



**wsp**  
solicitors

# Family Mediation

Your complete guide to  
the Mediation process.

**Life.** Less complicated

# Family Mediation Guide with WSP Solicitors

At WSP we realise that life is not always straightforward and can be challenging. If a relationship breaks down this will give rise to emotions, stress and difficult issues to discuss. At WSP our Family Mediation team aim to help you resolve these issues and make your life less complicated.

## **What is Family Mediation?**

When a relationship breaks down there are often issues that need to be resolved, for example how are the children going to be cared for, what is going to happen to your home, savings, pension and debts etc. These conversations can be emotional and difficult to have and this is where mediation can help.

The process is voluntary, impartial, confidential and self-determining. This allows both of you to speak freely about the issues that are important to you and arrive at a solution that works for you both with the support of a third party (the mediator).

The mediator's role is to facilitate and listen to your discussions in a safe environment, to ensure that you are both heard and can reach your own solutions.

**Simon Hawkins**  
Associate Family Solicitor  
& Mediator



## Why Use Family Mediation?

In 2021 the Family Courts were dealing with 46,461 financial remedy applications (financial applications following divorce) and 54,649 private law children applications regarding parental disputes about the upbringing of children. The Family Courts had a total of 265,676 cases covering all types of application both in private law and public law. Families were on average waiting 12-16 weeks for a first hearing. As of November 2022 Cafcass (Children and Family Court Advisory and Support Service) had 33,767 open active private law children's cases.

With this volume of work the courts' resources are stretched to the limit, leading to large legal fees.

Mediation offers you the chance to reach an agreement in your own time frame and in a much more cost efficient way.

Generally you can expect to pay in the region of £1,000 per person in mediation fees to resolve matters. This compares to £14,000 or more when going through the courts.

The discussions will take place in a less formal setting than a courtroom. You will be able to decide with your partner what is discussed and what you want to agree. This is not the case if you go through the courts, which can often feel very formal, disjointed and the process is controlled by the judge rather than the parties.

In summary mediation is quicker, less stressful, cheaper and more accessible than court. Mediation allows you to take control of the process and arrive at a solution that is best for you and your family.

Remember mediation is voluntary, so if at any stage you feel uncomfortable or that the process is not working, you can stop when you want.





# Step by step guide to financial mediation

## Step one - MIAM

Mediation Information and Assessment Meeting, known as the MIAM. You both individually meet with your mediator (you can bring someone in for support). The session can be face to face or online. At the MIAM the mediator will gather information and find out what is important to you and what you want to achieve. The mediator will also ensure that mediation is appropriate for you both.

## Step two - Financial Disclosure

You both need to obtain your financial information so that this can be exchanged with your ex-partner and discussed at future mediation sessions. The financial information needs to be supported by documents such as pay slips, P60's, bank statements etc.

### Why do we need to do a financial disclosure?

At the end of the mediation process you will have reached a financial agreement. For the agreement to be binding, it will need to be drafted into a financial consent order and approved by a court. So that this can happen you need to enter into financial disclosure. The financial disclosure also ensures that any agreement is fair, reasonable and meets your needs.

## Step three - Agreeing the Financial Disclosure and Exchange

Once you have obtained your financial disclosure you will need to exchange this with your partner and agree each others disclosure. Your mediator will take you through the disclosure, obtain agreement and identify any gaps or missing information.

Once agreement on the financial disclosure has been reached you can then proceed to discuss how you wish to divide up the assets. Your mediator will provide you with a summary of the agreed financial information.



## Step four - How Do We Divide Up Our Assets and Debts?

This is where you need to consider how you want to divide up your assets and debts.

### You need to consider questions and factors like:

How are both of you going to meet your housing, income, and retirement needs?

How this can be done fairly?

How are any children from the relationship to be cared for?

What are the incomes, earning capacity, property and financial resources of you both?

What standard of living is required?

Your ages and length of marriage?

Contributions made by either person?

You both need to work together with your mediator to arrive at an agreement that is fair, reasonable and works for your both.

## Step five - Affordability

The mediator will sense-check any agreement to ensure it is affordable.

It is important that any agreement is affordable and each of you has considered how they will afford to live now and in the future. This is important so that you both feel the agreement is fair and will work. It will also show to the courts that you have considered each other's needs and will then help the court approve the order.



## Step six - The Agreement and Legal Advice

**Once an agreement is reached, the mediator will draft two documents:**

1. A financial statement - setting out the assets, debts and income you currently have.
2. A memorandum of understanding - this outlines how these assets will be divided up and any ongoing payments (i.e. the agreement reached at mediation).

If there are any errors or minor changes since the last mediation session it is important that these are made to the two documents and that you both agree the final versions.

It is important to know that although you have reached an agreement this agreement is not binding unless it is approved by a court.

You will therefore need to take your agreement to a solicitor so they can draft a financial consent order, which can be filed at court, or if separating, drafted into a separation agreement.

## Step seven - Making The Agreement Legally Binding

Your solicitor will use your financial statement and memorandum of understanding to draft the financial consent order and statement of information. These documents will then be filed at court and, once approved, will be binding on both parties.

If you are not married the documents will be used to draft a separation agreement which you will both then sign and which will then be binding upon you both.



# Step by step guide to mediation around children

## Step One - MIAM

Mediation Information and Assessment Meeting, known as MIAM. You both individually meet with your mediator (you can bring someone in for support). The session can be face to face or online. At the MIAM the mediator will gather information and find out what is important to you and what you want to achieve. The mediator will also ensure that mediation is appropriate for you both.

## Step Two - Working Out The Details

You will then have meetings which will be facilitated by the mediator. These meetings will help identify what is important to you, what issues are agreed and what issues need further discussion. You and your ex-partner can then with the help of the mediator work towards reaching a solution that works best for your family

## Step three - Finalising The Agreement

At the end of a successful mediation process you will have agreed on a way forward to care for your children. Your mediator will then draft this proposal into a parenting agreement which both parents will sign up to and follow.



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## We can't stop life's ups and downs, but we'll help make them less complicated

At WSP we've been offering straightforward legal advice and support to local people and businesses for over 260 years. We listen, we understand, we advise and we care. So when situations in your life become difficult, we can help you make everything easier again.

## We're local people, just like you

We're already supporting thousands of individuals and families throughout Gloucestershire. We can always meet you at the WSP office that's most convenient to you and in some circumstances we can also come to you.

## Get in touch to make your life less complicated

Making your life less complicated begins with a phone call, so please contact your nearest office today – we'll be happy to help.



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