



Ministry  
of Justice



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

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

**Part 1: General information**



EasyRead version

# Who are we and what are we asking you about

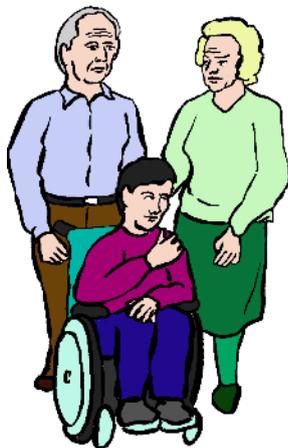
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We are the Ministry of Justice. We are in charge of things like the Courts, Prisons and Probation.



We also look at private court issues in the family courts, which means issues between couples and regarding their children, including who they should live or spend time with.



These cases can involve grandparents and other relatives too. 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.



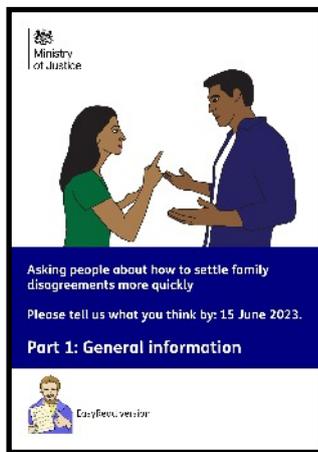
Some of the difficult words in this easy read paper are in **Bold**.

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

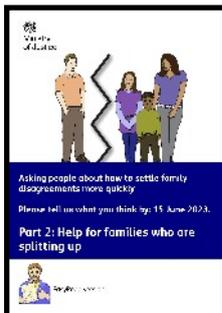
# The different parts of this paper



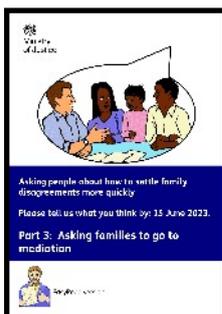
There are different parts of this paper explaining different things and asking you different questions.



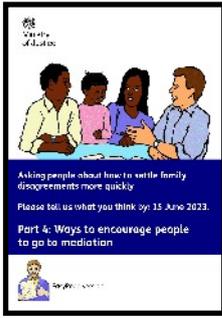
**This is Part 1. It has general information about what we are talking about.**



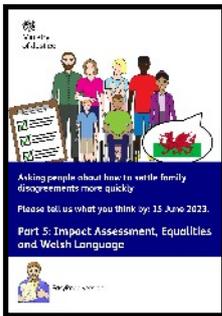
Part 2 is about help for families who are splitting up.



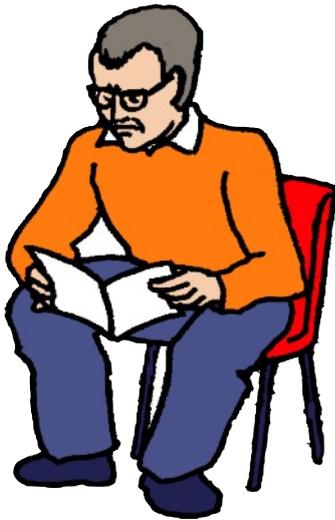
Part 3 is about asking families to go to mediation.



Part 4 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.

# How to tell us what you think

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



There are questions at the end of each part. Please send your answers to the email or address below.



To get in touch and send us what you think.

