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XXXX

data.access@justice.gsi.gov.uk

May 2019

Dear XXXX

**Freedom of Information Act (FOIA) Request – 190422007**

You asked for the following information from the Ministry of Justice (MoJ):

- 1. Number of claims referred to the Small Claims Mediation Service**
  - Number of Claims Referred Pre-Allocation
  - Number of Claims Referred Post-Allocation
  - Number of Total Claims Referred
  - Number Uptaken
  - Number Abandoned
  - Number Cancelled
  - Number Not Attended
  - Total Number Abandoned/Cancelled/Not Attended
  - Number of Mediations Conducted
  - Number of Mediations Settled
  - Settlement Rate
- 2. Number of Fast Track claims referred to mediation**
  - Number of Claims Referred Pre-Allocation
  - Number of Claims Referred Post-Allocation
  - Number of Total Claims Referred
  - Number Uptaken
  - Number Abandoned
  - Number Cancelled
  - Number Not Attended
  - Total Number Abandoned/Cancelled/Not Attended
  - Number of Mediations Conducted
  - Number of Mediations Settled
  - Settlement Rate
- 3. Number of Multi-Track claims referred to mediation**
  - Number of Claims Referred Pre-Allocation
  - Number of Claims Referred Post-Allocation
  - Number of Total Claims Referred
  - Number Uptaken
  - Number Abandoned
  - Number Cancelled
  - Number Not Attended
  - Total Number Abandoned/Cancelled/Not Attended

- **Number of Mediations Conducted**
- **Number of Mediations Settled**
- **Settlement Rate.**

**Please provide the data for the following years: 2008-09, 2009-10, 2010-11, 2011-12, 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, and 2018-19, if available.**

Your request has been handled under the FOIA.

It has been passed to me because I have responsibility for answering requests relating to data in Her Majesty's Courts and Tribunals Service (HMCTS). HMCTS is an executive agency of the MoJ and is responsible for the administration of the magistrates' courts, the Crown Court, the County Court, the Family Court, the High Court, Court of Appeal and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland.

I can confirm that the MoJ holds some of the information that you have requested and I have provided it.

Regarding Question one, I can tell you that our HMCTS management information systems only hold data relating to claims referred to the Small Claims Mediation Service from 2013-14 onwards. Not all of the fields requested by you are available until 2016-17.

Also, MoJ have currently only published statistics up to the end of calendar year 2018 regarding Civil cases.

Within that, I have provided the information that you have requested in the attached tabulation.

Notes regarding the attached data.

- a) Data are taken from a live management information system and can change over time.
- b) Data are management information and are not subject to the same level of checks as official statistics.
- c) The data provided is the most recent available and for that reason might differ slightly from any previously published information.
- d) The data provided has been extracted specifically to answer this question and has not been cross referenced with case files.
- e) In this instance "Settlement Rate" has been calculated by dividing "Settled" by "Mediations".

Regarding Questions two and three, the MoJ does not hold the information in the scope of your request. The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

I should explain that the Small Claims Mediation Service (SCMS) only has jurisdiction to deal with cases within the small claims limit of cases up to £10,000.00.

The SCMS does not have the remit to deal with cases allocated to Fast Track or Multi Track. The only way that a claim for a sum of over £10,000.00 can be dealt with by the SCMS is if there is a judicial order referring the case in to the small claims court and then the case will be dealt with in the same way as any other post-allocation case by the SCMS.

HMCTS does not have an in-house mediation service to deal with Fast Track and Multi Track cases. However, they can use external mediation service providers and may be ordered to do so by a Judge.

### **Appeal Rights**

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

[data.access@justice.gov.uk](mailto:data.access@justice.gov.uk)

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely

**XXXX**