

MEDIATION:

Offers you:

- Personally tailored approach
- Cost effectiveness
- Efficient but sensitive timescales
- An opportunity to move forward
- Lasting agreements
- A safe and supported environment
- Qualified, professional mediators

Helps you:

- feel in control
- work together in the best interests of the children
- make best use of legal advice
- find creative ways forward
- shape your own arrangements
- make constructive decisions about the future

BENEFITS EVERYONE

*Community
Legal Service*



TELEPHONE: 01642 222967

OFFICE HOURS:

Monday - Thursday, 9 - 5pm • Fridays, 9 - 4pm

We also offer appointments in Stockton,
Hartlepool, Redcar, Guisborough, Darlington, Peterlee and Newton Aycliffe.



Families Talking

Tees Valley Mediation



- Supports decision making during separation or divorce
- Helps separated families to meet the needs of children
- Helps reduce financial and emotional costs
- Maximises opportunities to manage future decision making constructively
- Offers a counselling service for children affected by separation and divorce
- Offers a range of other services to support families in difficulty
- Improves outcomes

FAMILIES TALKING IS:

- A registered charity
- Confidential, impartial and independent
- Holds the Legal Services Commission (LSC) Quality Mark
- Affiliated to National Family Mediation (NFM)

WE OFFER:

- Mediation – in relation to family and/or financial matters
- Children's counselling
- Information about parenting after separation
- Work in schools giving information and support to children and young people
- Accredited training for professionals
- Other support services - see our website for up to date information

RECORDS:

Outline notes are made of all sessions held and eligible files are subject to audit by the Legal Services Commission. All records are governed by the Data Protection Act 1998 and are securely stored for 6 years, after which they are confidentially destroyed. Your mediator or the service manager can help if you have any further questions.

COMPLAINTS PROCEDURE:

We would like to have your views whether you are happy or unhappy in any way with our Service. If you do have a concern or a complaint, contact Jane Affleck, Practice Manager, and we will do all we can to deal with it as quickly as possible.

CONTACT US AT:

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A company limited by guarantee
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Registered in England & Wales

WHO ARE WE?

- Founded in 1980, Families Talking is a non-profit making organisation affiliated to a recognised national body (National Family Mediation) which demands continuous training and high levels of professional practice.
- Primarily we aim to provide a neutral and safe setting where couples in separation or divorce can be supported making decisions about their own future arrangements – both as parents, and in relation to financial matters.
- Our services are available to all, irrespective of gender, ethnicity, religion, disability, sexual orientation or age.

Mediators are professionally qualified and regulated by the Family Mediation Council and the Legal Services Commission. All have considerable experience of family problems and can help you to agree plans for children and other matters, without the necessity for Court Decisions.

WHAT DO WE DO?

We help family members at any stage of separation, divorce or dissolution, when they disagree over important issues or have significant decisions to make – especially those concerning children, but also about financial matters.

You will be invited to meet with a mediator in an informal, confidential atmosphere to find ways forward and reach agreements about how to manage the future – instead of relying solely on exchanging correspondence through solicitors, or appearing in court.

This may be about assisting informal and personal discussions between family members (usually parents and/or grandparents), or about helping to formulate the basis of legal agreements, with the support of your own legal advisers.

We know that this is a time when people feel unsure and vulnerable, and aim to help you through a process of negotiation to make arrangements which suit you and your family - **both parents and children find arrangements work best if they have made the decisions for themselves, rather than having them made for them by the Courts.**

We are here to help you, through a difficult time, to make your own decisions about how to manage the future. We do not tell people what to do, or make decisions for you, and using our Service is voluntary, not compulsory. We are NOT part of the Courts or Social Care, neither are we about relationship counselling, but about helping you make sensible decisions for the future, without the need to go to Court. We do not give legal advice, but can help you to obtain that appropriately, and at the best time for you.

MEDIATION & INTAKE ASSESSMENT MEETING (MIAM)

Anyone wanting to access public funding (legal aid) and or who wish to issue a court application for family matters are required to attend a mediation intake and assessment meeting, before their legal aid can be approved or their court application can be progressed.

HOW DO WE DO IT?

- Initial “finding out” (intake) appointment: –
 - explores with you whether mediation is suitable in your particular circumstances and, if so, what might be the things you need to discuss, and how best to do this.
 - This is usually a separate appointment for each of you, but can also be offered to you both together.



- Mediation then offers a series of structured meetings: the number will vary, depending on the issues to be discussed. It is generally most helpful to people if they meet together in joint appointments, with the mediator there to help to manage the discussions.
- As well as finding out what is important for parents, we also offer a separate appointment for the children to talk about how things are, and might be, for them.

The mediator will talk to you about this opportunity, and whether it might be helpful or appropriate for your children.

- At the end, we will write an outcome statement (if just about children's matters) or a Memorandum of Understanding regarding financial issues.

These documents are “legally privileged”, and are a record of your decisions for your own use. They are not reports for the Court, but they can form the basis of a legal agreement if you both agree that this is appropriate.