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



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



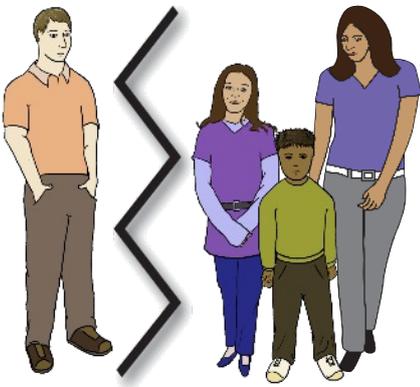
We will look at what you tell us and write a report about what we find out on our website: **[consult.justice.gov.uk](https://consult.justice.gov.uk)**

# General information

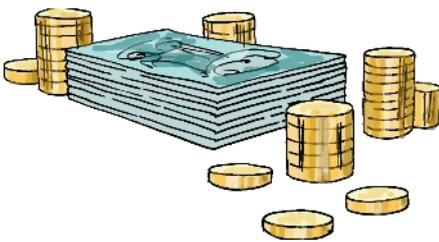
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Families sometimes decide to separate or split up because they have disagreements. We call these **disputes** or **conflicts**.



In 2021 there were 2.3 million families who split up, with 3.6 million children involved.



When parents split up they need to talk about:

- money and who has what

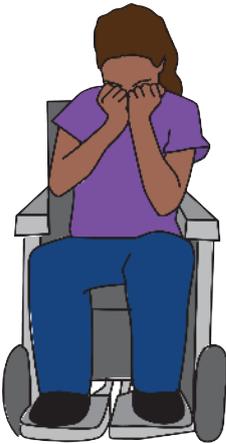


- how they will care for their children

They will talk about who their children will live with and how much time they will spend with the other parent or relative.



Many separating parents can sort out their money and who looks after their children and when, and who their children spend time with without going to court.

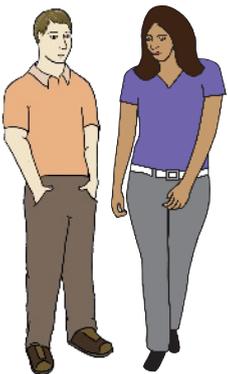


Separating is stressful and can affect children badly.



The family may have to go to the family court to help sort out of the children.

When this happens, we call it a **private law case**.

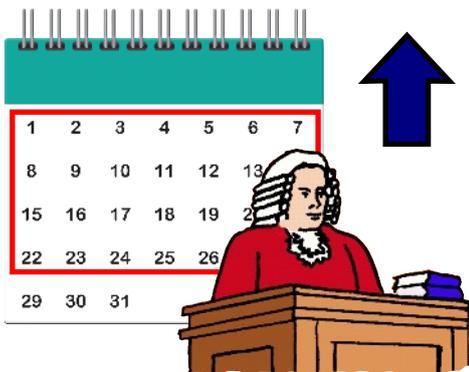


**Private law** means a court case that is just between family members such as parents. It does not involve social services.

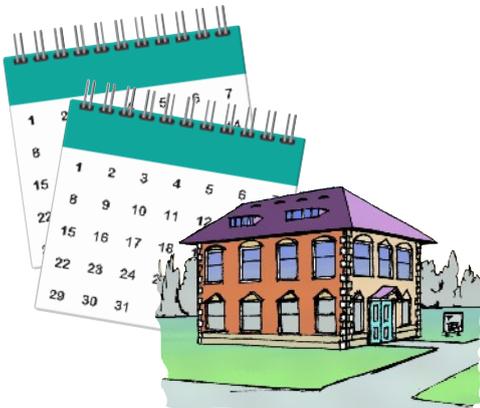


The number of families going to court has gone up.

Every year a lot of families go to court to sort things out. About 55,000.



The number of days judges spend hearing cases in family courts has gone up.



It can take a long time to go through the courts.



We think more families can sort problems out without going to court.

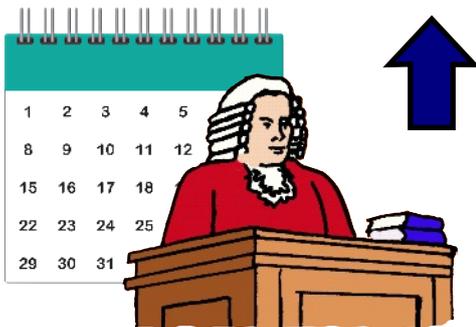


Then the courts could have more time for families and children who are most in need of the court's help.



