MEDIATEUK
Find Your Future

THE 11 METHODS TO RESOLVE your parenting, property or financial issues on a divorce or separation

MOST PEOPLE GOING THROUGH A DIVORCE OR SEPARATION FACE THE SAME PROBLEM....

How do we fund two households when we previously only had to fund the one?
And, how do we ensure our children turn out into the amazing human beings we want them to be, whilst we are living separately?

Answering these questions can be difficult at the best of times. Throw in the fact you may be going through a whole host of emotions, worry, even depression, and it makes the task that much more complicated.

Many happily married couples struggle to agree on all matters, let alone a couple who perhaps aren't getting on very well and who are going through a divorce or separation.

You will most likely use one of these 11 methods to reach an agreement on any financial and/or child arrangement matter. You may even need to use a few of them. Our advice is to try to agree which one(s) you will use. You don't have to agree on all the issues, but if you can at least agree on how to reach an agreement, it will save you both a lot of time, stress and money.

Going to court should always be a last option. For finances you will be quoted £20,000 if represented at court and it takes three hearings and 11 months on average to get a final order. So court should only be used when all other options have been exhausted.

In most cases, when you cannot agree between yourselves, family mediation – Option 4 – is the next logical step to try as it opens up other options on the list as well.

You can contact Mediate UK on **0330 999 0959** or email **admin@mediateuk.co.uk** if you have any questions or even to book a consultation to discuss the best options for you.

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THE 11 METHODS TO RESOLVE your dispute on child arrangements or finances.

Dispute Resolution Method 1

NEGOTIATE BETWEEN YOURSELVES

HOW IT WORKS
Sit down together and agree what will happen. You can even write this into a non-binding agreement or ask a solicitor to draft a legally binding order for you. Most couples start with this option.

IDEAL WHEN
- You have few assets, or issues to resolve
- It is in a short marriage - less than 5 year - with no children
- You are discussing how to raise your children

LESS SUITABLE WHEN
- You argue a lot, there is an imbalance of control in the relationship
- You have complicated finances
- There are child safety concerns

ADVANTAGES
+ Amicable
+ Zero cost
+ You both control the process and the outcome

DISADVANTAGES
– You may agree to something that is not in your or the children's best interests
– You may not discuss everything a court would like you to consider
– Trust issues with the other party
– You may later regret not seeking expert advice
– You may let emotions cloud the judgement
– You might not be able to discuss without arguing
– No legal advice

COST
FREE

BEST FOR CHILD ARRANGEMENTS

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GOOD FOR YOUNG PARENTS

DISPUTE RESOLUTION METHOD 2

ASK A FAMILY MEMBER OR FRIEND TO FACILITATE COMMUNICATION

HOW IT WORKS
You ask a trusted and/or experienced friend or family member to help you communicate to enable discussions to take place

IDEAL WHEN
- You have a neutral parent-type figure or friend with experience in family law
- You have a religious or cultural preference to keep matters in house

LESS SUITABLE WHEN
- You argue a lot
- You have complicated finances
- The neutral friend or family member is not trained or experienced

ADVANTAGES
+ Amicable
+ Zero cost
+ You both control the process and the outcome

DISADVANTAGES
− No legal advice
− The friend is not a qualified mediator
− Can affect your future relationship with your friend or relative
− Difficult for them to remain impartial
− They may be too close to the situation

COST
FREE

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DISPUTE RESOLUTION METHOD 3
FACILITATION

You meet with our expert facilitator who will check that your agreement is fair and you have considered everything a court will require. A solicitor then makes your agreement legally binding.

HOW IT WORKS

You make a full financial disclosure with an overview of your agreement and arrange a 90-minute meeting together, with the facilitator.

They sense check your agreement and make sure you have considered everything you need to for court. They produce a memorandum of understanding on what you have agreed.

A solicitor is then insturcted to manage the legal process with the court and make your agreement legally binding.

IDEAL WHEN

- You have the basis of an agreement between you and need it sense checked by an expert
- You can discuss matters together amicably and carry out much of the discussions outside of the session

LESS SUITABLE WHEN

- You are far apart in your views and beliefs on the agreement
- You want a solicitor to fight your corner
- You have not reached an agreement in principle

ADVANTAGES

+ Amicable
+ Quick – agreement can be finalised in 90-minutes
+ Deal with one party for your divorce
+ Independent verifica
+ A legally binding consent order is included
+ Full disclosure carried out with an independent third party
+ Consent order less likely to be rejected
+ Solicitor drafted and managed paperwork

DISADVANTAGES

– You need to be in agreement or close to finalising an agreement
– Unlike mediation, this is a non-regulated activity

COST

£350 per person upfront
£349 balance paid for the solicitor managed consent order or separation agreement

GREAT FOR WHEN YOU HAVE AGREEMENT IN PRINCIPLE

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DISPUTE RESOLUTION METHOD 4
FAMILY MEDIATION

You instruct a family mediator to help you reach an agreement on the issues.

