

What is a MIAM and why is it so important?

MIAM stands for 'Mediation Information and Assessment Meeting'. Put simply it's a chance for you to find out about all of the approaches available for helping make the arrangements, and to get to know us better. Really it's just a conversation with a bad title!

It's also time for a mediator to find out about the background to your situation, so that they can think about, together with you, whether one of the non court approaches might be able to help your case, or whether court is the best choice.

How do they work?

Appointments last around 45-60 minutes and take place by video conferencing (usually Zoom, but we also offer Teams), although we also offer in person appointments at our Havant, Fareham or Southampton offices.

You will come to your appointment with us without the other person, rather than together. This gives each of you a chance to speak freely about what you are hoping to achieve and to raise any concerns you may have; it's completely confidential. It helps us in helping you to work out which approach will suit you best. We'll explore the history of the relationship with you and explain how each approach varies

Mediation is not the only non-court choice available; it might be that something like arbitration, solicitor led negotiation, or a version of mediation with solicitors or other professionals present could work better. MIAMs are treated confidentially and we do not pass any information to the other person that you have disclosed during your appointment – we have a duty to keep everyone safe when they meet with us.

As mediators we do not give you legal advice, although the majority of our mediators are specialist family law solicitors, former solicitors or legal academics. Our aim is to give you lots of information about divorce, separation, co-parenting, better communication or financial arrangements and the like. If necessary, we can recommend solicitors who will give sensible and economical legal advice.

Following changes to the Family Procedure Rules in April 2024, it is compulsory to have a MIAM before you use the courts to try and resolve your differences. It is not compulsory to attend mediation, or any non-court option. It is also best practice for mediators to contact both of you, so that you can both make informed decisions, so we will need you to provide the other persons' contact details when we meet.

Any mediator registered with the Family Mediation Council may offer initial chats (sometimes also called assessments, or intakes) but only mediators accredited with the FMC can offer a MIAM, or sign a form to confirm attendance at one.

What do they cost

Our initial appointments cost £99 (including VAT), unless you are eligible for legal aid, in which case they are free. If you think you might be eligible for legal aid we will carry out an assessment at your appointment. You may be eligible for legal aid if you are on a low income, working part-time, or receiving certain benefits (for example Universal Credit, Income Support and ESA). You must provide proof of your income and capital prior to your appointment so that we can tell you whether you need to pay, and in order to qualify for legal aid.

Please let us know in advance if you think you might be eligible for legal aid, or if you'd like a legal aid assessment. We'll then send you a checklist of what you need to send in advance, which saves you and us time.

The Mediation Voucher scheme does not cover the cost of a MIAM.

What should I bring with me?

We are often asked by people if they need to prepare anything for their first appointment. The answer is 'no', other than legal aid evidence. We just need you.

Is mediation suitable for everyone?

Mediation is quite often the first non-court avenue that people try. If you and the other person decide to come to mediation all your conversations will be open and transparent; your mediator will not be able to keep anything confidential from the other person unless you have specifically agreed any exceptions to that. So, your first individual appointment with us is a good opportunity for you to ask any questions which are nagging you or to express any doubts or concerns you may have about it. If there has been any form of abuse in your relationship, or if you are worried about the welfare of your children, it would be a good time to talk about this.

We can offer mediation in separate spaces (often called 'shuttle mediation'), where each person is in a different room. We will talk to you about how we can keep everyone involved as safe as possible.

Mediation or court are not the only choices you have – have a look at the ladder below. Our website gives information about all of the non court approaches available.

What's in the small print and why are MIAM's so important?

The Family Court is keen to make sure that, wherever possible and safe, families make their own arrangements and decisions. The court should be available where families can't make their own decisions, or where there might be complicated or safeguarding elements.

To make sure that the court is not overburdened with cases that are not complex, it monitors cases that come before it and in particular, it is required to ask

1. Whether a MIAM took place,
2. Whether a MIAM exemption was validly claimed, and
3. Whether you have already tried non court ways of resolving your differences, and if so, what the outcome was

If an application to court is made the court will ask if you have considered a non court approach, and if not, why not. You may have to file a statement, or complete a court form called FM5, that tells the court, and the other person, what you have considered and why. It can also decide, without you needing to consent, to adjourn your case to give you time to try one of the non-court avenues. If the court thinks that you haven't got a good enough reason for not considering non court options, it could make a costs order.

The FM5 is a court document not a mediation document so mediators can't complete this for you. You will need to fill it in yourselves, or ask your solicitors to do it (which of course will attract a fee).

Mediators are limited in what they can tell a court - if mediation didn't go ahead, or it doesn't work, the only information we are able to say is "that it is unsuitable for mediation at this time". There are lots of reasons why mediation might not be suitable. If mediation goes ahead but is ultimately not successful, the mediation is 'without prejudice', which means you can't tell the court what you talked about, but you can provide dates and times of your mediation appointments, which show you have tried to resolve things out of court.

Don't forget, mediation isn't the only non-court option – there are many others, and you can find out about them at a MIAM, or by visiting our website.

Rather than using the cost of non court resolution as a reason not to do it, the court now expects participants to ask themselves whether they can really afford not to take part in safe and appropriate non court resolution.

