

Dear Professional Colleagues,

Legal Aid Payment rates have been frozen for 18 years and are now unsustainable. We would like your help to make a difference.

It is very pleasing to see **the Judiciary place a real value on the role of mediation in family matters**. There has been government discussions about compelling couples to seek mediation, recognising:

- benefits in reducing conflict and costs for the family
- a quicker process
- relief of pressure and cost for family courts

An impressive 67% of cases that went to mediation in 2021/22 through legal aid achieved agreements!

There has never been more need for family mediation. The latest Family Court Statistics show that Children Act applications for January and April 2022 are taking an average of 46 weeks to reach a conclusion - this is a 7 week increase since 2021 and is nearly a year of a child's life.

Over the last 5 years there has been a 42.7% increase in Domestic Violence Remedy Orders and **demand for legally aided mediation has increased by 17.6%**. We need to ensure the courts have the capacity for the cases that need fast and effective remedies.

Despite the increasing need, legal aid providers receive the same rate as in 2004, with many finding it unfeasible to continue to provide legal aid mediation. As providers of legal aid mediation, we are worried that **if payment rates do not improve many of the current providers will not be re-tendering** for the new contracts due to be launched later this year.

The Family Mediation Council have identified that since 2018, there are 23% less mediators working for legal aid providers. The Legal Aid Register shows that **the number of Legal Aid Mediation contracts have declined since October 2020 by over 25%, which is the most significant drop in all legal aid sectors, including criminal** contracts which only fell by 9.3% in the same timeframe. The lack of funding means that mediation providers are constantly tightening their belts to make ends meet. It's evident in the lack of investment in training mediators up to accreditation, which threatens future provision.

In addition to the 18-year payment freeze, the contract conditions have been increasing. The Ministry of Justice are now considering removing Universal Credit as a passporting benefit for legal aid.

- this will make it significantly more challenging for some groups to access mediation and
- will further increase the time needed for a legal aid (MIAM) appointment.

The significantly onerous **conditions that accompany running a legal aid contract need to be updated**, based on the lessons of working through the Covid-19 period.

THIS IS A DRAFT LETTER AND SHOULD BE TREATED AS CONFIDENTIAL

The MoJ's Mediation Voucher scheme has been beneficial but only provides approximately 1.5 mediations (joint sessions) and as the first meetings, (Mediation Information and Assessment Meetings), are not covered, they do not make mediation accessible to those on the lowest incomes.

If the government, the judiciary, and the Ministry of Justice truly believe in mediation as a way of supporting families, then **we ask them to ensure that payment rates and contract conditions are reviewed to ensure that they are sustainable** for providers, to secure the future of this provision for our families.

Please add your voice to increase awareness and support the future provision of this valuable service to all our families.

Yours sincerely,
Legal Aid Providers in Family Mediation

This is an open letter by the following legal aid providers:

DRAFT