



LEAFLET 2

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## **YOUR MEDIATION INFORMATION AND ASSESSMENT MEETING (MIAM)**

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We hope that you will find the following information helpful, concerning the **Mediation Information and Assessment Meeting** our firm will arrange for you. We have sent you a separate leaflet explaining Mediation.

**What is an Assessment Meeting?**

This is a meeting between you and our Mediator to find out more about how Mediation might help you find solutions to your own particular family legal problems. The Government wishes to encourage families who turn to the law for help to first find out whether Mediation is suitable, and this will be your opportunity to be informed about how Mediation works, and to ask any questions of the Mediation which may be of a concern to you.

**What happens at the initial Mediation Information and Assessment Meeting?**

Our Mediator will explain what happens in a Mediation session and will answer any questions you may have. It is the Mediator's duty to form a view whether or not Mediation is **suitable** for your circumstances and will be of a **positive help** to you, and it will also be for **you** to decide whether you wish to proceed with Mediation.

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## **DO YOU QUALIFY FOR LEGAL AID ie : free mediation?**

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Our Mediator will complete a brief financial form with you to find out whether you are entitled to free Mediation, i.e. legal aid, to cover the MIAM and future mediation sessions. To enable the Mediator to assess you for legal aid we ask you to bring the documents listed at the end of this leaflet. If you do not qualify for free Mediation, i.e. legal aid, our Mediator will explain how much a Mediation session would cost but this is also set out below.

### **What happens if I decide that I do not want to have Mediation?**

There will be no pressure on you to choose Mediation if you decide that it is not suitable for you. At the end of the Mediation Information and Assessment Meeting, if you and / or our Mediator decide that Mediation would not be helpful at the present time, mediation will not proceed.

### **What happens if one of us wants to have Mediation but the other does not?**

Mediation can only work if **both** people involved are committed to resolve their differences in this way. In the circumstances that one person is unwilling to proceed with Mediation, we will respect that choice but always keep the door open to the possibility of Mediation taking place at a later date, if you both subsequently come to the mutual view that you would like to try the Mediation option.

### **CAN I BRING SOMEONE WITH ME TO THE ASSESSMENT MEETING ie MIAM OR A MEDIATION SESSION?**

We ask that you do not bring anyone else with you due to the confidential nature or the matters to be discussed. Also, the other party may very well object to other people's involvement. Only if both parties consent and the mediator feels it is appropriate that someone else be involved would it be considered. If the MIAM is conducted via video link you must ensure you are alone and nobody else is present, including no children present.

### **In brief what are the benefits of Mediation?**

There are 3 main benefits if couples can resolve their differences with Mediation;

- **Costs**

If matters proceed through the Courts the cost of a case concerning the residence of or contact to children can be typically between £1,000 and £4,000 per person. Cases involving the resolution of financial matters can cost typically £3,000 - £6,000 per person.

In comparison if you mediate and are not eligible for legal aid the fixed fee costs are £90+ VAT i.e. £108 for the MIAM.

For all types of mediation matters e.g. children, matrimonial, property and separation £160+ VAT i.e. £192 for each mediation session, per person.

- **In your control**

When you choose to resolve your matters through Mediation, ***you retain control*** of the time scale of your meetings.

- **Flexibility**

In Mediation you will be discussing a ***range of ideas*** to enable you to carefully explore the options alongside each other, without reaching a legally binding agreement. If you settle on a proposal which appears to you to be fair to both of you and any children, we will help by putting the proposal in the form of a ***Summary***, for you to discuss with your Solicitors, before they help you decide whether to make such proposals legally binding. We will also summarise the financial information you have been provided to help you to obtain advice from your solicitor.

We readily acknowledge that Mediation is **not** a “**soft option**”, as it can be difficult speaking with an estranged partner whom you may not have met for some time. However, we hope that with the assistance of trained, impartial and experienced Mediator, you will be able to reach the best solutions for your family.

## **FURTHER INFORMATION ABOUT THE MEDIATION INFORMATION AND ASSESSMENT MEETING (MIAM)**

Mediation is a voluntary process which is offered as an alternative to going to court.

At the MIAM you will be asked some questions about your personal circumstances and we will consider with you whether or not mediation might be suitable for you and your former partner and the circumstances of your particular case.

The purpose is to explore mediation as a process that may or may not be suitable for you.

## **WHAT DOES IT COST?**

You may qualify for legal aid. We have set out on the attached list those items that we would ask you bring with you to see whether or not you qualify for legal aid. If you

do qualify for legal aid you will not have to pay for the assessment meeting nor will you have to pay for mediation.

If you do not qualify for legal aid but your ex-partner qualifies for legal aid, then again the assessment meeting would be free because of their legal aid and also the first joint mediation session would be free. Thereafter any mediation would have to be paid for.

It is therefore worth us checking whether or not you and your partner will qualify for legal aid but if not then the assessments will be charged for.

Unless you are eligible for legal aid the cost for the assessment meeting will be charged at that meeting. **The cost of the Mediation Information and Assessment Meeting (MIAM)is £90 plus VAT, i.e. £108.** You can either pay by cash, cheque or on debit/credit card. The mediator will discuss with you the costs that are likely to be incurred should you choose to participate in mediation thereafter and you are not eligible for legal aid.