We have tried ways to keep up with these high numbers:

- we gave more money to the family courts to help manage the extra work



- we gave judges more time for family cases



- we used technology like video hearings.



Some of the holdup is because of COVID.



In 2021, it took courts 32 weeks to finish a case. This went up to 45 weeks a year later.



This can be harmful to children and adults, so we want to help all families sort out their issues more quickly.

# Mediation

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We want to give families ways to talk about splitting up outside of a court.

We think **mediation** could help.



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



A **mediator** is a person who will listen to both parents and help you work out problems.



Mediators work for the courts and are trained by us.

We want more people to use this service.

## The Mediation Information Assessment Meeting



Before you can go to court you have to go to a meeting with a mediator. This is called a **mediation information assessment meeting (MIAM)**.



In a MIAM you talk to a mediator who will treat you fairly.



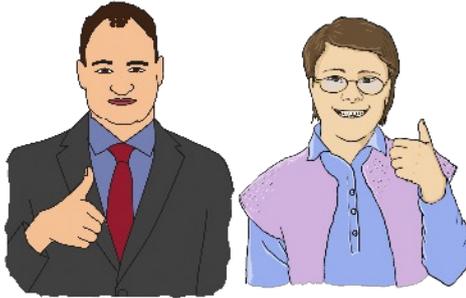
Mediation is not about getting back together.



It is a chance for couples who are splitting up to meet with a trained professional.



It will give you an opportunity to tell the mediator about your situation, and the issues that need to be decided.



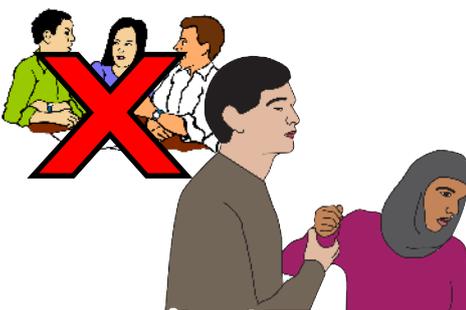
The mediator will tell you about the mediation process and other options for reaching agreements.



At the end of the meeting, the mediator will tell you whether your case is suitable for mediation, and you can decide whether you want to proceed with mediation or explore another option for resolving issues.



The mediator can also give you information about other services which provide help and support.



Mediation is not for everyone, especially where there has been violence or there are other serious worries.

# Cases that need to go through the court

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Some families need extra help and serious matters must still go to court.



Serious matters are:

- where there is domestic abuse



- worries about child protection



- families have tried but cannot agree a solution to their problems.



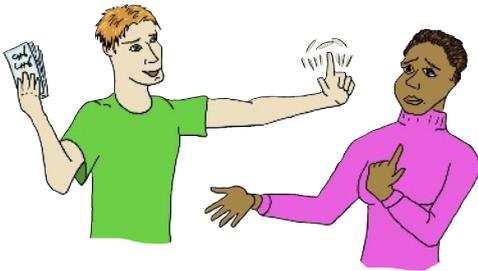
## Domestic abuse

In 2021 we made a new law about domestic abuse.



Domestic abuse includes:

- controlling or **coercive behaviour**



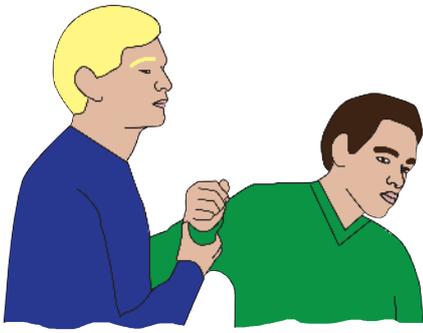
- money abuse



- psychological or emotional abuse



- physical or sexual abuse



- violent or threatening behaviour.



Helping people with domestic abuse is very important to us.



