

south west  
**mediation**



The **whole picture**

# A fresh, common sense way of helping you separate

Separating is never easy. But it doesn't have to scar you and your family forever.

No matter how high emotions are running or how trapped you feel in an endless tit-for-tat legal dispute, there really is – almost always – a simple, common-sense way forward. A breakthrough moment.

At South West Mediation our purpose is to help you find it.









*“Amazing what mediation can do, talking things out with a mediator really does help.”*

**Client**





## The simpler, more constructive, less expensive solution

**All the research, as well as our experience as mediators, tells us that long-term legal arguments cause real damage to families, especially when children are involved.**

This is why more and more couples are opting for mediation – a much simpler, kinder and less destructive route.

Mediation is collaborative rather than adversarial. Unlike lawyers, we work with both of you, not just one side or another. Mediators are experts at helping you work together to reach a fair solution, not just arguing a particular point of view – so you make progress much more quickly and at much lower cost than through the traditional solicitor route.



# The whole picture - our guiding principle

**At South West Mediation we firmly believe that families deserve a better way of settling disputes than battling it out in the courts.**

We know that the best outcomes only happen when both parties stand back, take a deep breath and see the whole picture. So that simple idea, the whole picture, sits behind all we do.

In 16 years we've become one of the biggest and most experienced family mediation services in the country. Our caring and close-knit team of professional mediators has helped many thousands of families to minimise the long term pain of separation. 81% say that mediating with South West Mediation has helped them move forward after just a few sessions.





# We are specialists in mediation – just mediation

**South West Mediation has been at the forefront of developing and professionalising the modern, collaborative approach of mediation so that it is now firmly part of the family justice system.**

At such a difficult time in your life, you need to know that you are in the very best hands. So we focus exclusively on our expertise as mediators.

All our mediators have been legally trained as lawyers or barristers, so you can be confident that we fully understand the legal side of these disputes.

But we are totally independent of other legal practices, which makes us completely impartial.

*“The ‘go to’ mediators in this region. They have helped many of my clients secure sensible agreements, thus avoiding the distress, uncertainty and expense of the adversarial process.”*

**Solicitor**



# Helping you find a fair financial arrangement

**Sorting out finances when you are separating often needs urgent attention but can seem overwhelming and complicated.**

Mediators are experts at seeing the wood for the trees. Almost all our successful mediations are sorted in three joint meetings or fewer. That means that all those questions keeping you up at night could be answered in just a few weeks from the moment you meet us - and at a fraction of the cost of using the adversarial solicitor route.

We can also help you by bringing in additional professional expertise when there are complicated businesses or pensions to discuss. By involving accountants, financial advisers and pensions specialists either alongside or actually in the mediation process, we can ensure all the relevant information is available. That means that you can make informed decisions about what's fair and in your best interests.

## TOP FIVE QUESTIONS ASKED BY SOUTH WEST MEDIATION CLIENTS

- > Where is everyone going to live?
- > What's going to happen to the home?
- > What about investments and savings?
- > How am I going to afford to live?
- > How do we deal with pensions?

## THE SOUTH WEST MEDIATION WAY

# Sorting out the finances



### Sharing information

- > Clarify priorities and concerns
- > Share financial information and documentation
- > Mediator prepares detailed and comprehensive joint financial statement



### Exploring options

- > Break down issues into 'bite-sized' elements and provide legal information
- > Identify viable options
- > Explore preferred options in greater detail
- > Highlight further information required to reality-test preferred options
- > Mediator prepares summary of options



### Finding solutions

- > Develop discussions to reach consensus
- > Agree details of terms of settlement
- > Agree next steps to ratify settlement
- > Mediator prepares memorandum setting out settlement



### Legal documentation / implementation

- > Take legal advice to check settlement is legally fair
- > Legal adviser prepares formal documentation for court
- > Documents filed with court for judge to approve consent order
- > Terms of court approved agreement then implemented



# How to make sure your agreement is **legally** fair

**Mediation isn't just about finding a workable solution. You'll also want to make sure it's legally fair and binding. Our mediators will give you lots of information throughout the process so you can get a really good understanding of what the law considers relevant and important in ensuring a fair outcome.**

If you have a solicitor, you can check out your proposed settlement with them before it's made legally binding to make sure you are getting your fair entitlement. If you have both decided not to use separate legal advisers – perhaps because you're worried you'll be encouraged to take up polarised positions – South West Mediation has developed a quick and inexpensive alternative. We have teamed up with a leading Barristers Chambers so that a specialist family law barrister can look at your overall financial situation and your proposals and provide a written indication of what a judge would consider fair. It's a great way to be confident that your mediated settlement will obtain the seal of approval from the court.

