

# Mediation dispute

New divorce policy may suffer for lack of mediators

A lack of accredited mediators could stymie the Ministry of Justice's new policy of compulsory mediation for divorcing couples.

From 6 April, anyone wishing to contest the terms of their divorce will need to first attend a mediation awareness session, with or without their spouse or partner, and must present evidence of this before their case can be accepted by the court. The family proceedings rules have been amended to include the requirement.

David Allison, chairman of family lawyers' group Resolution, said there was uncertainty as to "mediator capacity".

"We don't know how many people will be able to do this from day one. If not, they will tell the court they tried to access a mediator but couldn't, and that's all they'll have to do.



**Allison:** Government has acted in haste

"There is nothing in the protocol about kitemarking of mediators. Most people will be pointed in the right direction by a solicitor, but where people are issuing proceedings themselves they may go to an unaccredited one, there may be rogue mediators.

"It would have been better to do this in a planned way so that enough mediators were in place but the government has acted in haste."

However, Allison broadly welcomed the proposals, which were announced last week.

"A good solicitor doing their job properly would discuss the option of mediation with a client anyway," he said.

"I guess that's something different from going along and having a talk with a mediation assessor. In so far as this raises awareness it is good—there is no doubt more people could mediate than do currently."

Cases where there are allegations of domestic violence or child protection issues will be exempt from the requirement.

David Norgrove, who is reviewing the family justice system, is due to publish his interim report later this month.

