

## What do family mediators do?

Family mediators are professionally trained to work with people whose relationships have broken down. They make sure that both of you are able to express your views, help you to generate ideas about how to resolve the situation, and explore the options with you to help you decide what works best for your family.

Mediators help you to find solutions that both of you can agree on. A mediator will ask questions to understand your situation. Unlike going to court, you stay in control: no-one can make you do anything against your wishes. Discussions are confidential.

Mediation can also help grandparents and other family members who are caught up in the emotional turmoil when a relationship breaks down.

## The Mediation Information and Assessment Meeting (MIAM)

The first step is to attend a meeting with a mediator to find out more about mediation and whether it's right for you. This is called a 'Mediation Information and Assessment Meeting' (MIAM).

It's usually best to attend a separate MIAM without your ex being there: a one-to-one meeting with a mediator gives you the chance to raise any questions or concerns that you may have, without any pressure to go ahead with a joint meeting. It may be possible to arrange a joint MIAM, but we will need to be sure that both of you are happy to attend together.

The mediator can also help you to find other help and support services if you need them.

## When should I go to a MIAM?

It's best to contact a mediator as soon as you and your ex-partner have decided to split up and need

help sorting out arrangements – the sooner the better, before the issues become big problems.

Mediation can also help to resolve any disputes that may arise when you've been separated for some time – for example if personal circumstances change and established arrangements no longer work.

You don't need to see a solicitor before you go to a MIAM, although you can ask a solicitor to refer you to mediation if you would prefer this.

## What happens when we go to mediation?

After the MIAM, if you all agree to try mediation, you will need to attend one or more mediation meetings. The length and number of meetings will depend on your situation.

When an agreement is reached, the mediator writes it down in a 'Memorandum of Understanding' so that everyone is clear about what has been agreed.

Many agreements made in mediation can be made legally binding if both you and your ex-partner agree. This can be useful if arrangements are meant to run over a period of time, or if you want something more formal to help you both stick to your agreement.

## Will I need a solicitor?

Mediators don't give advice, so we generally recommend that you take legal advice about the options being discussed in mediation, particularly where any proposals may form the basis of a legally binding arrangement. If agreed proposals are to be made legally binding, you will probably need a solicitor to draw up the legal documents.

## What if things don't work out?

If the situation changes and the arrangements aren't

working, you can go back to mediation. If needed, you can agree to change the Memorandum of Understanding.

## Is family mediation right for everyone?

Family mediation can work for most people. At the MIAM the mediator will discuss whether mediation will work for you, and tell you about other options that could still avoid having to go to court.

## What if I want to go to court?

The law says that you must consider whether mediation can help you before you can take a case to court. The court can halt your case until this has happened. You will need to show the court that

### **EITHER**

- you have been to a MIAM to find out about mediation **OR**
- you don't need to do this because of special circumstances.

Special circumstances include cases involving domestic violence or child abuse, which might make mediation inappropriate.

## Will I have to pay for mediation?

Black Country Family Mediation doesn't offer legal aid, so we do make a charge for our services. But you may still save money by trying mediation first, rather than going straight to court.

Some mediators do offer legal aid. If you think that you may qualify for legal aid to pay for mediation, you can contact the **Family Mediation Council** ([www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)) for details of mediators in your area who may be able to help you.

If you are separating or divorcing, family mediation can help you to sort out disputes without involving big legal fees or going through a long drawn-out court battle. It can also help grandparents and other family members who are caught up in the emotional turmoil when a relationship breaks down.

Even if you've been separated for some time, mediation can help to resolve the disputes that may arise if personal circumstances change.

Professional family mediators help you work out what happens after you split up. They won't try to get you and your ex-partner back together. They won't judge you or tell you what to do.

#### Family mediation:

- **gives you more say** about what will happen. In court, a judge makes the decisions. In mediation, you and the other party make the decisions.
- is **less stressful**, and involves less conflict for everyone involved.
- **improves communication** and can help find ways for everyone to get on better in the future.
- is **easier on your children** and helps them continue important family relationships.
- is **quicker, cheaper** and provides a better way to sort out disagreements than going to court.

## To find out more, contact:

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# BCFM

Black Country  
Family Mediation

We are specialist family mediators offering high quality, professional mediation at various venues in the Black Country.

Our mediators are trained to the highest professional standards. They are members of the Family Mediators Association or the College of Mediators, and are accredited by the Family Mediation Council, the professional body for family mediators.



For more general guidance about ending a relationship, visit:

- [www.sortingoutseparation.org.uk](http://www.sortingoutseparation.org.uk)
- [www.advicenow.org.uk](http://www.advicenow.org.uk)
- [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

# FAMILY MEDIATION

Sorting out  
family disputes  
without  
going  
to court