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## Mediation Insights:



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On 27 July 2022 the consultation on 'Increasing the use of mediation in the civil justice system' was published by the Ministry of Justice.

The consultation outlines the Government's proposal to introduce an automatic referral to a free hour-long telephone mediation for all defended small claims (generally those valued under £10,000). Under the Government's proposal, unless an exemption is granted by the court, all parties to a defended small claim will be required to attend a free mediation appointment with HMCTS before their case can progress to a hearing. The mediation session will be provided via the existing Small Claims Mediation Service run by Her Majesty's Courts and Tribunals Service.

The proposal is expected to help an additional 272,000 parties every year to access the opportunity to resolve their dispute consensually through mediation. It is also expected to divert up to 20,000 cases each year from the court system, freeing up judicial resources to be used for complex cases.

The Government is also considering whether a requirement to mediate should be expanded beyond small claims.

Both of these initiatives form part of the Government's broader efforts and ambition to help parties realise the benefits of consensual dispute resolution processes, such as mediation, and integrate these processes as a key step within the justice system.

The consultation can be accessed here –

[Increasing the use of mediation in the civil justice system – Ministry of Justice – Citizen Space](#)

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