



National  
Family  
Mediation

## Information Booklet



Telephone: 01904 646068 Email: [office@yorkfms.co.uk](mailto:office@yorkfms.co.uk)

Office hours: Monday to Friday – 9.00am to 5.00pm

# York Family Mediation Service

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**Our purpose is to empower people experiencing separation and divorce to make informed decisions now and for the future and where there are children, to give priority to their needs.**

**York Family Mediation Service is a confidential, impartial and independent service which works with couples at any stage of separation and divorce, who need support in making arrangements for their children and/or in making decisions about their property and finances. It is not our intention to persuade parents to stay together.**

Serving York, Selby, Harrogate and parts of Ryedale & Hambleton  
Appointments are available in York, Harrogate and Selby.

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## How does Mediation work?

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You and your partner will meet together with a mediator to help you talk over any problems and reach mutually acceptable arrangements. We proceed on the basis that whatever your differences, if you have children, both of you wish to reach the best solution for your children.

### What if we are not separated yet?

This can be the most difficult time. Mediation can reduce bitterness and can be the best time to agree on plans before views become fixed and attitudes harden.

### Can I see a Mediator alone before Mediation begins?

You will normally be offered a choice of a joint or separate initial assessment meeting with a mediator who will explain the process and help you decide whether mediation is appropriate for you. You will only have a joint initial assessment meeting if both of you choose this option. If that happens the mediator will see each of you separately for a short time before you meet together to check if you are entitled to legal aid for mediation and to make sure you both feel comfortable and safe meeting together.

### Can my children have a chance to say what they feel?

Children are not directly involved in the mediation but if there are issues where it is important for the children's views and feelings to be heard mediators can arrange a separate session with the children. Both parents and their mediators need to agree that this would be helpful to the mediation process.

### What if I have a Solicitor?

The Mediation Service does not take the place of solicitors. During the mediation process you have the right to obtain independent legal advice if you so wish. York FMS is working in partnership with local solicitors to provide high quality legal support for clients going through mediation. This fixed fee package gives clients access to cost effective legal advice whilst in mediation, and help with turning their decisions made in mediation into a legally binding document. If you are interested in using this scheme, please ask for the leaflet.

## **Is Mediation suitable in every case?**

Generally if the clients want to mediate then mediation can go ahead. Sometimes domestic violence has been an issue during their relationship. We generally advise against mediation if domestic violence is still an issue - especially if the police have been involved.

The client has the right to decide not to mediate; York FMS reserves the right not to offer mediation to unsuitable cases.

## **If I am making an application to court do I have to try mediation first?**

Yes, if you are thinking about making an application to court for anything connected with your divorce or separation, you will be expected to attend a mediation assessment appointment first to give you an opportunity to see if mediation is suitable. There is no obligation to go ahead with mediation at this point.

Usually if after an assessment meeting the clients decide to go ahead with mediation then we can arrange a joint mediation appointment. If either you or your ex partner do not wish to mediate we will issue you with an FMI form.

If you are intending to make an application to court without the use of a solicitor, there is help and guidance available to help familiarise people with the court process. Please ask the office for further details.

## **What if there is already a court Case?**

We can still help you. We are independent of the court but you may find that the court suggests to you and your partner that you use the Mediation Service to see if you can reach an agreement and avoid arguing in court. The court will normally give you time for mediation. Less time in court means less cost, and also allows you to retain control of your family's future.

## **Will you tell the court what we have talked about?**

Absolutely not. We shall not reveal what is discussed during mediation nor will it be used as evidence in court proceedings. But if a full agreement is reached,

either party, or his/her solicitor, can take this to court. If the court has suggested you come to mediation, we shall only tell the court whether or not an agreement has been reached, and not the details of that agreement.

## **Our Mediators**

Our mediators come from a range of backgrounds. All are professionally trained as mediators by National Family Mediation. They are required to undertake continuing professional development each year and to have regular supervision to meet the NFM standards.

