

PRACTICE DIRECTION UPDATE No. 2 of 2021

The new Practice Direction supplementing the Family Procedure Rules 2010 is made by the Acting President of the Family Division under the powers delegated to her by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and is approved by Lord Wolfson QC, Parliamentary Under-Secretary of State, Ministry of Justice.

The new Practice Direction comes into force on the day after the date on which this Practice Direction Update is approved.

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

Mrs Justice Theis

Acting President of the Family Division

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

Lord Wolfson QC

Parliamentary Under-Secretary of State, Ministry of Justice

**NEW PRACTICE DIRECTION 36V - PILOT SCHEME: FAMILY MEDIATION VOUCHER SCHEME**

(1) After Practice Direction 36U insert new Practice Direction 36V as set out in the Annex to this document.

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ANNEX: NEW PRACTICE DIRECTION 36V TO BE INSERTED AFTER PRACTICE DIRECTION 36U

**PRACTICE DIRECTION 36V – PILOT SCHEME: FAMILY MEDIATION VOUCHER SCHEME**

This Practice Direction supplements rule 36.2 FPR (transitional arrangements and pilot schemes).

**Scope and interpretation**

**1.1** This Practice Direction is made under rule 36.2 and modifies the FPR and Practice Directions to support the Family Mediation Voucher Scheme.

**1.2** This Practice Direction-

(a) comes into force on the day after the date on which Practice Direction Update No.2 of 2021 is approved; and

(b) expires at the end of a period of one year beginning with date on which it comes into force.

**1.3** Terms which are defined in rule 3.1 FPR have the same meaning in this Practice Direction.

**1.4** In this Practice Direction, “the Family Mediation Voucher Scheme” means the Ministry of Justice’s pilot scheme for £500 of financial assistance to be provided towards the costs of attendance at mediation. A person is eligible for this assistance where-

(a) they have attended a MIAM, whether because-

(i) the MIAM requirement, applies; or

(ii) the court has directed that they attend a MIAM;

(b) they are a party to proceedings, or prospective proceedings, which are-

(i) private law proceedings relating to children, as specified in paragraph 12 of Practice Direction 3A; or

(ii) proceedings for a financial remedy, as specified in paragraph 13 of Practice Direction 3A, where the person is also a party to proceedings, or prospective proceedings, relating to children, as specified in paragraph 12 of Practice Direction 3A; and

(c) funding within the pilot scheme remains available.

**1.5** The modifications made to the FPR and Practice Directions in this Practice Direction apply in cases where eligibility for the Family Mediation Voucher Scheme arises.

**Purpose of the Family Mediation Voucher Scheme**

**2.1** The purpose of the Family Mediation Voucher Scheme is to offer a financial contribution of £500 towards mediation costs for eligible cases. The aims of this are two-fold. Firstly, as an immediate measure to try to reduce the backlogs in family proceedings which have been exacerbated by the coronavirus pandemic. Secondly, to provide an evidence base around the effectiveness of providing a financial incentive to encourage disputes to be resolved via mediation rather than through the courts.

### **Modification of the FPR and Practice Directions during the operation of the Family Mediation Voucher Scheme**

**3.1** During the operation of the Family Mediation Voucher Scheme, the FPR and the Practice Directions supporting the FPR, will apply as modified by paragraphs 4.1 to 5.3.

#### **Modification of rule 3.9 of the FPR**

**4.1** After paragraph (2)(a) of rule 3.9 insert-

“(aa) provide information about the Family Mediation Voucher Scheme, if the authorised family mediator considers that the person attending the MIAM might be eligible for assistance under that scheme;”

#### **Modification of Practice Direction 12B**

**5.1** After paragraph 2.9 insert-

**“2A.1 The Family Mediation Voucher Scheme:** Assistance of £500 towards the costs of mediation may also be available via the Family Mediation Voucher Scheme referred to in Practice Direction 36V. Where parties may be eligible for such assistance, information about this will be provided at a MIAM.”

**5.2** In paragraph 5.3 after “resolve the dispute” insert-

“Information will also be provided about the Family Mediation Voucher Scheme, if the mediator considers that the person attending the MIAM might be eligible for assistance under that scheme.”

**5.3** In paragraph 5.10-

(a) after “subsequent mediation” insert-

“The mediator should also consider with the party or parties whether they might be eligible for assistance under the Family Mediation Voucher Scheme.”; and

(b) after “seek, public funding” insert-

“or assistance under the Family Mediation Voucher Scheme”.

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