CASE STUDY

Financial mediation for Bill and Sheila Roberts- 4 sessions

4 mediation sessions including spousal maintenance calculation and pension expert report-

See 4 session Process Map.

Cost estimate depending on individual mediator's rate:

- Mediation costs including cost involved in helping clients obtain a pension expert report **£1500** plus vat per person.
- Online Divorce Petition and Decree Absolute fees of **£615** to be divided between clients.
- Pension Expert report **£1500** plus vat divided equally between clients
- Solicitors' costs for supporting client through mediation including preparing and obtaining Consent order **£1000** plus vat including court application fee to be divided.

  ('**Implementation costs'** including property transfer and pension sharing order estimated **£1500** plus vat)

Total costs of approximately £3500 plus vat <u>per person</u> plus 'implementation costs' to be discussed as to who is to pay these.

Background information

William ('Bill') Roberts was born 2nd April 1972 and is aged 48. He works as a self-employed IT consultant.

Sheila Roberts was born on 17th August 1974 and is aged 45. She works as a primary school teacher and currently works part-time.

Sheila and Bill began living together in 2001.

They married on 5th May 2004, separating on 1st April 2020.

Decree Nisi was pronounced on 1st September 2020.

Sheila and Bill have two children, namely;

- Angus, born on 1st March 2004, aged 16
- Charlotte, born on 12th November 2008, aged 11. Charlotte has Autism.

The children currently live with Sheila in Orchard Cottage, the home Sheila owns with Bill.

Bill is currently renting accommodation. He moved into rented accommodation in April last year.

Sheila and Bill both have solicitors supporting them through the mediation process.

Matters for discussion in mediation.

Bill and Sheila wish to use mediation to explore their financial options and reach some financial proposals which meet their financial needs and the needs of the children in respect of their future housing requirements and financial support now and the future, which achieves an overall outcome which they both consider to be fair in their particular circumstances and fair 'in law'.

They have child arrangements in place which they both acknowledged are working well so they do not wish to use mediation to discuss these.

The mediation Support Resources they used during the process.

Bill and Sheila decided that their marriage had come to an end.

They discussed the prospect of using mediation as well as each seeking a little legal advice at an early stage. Their solicitors recommended that they attend mediation.

Are you thinking about mediation?

Sheila and Bill each attended a confidential Mediation information and Assessment meeting with a mediator having completed their client form and pre-mediation questionnaire clarifying for themselves and the mediator, among other things, what was important to each of them for mediation.

MIAM (Mediation information and assessment meeting)

How to complete your pre-mediation questionnaire

Bill and Sheila decided that they wished to work through their financial options together with the mediator in the hope of reaching some financial proposals which could be made into a binding financial Consent order by their solicitors in order to keep their costs as low as possible.

They were confident from the outset that their determination and need to continue coparenting their children and their need to reach financial proposals which addressed the most important financial needs for them all would carry them forward and result in a successful mediated outcome.

Sheila and Bill were a little concerned that their communication had broken down and the trust had been damaged. They were concerned that this breakdown of communication would affect the success of their mediation so they spent some time reading the chapter and watching the videos on preparing to communicate in mediation, completing the questionnaires, as recommended.

Preparing to communicate in mediation

They also both felt that although they did not wish to rely heavily on their solicitors they would like the reassurance of some support from their solicitors before and after each mediation session.

Solicitor supported mediation

Having each attended an individual confidential consultation (MIAM) the mediator sent Bill and Sheila a series of financial documents to complete and return to the mediator before the first session so that the solicitor could complete a financial summary spreadsheet (Open financial summary) to discuss with Sheila and Bill on the basis of which they could discuss their options regarding the division of their capital including their pensions and discuss the prospect of ongoing financial support (spousal and child maintenance). They were referred to the following chapters of the Divorce Manual and videos:

Full and Frank financial disclosure

Financial agreement in mediation (How to complete the Financial Booklets (Form Es)

During their first mediation session they discussed the financial figures and helped the mediator update the Open financial summary. They also agreed a list of tasks so that they were ready to begin exploring their options including their maintenance and pension options during the next two sessions.

Since they had not yet issued divorce proceedings the mediator recommended that they use the online series: How to do your own divorce, as well as take legal advice.

How to do your own divorce

The mediator also recommended that they each read and watch the following chapters of the Divorce Manual and online series so that they felt informed and able to have a good discussion during the next session about ongoing financial support and their pension options.

Maintenance agreements in mediation

Pensions on divorce

During their second session they were able to agree an interim maintenance arrangement and some instructions to the pension expert so that the pension expert could get on and prepare their report.

Sheila and Bill were recommended to read the guides accompanying the financial agreement chapter of the Divorce Manual before returning to the third session so that they were aware of the court's likely approach to dividing assets.

How to share assets on divorce

During their third mediation session having had their pension report back and time to read this, they explored their capital division options focusing on what they each needed to rehouse themselves and how this might affect the maintenance to be paid. They also discussed their pension options.

They were more or less able to complete their proposals in the third session with some very solution and outcome focused discussions but needed to return to a final session to ensure that they had covered everything, having consulted with their solicitors about the approach they were taking in mediation.

In the fourth and final session, Sheila and Bill concluded their discussions with proposals for a division of their capital and pensions as well as a figure for spousal and child support.

Their journey through the four mediation sessions was recorded along the way by the mediator in a series of Interim memoranda after each mediation session, developing this document to become a Final Memorandum recording and charting their mediation journey to a full set of financial proposals.

See Interim and Final Memorandum example documents for Bill and Sheila on webpage

To assist Sheila and Bill taking advice from their solicitors who were supporting and advising them during the mediation journey, the mediator also set out the financial figures in option spreadsheets.

See Proposal Excel spreadsheet example on webpage

Also, having given Bill and Sheila the choice of whether to instruct the pension expert themselves or instruct the expert through their solicitors, Sheila and Bill chose to do the former and were assisted with this by the mediator, taking advice from their solicitors when the report had been produced and using the template and guides in the pension on divorce chapter.

Having reached a set of financial proposals, Bill and Sheila used their solicitors in a collaborative and joined up way to ensure that their financial proposals were fully implemented and delivered what they intended their proposals to deliver resulting in a separation that cost each of them approximately £3500 plus vat including the mediator, solicitor, pension expert fees and court fees leaving them to decide who was to pay the costs and fees connected with implementing their proposals.