

NOWELL MELLER SOLICITORS LTD FAMILY LAW SERVICE

LEAFLET NO.9 – THE MEDIATION CENTRE

Our comprehensive mediation service dealing with Children and Financial Matters

Click on www.themediationcentre.co.uk to follow link to our Mediation Service.

Mediation phone line 01785 273133

E-mail us at tmc@nowellmeller.co.uk

What is Mediation?

Mediation is:

- a process by which partners who have decided to separate or divorce negotiate face to face about the arrangements for their future with the help of a neutral third party;
- a process which helps partners who have decided to separate or divorce to make informed decisions that are right for their circumstances;
- a process which keeps communication channels open and reduces tension and hostility;
- a process which helps children by showing that their parents are working together to resolve issues between them;
- a process which saves the cost of expensive court battles;
- comprehensive - all issues relating to the separation can be addressed in a coherent way;
- confidential (although financial information is shared openly);
- compatible with the court structure, and with present and future divorce laws;
- particularly suitable for co-habiting couples, same sex and heterosexual, where the law on separation is much less clear.
- particularly helpful where couples disagree about the arrangements for their children as skilled mediators can help

them maintain their focus on what is best for the children, so they are more likely to reach agreement and minimise the pain.

Mediation is not:

- reconciliation - although improved communication through mediation can often bring the parties into a new relationship;
- a substitute for legal advice; we advise each participant to consider seeking independent legal advice during the process;
- confined to family disputes - neighbourhood and commercial disputes can also be addressed.

Mediation works like this...

Mediators give impartial guidance to help participants to understand what matters to them, and to make their own choices about the best way forward. They will help couples to reach practical solutions which feel fair for both of them and their family.

Participants probably have a number of sessions together with the mediator – between four to six one or two hour sessions is not uncommon – to help them reach agreement. Mediators sometimes work alone and sometimes in a pair. It can be particularly useful if one of the mediators has a legal background and the other a counselling background, so that extra help can be provided when emotions run high.

Participants can consult their own solicitors at any time, to take partial advice on what is best for them. In some cases, solicitors may take part in the mediation itself, attending the sessions with their clients.

When the participants are both content with the decisions that have been reached by them, their proposal can then be approved by their solicitors who will be responsible for completing any legal formalities.

The Advantages of Mediation

- Mediation helps reduce hostility and improves the prospect for long-term co-operation;
- People who are helped to reach agreements through mediation tend to incur lower legal costs, even though most

seek independent legal advice;

- The pace and content of mediation is controlled by the participants rather than lawyers, legislation or the court;
- Mediation focuses on the interests of children, helping parents to recognise and meet their needs and to continue to function as parents even when they are no longer a couple.

The Mediation Centre at Nowell Meller Solicitors - A Flexible Service

We believe that the best mediation is that offered by a lawyer and non-lawyer working in partnership. We are however ideally placed to offer a number of options for those seeking a co-operative separation:

- Where all issues need addressing, we will provide co-mediation;
- Where issues are confined to children, we will either mediate ourselves or refer you to one of the voluntary sector mediation organisations with whom we have excellent relations;
- Where issues are confined to finance alone, sole mediation by a lawyer-mediator is available;
- Where an agreement has already been reached, one of our family lawyers will be able to help you put it into effect;
- Where issues are not suitable for mediation, we can provide legal representation and advice;
- Where we cannot ourselves mediate, such as where there is a conflict of interest, we can refer you to other specialist mediators.

How to Refer

- Self-Referral. Just telephone our Mediation Line 01785 273133 for more information or for an informal talk with one of our mediators or our administrator. It helps if both partners have talked about coming to mediation, but we can also send out information for you to give to your partner.
- E-mail us at tmc@nowellmeller.co.uk

- Professional Referral. Mediation often seems the next natural step following counselling or other relationship therapy. We are happy to accept referrals, and with the consent of the couple, from other agencies and to work in conjunction with them. We are always happy to give more information about the process of mediation.

We appreciate that it is often difficult to take the first step into mediation; our administrator and mediators will help you decide whether it is the right process for you.

NOTE: The above is intended as a general guide for your information. It is NOT intended as a substitute for proper legal advice. Each case is different and advice cannot be given without a proper analysis of your own circumstances.