## **How do I make an appointment?**

Ring the office on 01904 646068 between 9.00am and 5.00pm any weekday and speak to the Service Manager. At other times there is an ansaphone in operation. You can make a referral direct from our website [www.yorkfms.co.uk](http://www.yorkfms.co.uk) and you can email us at [officeyfms@uk2.net](mailto:officeyfms@uk2.net)

# Costs of Mediation

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## Legal Aid

If you are unemployed or on a low income, you may qualify for Legal Aid which will cover the cost of your mediation. The mediator and yourself will assess your eligibility for Legal Aid at your initial assessment meeting. In order to do this assessment, it is very important that you bring with you the required evidence as listed in your confirmation letter

If you are not eligible for legal aid you will be asked to pay for your mediation. For further details of these charges please see the Costs of Mediation information sheet.

York Family Mediation Service is a small independent registered charity. We receive grants, but these fall short of our rising costs. We appreciate it if clients pay their charges promptly.

## What is Child Only Mediation?

Child only mediation is mediation which deals with arrangements for children - where children will live (residence) and how much time they will spend with each parent (contact) and sharing parental responsibility.

## How does Child Only Mediation work?

At the first mediation session you will each have an opportunity to tell the mediator about the issues which need to be resolved. The mediator will then work with you to plan future arrangements for your children. When you have reached decisions these will normally be recorded for you in a statement of outcome.

## What if an agreement I reached earlier breaks down?

As you and your former partner move forward to build separate lives your family circumstances may well change. One or both of you may have new partners. Children may be born into your new family and your new partner may bring their children into the family. The mediation service can help you resolve any difficulties you may have concerning arrangements for your children at any time after your original separation.

# All Issue Mediation

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## What is All Issue Mediation?

All Issue Mediation, or AIM, is mediation which deals with any aspect of the breakdown of a relationship including making plans for children, deciding where family members are going to live, sharing belongings, savings and property, and making sure that each member of the family is provided for. Mediators are trained to help couples make lasting arrangements dealing with these matters.

## How does AIM work?

AIM is a stage by stage process. You will be given a written Agreement to Mediate and a number of Financial Information Sheets and invited to fill these in ready for the next session. We go through the Financial Information Sheets and ask you to confirm the information by providing supporting paperwork. Once we have the full picture we invite your suggestions about how each aspect could be sorted out and help you to examine every option to see if it is suitable. When you have decided upon the most suitable option we prepare a Memorandum of Understanding recording what has been agreed. At each stage we make sure that everyone in the Mediation understands the information provided and that anything unfamiliar is fully explained.

## Do the participants in AIM need solicitors?

We recommend that you do instruct a solicitor if you feel that you need independent advice during the mediation. You will also need a solicitor to advise on the financial arrangements you make and to make these arrangements legally binding. If you have not already instructed a solicitor, please see the details of our Fixed Fee Package arrangement with solicitors. Details available on request.

## **Is the Memorandum of Understanding legally binding?**

The Memorandum of Understanding is not legally binding. It records your agreed proposals. If you are divorcing it is intended that these agreed proposals will be turned into a consent order to be sent to the court for approval by your solicitors. If you are not divorcing immediately then these agreed proposals can be recorded in a separation agreement by your solicitors.

## **Is AIM confidential?**

What you say in mediation is confidential and will not be passed on by the Mediators and may not be used by the participants in any subsequent Court proceedings. The participants may however make use of factual financial information provided during the mediation.

## **What is Property and Finance Mediation?**

Property and Finance Mediation is mediation for couples who do not have children or whose children are grown up and no longer financially dependent. The process is the same as in AIM mediation.

## **Complaints Procedure**

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Whilst York Family Mediation Service strives to maintain the highest standard of service delivery to the public, we recognise that occasions may arise when clients wish to make a formal complaint. Details of the procedure are displayed in the mediation rooms and further details can be obtained from the Service Manager.

We welcome feedback from our clients on the service they have received. We regularly send out client questionnaires to this effect.

## **Confidentiality**

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Mediation is a confidential process.

All discussions in initial assessment meetings and in mediation sessions are confidential and no information will be given to legal advisers and third parties unless both clients agree to this being done.



