

Your Legal Questions

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Partner & Solicitor



Q My husband and I have separated. We have 3 children who are living with me in the family home. My husband sees the children when he feels like it which is very disruptive. We can't talk about anything. We have done nothing about the house which is in our joint names. A friend has told me about mediation but I am worried that it will be a way to try and make us get back together. What is mediation?

A. Mediation is not a form of marriage guidance.

Mediation is a way of trying to agree all aspects of your separation – divorce, the arrangements for the children and the financial aspects without expensive and stressful contested court proceedings.

Mediation provides a private, safe place where you and your husband can meet with a mediator to try and resolve matters. The mediator will help you to focus on the issues that need decisions. Mediation is voluntary – the courts will not insist on mediation, although they do encourage it and will be insisting that from the beginning of April anyone making an application to the Court with regard to either the children or the financial aspects of a family breakdown will have to show, by obtaining a document from a mediator, that they have considered mediation.

Mediators are impartial and do not judge. They can make suggestions and give information regarding possible ways forward to help you reach agreement.

All discussions in mediation are confidential and “without prejudice” ie they cannot be used in court as evidence if the mediation is not successful.

Mediation does not, however, replace legal advice. It is important to be advised during the mediation and to implement any mediated agreement to ensure that it is binding.

Mediation is much cheaper than making an application to the Court and you may be eligible for legally funded mediation, in which case there is no cost to you.

Contact Sian Hopkin on 01934 623501 or hopkin@powellslaw.com who is a trained mediator

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