HOW IT WORKS

The family mediator will meet with you individually before seeing you together. They follow a tried and tested process to help communication and enable you to reach a decision together, with their help.

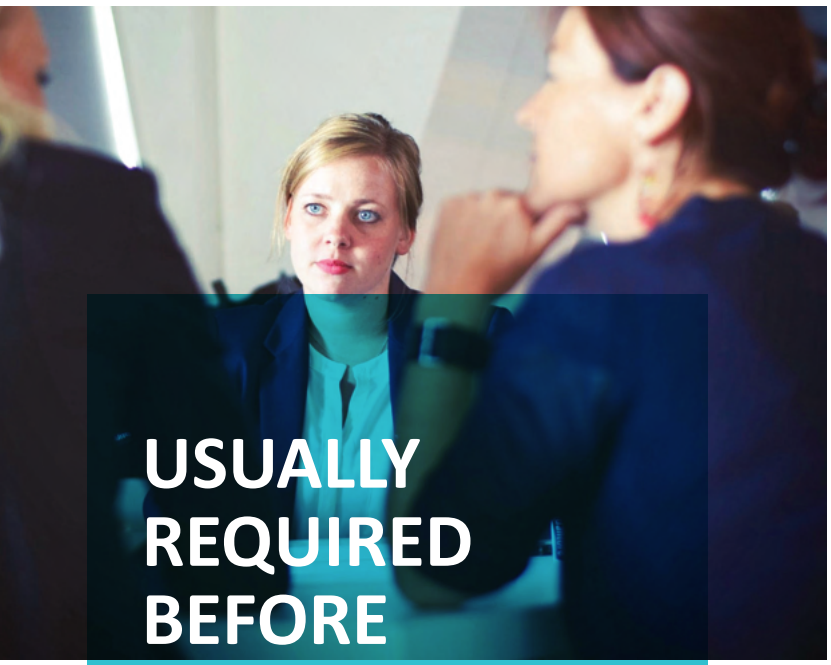
Any agreement is recorded into a Memorandum of Understanding and can be made legally binding.

IDEAL WHEN

- Communication is difficult between you and you need a neutral third party to assist communication

LESS SUITABLE WHEN

- There has been domestic abuse or you feel intimidated
- You want a solicitor to fight your corner for you



USUALLY REQUIRED BEFORE COURT

ADVANTAGES

+ Less expensive than other methods
+ Helps you to focus on the key issues
+ Helps to maintain ongoing relationship
+ Quicker to set up mediation
+ Family mediators have excellent training and knowledge of the principles of family law
+ Mediator can highlight options you might not have considered
+ Full financial disclosure is undertaken
+ Children can have their say in the process
+ Legal requirement to attend mediation as step to going to court, in most cases
+ Regulated process that works, in most cases
+ 90% of our clients reach agreement through mediation

DISADVANTAGES

− No specific legal advice included (legal advice can be obtained at a fixed fee)
− The mediator cannot give advice or tell you what to do (but can help you see the options)
− Works best when you are both in the same room, though you can be in separate rooms
− Agreements made are not legally binding, but can be made so.

COST

Mediation costs £130 per person per hour.
Joint meetings usually last 90 minutes.
Once agreement is reached you can save money through one of our a fixed fee legal packages

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DISPUTE RESOLUTION METHOD 5

SHUTTLE MEDIATION

HOW IT WORKS

Each party meets with the mediator on their own. A plan is then put in place for shuttle mediation, where each party has separate arrival and departure times and you remain in separate rooms throughout. Sessions usually last 2-hours with the mediator ensuing equality of input between the clients

IDEAL WHEN

- You feel intimidated by the other party or would not be able to be in the same room as them
- Domestic abuse or intimidation has taken place

LESS SUITABLE WHEN

- You want a court to tell you what is going to happen.

ADVANTAGES

+ You do not have to be in the same room
+ Separate arrival and departure times
+ Cheaper than court or paying for solicitors
+ You can have someone with you, in support
+ Works very well online using zoom/teams

DISADVANTAGES

− You may not reach an agreement
− Person to support you cannot negotiate on your behalf or be a solicitor
− Mediation process takes longer
− You need to pay for hire of additional room if not held online

COST

£130 per person per hour
Meetings usually last 2 hours
Once agreement is reached, you can save money through one of our a fixed fee legal packages

GREAT FOR ONLINE MEDIATION

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DISPUTE RESOLUTION METHOD 6
BARRISTER REVIEW

HOW IT WORKS

You do a full financial disclosure before meeting together with your mediator/facilitator. The issues to be resolved will be discussed and a file sent to a family law barrister.