There are three exceptions to this rule:

1. If a mediator believes that a child is at serious risk of harm then a report has to be made to the relevant authority. Before this can be done the proposed action will be discussed with both clients.
2. If a mediator believes that an adult is at serious risk of harm there may be need to report to the relevant authority. Before this can be done the proposed action will be discussed with both clients.
3. If a mediator believes or has reasonable suspicion to believe that an offence has been committed under the Proceeds of Crime Act, then there may be a requirement to report to the National Criminal Intelligence Service. The mediator may not be permitted to tell you that he/she is making this report and may have to discontinue mediation without further notice. The Proceeds of Crime Act makes it a criminal offence to benefit financially from criminal activity such as money laundering, defrauding the Inland Revenue and defrauding the Benefits Agency.

The mediator/s will make notes of each session they have with you, and these are kept in a file. Client files are regularly audited by the Legal Aid Agency.

## Some Helpful Guidelines

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Listen to each other's views and try not to pull in opposite directions.

Do your best to carry out the agreed arrangements, and if for any reason you cannot, let the other parent know as soon as possible.

Do not interfere unnecessarily while the children are in the care of the other parent.

Try to cooperate with the other parent in setting similar rules and standards of behaviour for the children.

Do not use your children to relay messages to the other parent. If there is a misunderstanding they may feel that it is their fault.

Communicate directly with each other.

Do not question your children about the other parent's private life, or speak ill of him or her. These things embarrass children and cause pain.

Do not make the children feel that loving the other parent means that they are being disloyal to you.

# Useful Websites

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## Mediation and Child Contact

York FMS' own website: [www.yorkfms.co.uk](http://www.yorkfms.co.uk)

**York FMS' Child Contact Service** offers a safe and welcoming venue for parents to keep in contact with their children post separation and divorce  
[www.childcontactcentresinyork.co.uk](http://www.childcontactcentresinyork.co.uk)

**National Family Mediation:** for more advice, help and support on divorce and separation and finding other services throughout the country  
[www.nfm.org.uk](http://www.nfm.org.uk)

**NACCC National Association of Child Contact Centres**  
is the umbrella organisation for Child Contact Centres [www.naccc.org.uk](http://www.naccc.org.uk)

**Family Mediation Council** sets professional and training standards and works to raise awareness of mediation and promote best practice within Family Mediation [www.familymediationcouncil.org.uk](http://www.familymediationcouncil.org.uk)

**Family Mediation Helpline** which is a directory for all family mediators through the country [www.familymediationhelpline.co.uk](http://www.familymediationhelpline.co.uk)

## Government Agencies, the Courts System & Advice

### CAFCASS

looks after the interests of children involved in family proceedings. They work with children and their families, and then advise the courts on the best interests of individual children [www.cafcass.gov.uk](http://www.cafcass.gov.uk)

### Child Support Agency

ensures that where an application for child maintenance has been made, parents who live apart contribute financially to the upkeep of their children:  
[www.csa.gov.uk](http://www.csa.gov.uk)

## **Child Maintenance Options**

is a free service that provides impartial information & support to help separated parents make decisions about their child maintenance arrangements

[www.cmoptions.org](http://www.cmoptions.org)

## **CAB**

Citizens Advice helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policymakers [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

## **Direct Gov**

This website has details of government services and useful information about marriage, divorce and separation, and benefits [www.gov.uk](http://www.gov.uk)

## **Ministry of Justice**

works to provide a more effective, transparent and responsive criminal justice system [www.gov.uk/government/organisations/ministry-of-justice](http://www.gov.uk/government/organisations/ministry-of-justice)

## **Litigants in Person**

if you cannot afford a solicitor and plan to represent yourself in court, this website has helpful information about how to do this

[www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/](http://www.barcouncil.org.uk/instructing-a-barrister/representing-yourself-in-court/)

**A Guide for Separated parents: children and the family courts** The CB7 form can be downloaded from this website which is a useful guide as to how to represent yourself in court

[www.hmctsformfinder.justice.gov.uk/courtfinder/forms/cb7-eng.pdf](http://www.hmctsformfinder.justice.gov.uk/courtfinder/forms/cb7-eng.pdf)

## **Legal Aid Agency**

provides both civil and criminal legal aid and advice in England and Wales

[www.justice.gov.uk/contacts/legal-aid-agency](http://www.justice.gov.uk/contacts/legal-aid-agency)

