

Family mediation and the family courts in England and Wales: a review of the official data, mid-2026

A working paper compiling Ministry of Justice, Office for National Statistics and Legal Aid Agency figures on private family law, divorce and funded mediation

Jess Knauf, Director of Client Strategy, Mediate UK

July 2026 | Correspondence: office@mediationguide.co.uk

Abstract

In the quarter ending March 2026, neither party had legal representation in 49 per cent of private law disposals in the family courts of England and Wales, and both parties were represented in just 13 per cent. This paper compiles the official statistics that describe the system those unrepresented families enter: private law demand rose 16 per cent while disposals fell 17 per cent, leaving 40,971 cases open at the end of March 2026; the average children's case took 35 weeks to reach a disposal; and a typical divorce reached a final order in a median of 39 weeks. Set against this, the Ministry of Justice's analysis of the Family Mediation Voucher Scheme found that 77 per cent of funded families reached whole or partial agreement and 69 per cent avoided a contested court process. The paper summarises each dataset, notes definitional and causal caveats, and considers the policy direction, in which courts increasingly expect families to attempt non-court dispute resolution first.

1. Introduction

Public discussion of the family justice system in England and Wales tends to run on anecdote. The official statistics, published quarterly by the Ministry of Justice and annually by the Office for National Statistics, allow a more precise account. This short paper compiles the key published figures as at mid-2026 across four areas: legal representation in private law cases, demand and timeliness in the family courts, the divorce process after the 2022 reforms, and the outcomes of publicly funded family mediation. It is written as a practitioner data review rather than peer-reviewed research, and every figure is cited to its primary source.

The connecting thread is the changed position of the separating family. A generation ago the default was two represented parties negotiating through solicitors. The data below describe a system in which that is now the exception, and in which policy increasingly expects families to attempt resolution outside the courtroom first.

2. Data and definitions

Quarterly court figures are taken from the Ministry of Justice, Family Court Statistics Quarterly, January to March 2026 (FCSQ), the latest release at the time of writing [1]. Divorce demography is taken from the Office for National Statistics, Divorces in England and Wales: 2023, the most recent

complete year [4]. Mediation outcomes are taken from the Ministry of Justice’s published analysis of the Family Mediation Voucher Scheme, which tracked funded cases from the scheme’s first year [2], with cumulative uptake from the May 2026 government announcement [3]. Legal aid coverage is described from Legal Aid Agency statistics and published scheme rules [5]. “Private law” refers to disputes between individuals, typically about arrangements for children, rather than public law cases involving local authorities. A “disposal” is the conclusion of a case. All figures relate to England and Wales. Accessible breakdowns of each dataset, with access dates, are maintained at mediationguide.co.uk/statistics [11].

3. The representation gap

The most quoted finding in the latest FCSQ is about who has a lawyer. In 49 per cent of private law disposals in January to March 2026, neither the applicant nor the respondent had legal representation, up three percentage points on the same quarter a year earlier. Both parties were represented in just 13 per cent of disposals, down one point. In the remaining 38 per cent of cases, one side was represented and the other was not (derived from the published figures) [1].

