



Ministry  
of Justice



**Asking people about how to settle family  
disagreements more quickly**

**Please tell us what you think by: 15 June 2023**

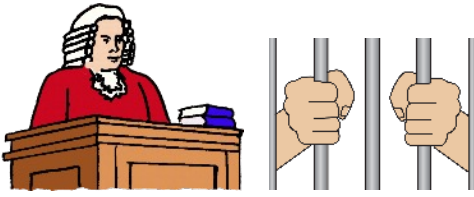
**Part 4: Ways to encourage people  
to go to mediation**



EasyRead version

# Who are we and what are we asking you about

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We are the Ministry of Justice. We are in charge of things like the Courts, Prisons and Probation.



We also look at private court issues. This paper is about when parents or families are having disagreements and go to court because they are splitting up.



We are asking you about how we can use **family mediation** to sort out family disagreements more quickly.



We want to hear from:

- organisations that help families who are splitting up



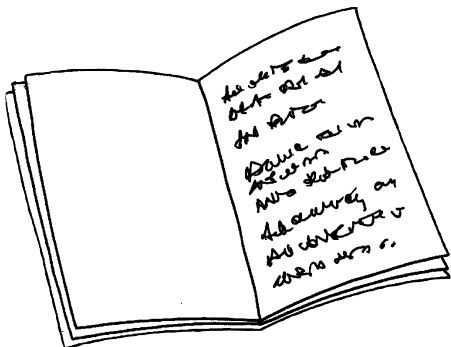
- people who work in family law



- mediation services



- people who have been through the family courts or mediation.



Some of the difficult words in this easy read paper are in **Bold**.

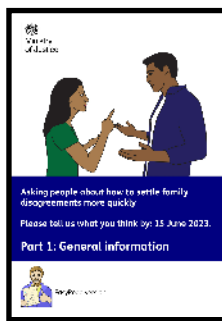
They are explained in the section at the end called What the Words Mean.

# The different parts of this paper

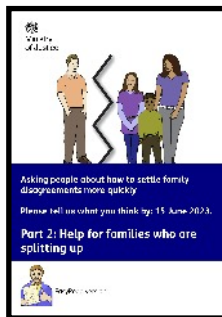
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There are different parts of this paper explaining different things and asking you different questions.



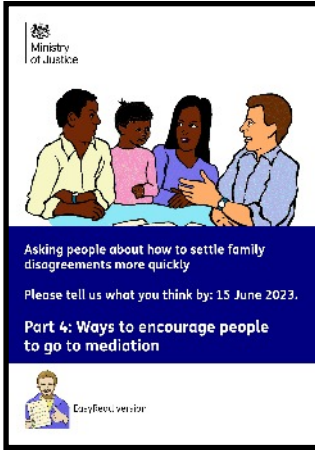
Part 1 is about general information about what we are talking about.



Part 2 is about help for families who are splitting up.



Part 3 is about asking families to go to mediation.



**This is Part 4. It is about ways to encourage people to go to mediation.**



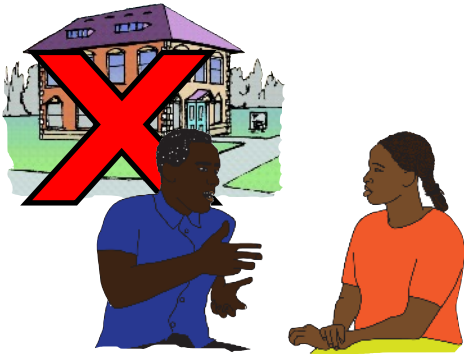
Part 5 is on the Impact Assessment, Equalities and Welsh Language.



Please read the parts you are interested in or know about and tell us what you think about our ideas.

# Ways to encourage people to go to mediation

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## Where we are now

The court wants people to try and sort out their disagreements before asking a court for help.

## Mediation Information and Assessment Meeting (MIAM)



Families have to go to a **Mediation Information and Assessment Meeting (MIAM)** before applying to court.