## **Legal Aid Calculator**

enables you to work out if you would be eligible for legal aid for mediation

[www.gov.uk/search?q=legal+aid+calculator](http://www.gov.uk/search?q=legal+aid+calculator)

## **Advice now**

is an independent, not-for-profit website providing accurate, helpful information on rights and legal issues for the general public

[www.advicenow.org.uk](http://www.advicenow.org.uk)

## **Resolution**

a membership organisation for family lawyers who promote a non-confrontational approach to family problems. Their website has a lot of helpful information for people going through separation and divorce

[www.resolution.org.uk](http://www.resolution.org.uk)

## **Support**

**Association of Shared Parenting** promotes the right of children to the nurture of both parents after separation/divorce and encourages and supports parents in the fulfilment of that right

[www.sharedparenting.org.uk](http://www.sharedparenting.org.uk)

## **Family Action**

is committed to supporting families to realise their potential. They offer a range of help and support for all family members

[www.family-action.org.uk](http://www.family-action.org.uk)

## **Money Advice Service**

is a service that provides money advice for consumers; the advice they give is free & enables people to take the right financial decisions

[www.moneyadvice.service.org.uk](http://www.moneyadvice.service.org.uk)

## **Families Need Fathers**

is a social care organisation, helping parents whose children's relationship with them is under threat. They offer information, advice and support for parents on how to do the best for their children

[www.fnf.org.uk](http://www.fnf.org.uk)

## **Relate**

offers advice, relationship counselling, sex therapy, workshops, consultations and support face-to-face, by phone and through their website

[www.relate.org.uk](http://www.relate.org.uk)

## **NSPCC**

Their work is focused on helping those children who are in greatest danger and distress.

[www.nspcc.org.uk](http://www.nspcc.org.uk)

## **ChildLine**

is a private and confidential service for children and young people up to the age of nineteen

[www.childline.org.uk](http://www.childline.org.uk)

## **Supportline**

offers confidential, emotional support to children, young adults and adults by telephone, email and post [www.supportline.org.uk](http://www.supportline.org.uk)

# **Directory of Solicitors dealing with Family Law**

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The following directory contains the names and addresses of firms who are willing to advise on family law. York Family Mediation Service is grateful for their help and financial support. This however must not be taken as a recommendation by YFMS. You must feel free to make your choice of any solicitor in the area.

## **YORK AREA**

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### **Ardent Law**

4 Maple House, Wykeham Road, Northminster Business Park, York YO26 6QW

Telephone: 01904 782958

Fax: 01904 786734

Email: [kdulkoan@ardentlaw.co.uk](mailto:kdulkoan@ardentlaw.co.uk)

### **Burridge Bloss in**

### **association with Switalskis**

56a York Road, Acomb, York YO24 4LZ

Telephone: 01904 606250

Fax: 08451 227796

Email: [family@switalskis.com](mailto:family@switalskis.com)

### **Brooke Williams**

St Martins House, 1 St Martins Lane, Micklegate, York YO1 6LN

Telephone: 01904 677888

Email: [york@brookewilliams.co.uk](mailto:york@brookewilliams.co.uk)

### **Coles Solicitors**

96 Micklegate, York YO1 6JX

Telephone: 01904 679990

Fax: 01904 679909

Email: [info@coles-law.co.uk](mailto:info@coles-law.co.uk)

*quote York*

## Coles Solicitors

1 Finkle Street, Thirsk YO7 1DA

Telephone: 01845 526222

Email: [info@coles-law.co.uk](mailto:info@coles-law.co.uk)

*quote Thirsk*

## Coles Solicitors

Trinity House, Thurston Road,

Northallerton DL6 2NA

Telephone: 01609 780717

Fax: 01609 779968

Email: [info@coles-law.co.uk](mailto:info@coles-law.co.uk)

*quote Northallerton*

## Denison Till

Stamford House, Piccadilly,

York YO1 9PP

Telephone: 01904 611411

Fax: 01904 611458

Email: [ncm@denisontill.com](mailto:ncm@denisontill.com)

