

Field | Seymour | Parkes

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Family Mediation Service

## An alternative to the court room

The cost of a battle through the courts over your children and over money in divorce or separation proceedings is enormous, both in terms of the emotions involved and the impact upon the family and the family purse. Prior to issuing an application to the court in family proceedings it is necessary for parties to try and resolve their disputes using a form of non-court dispute resolution. If you tremble at the thought of placing your future and the future of your children in the hands of a third party judge who has no more than a fleeting glance at the history of your relationship and your current situation, you may wish to consider mediation.

## What is mediation?

Mediation involves a meeting or series of meetings between you and your former partner in the presence of a skilled mediator who will facilitate discussions between you and help you to reach an agreement.

You identify the issues you wish to discuss. These discussions may well have proven very difficult when you have attempted to have them yourselves in the past. Using the skills, expertise and experience of a mediator, these discussions can often result in an overall agreement being reached.

If you want to have your solicitor present with you during mediation, this may be possible, and should be discussed with your mediator in advance.

## Why mediate?

- Most importantly, you and your former partner will be making the decisions and not relying on a third party judge.
- You can determine when and how often you mediate without having to wait for court, solicitor or other third party availability. You can fix your own timetable.
- At mediation you can ensure your point of view is put forward in your own words and listened to in a structured, open but protective environment.
- Mediation can minimise feelings of acrimony which is essential when there are children involved.
- A mediation session can be far less daunting and pressurised than appearing before a judge. You will be fully assisted by the mediator.
- You can have a solicitor advising you before and after mediation, to check the decisions you make at mediation are correct for you.
- Mediation alongside realistic and sensible legal advice from your own legal advisor can be cheaper, faster, more effective and far less stressful than court proceedings.

# Your questions answered

## **Is Mediation confidential?**

Family Mediation is a confidential forum for discussion. The Mediator will empower you to have your own discussions and make your own decisions regarding your separation from your children and your finances.

## **Will the Mediator judge me?**

The Mediator will be neutral. They will not favour one party over the other. They will not favour one parties' point of view over that of the other. They will help you put your own view across.

## **How long will Mediation last?**

Meetings usually last for no longer than 1½ to 2 hours per session. The average Mediation process lasts between 3 and 5 sessions, if all issues are covered being the divorce or separation, children and finances.

## **Do I have to have a joint meeting with my ex-partner?**

At the beginning of the process the Mediator will see individuals on their own for 15 to 20 minutes, or have a telephone conversation with them. Thereafter, provided everyone consents, the meetings will usually be joint. However, if you prefer, the sessions can be conducted with parties in separate rooms, with your mediator "shuttling" between you.

## **Is the process compulsory?**

Mediation is entirely voluntary and if at any time you wish to withdraw from the process you may do so.

# Your questions answered

## **What is a Mediation Information Form?**

At the outset of the Mediation process you will be asked to complete a Mediation Information Form giving general information regarding yourself, any relevant children and brief information regarding your financial circumstances, to assist the mediator.

## **Can my solicitor come with me to Mediation?**

Your solicitor can attend mediation with you if agreed in advance with the mediator and your former partner. There is also nothing to stop you seeking legal advice from your solicitor before and after Mediation sessions.

## **What is a Memorandum of Understanding?**

At the conclusion of the Mediation process the Mediator will produce a Memorandum of Understanding setting out the background, the issues discussed at Mediation and the proposals made. This you can then take to your solicitor for legal advice in order to conclude matters with your former partner.

## **Do I have to pay for Mediation?**

Yes, the cost of mediation is usually paid for by the participating parties in equal shares. Fixed fees may be available depending on the number of issues to be mediated.

# Our Mediators



Madeleine Young

Senior Associate

T 0118 951 6304

E [madeleine.young@fsp-law.com](mailto:madeleine.young@fsp-law.com)



Field Seymour Parkes LLP  
1 London Street  
Reading  
Berkshire  
RG1 4PN

T +44 (0) 118 951 6200

F +44 (0) 118 950 2704

E [enquiry@fsp-law.com](mailto:enquiry@fsp-law.com)

[www.fsp-law.com](http://www.fsp-law.com)