

Dunn & Baker Family Team

1. MEDIATION

Mediation is a service which exists to help couples, married or unmarried, or indeed **any** family member (including, of course, grandparents) make decisions and settle disputes arising from the breakdown of the relationship, where those decisions or disputes affect children, property rights or money. The staff are all trained, qualified and accredited mediators, usually with solid experience of a whole range of family problems.

The philosophy behind mediation, is that it is better to try and agree matters before positions become fixed and attitudes harden.

Mediation can have practical and financial benefits as well. If agreement is reached with the benefit of CLS funding you may avoid having to repay your legal costs. To remind you what this entails, we refer you to the Fact Sheets named 'A Step-by-Step Guide to Legal Aid' and 'Paying for your Legal Aid', which we can provide, or can be found on www.legalservices.gov.uk.

In deciding whether or not to use Mediation, obviously you must consider how you feel about negotiating with your former partner, and any specific problems you foresee about such negotiations. If you have any important reservations about Mediation, please do not hesitate to discuss these with us.

Process of mediation

Usually there will be an introductory session which you attend alone, to explain how the process works. Then, an initial meeting will be arranged, where you and your partner can discuss any problem affecting the breakdown in your relationship. Even if your partner will not come, you can attend the meeting alone.

The aim is to help you find your own solutions, rather than have Orders being imposed on you by the Court. At the end of the mediation sessions any agreement you reach will be recorded and this may form the basis of a final settlement.

Their purpose is to encourage free and plain speaking and mutual understanding, and to reduce the bitterness and resentment that there may be. Advice, opinions and solutions are not forced upon you, although the Mediators will help you to understand any pitfalls in any proposals.

Although there is no hard and fast rule, Mediation often takes about 3 sessions (in child cases) and about 8 sessions (in financial disputes) of approximately one hour each. The mediators are flexible enough to make an appointment to suit your needs.

Costs

If you are eligible for CLS funding, then the mediator can grant funding to you. If you are not eligible for CLS funding, then you will be charged at an hourly rate that the mediator will inform you of at the initial interview. Often that initial interview will be free.

Certainly mediation is an option worth exploring. It avoids the cost, bitterness and tension of Court proceedings, and the mediation service themselves maintain that they have a 'success rate' of 74% of parties, who reach agreement and express their satisfaction with the process.

The next step

If this is something you wish to explore, you can ask us to refer you to a nationally accredited firm of mediators. This referral can be very prompt and an appointment can usually be offered at a time to suit you within a week of initial referral. The referral will be to mediators who have achieved the Community Legal Service Quality Mark, and are approved therefore by the Legal Services Commission. Alternatively, you can find details of all your local approved family mediation providers in the Community Legal Services Directory, available at our office or at a reference library or CAB. This directory is also available at www.justask.org.uk

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dunnandbaker.co.uk

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Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.