

## Mediation and Information Assessment meetings (MIAMs)

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### Briefing note

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### What are they?

On 6 April 2011 the Pre-Action Protocol for Mediation Information and Assessment came into force. This means that before anyone can make an application to court for the majority of orders relating to their child or (with a few exceptions only) their finances they will have to consider with a mediator whether their case is one which might be suitable for mediation. This will not affect starting off the divorce process itself.

### Where do I go for a MIAM?

Your solicitor at Charles Russell will be able to arrange for you to attend a Mediation Information and Assessment meeting at a time and location convenient to you. You have to go to a mediator at a different firm.

### Why can't I come to Charles Russell for my MIAM?

The mediator must be someone who has not advised either you or your partner previously. If they or one of their colleagues had done so their independence as a mediator would be compromised. At Charles Russell we have solicitor- mediators who are qualified to undertake MIAMs but not for our own clients.

### What if my partner won't attend? Will that mean I can't ever make an application to court?

Your partner will be asked to agree to attend at the same time as you or for a separate appointment, but if he or she will not or you do not wish to attend at the same time, then you can attend on your own. Once you have attended and the mediator has signed the necessary form then you can make your application to court.

### What happens at the MIAM?

At the Mediation Information and Assessment Meeting (called a MIAM) the mediator will provide you with information about the mediation process and see whether you and your partner are willing to consider trying the process yourself. The mediator will also make an independent assessment as to whether he or she believes that mediation would provide a suitable framework for the two of you to resolve matters. Mediation is not appropriate in every case. If the mediator feels that mediation is an appropriate process for you and you and your partner wish to try it then you can continue to attend mediation with that mediator or with a new one if you wish.

### Can people ever avoid having to go to a MIAM?

In certain circumstances your own solicitor may decide that he or she can certify that it is not appropriate to send you and your partner to a MIAM. You will be told if that is the case. In that event you will be able to issue a court application without having attended the MIAM at all.

### What is the cost of a MIAM?

Most Central London firms are charging around £250/£300 for a MIAM.

**If we decide after the MIAM that we want to go to mediation, what is it?**

Mediation is a voluntary process in which you may be able to resolve issues in relation to your family when your relationship has broken down. You cannot be forced to do it. You and your partner attend a series of meetings with an independent mediator who creates a neutral environment in which you can explore together the options for the future and try to reach an agreement as to how best to resolve matters. The matters discussed are privileged ie cannot be referred to in court. More information about mediation is contained on our website and in our mediation leaflet. We have a number of specialist family lawyers who are also mediators. We recommend that you have independent legal advice at the same time as you attend mediation to get the most out of mediation. Your mediator will advise you of their hourly rates.

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**More information**

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