MEDIATION:

IS ABOUT:

- Negotiating arrangements
- Helping people to consider thoroughly
- Helping parents to keep the needs of their children in focus
- Being positive in approach
- Making decisions for now and the future
- Being fair – helps you make plans that suit everyone

IS NOT ABOUT:

- Making people stay together if they don't want to
- Taking sides
- Judging or blaming
- Winning or losing
- Arguing over the past

CONFIDENTIALITY:

Mediation is a confidential process, and discussions are “without prejudice”. This means that they cannot be used as evidence in any subsequent court proceedings.

EXCEPTIONS:

- If there are serious concerns about the welfare of children, or the safety of children or adults. In this case mediation cannot continue and we will encourage you to talk about your concerns to people who can investigate these important matters – Social Services or the Police. However, we have the final responsibility to make sure that appropriate action is taken to ensure the safety of children or others involved in the mediation process.
- We are also subject to the provisions of the Proceeds of Crime Act 2002



FREQUENTLY ASKED QUESTIONS

DO I HAVE TO COME?

Before your solicitor can issue proceedings, it is a requirement for people who are applying for legal funding to actively consider mediation as an option and your solicitor may refer you to us, to come for an initial intake appointment at this stage to find out about mediation. Many people find this appointment helpful, even if mediation is not for them, or if they think their ex partner would not be interested. However it is often better to consider mediation at an earlier stage, before feelings and attitudes become fixed, so your solicitor may suggest mediation long before this stage.

Mediation itself is voluntary for all involved – including the mediator- and anyone can withdraw at any time.

WHAT ISSUES CAN WE DISCUSS?

- Separation and divorce – what is right for you
- Children – what arrangements might you make, how should they be brought up, how can you listen to their views, how can you prepare them and help them cope?
- Financial matters – the family home, future financial needs, what to do with savings and debts
- Managing the future – family changes, extended families, new partners etc

But mediation is designed around you, and the things you both want to discuss – so this will vary for everyone.

WHAT WILL IT COST?

The mediator will make a financial assessment at your initial appointment – if you are eligible for legal help, then mediation will be **FREE**. Agreements reached in mediation are **exempt from the statutory charge**, which applies should legal proceedings be issued. You should talk to your solicitor about this.

If you are not eligible for legal help, then there would be a fee – we operate a sliding scale, and your mediator would give you this information at that appointment, so you are fully aware before you commit yourself. A sheet about our current rates is enclosed with this leaflet.



HOW LONG DOES IT TAKE?

Resolving things between yourselves in mediation is quicker than making an application to the Courts.

Initial appointments are always available within two weeks – mediation appointments might take a little longer to set up, depending on people's availability.

Child Only appointments generally last an hour, and you should expect at least 2 sessions.

For financial matters, the appointments take between 1 ½ and 2 hours, and people usually need 3 sessions, sometimes taking up to 5 sessions.

The time between appointments varies with whatever seems helpful – sometimes people like to try arrangements out, or need to gather information – this is arranged to suit your circumstances.

WHAT IF MY PARTNER IS VIOLENT?

Domestic abuse can be a worry for a lot of people. Safety for all is a vital principle of mediation and will be discussed with you in individual appointments. You need to feel able to negotiate freely in mediation. Special arrangements may help with some of your concerns to enable mediation to proceed. However, mediation may not be suitable in every set of circumstances, and we would help you to look at other options.

WHAT IF WE HAVEN'T SEPARATED?

This can be a difficult time. However, it can also be the best time to agree plans before views become fixed and attitudes harden. It is also an opportunity to explore together how to prepare and deal with arrangements for the children, so as to minimise any detrimental effects on them.

SHOULD I HAVE A SOLICITOR?

Solicitors are important if you need to make legal arrangements. However, the legal process does not always create the best atmosphere in which to discuss what's best for the children – often parents just value a comfortable and neutral space to come and make their own informal decisions, as they have always done.

If you are wanting to discuss divorce, and financial arrangements, it will be important for you to have access to independent legal advice, and we would encourage everyone to do so. Mediators are impartial, and cannot offer legal advice – that is for you to seek from your own solicitor.

You can find a solicitor from those who advertise in our leaflet, or from the complete list of those with a family franchise, available at www.direct.gov.uk

WILL YOU INVOLVE THE CHILDREN?

It is helpful for children if parents can plan co-operatively about meeting their needs for the future. Mediators therefore invite all parents with children over the age of 5 to consider whether their children would like an opportunity to talk to someone, in order for their concerns also to be heard. **This happens only with the consent of both parents, and the child/ren.**

It would normally consist of one appointment, from which the children's concerns could be relayed back to the parents, should the children wish this to happen. **Research indicates that arrangements work best when children feel their concerns have been actively considered, and many welcome the opportunity to talk to someone other than a parent at this time.** The value of this is that it:

- Helps your children to feel involved
- Helps them to feel you're listening
- Helps to put discussion on the map for them and for you
- May raise things you aren't aware of!
- Helps you make decisions based on everyone's thinking
- Emphasises parents as decision makers
- Helps you all to look positively to the future

DOES IT WORK?