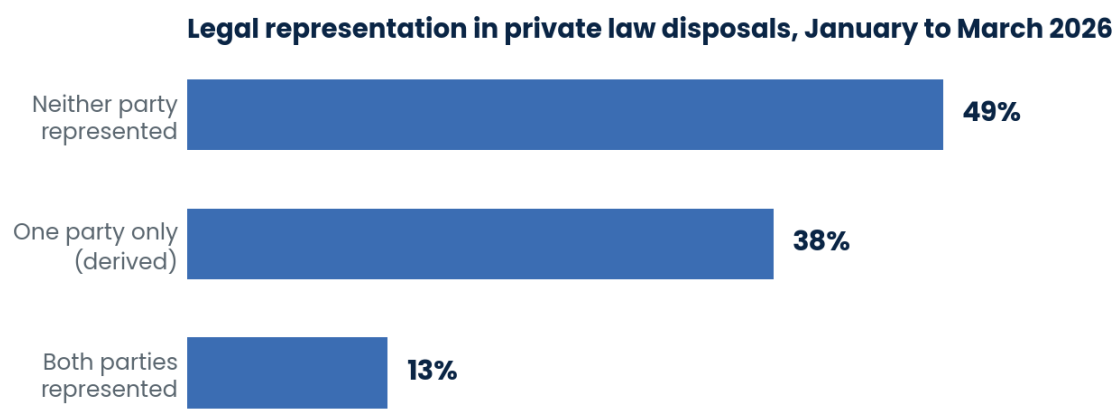


Figure 1. Legal representation in private law disposals, January to March 2026. Source: Ministry of Justice, FCSQ [1]. The one-party figure is derived from the published shares.

The direction of travel traces to the Legal Aid, Sentencing and Punishment of Offenders Act 2012, in force from April 2013, which removed legal aid from most private family law representation while deliberately retaining it for family mediation and the legal help that supports it [6]. The intended effect was that more disputes would resolve out of court; the observed effect on representation is that the fully represented private law case is now unusual. In only about one case in eight does the traditional model of two instructed solicitors still apply.

One finding is easily misread and deserves a caveat. Cases in which parties are represented take longer on average to resolve than those in which they are not. This is association, not causation: representation concentrates in the more complex and contested cases, which take longer whoever conducts them. The figures describe the caseload, not the effect of the advice.

4. Demand, timeliness and the open caseload

The courts processed children’s cases faster in early 2026 than a year before. The average private law case reached a disposal in 35 weeks, five weeks quicker year on year, and 52 per cent of cases concluded within the 26-week benchmark, up seven percentage points [1]. Volume, however, moved the other way. Private law case starts rose 16 per cent to 15,534 in the quarter, while disposals fell 17 per cent to 10,519. Applications for orders rose 15 per cent to 29,793, while orders made fell 4 per cent to 27,663 [1].

Private law cases entering and leaving the system, January to March 2026

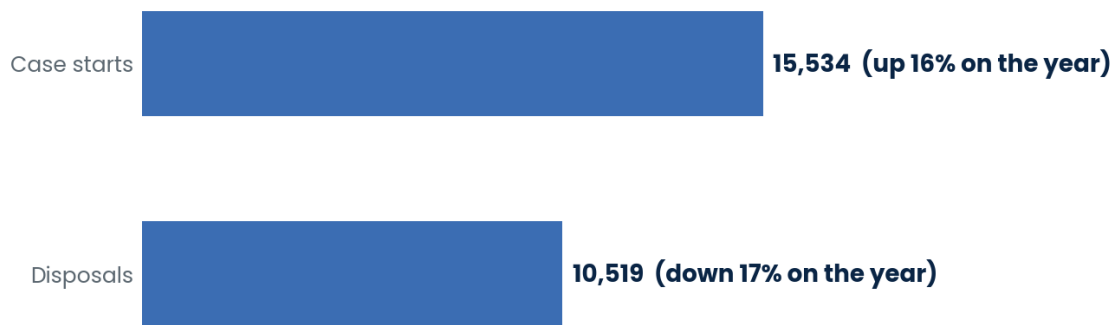


Figure 2. Private law case starts and disposals, January to March 2026. Source: Ministry of Justice, FCSQ [1].

For the first time, the January to March 2026 release also reports the open caseload directly: 40,971 private law cases were open at the end of March 2026, up 11 per cent on 36,939 a year earlier. Of these, 57 per cent had been open for under 26 weeks, while 1,692 cases had been open for 100 weeks or more [1]. The combination is best described as a system running to stand still: each case is handled more quickly, yet the queue lengthens because arrivals outpace departures. Behind each open case is at least one child awaiting settled arrangements, for whom a 35-week average disposal time represents a substantial share of childhood.

5. The divorce process after the 2022 reforms

The Divorce, Dissolution and Separation Act 2020, in force from 6 April 2022, removed fault from divorce, introduced a minimum 20-week period from application to conditional order, and permitted joint applications for the first time [7]. By early 2026 the post-reform pattern is visible. Applications fell 5 per cent year on year to 28,632 in the quarter, while final orders rose 24 per cent to 27,320 as the courts cleared accumulated cases. The mean time from application to final order fell seven weeks to 67 weeks; the median, a better guide to the typical case, was 39 weeks [1].