Or they have to give a reason why a MIAM is not right for the family.

The court can ask people:



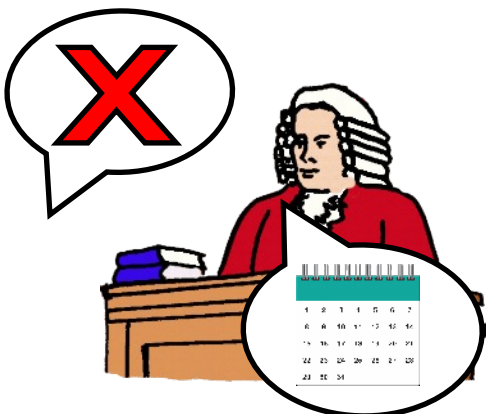
- Did they go to a Mediation Information and Assessment Meeting (MIAM) before applying to court?



- If they did not go to a Mediation Information and Assessment Meeting, what was the reason?

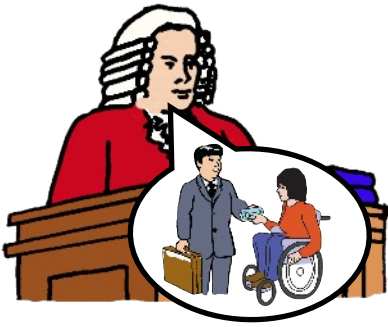


- Have they tried mediation or another way to settle their problems outside of a court?



If they say no, the court can delay the court hearing until people try other ways to settle their disagreements.





## Costs orders

People involved in a court case are called **parties**. The court can ask one party to pay for the other party's costs.



Costs may be for:

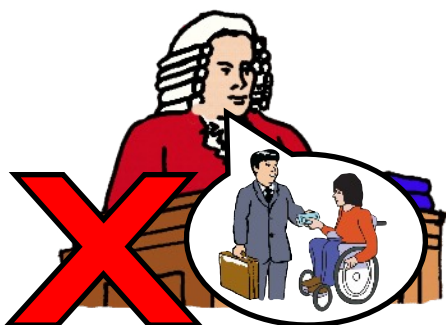
- a lawyer



- court fees



- settling an argument outside of the court.

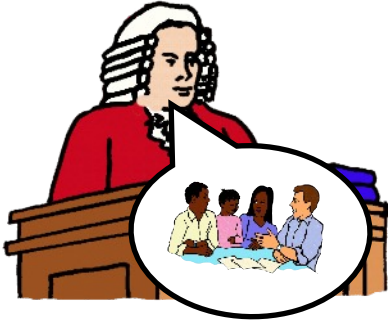


Courts do not like to order a party to pay the other party's costs especially when there are children involved, because this leaves parents with less money to spend on their children.

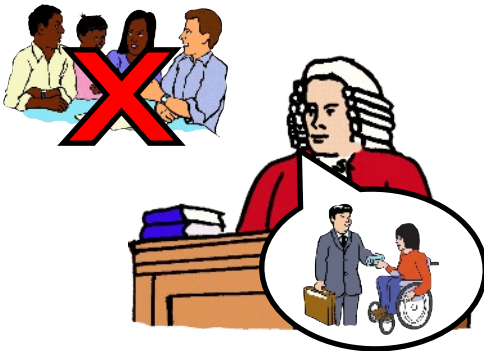


# Other things we could do

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We want the court to be allowed to ask people to give mediation a try.

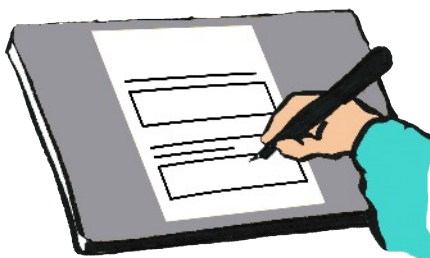


We would like courts to charge people money if they do not try mediation or do not try to settle their disagreements outside of court where possible.



