allow the voice of the child to be heard when families are making decisions that affect children. Improvements have been made to family mediation to enable the voice of the child to be heard in all cases, but take-up remains low. Practitioner confidence, funding and increased awareness of the process and benefits are all needed in order to increase take-up.

FMC regulation offers public protection and is formally recognised in the court's Family Procedure Rules, but a loophole allows for the work of unregistered and unregulated mediators to provide mediation that is recognised by the court. The FMC regulatory framework has been strengthened over the past 10 years, and continues to respond to research that shows work is needed in areas including training, accreditation and assessing suitability for mediation where a family has experienced domestic abuse.

However, whilst ‘family mediator’ remains an unprotected title and FMC registration remains voluntary, the FMC’s ability to provide public protection is limited. External stakeholders, including government, can take actions to strengthen this regulation.

The growth of family mediation has been accompanied by a growing body of research. Additional research could strengthen the development of mediation for the benefit of families, including: studies that consider long term outcomes for families who experience mediation; factors likely to lead to successful mediation including cultural matters and the availability of legal advice; up-to-date studies on MIAM attendance; the effectiveness of screening and assessment following recent work to enhance this; and the extent of mediation that is taking place both within and outside the FMC register.

Family mediation has come a long way in the last 10 years, but there is more work to do by the FMC, the government and other family justice professionals in order to further increase awareness, enhance access and strengthen assurance processes.

Part 1

Context and analysis



Cambridge
Dictionary
online definition

profession *noun*
any type of work that needs special training or a particular skill, often one that is respected because it involves a high level of education...

A brief history of the profession

The roots of today's family mediation community were put down only 50 years ago, following the 1974 Report of the Finer Committee on One-Parent Families. For the next four decades, through the largely unfunded efforts of committed individuals, first 'conciliators' and then 'mediators' worked tirelessly to seek to establish appropriate training and accreditation programmes, campaign for public funding and raise awareness of family mediation, in order to ensure that families could access a service that could help them resolve issues arising from separation whilst avoiding the stress, recriminations and further conflict that adversarial court processes could bring.

Sir David Norgrove's 2011 Family Justice Review advocated a shift in policy, recommending 'that where parents need additional support to resolve disputes they would first attempt mediation or another dispute resolution service' and that 'where intervention is necessary, separating parents should be expected to attend a session with a mediator, trained and accredited to a high professional standard who should: assess the most appropriate intervention, including mediation and collaborative law, or whether the risks of domestic violence, imbalance between the parties or child protection issues require immediate referral to the family court; and provide information on local Dispute Resolution Services and how they could support parties to resolve disputes.'¹ These Mediation Information and Assessment Meetings (MIAMs) first became a pre-requisite to receiving legal aid funding for representation, and then a pre-requisite to making a court application for child arrangements or financial matters relating to divorce (with some exemptions, most notably for cases where there had been domestic abuse)².

The introduction of a requirement that applicants to court attend a MIAM increased interest from the Ministry of Justice in the regulation of mediators, in order to ensure good quality services were delivered to the public. Family mediators had worked to produce training programmes and assessment schemes since the 1980s. By the early 2010s there were a number of different schemes and forms of recognition for family mediators, run by the six main family mediation bodies in England and Wales. These organisations had worked together to form the Family Mediation Council (FMC) as an informal umbrella organisation in 2008, adopting the Code of Practice from its predecessor, the UK College of Family Mediators. In 2011, the FMC commissioned

1 Para 115, Family Justice Review Final Report (2011) <https://assets.publishing.service.gov.uk/media/5a7c4b3ae5274a1b00422c9e/family-justice-review-final-report.pdf>

2 The Family Law Act 1996 introduced the requirement that applicants for legal aid for legal representation attend a pre-mediation meeting to determine suitability for mediation; attendance at the MIAM first became compulsory for all applicants (self-funding and legally-aided) in legal proceedings under the Children and Families Act 2014 (s 10).

the McEldowney report³ which considered how best to create a system that monitors how mediation is delivered, supervised and effectively managed. The report went on to recommend that the FMC's 'role should be developed and strengthened in order to enable it to develop, with governmental assistance, a regulatory framework that will develop and maintain family mediation practised to a high standard.'

"...family mediation can truly be described as a profession"

In response to the report, the FMC's Member Organisations worked together to publish a framework for professional standards for family mediators. With the Ministry of Justice granting seed funding on condition that the FMC introduced a system of registration fees for mediators that would allow it to become self-sufficient, the FMC was incorporated in April 2015, and it set up the Family Mediation Standards Board (FMSB) as a self-regulatory body for the profession.

Today, family mediation can truly be described as a profession:

- The FMC operates a regulatory system which sets standards for training, provides a Code of Practice, requires that registered mediators maintain their professional practice by carrying out appropriate professional development activities, are supported by a supervisor, known as a Professional Practice Consultant (PPC), are insured, and offer access to a complaints process.
- The FMC provides a public list of 1,025 mediators who choose to subscribe to the FMC's professional standards. 67% of mediators on the FMC Register are Family Mediation Council Accredited (FMCA).
- The government's [GOV.UK](https://www.gov.uk) website and established advice agencies such as the Citizens Advice Bureau signpost members of the public to the FMC Register, which is accessed over 500,000 times a year.
- The court's Family Procedure Rules formally recognise the FMC's regulatory framework.
- The FMC has formal links with the judiciary through the Family Justice Council. Together, the two organisations publish 'A Guide to Family Mediation for the Courts'⁴.

Observations from three family mediators who retired in 2025:

"Over the past two decades of mediating I have seen mediation become far more professional, which is almost exclusively due to the tireless work of the FMC..."

"After a fantastic 14 or so years as a family mediator, in what was a surprise second career, I decided to retire.... Family mediation is in a much better place today than when I started, and the improvements in governance from the FMC and FMSB have been central to that..."

"I recall the very early days when we were all hoping we could progress to acceptance as a 'profession' and here we are ...on retiring I see mediation is now firmly on the family law map."

3 Family Mediation in a Time of Change: FMC Review Final Report, Professor John McEldowney (2014) https://www.familymediationcouncil.org.uk/wp-content/uploads/2014/02/fmc_review_mceldowney_report.pdf

4 <https://www.judiciary.uk/wp-content/uploads/2024/09/Guide-to-Family-Mediation-for-the-Courts-2024.pdf>

Family mediation today

Family mediation helps families resolve issues quickly without the need to go to court. The voucher scheme shows that mediation has a success rate of 69%⁵. This helps parents avoid prolonged and damaging conflict, which has been shown to have many poor outcomes for children⁶.

The cost of family mediation is relatively low. Families on low incomes can currently access mediation paid for by legal aid. For those not eligible for legal aid, the cost of a MIAM is most commonly around £150 per person⁷. Families making arrangements for children can access a £500 contribution towards mediation costs through the family mediation voucher scheme; often this covers the cost of all mediation sessions. Any additional costs not paid for by the voucher will usually be less than £500 per family for children's issues⁸. The average cost of mediation for finance issues is between £500-£1,500⁹.

The amount of family mediation that is taking place is growing. Legal aid family mediation starts are up¹⁰, and most registered mediators say their caseload has increased over the past year¹¹. Yet we also know that 51,478 families started private law children cases in the family courts in 2024/25 and there were 45,073 applications for financial remedies in 2024¹². Some families need the protection of the law and it is right that they are in court but others could benefit from resolving disputes without applying to court, and therefore reducing the length and intensity of family conflict to the advantage of all involved.

“...family mediation has a success rate of 69%...”

Anecdotal reports suggest that more child-inclusive mediation is taking place today than six years ago, giving more children a voice in matters that affect them. With more mediation taking place overall this may be the case, but the FMC surveys suggest there may not have been an increase in the proportion of cases in which the voice of the child

5 69% of families in mediation resolved issues and did not go on to court or went only for a consent order. This does not include cases where family mediation resolved some issues and families proceeded to court on narrowed issues. Family Mediation Voucher Scheme Analysis, Ministry of Justice (2023) <https://assets.publishing.service.gov.uk/media/6419cd288fa8f547c7ffd692/family-mediation-voucher-scheme-analysis.pdf>

6 Inter-Parental Conflict and Family Separation. Professor Gordon Harold, Family Solutions Group (2022) <https://www.familysolutionsgroup.co.uk/wp-content/uploads/2022/06/Inter-Parental-Conflict-and-Family-Separation.pdf>

7 FMC Survey of Registered Family Mediators 2025

8 FMC Survey of Registered Family Mediators 2025 shows that a successful mediation for children's issues costs under £500 in 26% of cases and between £500-£1,000 in 44% of cases.

