

# Kluwer Mediation Blog

## More free mediation sessions for separating couples in the UK

Rafal Morek (DWF LLP) · Tuesday, September 9th, 2014

The UK Government seeks to implement “*the most significant family justice system reforms in a generation.*” In late August it published ‘[A Brighter Future for Family Justice](#)’ report, and announced a new program of free mediation sessions for separating couples.

It comes as no surprise that this issue is attracting political attention. The [statistics](#) speak for themselves: 42% of marriages in England and Wales end in divorce. More than 236,000 people divorced in 2012. Almost half (48%) of divorces involve children under 16 years. On the other hand, the [empirical data](#) prove the effectiveness of mediation. Last year nearly two thirds of couples who attended a single mediation session for a child dispute reached a full agreement. Almost seven out of every ten couples who opted for mediation reached an agreement.

[Family Justice Minister Simon Hughes announced that more free sessions will be funded by Government.](#) However, while the scope of the funding program turned out to be actually limited, its critics claim that it will do little to increase the number of people resolving disputes out of court.

Under the new program, ‘one single mediation session for \*everyone’ – \*if one of the parties is already legally aided – will be publicly funded. At present only the legally aided party is entitled to a free session, meaning there is a cost for the other member of the couple, which can deter them from taking part. The Government declared also to take forward some other [recommendations made by the independent Mediation Task Force](#).

Some changes have already been introduced. Since April 2014 there has been a legal requirement for couples to attend an initial mediation information and assessment meeting (MIAM) before they can take their case to court – to see if it can be resolved without the need to go to court. This does not apply in certain circumstances, for example in cases involving domestic violence. The price of a MIAM and other mediation sessions is set by the provider. The average price of a mediation funded by legal aid in 2013/14 was £548 for each client. The average time for a mediated case is [110 days compared to 435 days for non-mediated cases](#).

The new mediation funding will be in place for up to three years and will be reviewed every six months.

The promising slogan “[Government to fund ‘one single mediation session for everyone’](#)” is misleading, with “everyone” turning out to be limited ‘former partners of individuals who are already legally aided’. However, the overall number of beneficiaries may be still significant. The

base population of people who get divorce per annum in the UK exceeds a quarter of a million. Thus time will tell how this new policy contributes to the role of mediation in the family justice system.

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