

Mediation

This information leaflet gives you introductory guidance to mediation. It does not however give you legal advice. If you need legal advice please contact our Family department on 01942 777777

This leaflet:

- Gives a brief introduction to the process of mediation.
- Outlines the results of mediation.
- Outlines where mediation is available.

Overview

Mediation is a process by which an independent third party (the mediator) helps couples who are separating or separated to reach decisions about how they are going to achieve the best settlement of any outstanding issues. Please note that you can use mediation whether you are married or not and you can use mediation at any stage in your relationship whether you are living together or separated.

A mediator can help you to negotiate with your former partner about children issues, and about any financial dispute between you. Mediation is not an easy option. You will be referred to a fully trained mediator who will make sure that any agreement reached is fair for both parties. You can use mediation even if you have not been to a solicitor for advice and whether or not you have issued court proceedings.

The process of Mediation

The advantage of mediation is that you reach the decisions yourself. The mediator cannot impose settlements upon you. Therefore you can feel that the settlement reached is right for you in all your circumstances. Mediation can also establish or re-establish a pattern of co-operation with your former partner, so that you are able to discuss issues in the future, should the need arise, without any of the animosity and bad feeling that can follow the break down of a relationship.

Mediators can give you general information about the law and how it works however they cannot give you individual legal advice about your rights and the best course of action for you. You may therefore need to take independent legal advice from a solicitor both during mediation and at the end.

Please note that there is a charge for mediation so please contact your chosen mediator to enquire about costs before embarking on the mediation process.

There is no standard fee. Different mediators charge different rates. If you are on a low income and do not have much in the way of savings or other capital then you may be eligible for Community Legal Services funding to cover the costs of mediation. Your local Stephenson's office will be pleased to advise you as to whether or not you are eligible.

Mediation takes place in a private room with yourself and the other party together with one or sometimes two mediators. The sessions usually last about half an hour each and dependent upon how complicated your issues are, may take from two to four sessions.

Post Mediation

At the end of the mediation process, you should feel that there has been no 'winner' or 'loser' but that together you have arrived at a suitable arrangement that suits both of you. Your mediator will provide you with a summary of all the information provided and the outcome including any agreements reached. If you wish to have the agreement embodied into a formal document then please contact your local Stephensons office for advice.

Mediation is confidential and what has been discussed in mediation cannot be divulged without written consent of both parties unless it appears to the mediator that a child or adult has suffered or is likely to suffer significant harm. The mediator would then have to ensure that the police or social services are informed.

What you say in mediation cannot later be used in court if mediation breaks down. However, factual information provided i.e. your name and address can be used in court proceedings.

In need of Mediation

If, having considered the options, you feel that mediation is right for you then you will need to make a referral to the most convenient mediator provider. At present there are mediation services available in most local towns and your local Stephensons office can provide you with a list.

If, after reading the contents of this leaflet, you have any questions then please telephone your nearest Stephensons office who will be pleased to help you.

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