9 FMC Survey of FMC Registered Family Mediators 2025 shows a successful mediation for finance issues costs between £500-£1,000 in 36% of cases and between £1,000-£1,500 in 18% of cases.

10 Table 7.2, Legal Aid Statistics Quarterly (January to March 2025) <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

11 FMC Survey of Registered Family Mediators 2025

12 Tables 2 & 14, Family Court Statistics Quarterly: January to March 2025, Ministry of Justice <https://www.gov.uk/government/statistics/family-court-statistics-quarterly-january-to-march-2025>

is heard¹³. In order to choose to try to mediate, and to ensure the voices of children are heard within this, people need to be aware of family mediation, be able to access it, and have confidence in family mediators. So, what more do we know about awareness, access and assurance in relation to family mediation today?

Awareness and usage: does the public know that mediation is an option for them?

Most people have some level of awareness of family mediation and its purpose. A 2025 survey¹⁴ showed that two thirds of adults in the UK were very or somewhat aware of family mediation, with only 16% not being at all aware.

The same poll showed that 30% of people would turn to family mediation first, with 45% going to a lawyer first, and 19% unaware of where to go. This shows that there is further work to do to increase awareness of family mediation and its benefits, and that lawyers have a role to play in doing so.

Early data suggests however that there has been a significant increase in the number of people choosing to opt for family mediation since April 2024, when court rules were changed to try to encourage further uptake of non-court dispute resolution. Legally aided mediation starts for 2024/25 increased by 37% from the previous year, and the FMC's 2025 survey of mediators showing that most mediators (58%) had seen a significant increase in the amount of mediation they conducted in the past 12 months, with an average increase of 22%¹⁵.

The legal aid data also shows an increase in number of people attending MIAMs from 2023/24 to 2024/25, but only of 5%¹⁶. This tells us that more people are choosing mediation following a MIAM than they were previously.

The reason for this increase is likely a change in messaging since the amendment to the court rules as well as an increase in judicial awareness of the benefits of mediation. A 2024 case demonstrated this well, with Mrs Justice Knowles saying:

'Non-court dispute resolution is particularly apposite for the resolution of family disputes, whether involving children or finances. Litigation is so often corrosive of trust and scars those who may need to collaborate and co-operate in future to parent children. Furthermore, family resources should not be expended to the betterment of lawyers,

13 The FMC Survey of Registered Family Mediators 2025 showed that children aged 10 or over still living at home are directly consulted in 16% of cases as opposed to 26% in response to the 2019 FMC Survey of Registered Mediators. However, the 2025 survey also showed that 12% of children of any age are consulted, and the 2019 survey did not ask about this wider age range, and so comparisons are difficult. See <https://www.familymediationcouncil.org.uk/wp-content/uploads/2020/01/Family-Mediation-Survey-Autumn-2019-Results.pdf> and Appendix 1.

14 Survation survey for the Family Mediation Council, January 2025.

15 FMC Survey of Registered Family Mediators 2025.

16 Table 7.1, Legal Aid Statistics Quarterly (January to March 2025) <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

however able they are, when, with a proper appreciation of its benefits, the parties' disputes can and should be resolved via non-court dispute resolution. Going forward, parties to financial remedy and private law children proceedings can expect – at each stage of the proceedings – the court to keep under active review whether non-court dispute resolution is suitable in order to resolve the proceedings. Where this can be done safely, the court is very likely to think this process appropriate especially where the parties and their legal representatives have not engaged meaningfully in any form of non-court dispute resolution before issuing proceedings'¹⁷.

Subsequent cases¹⁸ also reinforced this message.

Although the number of referrals from courts to mediation remains relatively small¹⁹, there has been a significant increase in the number of such referrals over the past two years. Courts have also started communicating directly with parties to encourage families to try to resolve matters outside of court, unless the protection of the law is required. Collectively, these actions appear to have resulted in an increased number of participants being aware of the courts' approach to dispute resolution, by the time they have attended a MIAM.

However, legal aid statistics show that about a third of cases cannot result in mediation because the second person does not attend a MIAM²⁰. The reason for the non-attendance is unknown, as mediators report it is not uncommon for respondents to choose not to attend a MIAM without specifying a reason. Court rules require a prospective applicant to court to attend a MIAM with an authorised family mediator unless they are exempt²¹; an accompanying practice direction sets out an expectation that prospective respondents also attend a MIAM²² but they are not required to do so.

Mediators have indicated that about 70% of cases proceed to mediation if both parties attend a MIAM²³. If respondents had been required to attend a MIAM in 2024/25, this would have resulted in c. 4,200 additional legally aided mediations.

17 Para 16, X v Y [2024] EWHC 538

18 For example AM v RF [2024] EWFC 288 (B) in which an order to pay the other party's costs was made against a mother for failing to engage in mediation

19 972 cases were referred from court to legal aided family mediation in 2024/25; 669 were referred in 2022/23. Legal Aid Statistics Main Data (January – March 2025) <https://www.gov.uk/government/statistics/legal-aid-statistics-january-to-march-2025-data-files>

20 32% in 2024/5, Table 7.1, Legal Aid Statistics Quarterly (January to March 2025) <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

21 Para 3.7 Family Procedure Rules https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_03

22 Para 32, Practice Direction 3A to the Family Procedure Rules https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/pd_part_03a

23 FMC Survey of Registered Family Mediators 2025

There is also concern about the exemption for previous non-court dispute resolution (NCDR) attendance, which provides a loophole for prospective court applicants to avoid the *requirement* for a MIAM. Nevertheless, with legally aided mediation starts in 2024/25 the highest they have been in 12 years²⁴, it seems awareness of mediation and its benefits is growing.

Access: can people on low incomes afford family mediation?

There are currently two publicly-funded schemes that can help separating families access mediation: the family mediation voucher scheme and legal aid. The two schemes have distinct purposes and benefits.

In order to increase uptake of family mediation in recent years the Ministry of Justice has funded a voucher scheme, which allows for the MoJ to make a £500 contribution to mediation sessions for people to address issues including those relating to children, irrespective of the participants' financial status.

The voucher scheme allows people who might otherwise struggle to afford mediation to try it without any financial risk to themselves. It is available for mediation relating to arrangements for children and does not cover the costs of a MIAM, so those not eligible for legal aid must fund the MIAM, which costs about £150 per person²⁵. Individuals must also pay for any resulting paperwork and session costs that go over the value of the voucher. The £500 contribution from the public purse to any family, even if they can afford mediation, is considered as 'spending to save' – if a family can be helped to avoid court, the Ministry of Justice avoids the immediate cost of court proceedings. Better outcomes for children also mean less public funding is needed for health, education and criminal justice. Despite its benefits, the voucher scheme is time-limited and, at the time of writing, due to end in March 2026.

People on low incomes and with low savings are eligible for legal aid for family mediation. The system allows for those who meet the financial eligibility criteria to access family mediation – including MIAMs – free of charge, with the cost being met from public funds. People in receipt of legal aid for family mediation are also eligible for the 'Help with Family Mediation' scheme, which pays a fixed fee for a small amount of legal advice, to support participants' decision-making in mediation, although this is largely unavailable in practice.

Legal aid is there to assist those people who could not afford family mediation without it and financial eligibility criteria apply. If one potential mediation participant is eligible for legal aid, the Legal Aid Agency (LAA) will fund a MIAM and the first mediation session for both potential participants. The LAA will also fund the remaining sessions for one participant if they are eligible for legal aid. If the other participant is not eligible, they have to fund remaining sessions privately. This allows people who could not afford MIAMs or mediation to access these services, benefitting thousands of families a year.

²⁴ Table 7.2, Legal Aid Statistics Quarterly (January to March 2025) <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

²⁵ FMC Survey of FMC Registered Family Mediators 2025

However, there has been a 50% reduction in the number of family mediators offering legal aid since 2018, which means it is increasingly difficult for the public to access legal aid for family mediation. This is illustrated by:

- People having to wait longer for a MIAM if they are on legal aid rather than paying privately. On average, mediators offer a paid-for MIAM within a week and it is rare for it to take more than two weeks. In comparison, mediators who provide legal aid can offer a MIAM on average within two weeks, but it is not uncommon for this to be up to four weeks²⁶.
- About a quarter of mediators who offer legal aid have stopped taking on new legal aid cases in the past year. Furthermore, 55% say they envisage a point over the next year where they/their firm will need to stop taking on new legal aid cases, or ringfence time spent on them.

