LUTON FAMILY MEDIATION

Financial Mediation Pack

Confidential · Without Prejudice · Family Mediation Council Registered

Contents

Section 1

Welcome to Luton Family Mediation

Thank you for choosing Luton Family Mediation. Sorting out finances following a separation can feel overwhelming – but it does not have to mean going to court. Our experienced, impartial mediator will help you and your partner work through your financial situation together, reaching fair and workable agreements at a fraction of the cost and time of litigation.

We are registered with the **Family Mediation Council (FMC).** We serve clients nationwide.

This pack explains what financial mediation involves, how to prepare, and what to expect at every stage. Please read it carefully before your first appointment.

Our Core Principles

- **Impartiality:** We do not take sides or express personal opinions.
- **Confidentiality:** All discussions are private and without prejudice.
- **Voluntary:** Either party may withdraw from mediation at any time.
- **Transparency:** Full and open financial disclosure is essential.
- **Empowerment:** You remain in control of the outcome.

Section 2

What is Financial Mediation?

Financial mediation is a structured, voluntary process in which a trained, neutral mediator helps separating couples communicate and negotiate a financial settlement – without resorting to contested court proceedings.

The mediator does not act for either party, does not give legal or financial advice, and does not impose decisions. Instead, they guide you through a process of mutual disclosure, discussion and negotiation so that **you** reach a settlement that works for both of you.

Mediation vs Court: A Comparison

Feature	Mediation	Court
Cost	Significantly lower	Can be very high
Speed	Weeks to months	Months to years
Control	Both parties decide outcome	Judge decides
Privacy	Fully confidential	Public record
Flexibility	Creative, bespoke solutions	Rigid legal process
Relationships	Reduces ongoing conflict	Often adversarial

Mediation is not a substitute for independent legal or financial advice. We strongly encourage both parties to consult their own solicitor and, where appropriate, an independent financial adviser alongside the mediation process.

Section 3

How Mediation Works – Step by Step

Step 1 Enquiry & Contact

You contact us by phone, email or our website. We explain the process, answer your questions and arrange a MIAM appointment.

Step 2 MIAM – Mediation Information & Assessment Meeting

You attend a confidential one-to-one meeting (approximately 45–60 minutes) with your mediator. We assess suitability, listen to your situation and explain your options. Your ex-partner will be invited to attend their own separate MIAM.

Step 3 Financial Disclosure

Before joint sessions begin, both parties complete a financial disclosure and gather supporting documents (see Section 5). Full, honest disclosure by both parties is essential to a fair outcome.

Step 4 Joint Mediation Sessions

If both parties agree to proceed, we arrange joint sessions (usually 60–90 minutes each). We review your financial information together, explore options, and negotiate a settlement. Most financial cases conclude within 3–6 sessions.

Step 5 Memorandum of Understanding (MOU)

Once agreement is reached, the mediator prepares a written **Memorandum of Understanding (MOU)** recording the agreed settlement, and an **Open Financial Statement (OFS)** summarising the financial information exchanged.

Step 6 Making It Legally Binding

The MOU is not automatically a legally binding document. Your solicitor will use it to draft a **Consent Order**, which is then submitted to the court for approval. Once approved, it becomes legally enforceable.

Section 4

Financial Matters – What We Cover

Financial mediation can address the full range of financial issues arising on separation, however straightforward or complex your situation. Typical areas we work through include:

- **The family home** – whether to sell, transfer to one party, or retain (e.g. a Mesher Order)
- **Mortgage and equity** – division of equity, remortgaging, transfer of equity, negative equity
- **Savings and bank accounts** – joint and individual savings, ISAs, premium bonds
- **Investments and shares** – share portfolios, unit trusts, bonds
- **Pensions** – pension sharing orders, pension offsetting, pension earmarking; including state pension considerations
- **Business interests** – sole trader businesses, company shareholdings, partnerships
- **Spousal maintenance (periodical payments)** – amount, duration, review and termination
- **Child maintenance** – top-up arrangements beyond the Child Maintenance Service formula
- **Debts and liabilities** – credit cards, personal loans, hire purchase agreements, overdrafts
- **Cars and vehicles**
- **Personal property and household contents**
- **Inheritance and gifts** – treatment of inherited or gifted assets
- **Life insurance and protection policies**
- **Tax implications** – we can highlight areas where specialist tax advice may be needed

You do not need to have identified all of the issues in advance. Part of the mediator's role is to help you systematically map out the full financial picture.

