



FREQUENTLY ASKED QUESTIONS.

What is a Mediation Information and Assessment Meeting (MIAM)?

This is an initial confidential meeting just between you and the mediator – your former partner will not be present. The purpose of the MIAM is for the mediator and you to swap information with one another and decide if mediation is a suitable way forward. The mediator will want to understand the issues from your point of view and what you would like to achieve. The mediator will also describe how the process can help you and your former partner resolve matters and will address any questions or concerns you may have. We will also check that the process is going to be safe and suitable and will inform you of other dispute resolution options.

Should mediation be suitable for your circumstances, it will be your decision whether you wish to proceed to the next stage. Mediation is entirely voluntary and you will not be placed under any pressure to take part if you decide the process is not for you.

If, after your MIAM, you still wish to try mediation your mediator will contact your former partner and invite him/her to attend a MIAM. If after this meeting, mediation is still suitable and both you and your former partner wish to continue with the process, your mediator will arrange your first joint session.

If mediation is not suitable or you or your former partner do not wish to take part, we can provide you with a certificate to confirm your attendance at the MIAM. You will need this certificate should you wish the court to resolve matters as attending a MIAM is usually a requirement prior to issuing proceedings. However, provided mediation is suitable, the option of changing your mind and trying mediation later is always there, if your former partner is also willing to do so.

What is mediation?

Mediation enables you and your former partner to discuss and reach agreements regarding issues that have arisen because of a separation or a breakdown in parental communication. These issues can include arrangements for your children and financial matters. With the support of an impartial mediator, the process can help you and your former partner arrive at agreements which feel fair to you both.

Mediators work with both of you, we do not take sides or make judgements.

We provide you both with a neutral and supportive space where you can discuss the matters that need to be resolved. The mediator will ensure both parties are heard by the other and are given space to describe what is important to them. Mediation is less adversarial than the traditional methods of resolving family issues because the process depends on both parties working together with their mediator to find the right solution for them.

Even if you have been separated for a while or have already used the court process, mediation may be able to help to resolve any issues which you still have.

Mediators do not make the decisions for you and they do not give legal or financial advice. Their role is to provide information and options that will move your situation forward and help you reach proposals. Engaging in mediation does not necessarily remove the need for professional legal advice and we will be able to flag up any areas that require the services of a lawyer. The mediator's primary function is to help you both negotiate in a fair and balanced way. Agreements made in mediation are not legally binding on their own, but they can be used as the basis of a consent or a court order.

What are the benefits of mediation?

Mediation enables you and your former partner to make your own decisions. In a court situation, a judge will make the decisions for you, which may work less well for you than agreements made between yourselves as – unlike mediation – you do not have control over the final outcome.

Mediation can also help to improve communication between you and your former partner, which is important if you have children and wish to work towards a more positive co-parenting relationship for their benefit.

If you qualify for legal aid the entire process will be free of charge and if your former partner qualifies for legal aid and you do not, the MIAM and first mediation session will be free for you. Legal aid for mediation is much easier to obtain than legal aid for the services of a lawyer. If neither you nor your partner are eligible for legal aid for mediation, the cost of our service is much cheaper than if matters proceed through the courts using legal representation.

The mediation process is quicker than the court process and most joint meetings can be arranged within a fortnight of the initial contact with the service. We understand the importance of being able to resolve the issues as quickly as possible, so you are both able to move past your current difficulties and get on with your lives.

Will I have to be in the same room as my former partner?

Mediation provides a safe space for you both to explore the options that may lead to a resolution of the issues.

You may choose to attend a face-to-face mediation where we all meet in the same space, or a shuttle mediation may be more appropriate for your circumstances

Face to face mediation is where you and your former partner meet with the mediator together in the same room, or as a conference call together if working online. Shuttle mediation is where you and your former partner stay in separate rooms with the mediator speaking to each of you separately - the same principle applying if working online.

Your mediator will discuss with you which is the best option for you so that you feel comfortable when proceeding to the joint meeting where your former partner will be present.

Can children be part of the mediation process?

Mediation encourages parents to have child focused discussions and to listen to the wishes and feelings of their children during the mediation process.

However, if your children are 10 years and older and you, the children and the mediator agree - then subject to suitability - the children can have a separate meeting with a mediator who is trained to talk to children as part of the process. Your mediator can provide further information regarding this during your MIAM and first mediation.

What are the alternatives to Family Mediation?

The family courts expect parties who are in dispute to attempt other Non Court Dispute Resolution (NCDR) processes before applying to them for a court order. New court rules now require, a part of the court process, that both parties complete a form to explain why any form of dispute resolution was not the right way of resolving disputes.

These processes include, but are not limited to, arbitration, evaluation by a neutral third party (such as a private Financial Dispute Resolution process) and collaborative law.

For details about the arbitration process – please visit here:

[IFLA | Institute of Family Law Arbitrators](#)

For details about Private Financial Dispute Resolution – please visit here:

[Private Financial Dispute Resolution | Resolution](#)

For details about collaborative law please visit here:

[The collaborative process | Resolution.](#)