The reduction in legal aid mediators is primarily driven by mediators not being able to afford to offer services on legal aid rates, which have remained unchanged for 25 years. Lack of investment in legal aid may have reached a critical point, with legal aid services dropping at an alarming rate and only 86 services left across England and Wales²⁷ and the closure of each service putting pressure on remaining services to pick up future legal aid work.

Whilst more work may sound beneficial for businesses, this is not the case for those providing legally aided family mediation, as most services operate this at a loss. Every new legally aided case must be subsidised from privately-paid work, but a service's ability to take on this privately-paid work has reduced because their legal aid work has increased.

Legal aid is at a critical juncture, and change is needed to retain legally aided family mediation services now. If nothing changes, more services will close their doors to legal aid clients and families will not be able to access legal aid for family mediation. This will mean parents remaining in conflict for longer, with adverse effects for children, increased pressure on the court system, some children not seeing one parent, and ex-partners left in financial limbo.

²⁶ FMC Survey of FMC Registered Family Mediators 2025

²⁷ Legal Aid Agency Directory of Legal Aid Providers <https://www.gov.uk/government/publications/directory-of-legal-aid-providers> Updated August 2025

Assurance: can the public have confidence in family mediation?

The FMC has introduced a system of regulation which allows members of the public to have confidence in the work of FMC registered mediators.

Mediators registered with the FMC demonstrate that they hold themselves to agreed professional standards, which are developed by the mediation profession in consultation with the government, the judiciary, academics and other professionals who support separating families, including lawyers and domestic abuse support agencies.

Developments in standards and training are driven not only by outside commentary²⁸ but consistently by family mediators themselves.

Over the past 10 years, the FMSB has:

“...mediators registered with the FMC demonstrate that they hold themselves to agreed professional standards”

- introduced a Code of Practice for PPCs
- introduced standards for child-inclusive mediation and for MIAMs
- provided a simplified complaints process for members of the public
- reviewed and instigated accreditation reform
- strengthened CPD requirements
- updated the FMC Code of Practice to provide clarity about a mediator’s responsibilities regarding abuse and power imbalances
- published guidance on various topics.

The FMSB continues to review and make incremental improvements to the regulatory system, whilst ensuring that mediators are supported in complying with professional standards. Its current work, for example, includes the development of a resource to assist mediators determine suitability of mediation for families who have experienced domestic abuse.

However, in spite of the strength of the FMC system, anyone can call themselves a family mediator. Members of the public who approach family mediators not on the FMC Register are therefore taking a risk that their mediator may not have had any training and does not meet other accepted professional standards.

Those mediators who choose to join the FMC Register are opting to meet agreed professional standards whilst working towards accreditation and once they have Family Mediation Council Accredited (FMCA) status. This choice costs mediators money in fees and costs of meeting obligations, and sometimes causes inconvenience, but is one that demonstrates commitment to upholding professional standards and to ensuring the public is protected.

28 See part 2, message 7

Professor Stephen Mayson, who has advocated for the introduction of formal regulation of mediation, has noted:

‘where voluntary regulation of mediators exists, it applies the sort of regulatory tools that are envisaged in this report [for formal regulation]. There are requirements for registration, accreditation, professional indemnity insurance, continuing professional development, adherence to a code of conduct, and complaints handling. In one sense, therefore, the issue is not so much the absence of regulatory standards or unwillingness to submit to them. It is that they are only voluntary and can be avoided by those mediators who wish to practise beyond regulatory scope.’²⁹

There is formal recognition of the FMC’s regulation in the Family Procedure Rules, which specify that the FMC determines who is an ‘authorised family mediator’ for the purposes of conducting a MIAM³⁰.

However, the rules also allow an exemption to the requirement to attend a MIAM with an authorised family mediator if the applicant to court provides written confirmation from a NCDR provider that the prospective applicant has attended NCDR in the last four months. The exemption does not specify what form the NCDR must take, how genuine the attempts to resolve issues were, or any necessary qualifications of the provider. This means that mediators who choose not to be FMC registered can offer any service to the public without any oversight, any obligation to assess for suitability of the service due to domestic abuse, or following any Code of Practice.

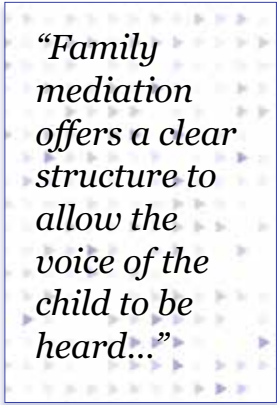
29 p. 119 Reforming Legal Services Regulation Beyond the Echo Chambers: Final Report of the Independent Review of Legal Services Regulation. Stephen Mayson (2022)

30 Para 3.1 Family Procedure Rules https://www.justice.gov.uk/courts/procedure-rules/family/parts/part_03

The voice of the child

Family mediation offers a clear structure to allow the voice of the child to be heard when families are making decisions that affect children. This sets it apart from other forms of NCDR.

Child-inclusive mediation has seen significant developments since the publication of the report of the Voice of the Child Dispute Resolution Advisory Group in March 2015³¹. This report made 34 recommendations aimed at ensuring necessary steps were taken to promote child-inclusive practice in out of court dispute resolution processes and that the voices of children and young people are heard in all private family law proceedings which impact on them. The report focused primarily on family mediation in order to develop an effective, coherent blueprint for the future, which could be adapted for use by other dispute resolution practitioners.



“Family mediation offers a clear structure to allow the voice of the child to be heard...”

Following the Voice of the Child report, the FMC acted to implement the recommendations it had direct control over, with one notable exception.

Actions taken included:

- amending the FMC Code of Practice to say ‘The Mediator must encourage the Participants to consider the children’s wishes and feelings. All children and young people aged 10 and above should be offered the opportunity to have their voices heard directly during the Mediation, if they wish’
- updating and enhancing the training required for mediators who consult with children directly (‘child-inclusive mediators’ or ‘CIM’) and requiring all mediators to undertake additional training in awareness and understanding of child-inclusive mediation before achieving FMCA status
- introducing continuing professional development requirements for child-inclusive mediators
- publishing professional standards for child-inclusive mediation
- creating a searchable database of mediators who are qualified to conduct child-inclusive mediation.

The recommendation not implemented by the FMC was to arrange for children to be consulted where a participant to the mediation (typically a parent or caregiver) didn’t consent to this. The reason for requiring the consent of both parties, even where the child was capable of expressing their own views, is that the voluntary nature of mediation would mean where a participant did not agree to a child being consulted, the participant would withdraw from mediation thereby concluding the process.

31 Final Report of the Voice of the Child Dispute Resolution Advisory Group (2015) <https://assets.publishing.service.gov.uk/media/5a7f96cccd915d74e33f75c9/voice-of-the-child-advisory-group-report.pdf>

There were a number of recommendations in the report beyond the control of the FMC. These included making information about child-inclusive mediation available to all children experiencing family separation, encouraging all separating parents to attend parenting programmes and putting in place appropriate funding for child-inclusive mediation.

Although these recommendations were made over a decade ago, children's participation in mediation is still far from the norm, with the FMC's 2025 survey of mediators indicating child-inclusive mediation is only taking place in 16% of cases involving children aged 10 and over. This is despite 68% of adults agreeing that it is a good idea for divorcing/separating parents to hear the voices of children aged 10 or over when making parenting arrangements³². This suggests that there are practical barriers rather than philosophical objections to more child-inclusive mediation taking place.

Recent research has indicated that these barriers are a lack of awareness of the benefits of child-inclusive mediation, costs, and a lack of practitioner confidence³³. The latter point appears to be confirmed by the FMC's 2025 survey, which showed a wide disparity between mediators in terms of the proportion of cases in which child-inclusive mediation took place, with some reporting it taking place in no cases where there were children aged 10 or over still living at home, and others reporting that it took place in 95% of those cases.

³² Survation survey for the Family Mediation Council, January 2025

³³ Chapter 3: Children's Voices, Family Disputes and Child-Inclusive Mediation: The Right to Be Heard. Anne Barlow and Jan Ewing, Bristol University Press (2024)

Part 2

Overview of recent research on family mediation

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In the 2020s, family mediation is a key part of the family law landscape in England and Wales. Its use is promoted in legislation and procedural rules, including the 2024 Family Procedure Rules amendments. However, the scope and depth of research conducted on family mediation and dispute resolution more widely is often unknown. This ambiguity is particularly pronounced for practitioners, who may have limited access to peer-reviewed academic journals. Without a clear understanding of the current evidence base, it is difficult to comprehensively discuss the relative benefits of family mediation, improve practices, or identify areas where more research is needed.