Section 5

Financial Disclosure – What You Need to Provide

Fair financial mediation depends on both parties making **full and frank disclosure** of their financial position. Before or at the start of joint sessions, both parties will be asked to complete a financial summary and provide the following supporting documents:

Income

- Last 6 months' payslips (employed) or last 3 years' accounts and SA302 tax returns (self-employed)
- Most recent P60
- Details of any other income: rental income, dividends, benefits, pension income

Property

- Current mortgage statement showing outstanding balance
- Mortgage redemption figure (available from your lender)
- Estate agent valuation or RICS survey
- Details of any second properties or buy-to-let

Savings & Investments

- Bank and building society statements (all accounts, last 3 months)
- ISA statements
- Investment or share portfolio statements
- Premium bond details

Pensions

- Most recent pension statements for all pension schemes
- Cash Equivalent Transfer Value (CETV) – request from your pension provider
- State pension forecast (available from gov.uk)

Debts

- Credit card statements (most recent)
- Loan agreements and current balances
- Hire purchase or finance agreements
- Any other liabilities

Business Interests (if applicable)

- Last 3 years' accounts
- Most recent management accounts
- Evidence of any business valuation

Important: Non-Disclosure

Both parties will be asked to sign a declaration confirming that their financial disclosure is complete and accurate. If either party deliberately withholds or misrepresents financial information, any resulting agreement may be set aside by a court at a later date. The mediator is not in a position to verify financial information independently – it is your responsibility to ensure full disclosure. We strongly advise both parties to take independent legal and/or financial advice throughout the process.

Section 6

Mediation Information & Assessment Meeting (MIAM)

Before making a family court application in most cases, you are legally required to attend a MIAM. This is a confidential one-to-one meeting, usually lasting 45–60 minutes, with one of our accredited mediators.

During your MIAM we will:

- Explain what financial mediation is and how the process works
- Listen to your situation and the key financial issues you face
- Assess whether mediation is suitable and safe in your circumstances
- Provide guidance on what documents and information to gather
- Discuss alternative options where mediation may not be appropriate
- Issue a signed MIAM certificate if you need to proceed to court

Exemptions from MIAM

You may be exempt from attending a MIAM in certain limited circumstances, including:

- There is evidence of domestic abuse or violence
- The matter is urgent (e.g. an immediate freezing order is required)
- You have attended a MIAM within the past four months
- A disability makes attendance impractical

Even where an exemption applies, we encourage you to contact us. Many clients who initially feel court is unavoidable find that mediation offers a more efficient and less costly route.

Section 7

Your Rights and Confidentiality

Confidentiality is fundamental to financial mediation. All discussions in sessions – and all written communications with your mediator – are strictly **confidential and without prejudice**. This means they cannot be referred to or used in court proceedings.

What confidentiality means in practice:

- Nothing said in mediation will be shared with the other party without your consent
- Session content cannot be disclosed to solicitors, courts or third parties without both parties' agreement
- Notes and records are held securely in line with UK GDPR
- The MOU and OFS are the only documents produced for use beyond the mediation room – and only with both parties' agreement

Exceptions to Confidentiality

Confidentiality may only be broken in exceptional circumstances, specifically where:

- A child is at risk of serious harm
- There is a serious risk of harm to any person
- Money laundering or serious financial crime is suspected

In such cases, we have a legal and ethical duty to report to the appropriate authorities.