Within the quarter, 72 per cent of applications (20,673) were sole and 28 per cent (7,959) joint. Joint applications reached a final order in a mean of 48 weeks against 58 weeks for sole applications, roughly ten weeks sooner [1]. The gap has a practical explanation, joint cases involve no service on a respondent and less scope for delay, but it is also a small quantitative signal of a broader pattern: processes begun cooperatively tend to conclude faster. For annual context, the ONS recorded 102,678 divorces in England and Wales in 2023, with a median marriage length of 12.7 years for opposite-sex couples [4]. Divorce ends the marriage but does not settle finances; financial remedy applications rose 11 per cent in the same quarter, most of them uncontested consent order applications formalising agreements reached elsewhere [1].

Mean time from divorce application to final order by application type



Figure 3. Mean weeks from divorce application to final order by application type, January to March 2026. Source: Ministry of Justice, FCSQ [1].

6. What funded mediation achieves

The Family Mediation Voucher Scheme, launched in March 2021, contributes up to £500 towards mediation of children’s arrangements and is not means tested. The Ministry of Justice’s analysis of the scheme’s first year, covering roughly 7,214 funded families, remains the most reliable recent measure of mediation outcomes because it tracked funded cases rather than self-reported samples [2]. It found that 77 per cent of families reached whole or partial agreement, and 69 per cent either avoided court entirely or used it only to obtain a consent order formalising their agreement [2]. By May 2026 the government reported that the scheme had supported more than 54,000 parents since launch [3].

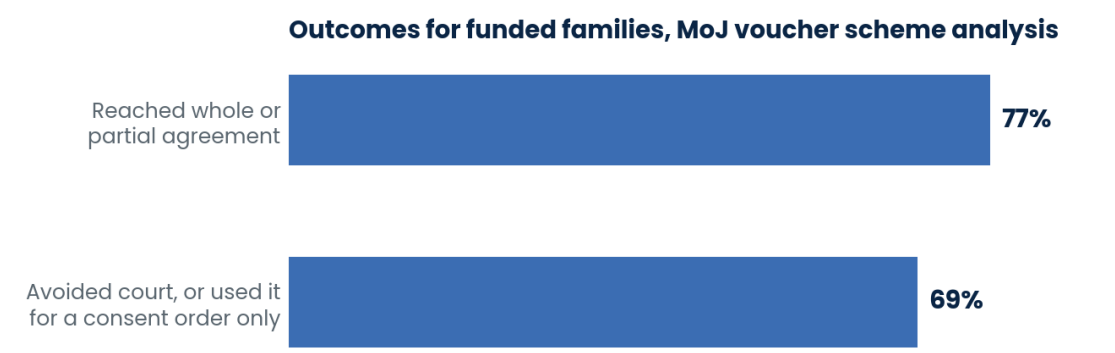


Figure 4. Outcomes for funded families in the Ministry of Justice voucher scheme analysis [2].

Legal aid, meanwhile, remains available for family mediation itself. Where either party qualifies on means, the mediation information and assessment meeting (MIAM) and the first joint session are free for both parties, with further sessions funded for the qualifying party and legal help available to convert agreements into consent orders [5]. The two funding routes are complementary: legal aid is means tested, the voucher is not.

Three caveats attach to the outcome figures. The voucher covers children’s cases, so the findings do not automatically extend to financial disputes. Families who enter mediation are to some degree self-selecting, and suitability screening at the MIAM excludes cases, for example many involving domestic abuse, where mediation would be unsafe or unfair, so the 77 per cent describes screened, participating families rather than all separating families. And “partial agreement” counts as a positive outcome; that is defensible, since narrowed issues reduce cost and court time, but readers should know the definition.

7. The cost context

Court fees from 13 July 2026 are £628 for a divorce application, £270 for a C100 children application, £321 for a contested financial remedy application and £62 for a consent order [8]. Fees, however, are the smaller part of the cost of contested proceedings; representation through a fully contested case routinely reaches five figures per party, which is precisely what half of parents now proceed without. A full course of private family mediation typically costs each party from a few hundred pounds to around £1,500, before legal aid or the voucher is applied [11]. The cost asymmetry, set beside the outcome figures in section 6, frames the policy direction discussed below.

