

What is Family Mediation?

Some people believe that mediation involves assisting couples to repair relationship breakdown; a bit like marriage guidance counselling. Others believe it involves sitting down with a third party who acts as an arbitrator and decides how their differences should be resolved. Perhaps surprisingly, family mediation does not fall into either of these categories.

So what is Family Mediation?

Family Mediation is a process in which separating and divorcing couples are assisted by an impartial third party, the Mediator, to explore the options available to them and manage the inevitable changes that have occurred or are likely to occur upon the relationship breakdown. It can help at any stage of the separation or divorce. For example, when a relationship first breaks down it can help address the immediate issues such as how responsibility for the bills is going to be shared or met; how and when to break the news to the children, what everyone's living arrangements should be. The Mediator will help the couple consider the options available to them and consider ways of reaching agreement. It can help in addressing further issues relating to or arising from the separation, divorce, arrangements for the children, or how finance or property is to be dealt with.

Separating or divorcing couples may find the prospect of face to face meetings with one another difficult. This is both common and understandable. Once the resistance to that initial hurdle has been overcome, the potential benefits are considerable.

- Mediation sessions are informal when compared with the formality of Court proceedings.
- Couples participating in mediation retain control over their own decisions and arrangements. Decisions are not imposed upon them.
- Mediation helps settle differences and encourages co-operation and the basis for a future working relationship.
- Couples are helped to look towards the future rather than dwelling upon the past.
- Mediation facilitates a dialogue between couples who may have stopped talking to each other or who are finding communication difficult.

- Arrangements for the children can be kept in the forefront of discussions. Parents are helped to consider their children's needs and feelings as well as their own.
- Mediation enables all available options to be explored and 'reality tested' in joint discussions before decisions are taken.
- Mediation enables flexibility and for arrangements to be tailored to particular circumstances and needs
- Mediation helps to reduce stress and animosity and is generally less upsetting than Court proceedings.
- When compared with Court proceedings, mediation is generally quicker and less expensive.

Mediation is not an alternative to legal advice. The Mediator will give information on an even handed basis but will not advise for reasons of preserving impartiality. It is open to the couple to seek independent advice at any stage, whether before, during or after the mediation process. The Mediator will encourage the parties to seek independent legal advice, particularly where the arrangements proposed are outside the parameters of what a family Court might order.

How does Mediation work?

The Mediator will normally arrange an initial meeting with the couple – the intake session – to explain about the process and to establish whether mediation is suitable for the couple, for the issues in dispute and for all the circumstances. This generally takes no more than thirty minutes.

Mediations sessions generally last between one and a half to two hours. The number of sessions required will depend upon the nature and complexity of the issues to be resolved. On average between two and five sessions may be required.

The discussions in mediation are confidential (with some exceptions that will be explained to you) and cannot be relied upon or referred to in later Court Proceedings if mediation is not successful.

The Mediator, at the end of the Mediation will draw up a Memorandum of Understanding (a summary of the discussions and proposals reached) and if financial issues are involved, an Open Financial Statement recording the financial disclosure. These documents can then be referred to the couple's respective legal advisers for independent advice and with a view to completing the



legal formalities that may be required.

If Mediation is something that may be of interest to you please contact our Family Mediator, Jackie Gifford. Jackie Gifford is a Fellow of the Institute of Legal Executives and a specialist family lawyer in our Family Department. She is able to bring her experience and knowledge of the law to the mediation process. For further details please contact the Family Team at Bennett Griffin LLP Solicitors, 23 Warwick Street, Worthing, BN11 3DG Telephone 01903 229903 or email jg@bennett-griffin.co.uk.