Your Rights Throughout the Process

- You may withdraw from mediation at any time and without giving a reason
- You have the right to take independent legal and/or financial advice at any stage
- You have the right to request a different mediator if you feel uncomfortable
- You have the right to request a copy of your personal data held by us

Section 8

Our Fees

We aim to keep financial mediation transparent and affordable. Our fees are as follows:

Service	Duration	Fee
MIAM (individual)	45–60 mins	£90 per person
Joint Mediation Session	60–90 mins	£180 per person, per session
Memorandum of Understanding (MOU)	Written document	£200 per couple
Open Financial Statement (OFS)	Written document	£200 per couple

Fees are payable per session by bank transfer, debit or credit card. We are happy to discuss a reduced fee for those on low incomes – please speak to us confidentially about your situation.

For comparison, contested financial proceedings in court typically cost each party between £5,000 and £30,000 or more in legal fees. Even complex financial mediation cases are usually completed for a fraction of that cost.

Frequently Asked Questions

Q: Do we have to be in the same online room?

Not necessarily. We offer **shuttle mediation** where you remain in separate breakout rooms and the mediator moves between you. We can also conduct sessions by secure video call. Please raise any concerns about proximity at your MIAM.

Q: What if the other party refuses to attend?

Mediation is voluntary. If the other party declines, we will issue a MIAM certificate confirming attendance, which you will need before most court applications. We will also discuss your options with you.

Q: Will the mediator give us legal or financial advice?

No. The mediator is impartial and cannot advise either party. We strongly encourage both parties to consult their own solicitor and, where relevant, an independent financial adviser or pension specialist, alongside mediation.

Q: What if our finances are very complex (business, pensions, overseas assets)?

We are experienced in complex financial cases. Where specialist valuations or expert evidence are needed (e.g. a business valuation or pension CETV), we will advise you to obtain these before or during the process. We can also co-mediate with a financial specialist if appropriate.

Q: Is mediation suitable where there has been financial abuse or control?

Safety and fairness are our priorities. We carry out a thorough risk assessment at the MIAM. In some situations, mediation can proceed with appropriate safeguards such as shuttle arrangements. In others it may not be appropriate, and we will discuss alternatives.

Q: What happens if we cannot reach agreement on everything?

Partial agreement is still progress. Even where some issues remain unresolved, reducing the number of contested matters can significantly lower the cost and stress of any court proceedings. We will confirm that mediation was attempted.

Q: Is the MOU legally binding?

No. The Memorandum of Understanding is a record of what has been agreed in mediation. To make the settlement legally binding, your solicitor must draft a **Consent Order** based on the MOU, which is then approved by a court. We always recommend both parties take legal advice before signing a Consent Order.

Q: What if one party is not being honest about their finances?

Both parties sign a declaration of full and honest disclosure. If you suspect the other party is concealing assets, you should raise this with your solicitor. A court has powers (through the disclosure process) to require production of financial information, which mediation does not.

Q: Can we mediate if we are not yet separated or divorced?

Yes. You do not need to be legally separated or divorced to use financial mediation. Many couples begin mediation while still living together or in the early stages of separation.

Q: How long does the whole process take?

A MIAM can usually be arranged within a few days. Financial cases typically take 3–6 joint sessions spread over 6–12 weeks, depending on complexity and how quickly both parties gather their financial information.

Section 10

Checklist for Your First Session

Please gather and bring the following documents to your first joint session. Having these ready will significantly speed up the process. Tick each item as you prepare:

Income Documents

- ☐ Last 3 months' payslips (or last 3 years' business accounts if self-employed)
- ☐ Most recent P60
- ☐ Last 3 years' SA302 tax returns (self-employed only)
- ☐ Details of any other income (rental, dividends, benefits)

Property & Mortgage

- ☐ Current mortgage statement
- ☐ Mortgage redemption figure from lender
- ☐ Estate agent valuation or RICS survey of the family home
- ☐ Details of any other properties owned

Savings, Investments & Bank Accounts

- ☐ Bank statements – all accounts, last 3 months
- ☐ ISA statements
- ☐ Investment or share portfolio statements

