

Overview

We are the Family Mediators Association (FMA). We were established in 1988 and have a membership of 524 with 539 including affiliates and friends of FMA. FMA is a lead body and founding member of the Family Mediation Council (FMC), which co-ordinates regulation of and develops common standards for professional family mediators.

FMA is the only member organisation of the FMC dedicated to representing the interests of professional family mediators, whatever their background, together with the interests of the families who need help from those professionals. It also includes mediators, trainers and consultants who have extensive background not only in kinship care but also family group conferencing and restorative practice.

One of our Co-Chairs, Claire Webb, was directly involved in the Foundation funded feasibility study of September 2025 [Kinship Care Mediation - Foundations](#) undertaken by Coram and delivered by her multi-disciplinary practice, Family Solutions [Family Solutions - Separation and Divorce specialists Portsmouth](#) FMA also offers a four week intensive training course in Kinship Care for mediators.

Importance of a Clear Definition of Kinship Care

A clear and inclusive definition of kinship care is essential if families are to access timely support and dispute resolution services. Kinship care encompasses a wide range of arrangements, including informal family arrangements, child arrangements orders, special guardianship orders, and other circumstances where children are being raised by relatives or close family friends because their parents are unable to care for them.

The Coram feasibility study of the Family Solutions kinship care mediation pilot highlighted the unique challenges experienced by kinship families, including managing relationships between kinship carers and birth parents, agreeing contact arrangements, navigating trauma, and making ongoing decisions in the child's best interests. These challenges are often present regardless of the legal status of the arrangement.

A consistent definition of kinship care is important because it:

- ensures equitable access to support services across different forms of kinship arrangement;
- creates consistency in referral pathways and assessment processes;
- avoids excluding families whose arrangements are informal but whose needs are significant;

- supports the development of specialist services, including mediation and early intervention;
- enables more accurate collection of data, evaluation and commissioning of support.

Importantly, any future proposals regarding MIAMs, mediation, safeguarding support, or reviews of Kinship Support Orders should apply across the full spectrum of kinship care arrangements. Restrictive definitions risk creating unequal access to services and missing opportunities to intervene early in situations where conflict may affect a child's wellbeing. The evidence from the Family Solutions pilot suggests that relationship difficulties and communication challenges are common features across kinship families and are often open to structured support and mediation.

The Government should adopt a clear, broad and inclusive definition of kinship care that reflects the diverse arrangements in which children are cared for by relatives or close family friends. Access to support, including MIAMs, mediation, safeguarding assessments and mechanisms for reviewing Kinship Support Orders, should be available across all forms of kinship care. A consistent definition will improve access to services, reduce inequalities between families and support the development of evidence-based interventions that promote stable, child-focused family arrangements.

Importance of a Clear Definition of Kinship Mediation

The consultation should adopt a clear definition of kinship mediation to distinguish it from advocacy, family group conferencing, therapeutic intervention, and legal advice. The Coram feasibility study identified mediation as a structured process that supports kinship carers and birth parents to improve communication, resolve disputes, and make child-focused decisions collaboratively. The intervention combined accredited mediation practice with trauma-informed approaches, communication skills and positive parenting support.

A clear definition is important because:

- it establishes consistent referral pathways;
- enables quality assurance and professional standards;
- ensures families understand the purpose and limits of mediation;
- supports effective evaluation and future commissioning. **Maintaining Continuity with the MIAM Framework**

The Government should build on, rather than create parallel processes to, the existing **Mediation Information and Assessment Meeting (MIAM)** framework already well-established within family justice.

MIAMs are recognised as a gateway process through which families can:

- receive information about dispute resolution options;

- explore whether mediation is appropriate;
- identify safeguarding concerns;
- consider alternatives to litigation.

Creating a kinship-specific mediation pathway which aligns with existing MIAM processes would provide continuity for families, professionals and courts while avoiding unnecessary duplication. The infrastructure, professional standards and safeguarding procedures already exist and could be adapted for kinship care arrangements.

The Value of MIAMs as a Stand-Alone Intervention

The consultation should recognise that MIAMs have value even where mediation does not proceed.

In kinship care disputes, a stand-alone MIAM can:

- provide early information and support;
- clarify legal and practical options;
- identify sources of conflict;
- assess safeguarding risks;
- signpost families to appropriate support services;
- help carers and parents understand each other's perspectives.

Many families benefit from an opportunity to reflect on options before becoming involved in court proceedings or experiencing relationship breakdown. The MIAM therefore represents an intervention in its own right rather than simply an administrative gateway.