Yes – the majority of people who use mediation reach agreement on all or most of the issues.

People tell us they find it helpful and constructive, and supportive through a process which otherwise might be too difficult to contemplate. It is:

- Individually tailored
- Time focussed
- Cost effective.
- Neutral, but safe and supported
- Positive and practical

They find it helpful that the mediator does not take sides, keeps them focussed on the issues and the future and concentrate on the whole family, very valuable in reducing conflict between them.

Research tells us that this is of enormous benefit to both children and adults at a time of great upheaval and change.

OTHER SERVICES WE OFFER:

1. Children's counselling service

This is available to all children between the ages of 5 and 18 who are experiencing difficulties following the divorce or separation of their parents. It is a free service, and our counsellors are all fully qualified with considerable experience. It is separate from our mediation service, and parents do not have to be in mediation. Any parent, or child, who is interested can make a referral, with a view to an initial exploratory conversation with a counsellor.

2. Parenting after separation

We offer a service to parents who wish to talk over parenting issues either before or after separation, and is individually tailored to meet people's needs. This might include:

- An individual appointment to plan and prepare for separation
- Information about "what works", and research findings
- support and information sessions for non-resident parents.

There may be a small charge for the service, but this would be discussed with you in advance. One of our workers would be happy to discuss possibilities with you if you get in touch.

3. In addition, we also offer mediation in other family situations where communication is difficult – such as estrangement between family members, problems with teenage boundary setting etc – and other situations too varied to mention. If you think we might be able to help, then just phone and speak to one of our mediators, who would be happy to discuss things with you.



USEFUL INFORMATION ABOUT TALKING TO YOUR CHILDREN

Children are telling us:

- Parents did not understand their feelings
 - they were too busy being angry
- Children can't tell their parents how upset they are if they see their parents are too upset or angry
- They needed reassurance about the future
- They needed reassurance that both parents still loved them and the separation was not their fault
- They wanted to be able to talk to both parents about what was happening

Your Children need your time, attention and continuing love.

- Nearly half of them thought the separation would be temporary
- It was worse when they did not know what was happening or what decisions were being taken
- Those who are least happy are those who feel they cannot talk to their parents or influence the decisions about their own time
- Lack of information made them feel more insecure
- Children can understand more than their parents think they can

Your children will be helped by straightforward information about how the separation will effect their lives

- They don't like feeling guilty or anxious about their time with the other parent
- They are keen to treat their parents equally and to have a "fair share" of time with each
- They also want to maintain their own friends and activities
- They would like to be consulted but they don't want to choose between parents, or be asked to make decisions
- They want to have both parents involved in their lives – the children were not divorced

Your children will want a good relationship with you both after separation

- It is hard when they have to be the message carrier
- Children are helped by good communication between adults about them.
- Seeing or hearing their Mum and Dad fighting makes them sad, anxious and hurt
- It is hard to cope when they are used as a support person for an adult
- Children who are a part of family conflict in these ways may be affected into their own adulthood

Your children will not want to be involved in the parental conflict

- They have needs of their own – for friends etc – that might be hard for you to hear and act on
- Sometimes there are things they want to keep private
- Sometimes they genuinely do not know when a question is asked
- Sometimes they want to be quiet
- Just showing you care is enough at these times

Your children need your respect as individuals.

Experience has shown us:

- Younger children frequently are upset when they change from being with one parent to the other.
- In any children upset and anxiety can take the form of bedwetting, anger, tears tantrums...
- Sometimes unhappy children act in ways they have previously grown out of.
- Children don't cope well with uncertainty. They are happier when there are clear arrangements that they know about.
- Parents can have different styles of parenting which can cause difficulties when communication is bad.

These responses are normal but can be reduced by consistency, good communication and cooperation

ADULT BUSINESS

Routines, rules, arguments and conflict, the nuts and bolts of separation or divorce, legal things, your own anger and emotion

CHILDREN'S BUSINESS

The chance to say what they think and feel, consultation and respect, space for their wider family and friends, factual explanation of what is happening between their parents, their activities and childhood



DIRECTORY OF SOLICITORS DEALING WITH FAMILY WORK

Legal advice on family matters can be got from firms in this list. The list gives names of the Solicitor or Legal Executive who handles family work in each office. The fact that a firm is in this list does not mean that it is recommended by Families Talking. We cannot recommend any particular firm and you should make your own choice.

LSC – indicates a firm with a Legal Service Commission Franchise in family work.

* - indicates a solicitor who is a member of Resolution (formerly the Solicitors Family Law Association).

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www.dma-law.co.uk

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Philip Mitchell*
Gillian Gibson*

Smith & Graham LSC

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www.smithandgraham.co.uk

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Shazana Rafiq
Margaret Boalch*

Askew Bunting Solicitors LLP

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Crutes Law Firm

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David Scourfield Solicitors LSC

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