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# Child Inclusive Mediation in solicitor negotiations

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# Child Inclusive Mediation in Solicitor Negotiations

Each parent has a one-to-one online meeting with the mediator for around 1.5hrs to discuss the process, issues, any concerns and arrangements for the child/ren meeting.

The mediator has an online meeting with both lawyers together to prepare them and explain next steps and the process.

The mediator meets with the child/children in a neutral location (face to face or by zoom). The mediator will agree with the child/ren what information can be fed back.

There will then be an online feedback meeting, often with both parents and both lawyers. No feedback is put in writing.

The parents can continue with mediation if they agree (with or without lawyers present) or can resume negotiations with their solicitors.

# Giving children a voice in family decision making

The child inclusive mediation (CIM) protocol for solicitors is a process where parents work with their solicitors, and a trained child-inclusive mediator is used to allow the child's voice to be heard in negotiations to hear the child's views separately. The aim is to help parents make better-informed decisions about arrangements for their child, without putting the child in the middle of the dispute.

## How does it work?

This process combines solicitor-led negotiation with a child-inclusive element, so that the child's voice can be heard in a safe, structured, and confidential way. The child does not make decisions and does not give evidence for any court proceedings. The process provides a way for a child to feedback their views and ideas to their parents

## Purpose

The purpose of this option is to support child-focused decision-making by giving parents more insight into how the child is experiencing the separation and the proposed arrangements. It can help reduce conflict, improve communication, and keep discussions focused on the child's welfare.

## What is the process?

The parents discuss the process with their solicitors and if both parents agree, a trained child-inclusive mediator is appointed. The mediator meets each parent separately (for around 60-90 minutes) to explain the process, understand the issues, carry out screening and safeguarding checks and obtain the necessary consents to proceed.

The mediator then meets both solicitors together (for around 30 minutes) to confirm the professional boundaries and confidentiality. The solicitors must also sign the mediation agreement.

If the case is suitable and everyone has agreed, the mediator invites and meets with the child in a safe and confidential setting without either parent present. The child decides what (if anything) can be fed back to parents from that meeting. Children are reassured that their parents want to hear their views but that they do not have to make decisions, that responsibility remains with their parents.

A feedback meeting is scheduled as soon as possible after the child has met with the mediator. The mediator gives verbal feedback (nothing is put in writing, and no notes can be taken of the feedback) to the parents with their solicitors' present (these meetings last around 30 minutes). Only what the child has agreed to be shared can be discussed. This meeting is often held with both parents and their solicitors, but separate meetings are also possible. Parents can choose to continue with mediation if they both agree that would be helpful or can resume negotiations with their solicitors.

## Key features

This is a voluntary process and requires agreement from both parents. Final decisions remain with the parents. This can be used alongside, not instead of, solicitor advice. The child's participation is confidential, with safeguarding exceptions.

The mediator must be accredited, fully DBS checked and specifically trained to be able to conduct Child Inclusive Mediation.

## What it is not

This process is not evidence gathering for court, and it is not a direct way of putting the voice of the child before a judge. It is intended to support discussions outside court by helping parents better understand their child's perspective with the hope of avoiding court proceedings.

## When it may help

It may be useful where:

- the child is mature enough to share views.
- parents want to hear the child's perspective directly and neutrally.
- there is a need to reduce misunderstandings about the child's wishes.
- Parents in solicitor-led negotiations would benefit from hearing the child's voice/a child-focused perspective.

## Important points

Children are invited to share their views, not to choose between parents or decide on the arrangements themselves. A child may also choose not to take part, and the mediator will only proceed where it is appropriate and safe to do so.

At Family Mediation and Mentoring we work with families in a calm, professional way. The option of child inclusive mediation in solicitor led negotiations combines solicitor advice and support with child-focused mediation. Our aim is to support constructive discussions and child-focussed outcomes.

If you would like to discuss whether solicitor-led child inclusive mediation may be suitable for your family, please contact us either by email at [hello@familymandm.co.uk](mailto:hello@familymandm.co.uk) or by calling 0800 206 2258.

You can also book a free call on our website at [www.familymediationandmentoring.co.uk](http://www.familymediationandmentoring.co.uk).

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