Value of Mediation for Kinship Families

The findings from the Coram feasibility study suggest mediation is a promising intervention for kinship families, particularly where ongoing relationships must be maintained in the interests of the child. The study found indications of:

- improved communication between kinship carers and birth parents;
- reduced conflict;
- greater clarity around roles and expectations;
- increased confidence and engagement from birth parents;
- stronger focus on the child's needs and experiences;
- potential to prevent escalation into formal legal proceedings. Participants reported that mediation enabled difficult conversations to take place safely and constructively, helping families develop shared understanding and child-focused arrangements.

This is particularly relevant in kinship care, where carers and parents must often continue interacting about contact, education, health and broader family relationships long after legal orders are made.

Mediation as a Safeguarding Tool

Mediation should not be viewed as being separate from safeguarding. Properly delivered mediation, with trained practitioners and robust screening, can contribute positively to safeguarding.

The Family Solutions model incorporated trauma-informed practice and ongoing assessment of suitability. The MIAM and preparatory stages provide opportunities to identify:

- domestic abuse;
- coercive or controlling behaviour;
- unmanaged substance misuse;
- mental health concerns;
- risks associated with contact arrangements;
- wider child welfare concerns.

Where mediation is unsuitable, families can be directed towards alternative statutory or legal interventions. Where appropriate, mediation can help reduce harmful conflict, which itself is recognised as a risk factor for poor child outcomes.

Mediation Within Reviews of Kinship Support Orders

The Government should consider mediation as a formal option during the review of Kinship Support Orders, prior to a return to court.

As children's needs change over time, disputes commonly arise regarding:

- contact arrangements;
- parental involvement;
- education decisions;
- financial contributions;
- boundaries and expectations between carers and parents.

Before formal variation proceedings or escalation to court, families should be offered a MIAM and, where appropriate, mediation as part of the review process.

This approach would:

- promote early resolution;
- reduce court applications;

- preserve family relationships;
- keep the child's welfare at the centre of decision-making;
- provide a proportionate mechanism for reviewing arrangements as circumstances evolve.

The evidence emerging from the Family Solutions pilot suggests that mediation may be particularly well suited to kinship families because of the ongoing nature of these relationships and the need for collaborative decision-making in the child's best interests.

Suggested Consultation Recommendation

The Government should establish a clear definition of kinship mediation and integrate it within existing MIAM frameworks. MIAMs should be recognised as both an assessment and early intervention process, offering information, safeguarding assessment and support even where mediation does not proceed. Evidence from the Foundations-funded feasibility study undertaken by Coram and delivered by Family Solutions demonstrates promising outcomes in reducing conflict, improving communication and supporting child-focused decision-making within kinship families. Mediation should therefore be considered as part of the initial process and review process for Kinship Support Orders and other kinship arrangements, with appropriate safeguarding screening and professional oversight.

Consultation Question 53.

10.53 We ask for consultees' views as to the court process to be followed when an application is made for a kinship care order.

It should be mandatory for the applicant to attend a MIAM to give them the opportunity to discuss their circumstances, consider their options and be signposted to helpful resources. Attendance at a MIAM will:

- promote early resolution;
- reduce court applications;
- preserve family relationships;
- keep the child's welfare at the centre of decision-making;
- provide a proportionate mechanism for reviewing arrangements as circumstances evolve.

The evidence emerging from the Family Solutions pilot suggests that mediation may be particularly well suited to kinship families because of the ongoing nature of these relationships and the need for collaborative decision-making in the child's best interests.

Mediation encourages communication, increases awareness and understanding and allows families to make their decisions together in a collaborative and sustainable way. Without the mandatory MIAM this opportunity will be lost.

Consultation Question 55.

10.56 We ask for consultees' views as to how best to ensure that the child's views are heard, both at the time the kinship care order is made and subsequently.

A mandatory MIAM before an application is made will allow applicants to understand the ways in which mediation can help to support conversations about what is in the child's best interests. It will also offer applicants an increased awareness and understanding of Child Inclusive Mediation (CiM), which gives a child a voice in the process. A more flexible and extended Code of Practice for Child Inclusive Mediation, which would provide greater opportunity to incorporate CIM in kinship care interventions, has been proposed to the Family Mediation Council by our organisation (FMA) and is currently being considered by a working party of the FMC.

Consultation Question 67.

10.68 We ask consultees to share any further comments or views they may have on our proposals for the introduction of a kinship care order.

We feel strongly that a change to the law provides an opportunity to promote mediation for families who are going through difficult times. Mediation can provide much needed support, information and signposting for families.

Consultation Question 70.

10.71 We ask consultees to tell us anything relating to their experiences of kinship care arrangements, or our provisionally proposed reforms, that they have not yet had a chance to express in response to earlier consultation questions.

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