We can also design the mediation to fit the needs of your case. For example, you may feel nervous about negotiating directly with your ex-partner without the support of your legal adviser. Our pioneering solicitor-supported model of mediation allows you to come to the mediation with your solicitors so you have all the legal advice you need on tap during the negotiations.



*“Clients frequently comment on how impressed they are at your ability to manage technically difficult financial situations.”*

**Solicitor**



# Minimising the impact of the separation on your children...

**Every parent we meet tells us that they want to minimise the distress and upset for their children. As the research consistently proves, the way parents manage separation has a profound impact on their children not just at the time but also later as they grow up.**

We help you work on the ground rules and a practical parenting plan. How much time will the children spend with both parents? How you are going to share the responsibility for caring for your children as they grow up? We guide you to communicate better and to focus together on what's best for your children so that you are better able to make the choices that are right for them.

## ...and giving them a voice too

**Children can sometimes be unsure or have mixed feelings about their parents separating. They often find it hard to explain their feelings to their parents for fear of upsetting them. So we are also trained to meet with your children directly to allow them to express their own wishes and feelings within the mediation process.**

Our experience is that children really benefit from having this chance to talk to us. For you, as parents, that understanding of your children's perspective helps you see the whole picture, so you can find solutions that work for them too.

## THE SOUTH WEST MEDIATION WAY

# Sorting out arrangements for your children



### Understanding key issues

- > How to share day-to-day care of your children
- > Holidays, special occasions, Christmas, birthdays etc.
- > Making important decisions, e.g. education
- > Financial support including extra-curricular activities



### Listening to the voice of the child - option

- > Confidential one to one meeting between each child and mediator
- > Opportunity for each child to express their wishes and feelings
- > Mediator feeds back to parents



### Finding solutions

- > Focus on what is in your children's best interest
- > Explore ways to improve communication
- > Agree practical arrangements for your children



### Creating a Parenting Plan

- > Mediator drafts parenting plan
- > Parenting plan sent to parents to sign to confirm formal agreement after mediation concluded
- > Can be ratified by court if both parents require

*"79% of the population say conflict from divorce or separation can affect negatively children's mental health. Amongst people who experienced their own divorce when they were children, this number rose to 87%"*

**YouGov Survey | 2018**



# How the mediation process starts

**The mediation process begins with a one-to-one confidential Mediation Information and Assessment Meeting. This is when you meet one of our professional mediators on your own and explore whether mediation is the right way forward. The meeting is dedicated time for you – a chance to be listened to as you tell us about the situation from your point of view.**

It's also the point at which our professional mediator starts forming a detailed and sensitive understanding of you and your circumstances. If you think mediation might be the best option for you, we can discuss the different models of mediation so you feel really comfortable about going ahead. Then, when you both decide to give mediation a try, we set up a mutually convenient date for our first joint mediation session. From there it takes just a few meetings to move towards finding a mutually acceptable way forward which can then, if you choose, be made legally binding.

***"I thought Victoria was a fantastic mediator. She made me feel as calm as possible and put me at ease. Highly recommended!"***

Bristol client

***"Our mediator was very clear skilled and professional! There were clear boundaries and goals and it felt like there was focus."***

Plymouth client

***"I found Claire extremely caring while still maintaining a professional and informative stance. Thank you."***

Yeovil client





South West Mediation is now the region's largest family and commercial mediation practice. We operate across multiple locations, open 200 new case files a month and accept more referrals from solicitors – around 100 a month – than any other practice in the South West.

### **Devon and Somerset Law Society Awards 2019**



**WINNER:**  
**Leader of  
the Year**



**WINNER:**  
**Team of  
the Year**



**HIGHLY COMMENDED:**  
**Law Firm of  
the Year**

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Visit our website to find your nearest office.

[www.southwestmediation.co.uk](http://www.southwestmediation.co.uk)

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