This section of the report highlights seven messages from academic research on family mediation in England and Wales since the implementation of the Legal Aid, Sentencing and Punishment of Offenders Act (LASPO) 2012. While some of these messages derive from practices of the family mediator profession itself, others are a consequence of the broader family justice system (or even society more generally). As a result, not all of the gaps identified in this overview can be solely addressed by mediators, instead requiring the input of external stakeholders, notably government.

The following seven insights emerged from a targeted literature review that sought to highlight dominant themes within current scholarship. To this extent, the review is not exhaustive or representative of all empirical or theoretical work in the area.

Sources were identified by the authors through various search engines (specifically Google Scholar, Westlaw and Lexis+). This investigation was then supplemented by references found in the footnotes and bibliographies of the initial materials.

Key messages from recent research

1. Access to legal aid in family mediation has declined following LASPO, despite evidence that public funding results in outcomes.
2. Experiences of family mediation are shaped by several factors, including timing, expectations, and individuals' ability to navigate the process.
3. Attendance at mandatory Mediation Information and Assessment Meetings (MIAMs) is low, with engagement shaped by exemptions and case complexity.
4. The flexibility of family mediators is a strength of the mediation process, which may or may not impede the concept of mediator neutrality/impartiality.
5. Comprehensive screening for domestic abuse (and other power imbalances) must take place both before and during mediation to protect vulnerable parties.

- 6. Child-inclusive mediation can ensure the voice of young people is heard, though the format is underutilised.
- 7. There is growing recognition of the need to strengthen training and regulation for family mediators, with opportunities to enhance consistency, professional identity, and public confidence in the process

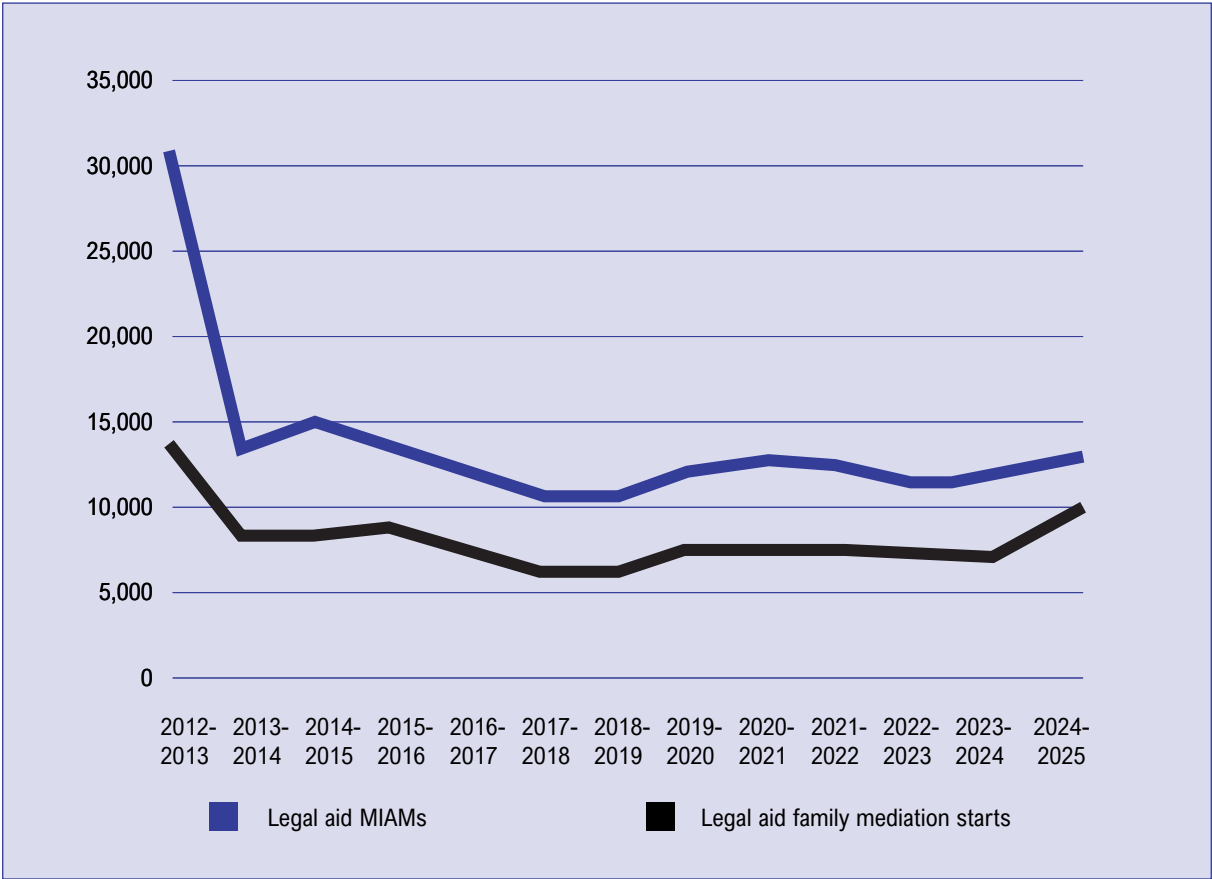
Key message 1

Access to legal aid in family mediation has declined following LASPO, despite evidence that public funding results in outcomes

The Ministry of Justice (2025, tables 7.1 and 7.2) publishes quarterly statistics on legal aid. The June 2025 publication includes data on legal aid MIAMs and family mediations from 2006/07 to 2024/25 (financial years).

Statistics show that the LASPO reforms had a drastic effect on the number of people accessing legal aid funding for family mediation. For instance, the number of legal aid MIAMs – termed ‘mediation assessments’ in the database – sharply dropped from 30,665 in 2012/13 to 13,390 in 2013/14 (graph one; table one). Statistics have not recovered, reaching a low of 10,506 in 2018/19. While the number of legal aid MIAMs has since increased to 12,837 in 2024/25, this is just over two-fifths of the number of assessments in 2012/13.

Number of legal aid MIAMs (or ‘family mediation assessments’) and legal aid family mediation starts (Ministry of Justice 2025)



Similarly, the number of legal aid family mediation starts declined from 13,609 in 2012/13 to 8,438 in 2013/14. While this figure continued to decrease until 2017/18, the recent data suggests a reversal of this trend. In 2024/25, there were 9,841 legal aid family mediation starts in 2024/25, representing an increase of 37.4 percentage points from 7,162 recorded starts in 2023/24. This increase may be a result of the 2024 Family Procedure Rules amendments, which gave judges more power to encourage the use of NCDR.³⁴ However, the number of legal aid MIAMs has only increased by 5.3 percentage points (from 12,186 to 12,837) in the same period. Therefore, while more legal aid cases are proceeding to family mediation, engagement with MIAMs has not increased at a proportionate rate. Further research is necessary to determine the reason for this difference, as well as the impact of the 2024 Family Procedure Rules amendments.

Legal aid funding for family mediation is particularly inaccessible under the 'Help with Family Mediation' (HwFM) scheme. Since 2013, HwFM has provided legal aid recipients with further funding to receive legal advice during their mediation sessions, and to fund the drafting of a consent order (if an agreement is reached through mediation).³⁵ However, a statistical analysis of the Ministry of Justice's data shows that very few individuals have accessed HwFM since its inception (Blakey 2024). From 2013/14 to 2022/23, there were 1,592 logged HwFM cases where support was provided by a solicitor. In comparison, there were 75,817 legal aid family mediation starts in the same period (Ministry of Justice 2025). Thus, only 2.1% of legal aid family mediation starts in the ten years involved a solicitor assisting through HwFM.

These low figures are despite evidence that a full or partial agreement has been reached in over three-fifths of legal aid family mediation cases (Ministry of Justice 2025, table 7.2).³⁶ From 2013/14 to 2024/25, 61.75% of outcomes under legal aid family mediation were logged as successful agreements.³⁷ 95.44% of these successful outcomes were full settlements, and 4.57% were partial. Similarly, 59.0% of cases under HwFM from 2013/24 to 2022/23 resulted in a 'financial benefit' or 'non-financial benefit' (Blakey 2024).³⁸ Statistical analysis specifically shows that financial disputes are more likely than child arrangements or all-issues disputes to result in an agreement when supported by HwFM.

