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mediation

what is mediation?

Mediation is a process to help couples who have decided to separate to resolve their differences in relation to the breakdown of the relationship including financial issues and matters relating to the children. Mediation is a process whereby the parties are helped to deal with their issues by reducing the hostility and stress and improve the prospects of long term cooperation. Mediation helps the parties make informed decisions that are right in all the circumstances. It assists in keeping communication channels open and helps the parties come to an agreed settlement about the way children are cared for and how finances will be organised and any other issues which arise.

Mediation is not a free service but it does often help to reduce the potential legal costs.

the mediation process

Mediators are not relationship counsellors or legal advisors. The mediator is there to give impartial guidance to help the parties make their own choices about the best way forward and to help reach practical solutions which they feel are fair to both parties and their family. It may be necessary to have a number of sessions with the mediator, sometimes as many as five or six sessions which will last about one or two hours each.

The mediator will not give legal advice and throughout the process you are entitled, indeed recommended, to consult your own solicitor at any time to take advice on what is the best for you.

Once you have both come to an agreed decision your proposal is then approved by your legal advisor. Your legal advisor will prepare the appropriate application to the Court for the concluded terms of agreement to be set out in an Order of the Court which will be made by consent. Your legal advisor will communicate with the other party's legal advisor or with the other party in person to ensure that this process is concluded to everybody's satisfaction.

If mediation fails to enable you to come to an agreement then you are free to return to the conventional legal process and consult your own legal advisor.

In the event that the mediation is centred around the financial issues there will be an obligation on both parties to give full and frank financial information which must be shared openly. If one of the parties fails to give disclosure and if one of the parties is perceived not to be acting honestly about their financial affairs then you can of course terminate mediation and resort to the conventional legal process with the help of a legal advisor. (See our Fact Sheets on Financial Arrangements on Divorce and Financial Arrangements on Dissolution)

In the case of children's issues skilled mediators can help couples maintain their focus on what is best for the children so that they are more likely to reach a mutually acceptable arrangement for the care of the children following separation.

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costs

If you are eligible for Public Funding it will assessed at the outset of mediation at the first mediation session.

If you are not eligible for Public Funding you will be notified of the charge which on average is approximately £90 plus VAT per hour depending on the mediator and the level of your income and the assets involved in the matter.

If you feel that mediation is a process that you would like to try we at Knights solicitors llp will be able to recommend you and refer you to specialist mediators in this area.

get in touch

To find our more about what we can do for you contact:

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