

Hampshire Family Mediation

breaking up doesn't have to tear you apart

Hampshire Family Mediation welcomes the news that, in accordance with the new Pre-Action Protocol, parties engaged in disputes involving family issues will be expected to attend a Mediation Information and Assessment Meeting before any application to the court can proceed.

Publicly funded parties have long been required to attend such a meeting and it seems fair and sensible that this welcome opportunity and requirement should be extended across the board to privately funded parties.

All parties to such disputes will now be able to find out about mediation, and to make informed decisions as to whether they would like to try to resolve them in a way that not only allows them to reach their own decisions for settlement but is also considerably less costly to the family, always financially and often emotionally.

From 6 April separating couples must assess whether mediation would be a better way of resolving their disputes than battling over them in court. Anyone setting out to contest the terms of their separation in court will first be required to consider mediation, under a new protocol agreed with the Judiciary. This usually takes place through a mediation awareness session, where both parties find out what the process can offer before they decide if it is right for them. It will not apply to couples not planning to contest the terms of their separation in court.

Mediation is often quicker, cheaper and less confrontational than going to court. Research shows it can cost a quarter of the price and take a quarter of the time of going to court, and with two thirds of mediation already resulting in full agreement it can ensure better results for children and parents, as well as saving on costs.

Parents are best placed to resolve issues about their children's welfare and upbringing and mediation can help them do this. Rather than become adversaries in a legal dispute with the outcome finally being decided by the judge parents are supported to discuss the issues and find the solution that works best in all the circumstances of their daily lives.

If both parties choose mediation, they will continue down that route. However if the mediator or either party feel that mediation will not be suitable in the individual case, or there is a risk to anyone's safety, they will be exempted and the case can continue towards court. In serious circumstances – such as allegations of domestic violence or child protection – there will be no requirement to access mediation and the case will continue to progress straight to court.

Jonathan Djanogly, Minister of Justice said:

“Mediation already helps thousands of legally-aided people across England and Wales every year, but I am concerned those funding their own court actions are missing out on the benefits it can bring. Now everyone will have the opportunity to see if it could be a better solution than going straight to court.”

Family mediation can hugely reduce the level of acrimony in family breakdown by assisting those involved to move forward into their changed lives with better communication and understanding, which in turn greatly helps any children affected.

Andrew Campbell, Chief Executive of Hampshire Family Mediation, stated :“Mediation has a lot to offer couples who are separating. We are delighted that more people will learn about what mediation can do for them and support them to find solutions that are the best available to them and their families.”

Notes: National Audit Office figures on legally-aided mediation show that the average time for a mediated case to be completed is 110 days, compared to 435 days for court cases on similar issues. Mediation is also often cheaper than going to court - data from Legal Aid cases show the average cost per client of mediation is £535 compared to £2,823 for cases going to court.

Hampshire Family Mediation is a member of National Family Mediation the network of not-for-profit family mediation services.
Registered Charity No 1081090/Company Ltd by Guarantee 3944452 Registered Office: 58 Northern Road, Cosham, Portsmouth
PO6 3DT

Contact: Hampshire Family Mediation
58 Northern Road
Cosham
Portsmouth
PO6 3DT
02392 433358/02392 717488