



Mediation Advice

We know what you are going through,
and we are here to help.



What is Mediation?

Mediation is a process which helps people sort out issues that arise as a breakdown of their relationship. It is different from going to court or using a solicitor to negotiate on your behalf.

The Mediator can assist with disputes over **financial issues, children's issues**, or both. In mediation a professionally qualified mediator shall gather information from you and your (ex)partner. They listen to what you both have to say, and they help you put together an agreement. The Mediator is impartial and will remain neutral and **will not take sides**. The intention is that it will avoid arguing the issues in Court and will save legal costs. Mediation is voluntary and both parties need to agree to go ahead following the information assessment meeting, where the mediator will assess if this is suitable for mediation.

If an agreement is reached, this is sent to you or/and your solicitors, and if necessary, a Court Order can be made to make it a binding agreement. Please note that **mediation agreements are not binding**.

The First Meeting with the Mediator

The first meeting is known as a MIAM (Mediation Information Assessment Meeting).

The purpose of this first meeting is for the mediator to assess whether mediation is suitable to the dispute, you, your (ex)partner, and all the circumstances. The mediator must be satisfied that mediation can take place without either party being influenced by fear of violence or other harm.

The mediation process will be explained to you and you can find out more about mediation. You can then make a decision as to whether you wish to proceed with mediation. There are occasions when a mediator will consider that mediation is not suitable for your case. You will be informed of this.

Not suitable for mediation

If, after the MIAM, the mediator decides that your case is **not suitable** for mediation then the application will be referred back to the applicant's solicitor, and an application may be then made to the Court.

Is suitable for mediation

If, after discussing the case with the applicant, the mediator decides that mediation **is suitable** the other party will also be sent an appointment letter. They can attend that appointment alone, or with the applicant if you both agree. If the other party does not attend their appointment then mediation fails.



The Mediation Process

- 1 If you have both attended appointments, and the mediator decides that mediation is appropriate for your case, then further appointments will be fixed.
- 2 At these appointments the mediator will make a much more detailed assessment of your case and may take statements from you and (ex)partner, or ask for documentary information.
- 3 The mediator will take the views of both you and your (ex)partner and help you to try to put together an agreement.
- 4 If an agreement is drawn up it may be necessary to make this binding on you both with a Court Order.
- 5 Your respective solicitors will help you to get the Court Order by consent.
- 6 Until a Court Order is made you are both free to change your mind about any of the terms in the agreement.

MIAM for Court Proceedings

If the **mediation fails**, an application may be made to the Court for the Court to decide how the dispute should be **resolved**. In most cases now, an attempt at mediation is required before an application can be made to Court.

Unless there are exceptional circumstances you will need to have attended a MIAM within the previous four months of making the court application and the mediator needs to sign the court application form to confirm that this has taken place. If the four months have expired, a further referral to mediation will need to be made.

Cost of Mediation

The Cost of Mediation will be explained to you by the mediator. At the MIAM the mediator will assess if you are **eligible for Legal Aid**. Legal Aid can still be available for mediation even though it may not be available for solicitors' legal advice and fees.

We know... you need expertise and compassion.

Our expert divorce solicitors are highly experienced and will treat each case uniquely depending on your circumstances. Our family law specialists achieve solutions through confidential settlements and are always on hand to provide support as we know going through a divorce can be a stressful time. We have worked on many family law divorce cases and we ensure each of our clients receive the utmost care and consideration throughout the case.

If your financial circumstances are complex and you need advice on the division of high value matrimonial assets and property, then we have the experience and skills to ensure you receive a fair outcome.

Our team are ready to help

1

Free call with one of our team

2

Agree a fixed fee (no hidden costs)

3

Appointment with an expert solicitor

4

Receive professional and specific advice in writing

5

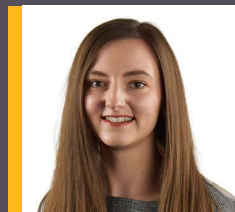
You decide how you would like to proceed



Kelly Parks
Head of Family Law



Shetal Gudgeon
Senior Family Law Solicitor



Lauren Mahon
Family Law Solicitor



Sarah White
Chartered Legal Executive



Our Family team have been ranked in the Legal 500 yet again for their outstanding work.

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Disclaimer

The information contained in this update does not constitute legal advice. It's our best assessment of the current position and is in places based on opinion. In order to bring you a comprehensive guide we have included some financial information, but this does not constitute financial advice. If you want specific advice, please contact us.