Pensions

- ☐ Most recent pension statements (all schemes)
- ☐ Cash Equivalent Transfer Value (CETV) letters – request from your provider(s)
- ☐ State pension forecast (from gov.uk/check-state-pension)

Debts & Liabilities

- ☐ Credit card statements
- ☐ Loan and hire purchase agreements with current balances
- ☐ Any other outstanding debts

General

- ☐ Photo ID (passport or driving licence)
- ☐ Any existing legal correspondence
- ☐ Your diary / calendar for scheduling further sessions

Notes on what outcome you are hoping to achieve

Section 11 **Agreement to Mediate & Key Declarations**

Agreement to Mediate

Before your first joint session, both parties will sign an **Agreement to Mediate** setting out the terms of the mediation, including confidentiality, the mediator's role, fees and the right of either party to withdraw at any time.

Declaration of Financial Disclosure

Both parties sign a declaration confirming that their financial disclosure is complete, accurate and up to date. Any deliberate omission or misrepresentation may make the resulting agreement voidable in court.

Agreement to Mediate – Client Confirmation	
I confirm that I have read and understood this information pack and agree to participate in mediation on the terms set out by Luton Family Mediation. I also confirm that I will provide full and honest financial disclosure.	
Party 1 Full Name:	Party 2 Full Name:
______________________________	______________________________
Signature:	Signature:
______________________________	______________________________
Date:	Date:
______________________________	______________________________

GDPR & Data Protection Notice

Luton Family Mediation processes personal data in accordance with UK GDPR and the Data Protection Act 2018. Your data is held securely, used solely for the purposes of providing mediation services, and is not shared with third parties without your consent (except as required by law). You have the right to access, correct or request deletion of your data. Full details are in our Privacy Policy at www.lutonfamilymediation.co.uk/privacy

Section 12

Our Mediators & Accreditations

All mediators at Luton Family Mediation hold the **FMC Accreditation (FMCA)** and are registered members of the **Family Mediation Council**. We comply fully with the FMC Code of Practice and participate in ongoing professional development and supervision.

Our Accreditations Include:

- **Family Mediation Council (FMC)** – FMCA qualified mediators
- **Resolution** – members committed to constructive, non-adversarial family law
- **College of Mediators** – upholding professional standards in practice
- **DBS checked** – all staff and mediators hold current DBS clearance

Our mediators have experience in a wide range of financial cases, including complex matters involving business interests, pensions, overseas assets, significant debt and high-value property portfolios.

Complaints Procedure

If you are dissatisfied with any aspect of our service, please write to our Practice Manager at complaints@lutonfamilymediation.co.uk. We will acknowledge your complaint within 5 working days and respond in full within 28 days. If you remain dissatisfied, you may escalate to the Family Mediation Council at www.familymediationcouncil.org.uk

Section 13

Next Steps & Contact Information

We hope this pack has given you a clear picture of how financial mediation works and what to expect. Here is how to take the next step:

Call us	**01582 000 000**	Mon–Fri, 9am–5:30pm
Email us	**info@lutonfamilymediation.co.uk**	We respond within 1 working day
Book online	**www.lutonfamilymediation.co.uk/book**	24/7 self-service booking
Visit us	**Bedford Road, Luton, LU1 1XX**	By appointment only

Useful Resources

- **Family Mediation Council** – www.familymediationcouncil.org.uk
- **Resolution (family law solicitors)** – www.resolution.org.uk
- **National Family Mediation** – www.nfm.org.uk
- **Citizens Advice Bureau** – www.citizensadvice.org.uk
- **Money Helper (financial guidance)** – www.moneyhelper.org.uk
- **Child Maintenance Service (CMS)** – www.gov.uk/child-maintenance
- **Gov.uk – Check your State Pension** – www.gov.uk/check-state-pension
- **The Pensions Advisory Service** – www.moneyhelper.org.uk/en/pensions-and-retirement

Luton Family Mediation is registered with the Family Mediation Council.
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