## Ellis Lakin & Co

8 Hallgarth, Pickering, North Yorkshire

YO18 7AP

Telephone: 01751 472121

Fax: 01751 475132

Email: [lisa@ellis-lakin.co.uk](mailto:lisa@ellis-lakin.co.uk)

## Elmhirst Parker

The Cross, Sherburn in Elmet, LS25 6BH

Telephone: 01977 682219

Fax: 01977 684454

Email: [slm@elmhirstparker.com](mailto:slm@elmhirstparker.com)

## Elmhirst Parker

The Abbey Yard, Selby, North Yorkshire

YO8 4PX

Telephone: 01757 703895

Fax: 01757 213397

Email: [slm@elmhirstparker.com](mailto:slm@elmhirstparker.com)

## Guest Walker & Co

12a The Shambles,

York YO1 7LZ

Telephone: 01904 624903

Fax: 01904 611181

Email: [n.goodman@guestwalker.co.uk](mailto:n.goodman@guestwalker.co.uk)

## Hague & Dixon

Cumberland House, Cumberland Street,

York YO1 9SR

Telephone: 01904 627111

Fax: 01904 611378

Email: [dawn.taylor@hague-dixon.co.uk](mailto:dawn.taylor@hague-dixon.co.uk)

## Harland & Co

18 St Saviourgate, York YO1 8NS

Telephone: 01904 655555

Fax: 01904 611162

Email: [post@harlandsolicitors.co.uk](mailto:post@harlandsolicitors.co.uk)

## Harrowells

1 St Saviourgate, York YO1 8ZQ

Telephone: 01904 558600

Fax: 01904 655855

Email: [advice@harrowells.co.uk](mailto:advice@harrowells.co.uk)

## Hethertons LLP

Tudor Court, Opus Avenue, York

Business Park, York YO26 6RS

Telephone: 01904 528200

Email: [sfn@hethertons.co.uk](mailto:sfn@hethertons.co.uk)

## Hutchinson & Buchanan

77 North Street, Ripon,  
North Yorkshire HG4 1DS  
Telephone: 01765 602156  
Fax: 01765 690018  
Email: mail@hutchbuch.demon.co.uk

## Langleys Solicitors

Queens House, Micklegate  
York YO1 6WG  
Telephone: 01904 683123  
Email: ella.daniels@langleys.com

## Makin Dixon Solicitors

Westminster House, 23 Victoria Avenue,  
Harrogate, North Yorkshire HG1 5RD  
Telephone: 01423 500035  
Fax: 01423 509172  
Email: jane.campbell@makindixon.co.uk

## Makin Dixon Solicitors

High Street House, Newmarket Street,  
Skipton, North Yorkshire BD23 2HU  
Telephone: 01756 797284  
Fax: 01756 798397  
Email: jane.campbell@makindixon.co.uk

## Mitchells Solicitors

2 Peckitt Street, Clifford Street,  
York YO1 9SF  
Telephone: 01904 623751  
Fax: 01904 623155  
Email: pac@mitchellssolicitors.co.uk  
Email: lorna@mitchellssolicitors.co.uk

## Newtons Solicitors

1 Maple House, Wykeham Road,  
Northminster Business Park,  
York YO26 6QW  
Telephone: 01904 409071  
Email: info@newtons.co.uk

## Pearsons & Ward

2 Market Street, Malton  
North Yorkshire YO17 7AS  
Telephone: 01653 692247  
Fax: 01653 600162  
Email: oliver@pearslaw.co.uk

## Pheby & Co Solicitors

The Lodge, 21 Front Street, Acomb  
York YO24 3BW  
Telephone: 01904 789900  
Fax: 01904 788384  
Email: jp@pheby.co.uk

## QualitySolicitors Burn & Company

Ebor House, Millfield Lane, Nether  
Poppleton York YO26 6QY  
Telephone: 01904 655442  
Fax: 01904 627107  
Email: clairer@burn-company.co.uk

## QualitySolicitors Burn & Company

Rowntree House, Market Place  
Easingwold, North Yorkshire YO61 3AG  
Telephone: 01347 822188  
Fax: 01347 823082  
Email: clairer@burn-company.co.uk

**York Family Mediation Service**

Affiliated to National Family Mediation



Legal Aid  
Agency



National  
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