They will write a report on their recommendations based on their experience of the law and courts. You then meet with the mediator/facilitator to discuss the recommendations and agree the issues.

IDEAL WHEN

- You want a barrister and expert in family law to give a neutral recommendation
- You are unable to agree on what to do – but agree not to spend thousands of pounds arguing about it

LESS SUITABLE WHEN

- Your positions have become entrenched and you are less likely to accept the barrister review

ADVANTAGES

+ Expert opinion on you case
+ Full disclosure undertaken by neutral third party
+ You let a third party decide, removing the need for arguments
+ You can discuss the recommendations with a mediator/facilitator to finalise your agreement
+ A legally binding consent order can be added
+ Fixed fee helps control costs

DISADVANTAGES

− You may not agree with the barrister's opinion
− Individual legal advice not included
− Barrister reviews take up to 10 weeks

COST

£65 per person for your review meeting
£499 per person for the barrister report

BEST TO KEEP YOU OUT OF COURT

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DISPUTE RESOLUTION METHOD 7

COLLABORATIVE MEDIATION

HOW IT WORKS

Each party meets with the mediator on their own and they then arrange a meeting with both parties and their respective solicitors in attendance. The mediator facilitates communication between both sides in order to try and help them reach an agreement.

IDEAL WHEN

- You do not feel able to put your side across in mediation and would like someone to negotiate on your behalf

LESS SUITABLE WHEN:

- You do not have the funds to pay for your solicitor's time as well as that of the mediator

ADVANTAGES

+ Specific legal advice received
+ Independent scrutiny of the financial disclosure
+ A solicitor to negotiate directly round the table
+ Less expensive than other alternatives on this list

DISADVANTAGES

− You may not reach an agreement
− You can end up paying for your solicitors to simply argue with each other
− Any agreement reached is not legally binding
− You still need to pay for a divorce and consent order
− Logistics of getting everyone together can be challenging
− Not popular in the UK at present

COST

£2,000 to £5,000 per person depending on amount of work before the mediation and length of mediation.

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DISPUTE RESOLUTION METHOD 8

HYBRID MEDIATION

HOW IT WORKS

You meet in a room or online with the other party and your legal representatives. Your meeting also includes professionals, such as financial advisors, medical experts, social workers, valuers or pension experts.

IDEAL WHEN

- You need extra support from professionals, or your case is particularly complex or involves child safety concerns.

LESS SUITABLE WHEN

- You do not have the fees available to pay for all the professionals' time.

ADVANTAGES

+ Experts all in one room so complicated matters can be decided more quickly
+ Sets up very well for shuttle mediation, where you don't want to be in the same room or on the same screen.
+ Expert advice on hand to explore all options
+ Can have a whole day set aside to reach agreement

DISADVANTAGES

− Difficult to get everyone together at the same time
− Can take longer than standard mediation
− Experts may disagree on matters
− Expensive to pay for everyone's time

COST

£3,000 to £7,000 depending on hours required and number of professionals.

BEST FOR COMPLEX CASES

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DISPUTE RESOLUTION METHOD 9

INSTRUCT A SOLICITOR TO NEGOTIATE ON YOUR BEHALF

HOW IT WORKS

Either or both of you instruct a solicitor to write to the other party requesting their financial information and then stating what they would like as part of the divorce or separation.

If agreement is not reached they will file an application for a financial order or child arrangement order (or both) with the court.

IDEAL WHEN

- You have been a victim of domestic abuse or need someone to fight your corner for you.

LESS SUITABLE WHEN

- You do not have much money to instruct the solicitor
- You wish to remain amicable and control costs

ADVANTAGES

+ Specific legal advice given
+ Financial disclosure made and scrutinised
+ You may be able to see your solicitor face to face
+ You have someone to fight your corner

DISADVANTAGES

− Solicitor advice may set positions and unreasonable expectations
− This method of divorce is geared towards litigation and going to court
− Can get very costly
− Solicitor will normally refer you to try mediation first
− Can be a lengthy process
− Most solicitors charge between £250 and £450 per hour plus VAT
− The other party does not have to engage with your solicitor

COST

A contested divorce such as this will cost between £2,000 and £10,000 per person but costs can increase significantly.