#### **WHAT DO YOU NEED TO BRING WITH YOU TO THE ASSESSMENT MEETING/ provide prior to the Assessment meeting?**

- 1. The documents below to assess for legal aid (if eligible) or payment on arrival of £108 for the meeting if you are not eligible for legal aid.**
- 2. Your identification set out below.**
- 3. The completed Mediation Information Form we send to you.**
- 4. Signed care letter.**
- 5. Signed online video terms if conducted out of the office.**

#### **DO YOU NEED TO ATTEND WITH YOUR FORMER PARTNER OR OTHER PARTIES?**

You have a choice of attending the assessment meeting either separately or together. It will be assumed that you and your former partner would prefer separate assessment meetings unless you tell us to the contrary. If you do wish to attend jointly then we would ask that you contact ourselves to discuss this beforehand so that we can ensure that the facilities are available should you need to be seen separately from your former partner and if you are attending together then we would need to know prior to the meeting whether there have been any incidents of physical, emotional or sexual abuse between yourself and your former partner.

#### **HOW LONG DO THE MEETINGS TAKE?**

The initial assessment meeting would tend to take 45 minutes – 1 hour and can be arranged, changed or cancelled by telephone or email (or attending our office if you find this easier). Please give us at least 24 hours' notice if you wish to cancel or change your appointment.

## **CAN CHILDREN ATTEND or can I bring anyone with me?**

We would ask that you note that due to the nature of the matters that will be discussed, it is not suitable for children to attend the meetings with you. Unfortunately we do not have crèche facilities at our office nor do we have the specific training to involve children in the mediation process. We would therefore be grateful if you would make necessary arrangements for childcare whilst you are attending the assessment meetings or indeed any future mediation session. We do offer within mediation Direct Consultation with Children ie providing the child with a voice during the process. This would require the written consent of both parents and would need to be carefully discussed with the mediator during the process before it takes place.

**We ask that you do not bring anyone else with you due to the confidential nature or the matters to be discussed. Also, the other party may very well object to other people's involvement. Only if both parties consent and the mediator feels it is appropriate that someone else be involved would it be considered.**

## **OUR MEDIATOR**

Daniel Priest, is a Director, solicitor and accredited mediator of Campions Solicitors. He is trained by Resolution (formerly the Solicitors Family Law Association). He is a Family Mediation Council Accredited Mediator, registered with the Family Mediation Council. He mediates on finance and children, both privately and legal aid. Daniel works at our Nottingham and Derby office. He also offers video link MIAMS and mediation.

Resolution mediators are all practising lawyers, who have undergone an extensive mediation training programme and are subject to regulation by the Association. Resolution mediators work to a code of practice which follows internationally accepted principles. The solicitors' practice is also regulated by the Solicitors Regulation Authority and indeed the Law Society. An accredited mediator has been competence assessed to provide a high-quality mediation service and are able to conduct a MIAM and also mediate both private and legal aid mediation.

## **WHAT HAPPENS IF I AM NOT SUITABLE FOR MEDIATION?**

The mediator will discuss this with you individually and also contact your solicitors to inform them of this.

## **DO I STILL NEED A SOLICITOR?**

The mediator will confirm to you during the mediation session that it is important for all clients to continue to have access to legal advice throughout the mediation process. You should contact your solicitor if you need advice about any legal issues which arise during the mediation process or outside of mediation.

**YOU MUST BRING THE FOLLOWING DOCUMENTS TO YOUR ASSESSMENT MEETING IF YOU WISH TO BE ASSESSED FOR LEGAL AID – WITH OUT THE**

**CORRECT PROOF YOU CANNOT HAVE LEGAL AID AND YOU WILL BE CHARGED FOR THE MEDIATION AS A PRIVATELY PAYING CLIENT:**

1. Income/Benefits

(a) **Income**

For both you and any partner with whom you live (this does not mean the other person in mediation) we require your proof of income including most recent payslips, (i.e. 1 month or if weekly paid the last four weeks).

Also you need to provide your bank statements for all accounts held in your name for a period of one month to today's date (you may need to go into the bank for this). This includes any accounts in joint names.

(b) **State Benefits**

If you are in receipt of benefits we require a letter from the DWP (dated within the last week) confirming the benefit that you are in receipt of, whether it is income-related or contribution-based, the start date for receiving the benefit, next payment date and payment amount.

If you are in receipt of universal credit, please provide your latest universal credit statement from your online account and a printed confirmation recording the start date of receipt of universal credit. This will need to include the page showing your name, address, amount received.

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(c) **Tax Credits**

In the case of tax credits, this must be the latest letter from HMRC which sets out details of the credits payable.

(d) If you are self-employed we require that you bring your up to date business accounts and your most recent tax return. If these are not available, a letter from your accountant setting out this information, i.e. details of your current earnings/cash book or recent bank statements.

2. Capital/Savings

If you have any then up to date documentary evidence of savings and investments is required, e.g. bank statements and/or building society passbook, share certificates/National Savings, etc. for you and any partner with whom you live. These must be up to date.

3. Property

If you or our cohabiting partner own property or land please provide an up to date valuation of the property(s) together with an up to date mortgage statement (s).

## **IDENTIFICATION**

Please bring original photo identification **and** address verification from the following lists to your meeting. (**Please do not send photo I.D. through the post**):

### **1. PERSONAL IDENTIFICATION REQUIREMENTS**

Please provide 1 piece of documentation from List A

#### **LIST A**

- Current signed passport
- Residence permit issued by Home Office
- Construction industry photo I.D card
- Current photo-card driving licence (both parts)
- Current EEA member state I.D. card
- Current I.D card (Northern Ireland)
- Firearms certificate

**AND**

### **2. ADDRESS IDENTIFICATION REQUIREMENT**

Please provide 1 piece of documentation from List B

#### **LIST B**

- Mortgage statement
- Official copy of register from HMLR
- Entry in a local telephone directory
- Electoral roll card
- Benefit book
- Council tax bill
- Utility bill
- Bank statement
- Local authority rent card
- HMRC statement or tax demand
- House or motor insurance

(If you do not have any from List A you must bring two items from List B).

#### **Important**

If you are unable to supply the above or have any queries then please contact us immediately to avoid delays.