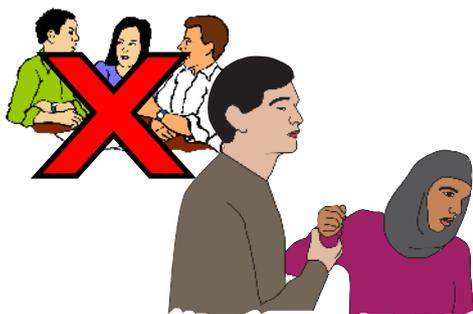
There has been abuse in over half the families going to court.



We want to protect people from all types of abuse.



We want courts to have more time to sort problems out more quickly.



We know that mediation may not work in case of domestic abuse.



So court is the best choice for some families.



We are testing a new way of helping some families.



We are trying to:

- stop putting people who have been abused through more upset



- give children the chance to speak up



- help people work together to sort out problems



People have told us this new way works well.



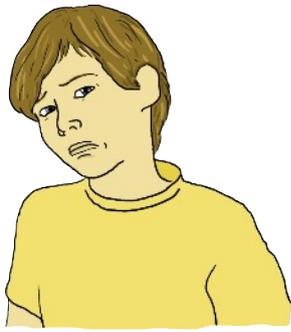
## How parents splitting up affects children

We know that parents arguing for years can harm their children.



The children may be:

- anxious



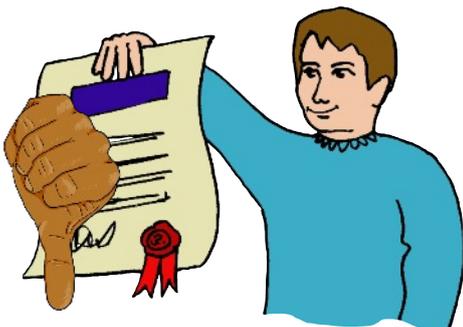
- sad



- angry



- breaking the law



- having poor school results



- taking drugs.

# When courts don't work

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We know that some court orders only work for a short time.

And 1 in 4 families go back to court.



We want to help families in other ways than court.



We think there should be a place where families can get trusted information.



We want more parents to go to **co-parenting programmes**.



We want to bring in mediation to help family members sort out their issues before going to court.

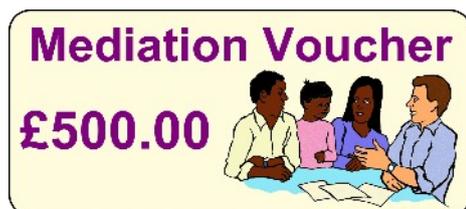


## Mediation voucher scheme

Our Mediation Voucher Scheme has worked well for 7 out of every 10 families.



In the scheme we ask parents to come to a meeting to hear about mediation.



We give them a £500 voucher to help with the cost of mediation.

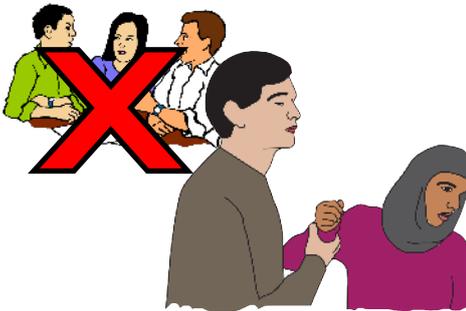


3 out of 4 then go on to mediation.



But we want more people to go to mediation, so we want to make it **compulsory**.

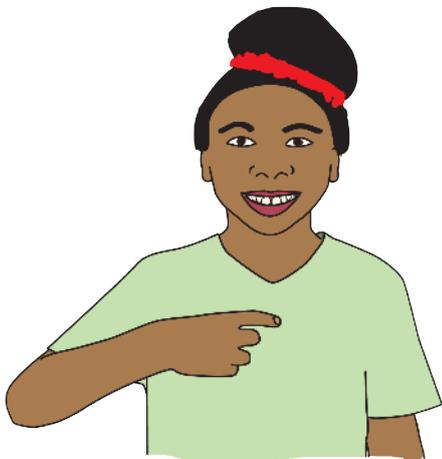
**Compulsory** will mean you have to try mediation before you can go to court.