They may charge for:

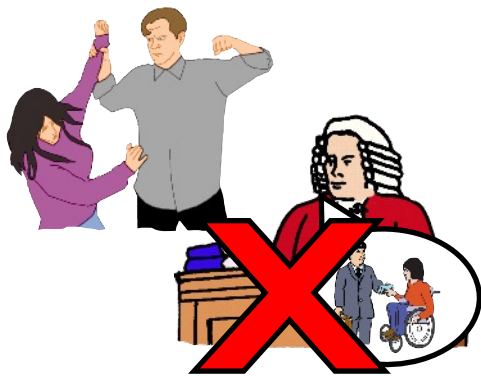
- legal costs



- the application fee



- the costs of mediation.



We do not want the courts to charge people money if there is domestic abuse or other forms of abuse in the case.

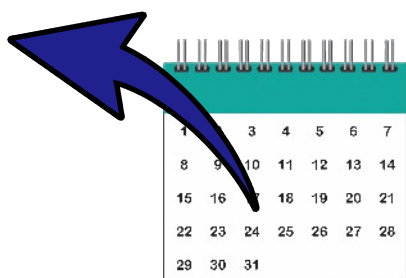


We want a judge to look at:

- if a case will suit mediation



- how the 2 sides get on with each other



- what has happened before.



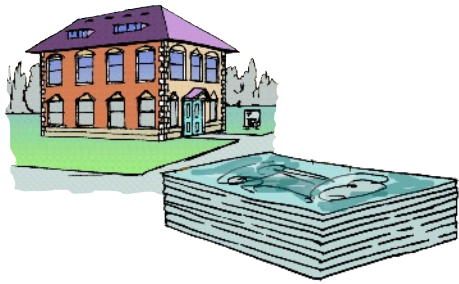
We know that courts want to protect children from stress.



But we think that the possibility that the court might charge parties with cost orders will encourage parents to reach an early resolution outside of the family court.

# Fees

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## Where we are now

It costs £232 to go to court.

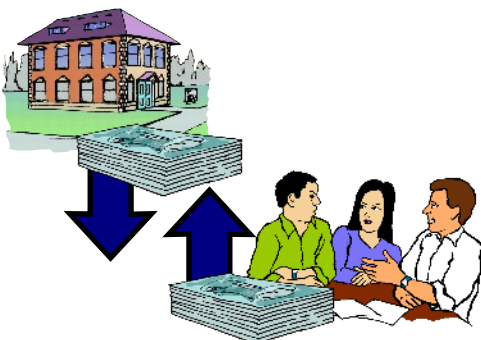


There is fee help for people who cannot afford to pay themselves.



The court £232 fee only covers a small part of the cost of case.

Public taxes pay for most of the costs.



The total cost of a court fee is usually less than the cost of mediation or another form of non-court **dispute resolution**.



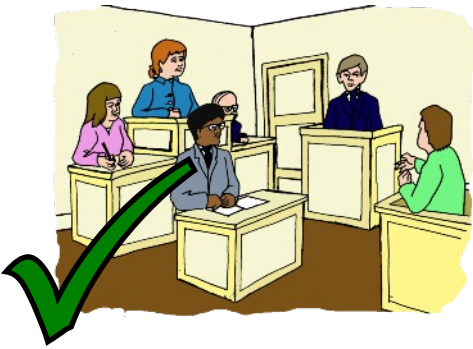
## What we could do

We are currently looking at the family court fees.



We are checking if the £232 application fee helps to:

- give people access to justice



- run the courts system properly



- encourage people to use other ways to sort out their arguments.

# Questions

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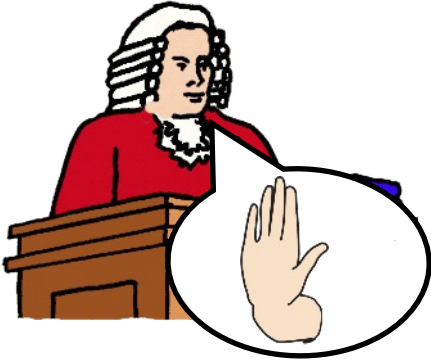


## Question 17: Cost orders

How can judges use cost orders to encourage people to try mediation instead of going to court and to encourage people to try to reach an agreement quickly?