Combined, the data shows that family mediation is effective in resulting in settlements – particularly full settlements – when funded by legal aid. However, the datasets do not clarify what happens to these cases following family mediation.³⁹ This includes cases

34 In order to confirm this hypothesis, these legal aid statistics should be revisited in June 2026, at which point the Ministry of Justice will publish data for the entire 2025-26 financial year.

35 The latter funding is only available to financial and property matters, not child arrangements.

36 This analysis considers data across the total period of 2013/14 to 2024/25. This is because a family mediation start may not result in an outcome in the same financial year. As a result, annual settlement rates cannot be accurately determined.

37 Interestingly, the proportion of legal aid mediations resulting in full or partial settlement has reduced since the LASPO reforms. 66.80% of outcomes from 2006/07 to 2012/13 (before the LASPO reforms) were logged as successful agreements.

38 These outcomes are not defined in the Ministry of Justice's published guidance.

39 Additionally, the present statistics do not provide data on the kinds of agreements or the quality of the agreements being reached in legal aid family mediation.

that reach a full agreement (and may or may not go on to obtain a binding consent order), cases where only a partial agreement is reached and negotiations may or may not continue, and cases where family mediation did not result in any agreement. Such information is not currently available to the public, highlighting the need for more administrative data research on private family law matters both funded and not funded by legal aid.

Fortunately, public funding has become significantly more readily available through the Family Mediation Voucher Scheme (FMVS), which provides families with up to £500 towards the cost of mediation for any child-related matter. Responses to a survey of 180 FMCA mediators suggest that the FMVS has increased access to, and engagement with, family mediation (Sixsmith 2023). In particular, 82% of survey respondents felt that the scheme had also increased rates of settlement. Data from the FMC on the first 2,800 completed cases using the FMVS also shows that nearly two-thirds reached a full or partial settlement outside of court (Ministry of Justice 2023).

The FMVS has thus been fundamental to providing funding for family mediation. Nonetheless, the legal aid figures remain disappointing and reveal a dearth of additional funding for those with limited finances or savings.

Key message 2

Experiences of family mediation are shaped by several factors, including timing, expectations, and people's ability to navigate the process

The following conclusions are based on the self-reported experiences of those attending family mediation. However, observations of mediation sessions are needed to corroborate these (and any other) claims.⁴⁰

There are instances of very positive experiences of family mediation within research. Mapping Paths to Family Justice, led by Professor Anne Barlow (Barlow and others 2017), was a significant research project on non-court dispute resolution procedures. Nearly three-quarters of 59 interviewees who had attended family mediation were satisfied with the process. Individuals praised the structure of mediation sessions, as well as the process's amicable nature. Barlow and others (2014) conclude that family mediation is more effective where both participants are amicable with one another, have relatively equal power and resources, and are also engaged in the process. Further evidence shows that individuals who are engaged with mediation often obtain a settlement and are satisfied with their experience (Bloch and others 2014).⁴¹ More recent research by Symonds and others (2022) also shows that families find mediation 'helpful' in terms of the information provided through it.

40 The only identified research published after the LASPO reforms that involved observations was Barlow and others (2014; 2017) Mapping Paths to Family Justice, discussed in the paragraph below. Phase 3 of the project included five mediation sessions being recorded, though this data was not discussed in isolation to the rest of the project and was largely used to supplement the findings from earlier phases.

41 Bloch and others' (2014) research identifies four types of MIAM/family mediation clients. Beyond engaged clients, there were those who felt compelled to mediate due to limited alternatives, those who were unclear on how to resolve their issue, and those who were strategic in attending mediation but wanted a settlement reached outside the process. Experiences of family mediation varied across these types.

However, negative experiences have also been identified. The word ‘mixed’ has been used to describe individuals’ experiences with family mediation in two recent studies (Symonds and others 2022; Hitchings and others 2023). In Mapping Paths to Family Justice, three-fifths of 46 survey respondents who had experienced family mediation were dissatisfied with the process (Barlow and others 2017).⁴² These experiences may reflect the viability and workability of mediated agreements. Professor Emma Hitchings and others’ (2023) Fair Shares study considered the experience of divorcees in relation to their financial and property matters. Within its sample, 44% of arrangements reached through family mediation ‘had worked out as the divorcee had expected’. The reasons for this finding are unknown, though Hitchings and others note it may be because previous attempts to reach an agreement had been unsuccessful, so any mediated arrangement was ‘a rather grudging compromise’ that was likely to be unworkable in the future.

Negative experiences in mediation have been linked to a number of factors. For example, multiple studies have acknowledged participants’ frustration with the family mediator’s inability to give legal advice (Barlow and others 2014; Symonds and others 2022).

Several individuals in Symonds and others’ (2022) study of those who had experienced family separation also acknowledged that mediation occurred at a point in the separation where they were unable to properly manage negotiations. Other research acknowledges that there are cultural barriers to participation in family mediation; for instance, spouses involved in Islamic divorce proceedings reported that many British Muslims viewed marriage and separation as a private family matter and were subsequently reluctant to involve professional family mediators (Uddin 2018).

Furthermore, there is evidence that family mediation is not being properly utilised by the divorcing and separation population, particularly those with limited access to legal support and/or fewer financial assets. In the Fair Shares study, 17% of its sample of divorcees reported using family mediation (Hitchings and others 2023). Whether a divorcee used mediation was heavily influenced by whether they had a lawyer or sought support through a legal services company. Attendance at family mediation was also more likely where the separating couple had higher levels of assets: for instance, 11% of those with assets under £100,000 attended mediation, compared to 24% of those with assets from £500,000 to £999,999.

⁴² This was a sub-sample of 2,974 respondents to an omnibus survey, 288 of whom had divorced or separated from 1996 to 2011 and 315 who were in the process of separation.

Key message 3

Attendance at mandatory Mediation Information and Assessment Meetings (MIAMs) is low, with engagement shaped by exemptions and case complexity

Figures suggest that MIAM attendance remains low despite the 'MIAM requirement' introduced under the Children and Families Act 2014.⁴³ As considered under key message 1, the number of legal aid MIAMs has dropped and has not recovered since the LASPO reforms. In addition to this data, the Ministry of Justice (2022) has published statistics from 2018/19 to 2020/21 on overall MIAM attendance.⁴⁴ Over the three years, 148,073 private law applications to court were subjected to the MIAM requirement. In over a third of cases (36.90%), the applicant attended a MIAM. However, it was more common for an applicant to have claimed an exemption (57.91%).⁴⁵ Earlier research by Hamlyn and others (2015) also found that just under a fifth (19%) of applicants had attended a MIAM in a sample of 300 cases. The main reason for this non-attendance was because one individual was unwilling to participate in the MIAM. The same study also shows that MIAM attendance was less likely where the individual was a Litigant in Person. Other research indicates that the LASPO reforms caused fewer lawyer referrals to MIAMs, due to the lack of incentives for the profession (Bloch, McLeod and Toombs 2014).

At the same time, research indicates that a more complex and diverse clientele is attending MIAMs (and likely family mediation) after the LASPO reforms. As noted by Bloch and others (2014), many individuals now used mediation as they felt they had no alternative other than court proceedings. Bloch and others furthermore acknowledged that mediators were doing marketing of their own services, which had led to a 'greater variety of clients' at the MIAM stage. In particular, they found that more clients were attending MIAMs with little knowledge of the mediation process. Empirical data suggest that many family mediators have adapted to this diverse client base (see key message 4).

However, a number of developments around MIAMs have been introduced since these publications. For example, the list of exemptions to MIAM attendance was adjusted under the 2024 Family Procedure Rules amendments.⁴⁶ The FMC also introduced new rules around MIAMs, including Standards, in 2022. These developments may have influenced the number of privately funded individuals attending MIAMs, though research is needed to test this hypothesis.

43 Under the legislation, applicants to private family law proceedings must attend a MIAM unless an exception applies. Respondents are expected to attend. Prior to the Children and Families Act 2014, only applicants to private family law proceedings who would receive legal aid were required to attend a MIAM (as stipulated by the Family Law Act 1996).

44 This data includes but is not limited to legal aid cases.

45 Mediators informed the courts that an exemption applied in 3.41% of cases. For the remaining 1.78% of applications, no information is available.

46 A number of exemptions were also removed, including where an applicant does not have the respondent's contact details.

Key message 4

The flexibility of family mediators is a strength of the mediation process, which may or may not impede the concept of mediator neutrality/impartiality

Scholarship indicates that family mediators work with a wide discretion. For instance, Moreira (2024) argues that mediators do not adopt a uniform approach when conducting mediations.⁴⁷ Codes of Practice are even open and non-directive in an attempt to encourage flexibility. Consequently, family mediators can use a variety of approaches to support individuals in reaching an agreement.

