

# WACE MORGAN FAMILY MEDIATION SERVICE

## YOUR MEDIATION ASSESSMENT MEETING

### **What is mediation?**

If you are considering separation, or if your relationship has come to an end, there will be decisions to be made. Arrangements are more likely to work if you are able to communicate effectively to make decisions together.

Family Mediation is a way of helping you to reach your own decisions with the assistance of a Mediator, who will not take sides. Whilst it is an alternative to Solicitors negotiating on your behalf, your Solicitor will still be able to offer you individual advice alongside the mediation process. One of the objectives of mediation is to avoid Court decisions and Orders being imposed on you. Mediation is also designed to be swift and cost effective. For more information please see our brochure.

**Mediation is not counselling.** If you believe that you and your partner need to talk about whether or not your relationship or marriage can be saved, you may want to contact Relate, or another counselling organisation.

### **What is the Mediation Assessment Meeting (MIAM)?**

A Mediation Assessment Meeting (often called a MIAM) is a meeting with a specially qualified family Mediator the aim of which is:-

- (i) to explain to you the alternatives available to separating or divorcing couples. Those alternatives include mediation which is a voluntary process, involving qualified and impartial mediators who provide neutral information about clients' legal and financial options, but not advice on their 'best interests'.
- (ii) to explore whether mediation would be a safe and effective way to try to resolve the issues surrounding your relationship or marriage breakdown (e.g. children, property and financial issues) in your particular circumstances.
- (iii) To assess together whether mediation would be a suitable way forward for you.
- (iv) to give you an opportunity to consider whether going to Court would be the best way of resolving those issues, or whether an alternative should be tried.

Every client who expresses an interest in mediation begins the process with an assessment meeting. In addition, since 22 April 2014, almost all divorcing and separating couples in England and Wales who want to use the Court process to resolve any disagreements about children or money must show that they have attended a mediation assessment meeting first. A Judge may choose not to hear a case until both people have shown that they have considered mediation. This means that, even if you are quite sure that mediation or one of the other alternatives to Court is not for you, attending an assessment meeting will help you avoid unnecessary delays whether you are the person who is applying to the Court, or the other person. Far more positively, the meeting gives you a chance to decide, with professional assistance, how best to conduct your separation or divorce in the interests of yourself and your family.

You should advise your Solicitor, if you have one, that you are attending an assessment meeting. If you decide to progress to mediation, you should inform your Solicitor of that. It can be very helpful for you to obtain legal advice during the mediation process.

The following terms provide the basis for initial meetings conducted by our Mediators. Please read the terms of the following agreement with care. If you have any questions or queries please raise these with your Mediator before proceeding. Your Mediator is a member of the Family Mediators Association (FMA). You can find more information about FMA members on the FMA website at [www.thefma.co.uk](http://www.thefma.co.uk).

### **The process**

Your meeting will be conducted by a Mediator authorised by the Family Mediation Council to conduct assessment meetings and to sign the relevant Court application form confirming that the meeting has taken place. If, at the end of the process (including any meeting with your former partner) either you or the Mediator decides that mediation is not a good way forward, you can ask the Mediator to sign your Court application form.

It is usual for assessment meetings to be conducted separately. This will involve you and the Mediator discussing your personal situation on a confidential basis without your former partner in the room. Any information you give the mediator during this meeting will be kept confidential and will not be shared with your former partner or anyone else except for any specific matters that you agree with the Mediator can be shared. There are however some important exceptions to the Mediator's duty of confidentiality and these are listed in the section below.

During the meeting the Mediator will discuss with you the options available to you to resolve the issues around your separation. The Mediator will also ask you questions and make an assessment with you to decide whether or not mediation might be a suitable way forward for your family in your own particular circumstances.

The Mediator may assess that mediation is not a safe and/or effective option in your particular situation. If this happens, the Mediator will sign the form to confirm that you have attended an assessment meeting but that mediation is not suitable. The Mediator may assess that mediation would be a safe and effective option in your particular situation. If that happens it is up to you and your former partner to choose whether to try mediation or not. Mediation is always voluntary. You are required to attend a before issuing a Court application but you are not required to mediate. That is a decision for you both. If you decide that you don't want to mediate then the Mediator will sign your Court application form to confirm that you have attended but that mediation is not going ahead.

### **Exceptions to confidentiality**

- a. Where any person (particularly a child) is at risk of serious harm, the family Mediator has a duty to contact the appropriate authorities;
- b. In common with all other relevant professionals, the family Mediator may be required to disclose to the appropriate government authority information with regard to the commission of any relevant, previously undisclosed, criminal offence. The Mediator may also be under a linked obligation to make such disclosure without informing you and may have to discontinue the meeting without further notice.
- c. Exceptionally, the family mediator may disclose personal data in connection with the alleged or established commission of an unlawful act.
- d. The family Mediator is a 'processor' of personal data for the purposes of the Data Protection Act 1998. You consent to the Mediator processing your personal data for the purposes of this Agreement. You understand that this includes the Mediator retaining and storing your personal data for as long as is necessary in connection with this Agreement. The Mediator may retain data for research and statistical purposes but on the understanding that if used it has been stripped of all features from which you could personally be identified.
- e. Our practice's quality assurance standard requires us to monitor our mediation files. Periodically, our practice supervisors may have sight of files, but access is strictly controlled and on a similar confidential basis.

- f. The file may be considered by any complaints handler in the event that you make a complaint about your initial meeting. That will not extend to any parts of the file concerning your former partner.

### **Charges and Payment terms for the Assessment Meeting.**

Fees are charged separately per client. Each assessment session costs £100 including VAT, unless you or your former partner are assessed by us as being eligible for legal aid. If you wish to check before the meeting whether or not you may be eligible for legal aid go to the Legal Aid Calculator on this website:- <http://civil-eligibility-calculator.justice.gov.uk/>

### **Concerns and complaints**

Our practice is governed by the Family Mediators Association (FMA) and we comply with the FMC Code of Practice. Copies of this Code can be found on the FMA and FMC websites. We have a complaints procedure, a copy of which may be obtained from us. Any concern you may have as to our practice should be raised with us in the first instance and thereafter, if unresolved, in writing to the Family Mediators Association. In the event of a written complaint, you agree to the release of your file to any complaints handler.

By attending the Mediation Information and Assessment Meeting, you agree to the terms set out here.

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