

## What is the aim of mediation?

---

Family mediation is a voluntary scheme in which a mediator assists you in reaching your own informed decisions about some or all of the matters in issue between you. You can consider issues relating to divorce, separation, children, finances and property. A mediator does not attempt to prevent you splitting up. The main aim of the process is to allow you to reach agreements over certain if not all issues. The process will ensure that any children's needs are given priority.

## The role of a mediator

---

The mediator will assess you to see if you and your ex partner are suitable candidates for mediation. The mediator will consider all the circumstances of your separation, the nature of any dispute or disputes between you, and in particular whether mediation can occur without either of you feeling threatened in any way. The mediator is not there to provide specific legal advice. However, they can provide information relating to the process of divorce and the types of orders that Courts can make following divorce and the principles upon which the granting of such orders are based. The mediator will be an impartial person who is able to provide information to you regarding your options.

## What kind of agreements can be reached?

---

In relation to money and property issues, mediators can help both of you understand your financial positions. The mediator will attempt to consider all of the options available to you and attempt to help you reach a financial settlement after considering each of your circumstances and needs. The mediator will also consider the children's financial needs.

In relation to children, the mediator can help both of you discuss your children's needs and express any concerns in relation to their upbringing. The mediation process may also assist to establish the housing arrangements for the children and the children's contact between the parent who does not have day to day care of the children.

## Can the information discussed in mediation be used against me?

---

All discussions within the mediation session are confidential and legally privileged. This means that the mediator has to obtain both parties' written consent if a third party has requested information released during a session. This prevents any unwanted disclosure of information. However, it should be noted that if as a result of a mediation session it appears that a child or another person was thought to be at risk of serious harm, the mediator may choose to notify the appropriate agency. It is likely that such a referral to an agency will be discussed during the mediation session. It should also be noted that the financial information provided by both people may be disclosed. This will be required by legal advisers and will save them time and therefore costs if provided.

## What happens after mediation?

---

If agreement has been made between you and your ex partner in relation to financial matters and any arrangements for your children a Memorandum of Understanding can be drawn up by the mediator setting out the agreement.

If the mediation sessions have not resulted in total agreement, the mediator can recommend taking further legal advice. In this situation you will find that the issues have been narrowed and it will be easier to present to your legal adviser the points which are in dispute. This will reduce the cost of any further action.

## Ongoing legal advice

---

You will be encouraged to take legal advice from us throughout the process and it is very important that you do so before finalising any agreement. Once an agreement has been reached within mediation we will advise you whether it is reasonable and assist in converting any agreement into a court order if necessary.

## Will I have to pay for mediation?

---

You will be assessed to see if you are eligible for "Approved Family Help: Help with Mediation". If you qualify then the Legal Aid Agency will fund your costs for mediation. If you do not qualify we will provide you with full details of our charges.

## How long will mediation take?

---

It is difficult to set out a timetable for each individual case. Each session lasts approximately one and a half hours. You will be asked at the end of each session if you wish to have another meeting. If you have complicated financial matters to sort out you may need at least three or four sessions.

## Conclusion

---

Family mediation may help you take control of your situation and sort out practical matters in an open and co-operative atmosphere. It can help avoid high legal costs and it generally shortens the length of time you are involved in legal proceedings and this can considerably reduce the emotional strain on you.