Family mediators' ability to provide only information and not advice is well established within the professional community. However, there is evidence that some mediators stray into giving advice or provide information that has the same impact as advice. First, Maclean and Eekelaar's (2016) observations and interviews of 25 family mediators identified several instances where mediators gave advice about the mediation process or proposed outcome. What was more common in their research, however, was mediators' use of information to influence the settlement. Maclean and Eekelaar did not argue that the mediator sample were acting 'improperly or outside their remit', but rather called for recognition that the distinction between information and advice can be blurred in reality. Second, Hitchings and Miles (2017) highlighted three main approaches to the use and delivery of information within their interview sample of 16 family mediators. First, most mediators said they would give overviews (including of the law) and conduct open questioning. Second, mediators would reality-test the clients' proposals. Third, mediators would adopt a 'viable options approach' where they made suggestions not previously raised by either client. While Hitchings and Miles also explained that this latter approach was not the same as providing legal advice, it was evidence of a flexible practice that allowed mediators to direct their clients to a certain – often fairer – outcome.

Further evidence suggests that mediator practice has become more flexible after the LASPO reforms. Reduced access to legal aid means that fewer individuals have traditional legal support through a lawyer. This development has resulted in a support gap for many individuals, which mediators are increasingly under pressure to fill. Blakey's (2020) review of Codes of Practice for family mediators showed that the profession was now permitted to act as helpers, referrers, assessors and intervenors. However, the lack of clear guidance or support on how to balance these sometimes-competing functions may have led to improper practice in some instances. Subsequent interviews with 17 family mediators by Blakey (2025) revealed that many family mediators, by adopting these four functions, adopted a flexible role that blended facilitative and evaluative practices. This flexibility was often in response to agreements that were unfair and/or not in line with legal norms.

⁴⁷ The same argument can, of course, be made in relation to other family law practitioners, including lawyers, and non-court dispute resolution providers.

Several publications have questioned whether the flexibility of mediator practice may infringe on the important concept of mediator neutrality or impartiality. Both Barlow and others' (2017) and Hitchings and Miles' (2016) research suggest that individuals can become frustrated when a mediator adopts a very strict approach to their neutrality because they feel that the professional is unable to deal with power imbalances or unfair outcomes. From a theoretical perspective, Bano and Webley (2023) and De Girolamo (2019) argue that a mediator can breach their neutrality/impartiality by not intervening in a power imbalance, and that active engagement is sometimes necessary to produce a fair process.

Such developments are promising in terms of what mediators are able to do in the contemporary landscape. Scholarship and research allude to a broad remit for family mediators, albeit one that remains in the confines of information-provision. However, a wider role risks improper or inconsistent practice amongst the profession. Various academics call for further discourse on what the role of the family mediator involves, rather than what it does not, as well as how their flexible practices should be regulated (Hitchings and Miles 2016; Blakey 2025).

Key message 5

Comprehensive screening for domestic abuse (and other power imbalances) must take place both before and during mediation to protect vulnerable parties

Much of the current evidence suggests that mediation screening has been poorly conducted, as reported by the Family Solutions Group (2020). Research predating the LASPO reforms on 35 recorded MIAMs found that screening for domestic abuse took under three minutes on average (Morris 2013).⁴⁸ In Barlow and others' (2017) sub-sample of parties who had used family mediation, screening was 'sidestepped' on ten occasions. Barlow and others argue that domestic abuse renders family mediation highly inappropriate because this backdrop infringes on mediation's foundations of voluntary participation and consent. Symonds and others (2022) similarly report that their interview participants with a background of domestic abuse felt mediation was inappropriate, and that power dynamics were poorly managed within the process. These three outputs call for stronger screening protocols within family mediation, particularly at the MIAM stage.

There are also cultural and religious dimensions for family mediators to consider when screening for suitability, though there is no empirical data on whether, and to what extent, this practice is implemented. Bano and Webley (2023) consider how cultural and religious norms can complicate mediation, particularly for Muslim communities. They emphasise the need for mediators to be alert to cultural contexts, whilst at the same time maintaining neutrality and fairness, when power imbalances and domestic abuse are present.

⁴⁸ By comparison, assessing eligibility for legal aid took over 11 minutes on average.

Sixsmith and Blakey (2025) note that many family mediators are solely responsible for determining whether mediation is appropriate after the LASPO reforms. While many mediators feel confident in identifying and managing domestic abuse cases, the authors stress the need for specialised training and structured tools. Such developments could mirror what has been introduced in Australia, for example through the Coordinated Family Dispute Resolution⁴⁹ model (Field and Lynch 2014) or the Detection of Overall Risk Screen (DOORS)⁵⁰ framework. Moreira (2023) similarly considers the possibility of Early Neutral Evaluation following a MIAM, but before mediation sessions, to help parties understand their legal rights and obligations.

Similar to the empirical evidence on MIAMs (see key message 3), there is a need for up-to-date data following developments in this area. In August 2025, the FMC updated its Code of Practice to clarify the responsibilities of mediators when dealing with domestic violence and power imbalances. The FMC has also been developing a Mediation Screening and Assessment Resource (MSAR) for its mediators. Alongside the introduction of the MSAR, supplementary training on domestic abuse is planned, in addition to a review by the FMSB of present foundation training. The MSAR will provide valuable guidance for its users, and is an obvious area of future investigation for forthcoming research.

Key message 6

Child-inclusive mediation can ensure the voice of the child is heard, though the format is underutilised

Research confirms that children and young people often feel excluded from the decision-making process (Ewing and others 2015; Symonds and others 2022). Child-inclusive mediation, whereby a mediator meets with a child to enable their views to inform the negotiation process, has subsequently become of increased interest in both policy and scholarship. All mediators working towards FMC accreditation have been required to attend training on child-inclusive mediation since September 2019, with accredited mediators having to attend the course by January 2020 (Blakey 2023). Both the Child Dispute Resolution Advisory Group (2015) and the Family Solutions Group (2020) have even endorsed a legal presumption that children aged ten and over should be offered the opportunity to participate in family mediation. Nonetheless, some scholarship questions whether this presumption is viable due to the requirements around party consent, and whether such an expectation is appropriate in instances where children are negatively impacted by direct consultation (Roberts 2024).⁵¹

49 Coordinated Family Dispute Resolution is a non-court process that involves four practitioners: mediators, lawyers, domestic violence specialists and men's workers. It involves several phases, including specialist risk assessment and preliminary legal advice. For more information, see Field and Lynch (2014).

50 DOORS is a screening framework designed to help professionals working with separating families identify and respond to risk. It involves various stages, including a screening questionnaire completed by the client and an assessment by the professional. For more information, see McIntosh, Wells and Lee (2016). For an empirical appraisal of DOORS, also see Booth and others (2023).

51 Roberts (2025) also posits that child-inclusive mediation is not the sole way to ensure the voice of the child is upheld. They summarise: 'Children... need a much wider range of support services to meet their needs for well-being and resilience when families separate and divorce. The expectation placed on family mediation to meet those needs can be inappropriate.'

There is evidence that child-inclusive mediation tends to be a positive experience for children and young people. Barlow and Ewing's (2024) *HeaRT* study analysed the experiences of parents and their children who participated in child-inclusive mediation. The scholars found that the majority of children/young people and parents were satisfied with the child-inclusive mediation process, even if they were dissatisfied with the outcome reached. Many children and young people praised child-inclusive mediation for how it filtered and reframed their views in a way that the parents could understand. Barlow and Ewing note that children and young people felt heard in consultation sessions and even claimed that child-inclusive mediation had improved their relationship with their parents. Interestingly, all six children who had met with their mediator online said the experience had been positive. For children and young people meeting their mediator in person, the 'ambience and facilities of the room' were fundamental to making them feel welcome, calm and comfortable.

However, research indicates that child-inclusive mediation is rarely offered. A survey of 148 mediators, conducted by the FMC on behalf of the Child Dispute Resolution Advisory Group (2015), revealed that most respondents 'had involved a relatively small number of children in each age range' over a year. In the *Mapping Paths to Family Justice* study, only two out of 95 parties interviewed had been offered child-inclusive mediation by their mediator (Barlow and others 2017).

A number of key barriers to using child-inclusive mediation have been identified. Mediators report that child-inclusive mediation is unlikely where one parent is unwilling to involve the child or pay the associated costs (Sixsmith 2023). The introduction of specific funding for child-inclusive mediation is a recurring recommendation within scholarship (Sixsmith 2023; Barlow and Ewing 2024; Family Solutions Group 2020; Child Dispute Resolution Advisory Group 2015).

