

Mediation in Family Proceedings FACTSHEET

The Family Law Act 1996 has for the first time given a Statutory basis to Mediation. Access to Public Funding for Financial and Children matters will be severely restricted unless the client has attended a Mediation Meeting to assess the suitability of the party for Mediation as a means of resolving their disputes.

PRINCIPLES OF MEDIATION

What can I use it for : -

Arrangements for your children

Financial arrangements

Division of Property

Mediation is a form of Alternative Dispute Resolution. It is a process in which a couple or any other family members, whether or not they are legally represented, agree to an appointment with a neutral, impartial third party.

The third party can be a Solicitor or a trained Mediator who has no authority with regard to the parties' issues. The third party will help the parties reach their own informal decisions by negotiation.

It is important to appreciate that Mediation is a process separate from the proceedings themselves. Mediation does not mean reconciliation and the mediator must not give legal advice to the parties either separately or jointly, however, legal information can be given on an even handed basis .

ADVANTAGES OF MEDIATION AND ALTERNATIVES

Advantages

Your are in control, it is an agreement voluntarily entered into , not an order of the court imposed upon you.

It is quicker and cheaper than Court proceedings

There is no winner or loser

It can reduce tension, hostility and misunderstanding and improve communication between you.

This is especially important if you have children as you may need to cooperate about their care and upbringing for years to come.

Alternatives

Solicitor negotiations

Counselling

Court proceedings

REFERRAL TO MEDIATION

Solicitors refer clients directly to Mediation. If a client is in receipt of Legal Help then an appropriate form needs to be signed by the client and Solicitor on referral. The parties then attend at individual Intake Sessions during which the mediator will assess their suitability for full mediation. The Mediator will decide at the Intake Session whether the parties are suitable for Mediation and if not, will provide the appropriate forms to the Solicitor which will allow a full application for legal funding to be made.

How long will it take?

Normally 2- 4 Sessions.

If the Mediator decides that the parties are suitable for Mediation, they will proceed to full mediation during which the parties will discuss their situation which the mediator and attempt to reach an agreement.

If an agreement is reached the mediator will prepare a Memorandum of Understanding between the parties and this will be sent onto the parties' Solicitors. This document is not legally binding. The Solicitors will then embody the Memorandum into a Consent Order which when signed by both parties and sealed by the District Judge will provide a final agreement with a clean break between the parties on life and in death, or it can be the basis of a legal agreement.

COST OF MEDIATION

In all cases the intake Session is usually free and thereafter the parties will be advised of the appropriate rate per Session.

Certain persons are eligible for Funding in respect of Mediation. These are:-

1. Persons in receipt of Income Support or Jobseekers Allowance.
2. Persons in receipt of Tax credits or Disability Persons Tax Credit where the abatement for the maximum allowance is no more than £70.00 per week.
3. Those where there is a disposable income of less than £180.00 per week.

Persons who are ineligible for Public funding will be informed of the likely cost of mediation at the outset.

The purpose of this Information sheet is to explain briefly the principles involved in Mediation. If you have any queries whatsoever arising out of this information sheet you should not hesitate to contact the Solicitor who has conduct of your case.

For more details and advice contact you local Resolution accredited Family Lawyer:

Miss Madeline Rand

RLE Law

4 Derwen Road

Bridgend

CF31 1LH

Tel: 01656 656861

Fax: 01656 859475

Email: madeline.rand@rlelaw.com