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# What is family mediation and how can it help you?

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Mediation is a way of sorting out differences between you and your ex, with the help of a third person who is specially trained to help you negotiate together to try and reach an agreement. They can help you reach an agreement about all sorts of issues including about money, property and children.

## Why consider family mediation?

- It helps reduce conflict, particularly when compared with court proceedings. Misunderstandings can be clarified quickly in a mediation meeting, rather than escalating through lawyers' communications.
- It allows you and your ex-partner to manage the consequences of your separation on your own terms rather than handing control over to lawyers or a judge
- It can help you communicate more effectively during and after your divorce
- It's cost-effective, especially when compared to going to court

## How does family mediation work?

- There are a number of ways that mediation can work. Usually both of you meet several times with the mediator without lawyers involved and have "homework" to do in between meetings. You may take legal advice in the background. Another option is for your lawyers to help with some of the "homework" and for them to join one longer mediation meeting if everyone thinks that would be helpful.
- Some mediators are qualified to see children so their views can be fed back into your discussions.
- Mediators manage the process and help guide your discussions by helping you to identify and explore the issues to give you the best chance of reaching an agreement.
- Mediators are impartial. They cannot give legal advice but can explain what's legally possible and how other couples may have resolved things in similar circumstances.
- When you've reached a mediation agreement in principle, the mediator prepares a summary (often called a "Memorandum of Understanding"), which isn't binding until you've had the chance to take independent legal advice if you wish. The mediator or a lawyer may help with preparing a parenting plan and/or a formal financial order for the court to approve to make your agreement binding.

## Our experience

Mediation is a really effective and lower cost choice for many separating couples. Before making a court application, you usually need to attend a Mediation Information and Assessment Meeting (MIAM) to explore mediation and other out of court options. To find out more about Mediation Information and Assessment Meetings please read our information sheet on ["what is a MIAM?"](#)

Whether we're acting as mediators or supporting you through the process as independent advisers, we believe passionately that mediation can succeed even in cases that are complex or where agreement might initially seem impossible.

The lawyer mediators in our six offices across the country have the qualifications and experience to offer the full range of family mediation services, including where there are international issues. The Mills & Reeve family team has unrivalled mediation expertise.

### Our mediation work includes:

- A mediation for parents following court proceedings about enforcing an order for child arrangements
- A lawyer assisted financial mediation in Jersey
- A complex pre-nuptial agreement with assets around £50m
- High conflict mediation where the parties couldn't be in the same room together
- Mediating in many cases involving complicated business assets

## Divorce and family mediation FAQs

### Do I need a mediator for court?

Mediation is a way of reaching agreement on the full range of issues that result from a divorce out of court; including asset division and the arrangements for children. You do need to attend a Mediation Information and Assessment Meeting (MIAM) before you can issue many court applications.

### Is mediation compulsory in divorce?

Going to mediation isn't compulsory but attending a MIAM is required in many cases before making an application to court for a financial order or in respect of the arrangements for your children.

### What if mediation doesn't work?

If you're not able to reach agreement in mediation, you can ask a court, or an arbitrator (who is a private judge), to make a decision. Your negotiations and proposals in mediation cannot be referred to in subsequent court or arbitration proceedings although any factual information or documents you've provided can be.

### How long does mediation take?

Mediation is a voluntary process. It moves at the pace that suits both of you. You discuss everything in meetings together with the mediator, and how long it takes will depend on the number of issues, how complex they are, how much additional information is needed (for example valuations of assets) and how long it takes to reach a compromise.



## You could get a contribution towards the cost of mediation under the Family Mediation Voucher Scheme

In March 2021, the Ministry of Justice launched a time-limited voucher scheme to encourage more separated parents to consider mediation as an alternative to court.

Separated parents may be entitled to a **£500 contribution** towards the cost of mediation. Mills & Reeve have signed up to the scheme and if the funding remains available our mediators will be able to accept the voucher as payment towards the costs of mediation.



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