Beyond this, awareness of child-inclusive mediation is low, with only four out of 12 parents and one out of 20 children in the *HeaRT* study having heard of the model prior to mediation (Barlow and Ewing 2024).⁵² Interestingly, Barlow and Ewing (2024) highlight mediators' lack of confidence in the child-inclusive mediation process and/or their 'ability' as child-inclusive mediators as a significant barrier to participation. They conclude that the way the mediator (or other professional) frames child-inclusive mediation to all parties, including the parents, is fundamental to the model being used.

52 At a wider level, Barlow and Ewing (2024) also note that children and young people struggle to access information and support upon parental separation. This included support from teachers and GPs. Participants in a focus group recognised the need for a universal website for young people experiencing parental separation, and further information and support in schools.

Key message 7

There is growing recognition of the need to strengthen training and regulation for family mediators, with opportunities to enhance consistency, professional identity, and public confidence in the process

As the previous key messages suggest, family mediation is a complex and evolving practice that is shaped by numerous elements, including the needs of families. This complexity underscores the importance of robust regulation and consistent training, both of which have been considered in recent academic literature. For example, Barlow and others (2014) recommend stronger regulation to raise professional standards. Ketani (2022) specifically investigates the foundation training model for family mediators, arguing that a longer and more immersive programme is needed. These scholars argue that such developments are fundamental to increasing public trust in the family mediation process.

The FMC operates a voluntary accreditation and regulatory system, and the lack of protected status means that an individual can describe themselves as a ‘mediator’ with little to no regulation whatsoever. Moreira (2024) highlights the lack of compulsory accreditation (as well as standardised training), which contributes to a gap between mediation theory and practice. This argument can be linked to empirical research, which reveals negative views held between lawyer mediators and therapeutic mediators, revealing a concern that the family mediator profession is not unified in its approach (Blakey 2024).

Policy suggests that the current voluntary structure of regulation increases the risk of improper practice that could lead to unfair outcomes for clients. The Reforming Legal Services review, conducted by Mayson (2020), concludes that regulated mediators in both the family and civil spheres ‘present only low risk to consumers’. Rather, the key issue is that regulatory standards are voluntary, and can subsequently be avoided by those who want to operate outside any regulation. While the FMC can continue to shape its standards and frameworks to improve family mediator practice, regulation of the profession is not possible without the involvement of other external stakeholders, including government (Blakey 2025).

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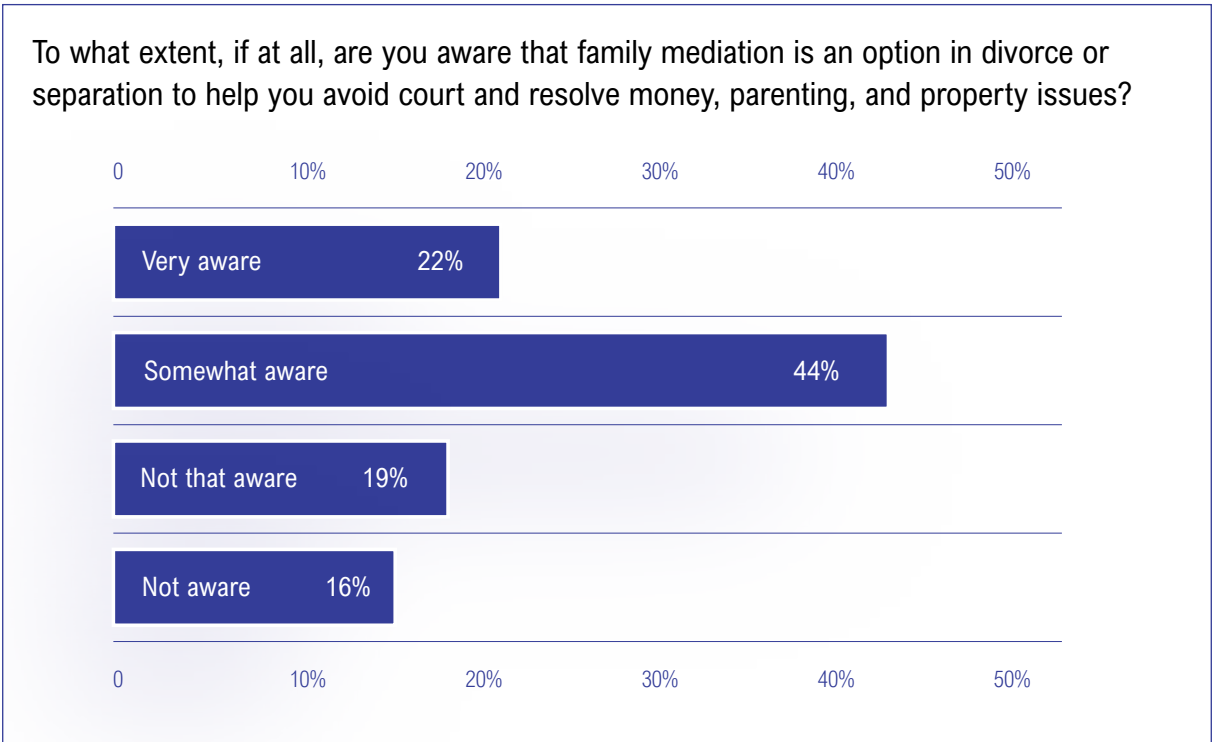
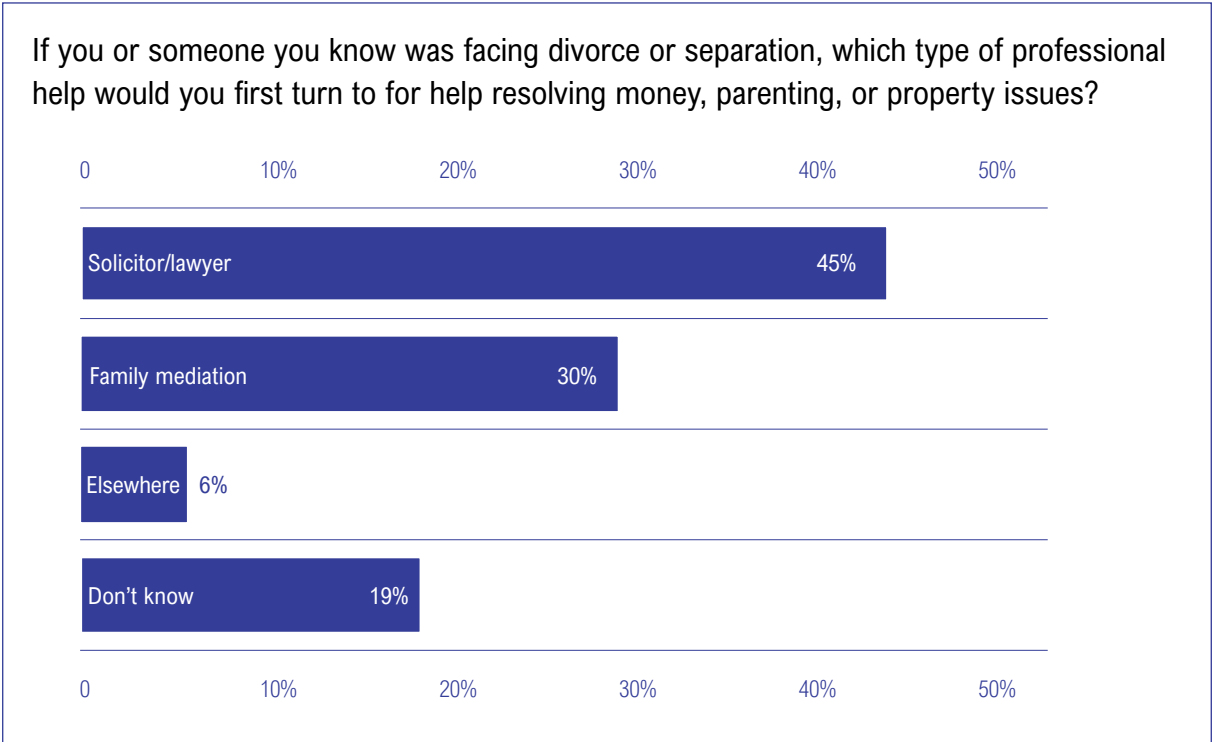
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Appendix 1