BEST WHEN YOU NEED SOMEONE TO FIGHT YOUR CORNER

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DISPUTE RESOLUTION METHOD 10
ARBITRATION

HOW IT WORKS
Having instructed solicitors and undertaken negotiations between them that have failed, both sides can agree to go to an independent adjudicator, whose decision is binding. But, you can appoint an arbitrator and choose not to use solicitors.

Arbitrators have the same powers as a judge in court.

IDEAL WHEN
- Both parties want to avoid going to court and have exhausted negotiations

LESS SUITABLE WHEN
- You want your day in court.
- The other party is not compliant in the process.

ADVANTAGES
+ Quicker than going to court and generally less expensive
+ The decision made by the adjudicator is binding on both parties
+ Becoming more popular in the UK
+ Specific issues can be dealt with

DISADVANTAGES
− You may not agree with the decision made
− You will have to pay for the arbitrator's time and the room hire
− You may still require representation by a solicitor or barrister

COST
Could be as low as £2,000.
Arbitrators work on fixed fees.
Cost could be much higher depending on how much has been spent already on legal costs.

LEGALLY BINDING BUT YOU MUST BOTH AGREE TO ARBITRATION

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DISPUTE RESOLUTION METHOD 11
FILE AN APPLICATION TO COURT

HOW IT WORKS

For parenting matters you file an application for a child arrangement order and for financial matters you file a financial order application.

Usually you need a MIAM (mediation information & assessment meeting) first. While you can represent yourself and reduce the legal fees, we simply do not recommend this due to the horror stories that we have heard.

The court process will normally involve several hearings but interim orders can be made in the meantime.

IDEAL WHEN

- You cannot agree and want a court to make a decision
- The other party is not responding or being completely unreasonable in their demands
- A child is at risk
- All other avenues have been tried

LESS SUITABLE WHEN

- You have taken legal advice and disagree with it, believing the judge will take your side
- You have not exhausted all other attempts at resolving the issues

ADVANTAGES

+ You will have a legally binding decision at the end of the court process
+ CAFCASS can interview your children to get their view
+ Drug and alcohol testing can be given to both parties
+ A court can make a decision in the other party's absence
+ A court can issue a summons to the other party to appear at court

DISADVANTAGES

− You should always be represented at court but this comes at a cost
− You must make separate applications for parenting and financial matters – they are not dealt with together
− It takes on average 11.5 months to resolve financial issues through a court
− It is very expensive
− You may not agree with the decision made by the judge
− Couples tend to return to court each time they want a change to the agreement
− Court deals with matters of law not emotions
− Process can destroy any ongoing relationship

COST

£20,000 per party for finances but costs can increase considerably. £5,000 to £10,000 per party average for child arrangement orders.

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TOP 10 TIPS

1. Try to remove the emotion from the situation. The court will not look to punish or reward behaviour during a marriage. Just focus on what you both realistically need moving forwards.

2. Prioritise the children in each and every decision made. A court is highly unlikely to order that the children do not see one of their parents. However difficult, you both need to work together to raise the children. And children cost money to raise.

3. Disclose everything openly. As soon as you try to hide a fund or the true value of an item, you misplace any trust and will find yourself with costly solicitor bills.

4. View the situation as a problem that needs solving. How do you fund two lives moving forward, what changes do you need to make to do that, and how can you put them into action?

5. Remove from the discussions the roles that you played in the marriage. If one of you was the bread-winner and the other a home maker, the court would apply equal value to both of those roles. In many cases these roles will combine more when you separate.

6. Stay calm. You are both in this together and both trying to get an agreement. Try to understand the other party's viewpoint, even if you disagree with it.

7. Keep negotiations to a specified time if doing so between yourselves or during the mediation, negotiation or solicitor meetings. Try to avoid text messages, emails and ad hoc discussions about it. Certainly avoid discussing anything in front of the children.

8. Don't let guilt or stress play a part in you agreeing to something that you do not consider fair. Use a mediator, facilitator or solicitor to assist you if this is the case.

9. Don't lose control and say "see you in court". Remember that this course of action will take on average 11.5 months and £20,000 to get a decision just on finances … and a decision that you may not even agree with.

10. The aim is to get to an agreement that you can both move forwards with. It is very rare that both parties feel delighted about any agreement reached. Once you have an agreement, put it into action and you can have it made legally binding by consent.

Remember: Disagreement is normal on a divorce – but you can both agree to resolve those disagreements amicably and keep thousands of pounds within the family pot.

MEDIATE UK HAS HELPED OVER 6000 CLIENTS DIVORCE OR SEPARATE AMICABLY.

You can book a consultation with us

by calling **0330 999 0959**, or email **admin@mediateuk.co.uk**