8. Policy direction

Two legal waypoints define the current policy stance. Since 22 April 2014, section 10 of the Children and Families Act 2014 has required most applicants in relevant family proceedings to attend a MIAM before applying to court [9]. Since 29 April 2024, amendments to Part 3 of the Family Procedure Rules have allowed the court to adjourn proceedings for the parties to attempt non-court dispute resolution, and to take an unreasonable refusal to attempt it into account when deciding costs [10]. Read alongside a rising open caseload, the direction is clear: the system is structured to divert suitable cases away from contested hearings, and the levers for doing so are strengthening.

The data reviewed here suggest that direction is evidence-based rather than merely fiscal. Where families entered funded mediation, three quarters reached at least partial agreement and more than two thirds stayed out of the contested court process, on timescales measured in weeks rather than the 35-week average of a court disposal. For the growing share of parents with no representation on either side, a structured, funded, non-court route is not merely cheaper; it is often the only guided process available to them.

9. Limitations

This review compiles published statistics; it involves no new data collection. Quarterly figures are volatile, and single-quarter changes should be read as indicative rather than as settled trends. Derived figures are identified as such. Comparisons between court and mediation timescales are indicative, since the two processes handle different case mixes: mediated caseloads are screened for suitability, while the court caseload includes the most complex and highest-conflict cases. Means and medians are reported as published; where both exist, the median is the better guide to the typical experience. Nothing here constitutes legal advice.

10. Conclusion

The official data describe a family justice system under pressure from three directions at once: demand rising faster than disposals, an open caseload above 40,000 for the first time in the published series, and a caseload in which neither party is represented in nearly half of concluded cases. Against this, the tracked outcomes of funded family mediation, 77 per cent whole or partial agreement and 69 per cent avoiding the contested court process, represent the clearest documented route by which suitable cases resolve without adding to the queue. The evidential case for attempting mediation first, where it is safe and suitable, is strong, and the published statistics increasingly explain why the rules now expect it.

Author note and disclosure

Jess Knauf is Director of Client Strategy at Mediate UK, an accredited family mediation service, and writes the news and data coverage for mediationguide.co.uk, a free information site. Both are operated by Family Legal Ltd, which also operates Family Law Service. This paper is a practitioner data review and has not been peer reviewed. Guide content on mediationguide.co.uk is reviewed by Chris Yaffes, FMC-accredited family mediator (FMC URN 0961A).

References

[1] Ministry of Justice, Family Court Statistics Quarterly: January to March 2026, gov.uk, published June 2026. Accessed 9 July 2026.

[2] Ministry of Justice, Family Mediation Voucher Scheme: analysis of the first year, gov.uk. Accessed 9 July 2026.

[3] GOV.UK, announcement on the Family Mediation Voucher Scheme (support for more than 54,000 parents since 2021), 15 May 2026. Accessed 16 July 2026.

[4] Office for National Statistics, Divorces in England and Wales: 2023, ons.gov.uk. Accessed 9 July 2026.

[5] Legal Aid Agency, Legal aid statistics, and GOV.UK, Legal aid for family mediation, gov.uk. Accessed 9 July 2026.

[6] Legal Aid, Sentencing and Punishment of Offenders Act 2012, legislation.gov.uk.

[7] Divorce, Dissolution and Separation Act 2020, legislation.gov.uk.

[8] HM Courts and Tribunals Service, Civil and family court fees (EX50), gov.uk, fees from 13 July 2026. Accessed 16 July 2026.

[9] Children and Families Act 2014, section 10, legislation.gov.uk.

[10] Family Procedure Rules, Part 3 (non-court dispute resolution), as amended 29 April 2024, justice.gov.uk.

[11] Mediation Guide, family mediation statistics hub, mediationguide.co.uk/statistics/. Accessed 17 July 2026 (secondary source; each page cites the primary sources above with access dates).