## Question 18: Court cases



Do you think the court should be able to pause the court proceedings and instead make families try mediation if they have not done so already and it is safe to do so?

What are the reasons for your answer?

## Question 19: What court fees are used for



Do you think court fees should help pay for what the family justice system is trying to do?

Should we ask parties to pay more towards the costs of the court services that they access?

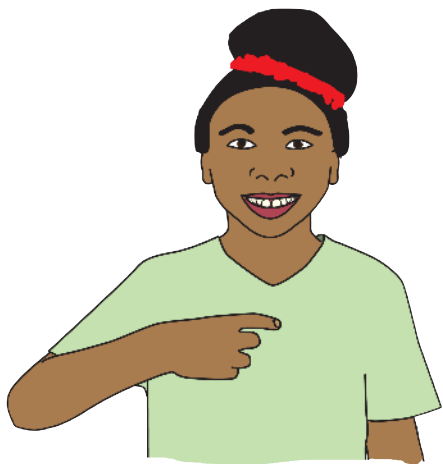
Yes

No

Don't know

# More information

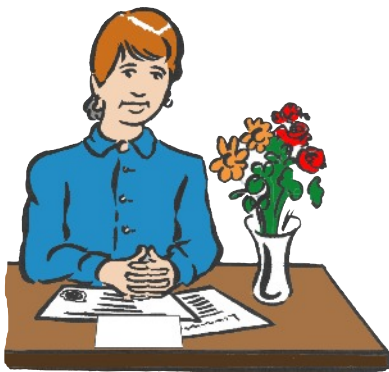
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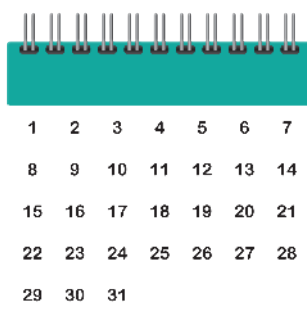
## About you

Please use this section to tell us about yourself

Full name

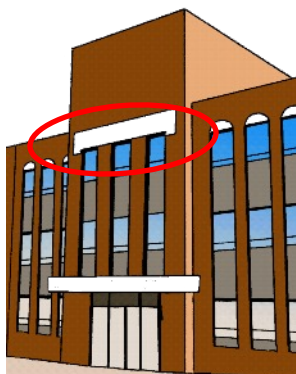


Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)



Date

1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				



Company name/organisation (if applicable):



Address



Postcode



If you would like us to acknowledge receipt of your response, please tick this box



Address to which the acknowledgement should be sent, if different from above.

NAME	ADDRESS
Amir Khan	100 St. James St.
Amir Khan	100 St. James St.
Amir Khan	100 St. James St.
Amir Khan	100 St. James St.

Are you content for the Ministry of Justice to include your affiliated organisation in a public list of respondents to the consultation exercise?



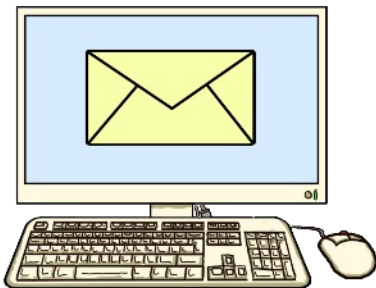
If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.



Please send your response by **15 June 2023**.



Address:  
**Family Justice Policy Team  
Ministry of Justice  
102 Petty France  
London. SW1H 9AJ**



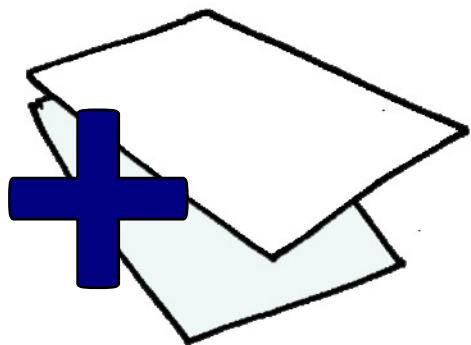
Email:  
**[privatefamilylawconsultation@justice.gov.uk](mailto:privatefamilylawconsultation@justice.gov.uk)**



## **Complaints or comments**

If you have any complaints or comments about this paper please contact the Ministry of Justice.





