

Initial Mediation Information and Assessment Meeting (MIAM)

Jen Rumble Family Mediation

The process of professional mediation begins by you attending an initial *Mediation Information and Assessment Meeting* (MIAM). This information sheet provides an overview of the initial MIAM and what to expect. *Please read this information sheet carefully prior to booking your initial MIAM.*

Requirement to attend a MIAM before going to court

Since 22 April 2014, almost all divorcing and separating couples in England and Wales who want to use the court process to resolve any disagreements about children or money must prove that they have made a referral for a MIAM first. You cannot issue an application at court without either (a) a record of a MIAM referral having been made or (b) claiming one of the specific exemptions that are available.

If there has been a referral for a MIAM, the mediator must sign the court application form. The court will check whether any other exemption is validly claimed and will usually require that you attend a MIAM if no exemption in fact applies. A judge may also choose not to hear a case until both people have shown that they have considered mediation.

This means that, even if you are quite sure that mediation or one of the other alternatives to court is not for you, attending a MIAM will help you avoid unnecessary delays, whether you are the person who is applying to the court, or the other person. More positively, the MIAM meeting gives you a chance to decide, with professional assistance, how to best conduct your separation or divorce in the interests of yourself and your family.

If, at the end of the mediation process (including any meeting with your former partner) either you or the mediator decides that mediation is not a good way forward, you can ask the mediator to sign your court application form.

Please note: You should advise your solicitor, if you have one, that you are attending an initial MIAM meeting. If you decide to progress to mediation, you should inform your solicitor of the appointment of a mediator. It would be helpful for you to obtain advice from a legal adviser during the mediation process.

What to expect in your initial MIAM

- It is usual for the initial MIAM to be conducted on an entirely separate basis. This will involve you and the mediator discussing your personal situation on a confidential basis without your former partner in the room.

- Your mediator will assess the issues to be mediated upon from the information provided by each person during the meeting(s).
- Your mediator will ask you questions related to domestic abuse and child protection issues. This will enable the mediator to decide whether mediation is safe.
- Your mediator will provide information about the options available to you to resolve the issues surrounding your separation. They will discuss the advantages and disadvantages of each option with you.
- You will have an opportunity to decide whether going to court would be the best way of resolving the issues surrounding your relationship or marriage breakdown (e.g. children, property and financial issues), or whether mediation would be a safe and effective alternative.
- If the mediator decides that mediation would be a safe and effective option in your particular situation, it will be up to you and your ex-partner to choose whether to try mediation or not. Mediation is always voluntary.
- Where appropriate, your mediator will assess eligibility for Legal Aid and advise on cost and time scales for mediation.
- If you decide that you don't want to mediate then the mediator will sign your court application form to confirm that you have attended but that mediation is not going ahead.

Limitations of the mediation service

There are certain limitations to family mediation that you should understand. *Please read these carefully – inappropriate use of the service will result in termination of sessions:*

- **Family mediation is not a counselling service.** The purpose of family mediation is to explore and agree upon constructive solutions. If you need emotional support, we encourage you to seek the services of a counsellor or a psychologist. Your GP can help you with a referral. Any abusive language or behaviour directed toward the mediator will result in termination of sessions.
- **Communication outside of sessions.** Once formal mediation sessions have begun, issues can *only* be discussed during joint sessions. Mediators cannot discuss issues with either party separately. We also cannot breach confidentiality by sharing information with one party to another party. Communication outside of joint sessions is *strictly* limited to practical arrangements *only*, such as scheduling appointments. If there is something that you wish to add, or forgot to mention in a session, the appropriate procedure is to make a note of it and raise it in the following joint mediation session.

Location and duration of the meeting

Our offices are in Stockport and Buxton. Appointments via Zoom are also available.

Please allow about 45 minutes to 1 hour for the initial Mediation Information and Assessment appointment. We ask that you arrive a minimum of ten minutes early.

If the meeting is being conducted via Zoom, please ensure you that you are logged on and ready at least ten minutes before the scheduled meeting time.

Confidentiality

Any information you give the mediator during your initial MIAM will be kept confidential and will not be shared with your former partner or anyone else except for any specific matters that you agree with the mediator can be shared. There are however some important exceptions to the mediator's duty of confidentiality, including:

1. Where any person (particularly a child) is at risk of serious harm, the family mediator has a duty to contact the appropriate authorities.
2. In common with all other relevant professionals, the family mediator may be required to disclose to the appropriate government authority information regarding the commission of any relevant, previously undisclosed, criminal offence. The mediator may also be under a linked obligation to make such disclosure without informing you and may have to discontinue the meeting without further notice.
3. Exceptionally, the family mediator may disclose personal data in connection with the alleged or established commission of an unlawful act.
4. The family mediator is a 'processor' of personal data for the purposes of the Data Protection Act 1998. You consent to the mediator processing your personal data for the purposes of mediation. You understand that this includes the mediator retaining and storing your personal data for as long as is necessary in connection with your Agreement. The mediator may retain data for research and statistical purposes but on the understanding that if used it has been stripped of all features from which you could personally be identified.
5. Our practice's quality assurance standard requires us to monitor our mediation files. Periodically, our practice supervisors may have sight of files, but access is strictly controlled and on a similar confidential basis.
6. The file may be considered by any complaints handler in the event that you make a complaint about your initial meeting. That will not extend to any parts of the file concerning your former partner.

Payment and cancellation policy

- The cost of the initial MIAM is £120.
- Payment must be completed *at least 3 days prior to the scheduled meeting*.
- Please note: The MIAM cannot proceed if payment has not been completed.
- Please provide a minimum of 48 hours' notice if you need to cancel or change the appointment. If you do not provide at least 48 hours' notice, you will be charged the full fee, and you will need to pay the fee again if you wish to rebook the MIAM.
- If you decide that you do not wish to proceed with mediation, or if the mediator decides that mediation is unsuitable, then a C100/A form may be provided to enable you to make an application to the Court.

Concerns and Complaints

Our practice is governed by the College of Mediators, and we comply with the College of Mediators Code of Practice. Copies of this Code are available on request and can also be found on the CoM and FMC websites. We have a complaints procedure, a copy of which may be obtained from us. Any concern you may have as to our practice should be raised with us in the first instance and thereafter, if unresolved, in writing to the College of Mediators. In the event of a written complaint, you agree to the release of your file to any complaints handler.

By attending the initial Mediation Information and Assessment Meeting (MIAM), you agree to the terms set out here.