

>> and post-nuptial agreements, domestic violence, and child abduction.

In family mediation the matters I tend to cover are: how the divorce will commence and who is the petitioner; childcare, finances, and direct consultations with children; grandparents wanting to see their grandchildren; and also LGBT families.

### Training and accreditation

If you are thinking of becoming a family mediator, do your research.

Make sure that the foundation course you are signing up for will be recognised when you apply for accreditation.

The foundation training costs around £2,500. If your firm is not willing to pay, you might wish to consider self-funding and then being reimbursed when you start to see clients.

If you enjoy working with children, then you should consider doing the course on direct consultation with children.

Before you start to mediate, you will need to observe some mediations and also do some co-mediation hours. See what opportunities are available for this, as I found that I had more opportunities to observe and co-mediate by contacting mediation services outside London.

Try to find a professional practice consultant (PPC) who you are comfortable working with. When I started mediating I found that I had to ask a lot of practical questions, and when I started mediating with clients the questions I had were more about dealing with the client and the process. Make sure that the PPC has time to supervise you as sometimes you may need to speak to them urgently.

If you do not have enough cases to be accredited, then you might need to consider whether you charge mediation clients less than other local mediation practices or co-mediate on a pro bono basis with an established mediator. Once you become accredited, a lot more opportunities become available. Getting the accreditation has been my biggest challenge as a mediator – it took around two years for me to get the required cases for the portfolio.

If you are from a legal background, you may want to consider going on a level two or three counselling diploma course; I found this very helpful when writing up my reflections for the mediation portfolio.

Once you complete your accreditation, you may want to be a supervisor and undertake PPC training; I completed the training last year and am working with several supervisees aiming towards accreditation.

### Out-of-court options

Clients come to mediation with a general knowledge that if they can resolve matters in mediation, it is generally a cheaper, quicker, and less adversarial process than going to court, and over the last few years clients seem to have become more informed of what mediation is and how it works.

The courts are also becoming more aware of the important role family mediators can play in helping to resolve family matters out of court.

I am involved with schemes at the Central Family Court and Barnet Family Court, where, for cases having the first hearing, the courts are trying to encourage the separating couple to try mediation if both clients are willing and the matter is appropriate for the mediation process.

If mediation does not resolve every matter, then there is the possibility for it to be referred to arbitration for a binding decision if both clients agree.

Further, I have noticed more recently that solicitors are looking at ways to regularly work with mediators, and I am part of the scheme with Dialogue First where clients choose this process. The clients have a solicitor assigned to them and the clients can then seek legal advice after each mediation session.

### What are the challenges?

Not all cases are suitable for mediation. You need to ask screening questions with each client at the start of the process to try to establish which cases are not appropriate.

Recent examples of mediation matters that have not proceeded are where one client involved in the mediation process did not want to make a full financial disclosure of their assets and the other client believed that some assets were being hidden.

It can also be a challenge where one client wants to see you for a shortened mediation information assessment meeting (MIAM). If a client has attended a MIAM before with another service, then I may do a shorter MIAM, but if it is a client who is new to mediation, they should spend around 45 minutes to an hour in the meeting for it to work properly.

In some cases, clients will need some space with the mediators, without the lawyers present, and you must simply let the lawyers know this. You need to do what is right for the clients. **SJ Austin will be discussing family mediation and arbitration with Charmaine Hast of Wedlake Bell on 16 March 2016 at the Solicitors Journal Live event. For more details visit [bit.ly/SJLIVE2016](http://bit.ly/SJLIVE2016)**



## Getting the accreditation has been my biggest challenge as a mediator