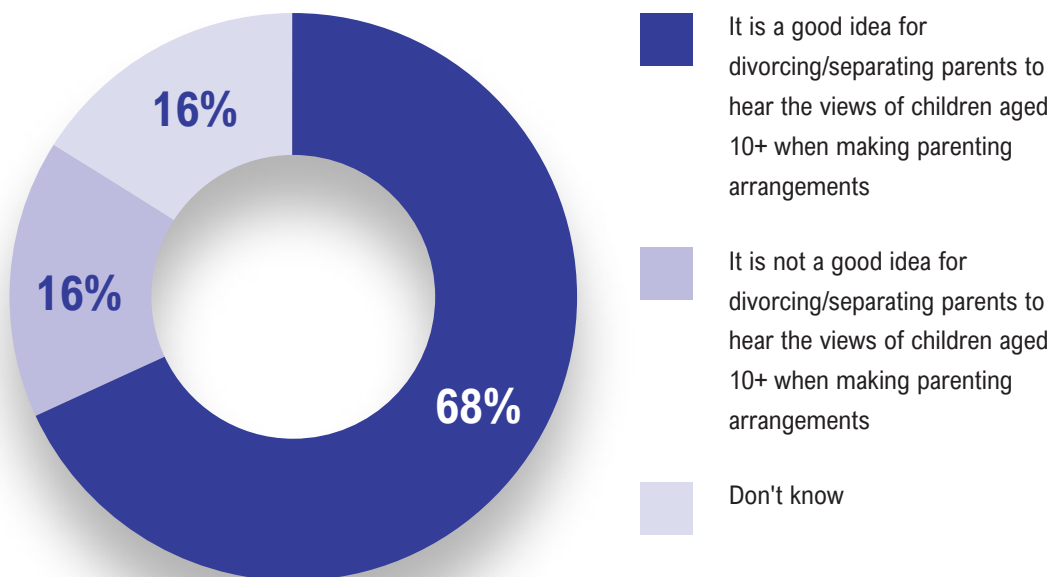
Selected data

Survation survey for the Family Mediation Council, January 2025

Methodology: online interviews of UK residents aged 18+; sample size; 1,007



Which of the following statements comes closest to your view?



Legal aid

Quarterly statistics (January to March 2025)

Source: <https://www.gov.uk/government/statistics/legal-aid-statistics-quarterly-january-to-march-2025>

Extracts from table 7.1

Mediation assessments

Financial year	VOLUME		VALUE
	Assessment meeting alone	Assessment meeting with both parties in attendance	Total expenditure
2006-07	7,784	22,758	£4,014k
2007-08	7,841	22,665	£4,556k
2008-09	8,061	24,152	£5,433k
2009-10	9,633	27,137	£6,151k
2010-11	10,882	26,387	£6,277k
2011-12	14,784	31,336	£7,796k
2012-13	18,144	30,665	£8,054k
2013-14	4,817	13,390	£3,194k
2014-15	6,283	15,076	£3,696k
2015-16	5,483	13,326	£3,262k
2016-17	5,373	11,922	£2,976k
2017-18	5,020	10,518	£2,658k
2018-19	5,664	10,506	£2,717k
2019-20	6,225	12,176	£3,115k
2020-21	5,595	12,682	£3,156k
2021-22	5,646	12,333	£3,103k
2022-23 ^{NOTE 1}	5,352	11,537	£2,926k
2023-24 ^{NOTE 1}	5,451	12,186	£3,064k
2024-25 ^{PROV.}	6,008	12,837	£3,262k

NOTE 1: Revised from previous published figures.

PROV: Provisional results.

Extracts from table 7.2

Mediation starts and outcomes

Financial year	VOLUME				VALUE
	Mediation starts	Successful agreements*	No agreement	Total outcomes	Total expenditure
2006-07	13,918	8,996	4,616	13,612	£6,508k
2007-08	13,239	9,164	4,304	13,468	£6,547k
2008-09	13,537	8,989	4,375	13,364	£6,698k
2009-10	14,745	9,939	4,296	14,235	£7,234k
2010-11	14,186	9,919	4,100	14,019	£6,997k
2011-12	15,357	9,796	4,826	14,622	£6,906k
2012-13	13,609	9,060	4,923	13,983	£6,268k
2013-14	8,438	6,588	3,044	9,632	£4,273k
2014-15	8,092	5,150	2,674	7,824	£3,127k
2015-16	8,834	5,300	3,341	8,641	£3,511k
2016-17	7,611	4,588	2,505	7,472	£2,924k
2017-18	6,321	4,030	2,437	6,535	£2,522k
2018-19	6,535	3,940	2,844	6,377	£2,393k
2019-20	7,568	4,552	2,995	7,396	£2,733k
2020-21	7,699	4,716	3,136	7,711	£2,931k
2021-22	7,365	4,905	3,136	8,041	£3,126k
2022-23 ^{NOTE 1}	7,354	4,243	2,941	7,184	£2,794k
2023-24 ^{NOTE 1}	7,162	4,537	3,246	7,783	£3,038k
2024-25 ^{PROV.}	9,841	4,767	3,389	8,156	£3,207k

NOTE 1: Revised from previous published figures.

PROV: Provisional results.

* Successful agreements include full and partial agreements.

Family mediation voucher scheme

Ministry of Justice analysis (2023)

Extracts from table 1 and 2

	Cases	Success rates	Average voucher value	Mediation sessions (average number)	Average time spent in mediation*
Total sample	7,214	69% (4,961)	£424	2	3 hrs
Those who only mediated because the scheme was available	3,683	67% (2,473)	£415	2	2 hrs 57 mins
Those who would have mediated anyway	3,531	70% (2,488)	£432	2	3 hrs 2 mins
Cases where one party received legal aid funding alongside the scheme	2,122	70% (1,495)	£342	2.5	3 hrs 47 mins
Cases where neither party was eligible for legal aid	4,804	68% (3,264)	£458	1.8	2 hrs 40 mins
Those who mediated online	6,319	68% (4,322)	£420	2	2 hrs 58 mins
Those who mediated in person	705	71% (500)	£442	2	3 hrs 2 mins
Those who mediated 'together in one room' either online or in person	5,539	73% (4,025)	£425	2	2 hrs 59 mins
Those who also had child inclusive mediation	397	74% (294)	£463	3.4	4 hrs 25 mins

Family mediation vouchers issued and spend by financial year (2021/25)

	Number of vouchers issued	Voucher spend
2021/22	6,726	£3.03m
2022/23	9,902	£4.46m
2023/24	10,587	£4.76m
2024/25	13,675	£6.15m

FMC survey of registered mediators (2025)

How quickly MIAMs take place

	Privately paying clients (all mediators)	Legal aid clients (legal aid mediators only)
Within a week	58%	33%
Within 2 weeks	36%	47%
Within 3 weeks	4%	12%
Within 4 weeks	2%	62%
Within 6 weeks	0%	0%
More than 6 weeks	0%	2%

Amount of mediation conducted (compared with 12 months ago)

	All mediation	Legal aid mediation
Increased	58%	67%
Decreased	8%	4%
About the same	33%	29%

Percentage by which the amount of mediation has increased

Average	22%
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Privately funded MIAMs – charges by mediators (including VAT).

£84 or under	6%
£85-£100	11%
£101-£125	34%
£126-£150	21%
£151-£200	14%
£201-£250	4%
£251-£300	6%
£301-£400	2%
Over £400	1%

Percentage of cases involving children aged 10 or over living at home, in which children were consulted (past 12 months).

Average	16%
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Percentage of cases involving children of any age living at home, in which children were consulted (past 12 months).

Average	12%
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For mediators conducting legal aid: has there been a point over the last year where you/your firm has had to stop taking on new legal aid cases?

Yes	25%
No	75%

Do you envisage there being a point over the next 12 months where you/your firm will need to stop taking on new legal aid cases, or ring fence time spent on legal aid cases?

Yes	55%
No	45%

Average overall cost of privately funded participants in successful mediation

	Child	Finance	All issues mediation (child and finance)
Under £300	4%	1%	2%
£301-£400	12%	3%	3%
£401-£500	10%	3%	3%
£501-£600	8%	7%	2%
£601-£750	12%	12%	7%
£751-£1,000	24%	18%	14%
£1,001-£1,500	13%	18%	16%
£1,501-£2,000	8%	10%	19%
£2,001-£2,500	2%	13%	9%
£2,501-£3,000	2%	5%	11%
£3,001-£4,000	2%	3%	5%
£4,001-£5,000	1%	3%	5%
Over £5,000	2%	4%	5%

FMC register

Key figures 2018/25

