

Family Mediation

What is it and why is it such a good option for separating families?



As a solicitor I have always been an advocate of mediation. In most circumstances I advise my clients it's likely to be the most cost effective and efficient means to resolve their disputes. So what is family mediation and why do I place so much stock in it?

It is conducted by a neutral third party – the mediator

Their job is to facilitate the discussions, help the parties explore all the options and signpost them where required to sources of professional help, such as legal or financial advice or therapeutic input if of benefit. Having a third party to facilitate discussions is also often helpful for the parties in keeping lines of communication open at a time when they are usually in conflict. Most people wish to separate amicably and mediation can be a more constructive route to achieving this.

Both parties are accountable for their decisions

The mediator is not responsible for making the decisions and they cannot force an outcome on the parties like a Judge can. The benefit of this is if agreement can be reached that is down to hard work and commitment of the parties. Experience has shown me such agreements are much more likely to be kept to!

It can save money

Often mediation is cheaper than litigation. It is very

important to take legal advice at the end of the process to make sure what you have agreed is made legally binding, the parties can limit their legal costs by doing the hard work of getting to an agreement during the mediation process. This allows them to preserve monies that may have been spent on legal fees for the benefit of the family and their future.

It is flexible

The parties can deal with multiple issues during mediation whether they are to do with finances, children or isolated one off issues which may crop up. If in court they may need to make numerous applications to do so.

It is confidential

Discussions during mediation are on a 'without prejudice' basis. This means if mediation is not successful what has been said cannot be repeated in Court proceedings. As a result the parties can feel free to have a completely open and frank discussion about potential settlement options and not fear, as many people do in negotiations, that they need to keep their cards close to their chest.

So if you are still yet to be convinced consider this; family breakdown costs the UK economy £48bn per year (source: Counting the cost of Family Failure 2016), a cost to each and every taxpayer of £1,820 a year. The benefit to ensuring that separating couples have the opportunity to resolve their disputes in the most constructive and conciliatory manner possible does not end with the couple involved. ■



Amanda Phillips-Wylds is a Senior Solicitor and Resolution Accredited Specialist at our Windsor Office. She is a trained mediator and K J Smith Solicitors will shortly be adding mediation to the list of services they offer their clients as a specialist family practice.

K J Smith Solicitors are the only niche family law firm offering advice right across the Thames Valley. We offer a free 45-minute consultation with a specialist family lawyer – this gives you an opportunity to give you the important initial advice but it also gives you the chance to meet our team and decide if we are the right fit for you. www.kjsmith.co.uk. 01491 630 000