Mediation will not be compulsory if there is domestic abuse or children may be at risk.

# More information

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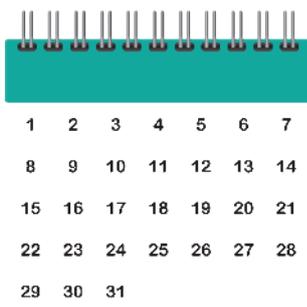
## About you

Please use this section to tell us about yourself

Full name

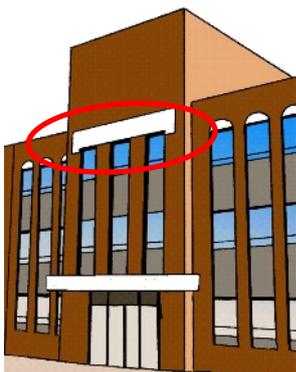


Job title or capacity in which you are responding to this consultation exercise (e.g. member of the public etc.)



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



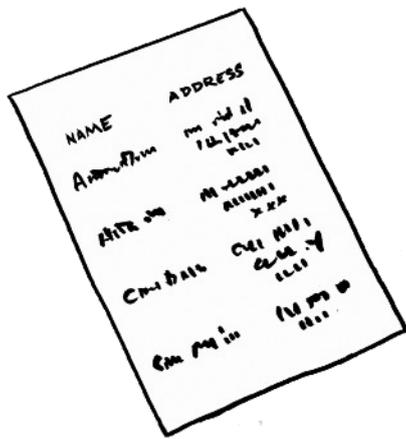
Postcode



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.



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**

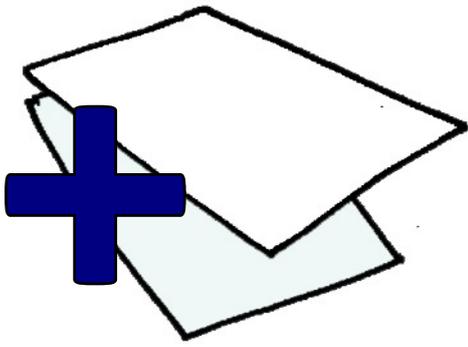


Email:  
**[privatefamilylawconsultation@justice.gov.uk](mailto:privatefamilylawconsultation@justice.gov.uk)**



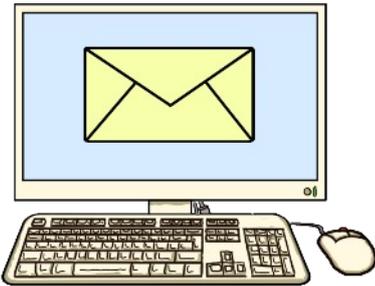
## **Complaints or comments**

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).



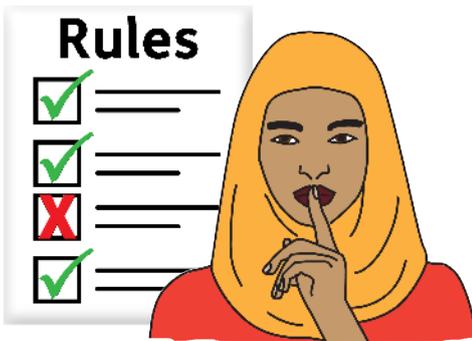
## The next step

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.

**Coercive behaviour** is a type of abuse. The abuser uses threats or violence to frighten the victim or make them do things that they do not want to do. This abuse can be physical, emotional, financial or sexual.

**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 issued by the court about how you'll look after your children such as:

- where they live
- when they spend time with each parent and other relatives
- 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 disagree or argue about something.

**Family mediation** is where a trained professional called a mediator helps separating couples 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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