

The government has just announced a new campaign designed to promote family mediation in England and Wales. FMC and all the member organisations, including of course FMA, have been working with the Ministry of Justice to develop this idea, which will cost the government £1 million. You should already have an email about this from the FMC. This is potentially a wonderful opportunity to gather much needed data about mediation in practice and also to publicise mediation, as there is likely to be a lot of media interest, as well as interest from the general public, following today's announcement.

The details of the campaign have been strictly embargoed by MOJ until now – we know this creates a problem for you, because you are expected to be part of the campaign, without knowing the details of the campaign in advance. We are therefore offering all FMA members a question and answer session with Beverley Sayers today, Friday 26 March between 4pm and 5pm (and again next week on Wednesday 31 March between 1 pm and 2 pm) to talk through those details, as well as the quick guide below. No need to book for today's session; just click on this **link that you received via email** to join at any time. We will send a link for the Wednesday Q+A next week.

The campaign takes the form of a family mediation voucher scheme aimed specifically at mediation of child arrangements cases. Each voucher will be worth £500 and there will be a total of 2,000 vouchers available. Importantly, the vouchers can't be used for information and assessment meetings; they must be used for actual mediation. The scheme was originally conceived as a response to the current court backlogs in children cases (it is based on an idea put forward by an FMA member) but the aim is also to build-up some really useful evidence about the uptake of mediation when the government is prepared to contribute financially to the costs, outside the legal aid scheme. We hope that you will also be able to use it to publicise your own family mediation services locally and we recommend getting in touch with your local press to offer your own explanations both about this scheme and family mediation more generally. The FMC has produced a sample press release which can be found on their information for mediators section of the FMC website.

The scheme is being administered by the FMC, who will make the payments to mediation providers on behalf of the MoJ. The five documents produced by the MoJ can be found **here** <https://www.familymediationcouncil.org.uk/mediation-voucher-scheme/> on the FMC website – covering the full details of the scheme, the client consent information, the participant monitoring form, the case data to be provided by the mediator and the billing information to be provided by the mediator. We are all being encouraged by FMC to email them any questions and the FMC is committed to producing updated FAQs concerning the scheme.

Mediators working towards accreditation may mediate as part of the scheme, where an FMCA mediator is present and takes responsibility for the mediation and for claiming the voucher funds.

You will need to look at the documents on the FMC website, but, very briefly, you need to know that:

- As mediators, we will need to provide information to potential clients about the family mediation voucher scheme at our information and assessment meetings, including the value of the voucher, whether the case is eligible for the scheme and, what this will mean for clients eligible for legal aid.
- If both clients want a voucher and the case is proceeding to mediation, the mediator will then apply to the FMC for approval to proceed under the voucher scheme. The attached guidance includes more information about how this will work but it involves the mediator: registering as a voucher provider with the FMC, which will be possible from 1 April onwards (providing and confirming contact details and professional bank details); checking the availability of vouchers on a case by case basis (once all 2,000 vouchers have been issued, the scheme ends); receiving a voucher code; and issuing an invoice to the FMC once the mediation work has been done, quoting the unique voucher code. Mediators can charge their usual hourly rates but the voucher will be strictly limited to £500 per case (not per individual) and a family can only claim one voucher during the life of the scheme. Mediators will also be required to complete a simple form at the end of the mediation process, providing information about some elements of the mediation, so that the FMC and MoJ can gather useful information about how well the scheme has worked. It is very important that all mediators involved in the scheme make themselves aware of the information that will be required in advance, as they may need to collect extra information from clients.
- Eligibility for the mediation voucher scheme is not based on an individual's income, or on any other factor relating to a person's finances. However, mediation vouchers will be restricted to cases where there is a private law dispute/application regarding a child, for example an application for a child arrangements order or for a specific issues order, whether or not there is an associated financial remedy dispute.
- Mediators must inform the client of the difference between the scheme and legal aid and must also undertake the usual high-level assessment of eligibility for legal aid, referring eligible clients who want legal aid to mediators who provide legally aided mediation. Clients who are eligible for legal aid may, however, choose to obtain a £500 contribution towards their overall mediation costs under the scheme, instead of claiming legal aid. If only one party is funded by legal aid, the mediation voucher can be obtained to fund the other party up to £500 per case. There is a great deal more detail about the relationship between legal aid and the new scheme in the documents – legal aid providers in particular will want to read that very thoroughly.