## Extra copies

You can get more paper copies from the Ministry of Justice or on-line at: [consult.justice.gov.uk/](http://consult.justice.gov.uk/)



You can ask for this paper in other forms from [privatefamilylawconsultation@justice.gov.uk](mailto:privatefamilylawconsultation@justice.gov.uk).



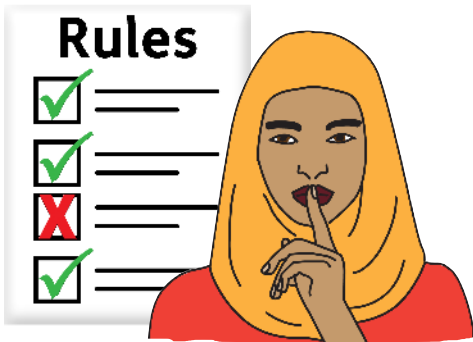
## The next step

We will put a report on-line about what people told us at: [consult.justice.gov.uk/](http://consult.justice.gov.uk/)



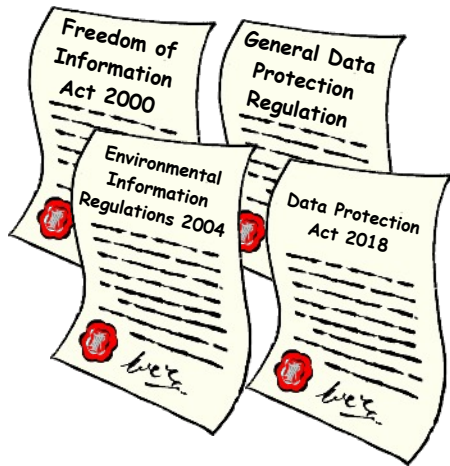
## Representative groups

Representative groups are asked to give a summary of the people and organisations they represent when they respond.



## Privacy

We follow rules about keeping your information private.



The rules are the Freedom of Information Act 2000 (FOIA), the Data Protection Act 2018 (DPA), the General Data Protection Regulation (UK GDPR) and the Environmental Information Regulations 2004.



We follow the rules of a Code of Practice.



If you want us to keep your information private tell us why.



We will listen to you but we cannot promise to keep your information private.



We will not give your personal information to others.

## What the words mean

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**Accreditation** means trained. For example, the Family Mediation Council makes sure mediators are properly trained.

**Co-parenting** means you and your ex-partner talk about how you will bring up your children.

**Co-parenting programmes** are courses where you learn ways to co-parent to have a positive impact on any children involved.

**Compulsory** means you have to do something, unless there are reasons that this would be harmful.

**Consent order** is a paper made by the court about how you'll look after your children such as:

- where they live
- when they spend time with each parent
- when and what other types of contact take place (phone calls, for example)

**Dispute resolution** is the process of finding an agreed solution to a disagreement. Mediation is a form of dispute resolution.

**Disputes or conflicts** are when people argue or disagree about something.

**Family mediation** is where a trained professional called a mediator helps separating people work through plans for their children, finance or property.

**Means test** is checking if you have a low income and savings.

**Mediation information assessment meeting** is called a **MIAM** for short. A MIAM is a short meeting with a trained professional called a mediator where you will be provided with information about mediation as a way of resolving your issues. The mediator will assess whether mediation is an appropriate option based on your individual circumstances.

**Mediation** means you talk to an independent person called a **mediator** who helps you sort out a problem without going to court.

**Party.** People involved in a court case are called parties.

**Reasonable adjustments** means making our service accessible to people with disabilities.

# Credits

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