



Solicitor or Family Mediator? Here's What I Learned From My Own Divorce

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When preparing for divorce or separation, it can be difficult to know which professional to approach first.

A family solicitor and a family mediator perform different roles. Depending on your circumstances, you may benefit from one or both. Understanding the distinction can help you choose appropriate support and avoid paying for services you do not need.

Every separation is different

Some couples agree about their children and finances but need help formalising their decisions. Others require assistance with communication, financial disclosure or legal negotiations. In some cases, court proceedings may be necessary.

The most appropriate route will depend on factors including:

- how well you can communicate
- whether both parties are willing to negotiate
- the complexity of your finances
- whether financial information is being disclosed
- whether there are safety or safeguarding concerns
- whether court proceedings have already begun
- how urgent the situation is

There is no single approach that suits every family.

What does a family solicitor do?

A family solicitor provides legal advice to one person. They explain how the law may apply, advise on available options and act according to their client's instructions.

A solicitor may help by:

- explaining your legal rights and responsibilities
- advising on the divorce application
- reviewing financial information
- negotiating with your former partner or their solicitor
- advising on arrangements for children
- preparing divorce, financial or child-related documents
- drafting a financial consent order
- helping you prepare for court proceedings
- arranging representation at hearings where necessary

A solicitor acts for their client, not for both spouses. One solicitor cannot generally advise both people where their interests may conflict.

Using a solicitor does not necessarily mean going to court. Much of a solicitor's work can involve providing advice, negotiating an agreement or formalising terms that have already been discussed.

What does a family mediator do?

A family mediator is an independent professional who helps separating people discuss issues and explore possible agreements.

The mediator does not represent either person, decide who is right or impose an outcome. Their role is to manage the discussion fairly and help both participants consider practical options.

Mediation may cover:

- where children will live
- time spent with each parent
- holidays and important occasions
- communication between parents
- the family home
- savings and investments
- pensions
- debts
- maintenance and other financial arrangements

Mediation is not relationship counselling. Its purpose is usually to help people make arrangements following separation.

Official guidance explains how family mediation can be used for money and property.

Can a mediator provide legal advice?

A mediator can provide neutral information about the process, but they cannot give either participant individual legal advice or tell them what outcome they should accept.

This is an important distinction. A proposal may appear practical during mediation but still have legal, tax or pension consequences that require independent advice.

You can consult a solicitor before, during or after mediation. Doing so does not undermine the process. It can help you participate with a clearer understanding of your legal position.

Is an agreement reached through mediation binding?

An agreement reached in mediation is not automatically legally binding.

For financial matters, a solicitor can use the agreed terms to prepare a draft consent order. The order is then submitted to the court for consideration. If approved, it becomes legally binding.

The court does not simply approve every proposed financial agreement. It considers whether the terms are appropriate based on the information provided.

GOV.UK explains how a financial agreement can be made legally binding.

Parents do not always need a court order when they agree about their children. If they want an agreement to become enforceable, they can obtain legal advice about whether a consent order is appropriate.

Mediation is not about winning

Mediation is designed to help participants find workable solutions. It does not determine a winner and a loser.

Where both people can participate safely, provide the necessary information and negotiate constructively, mediation may offer:

- greater control over decisions
- more flexible arrangements
- fewer adversarial exchanges
- lower costs than fully contested proceedings
- a process tailored to the family's priorities

These benefits are not guaranteed. Mediation depends on both people engaging with

the process and providing sufficient information.

When might mediation be unsuitable?

Mediation is not appropriate in every situation. A mediator should assess suitability before substantive mediation begins.

Additional care may be required where there are:

- domestic abuse or safety concerns
- coercive or controlling behaviour
- significant power imbalances
- concerns about a child's welfare
- suspected concealment of assets
- unwillingness to provide financial information
- urgent applications or protective orders
- an inability to negotiate freely
- international relocation or child-abduction concerns

The existence of one of these factors does not automatically determine what must happen. Mediators may offer separate sessions or other safeguards in some circumstances. In other cases, legal advice or court intervention may be more appropriate.

If you or a child is at immediate risk, seek urgent specialist or legal support rather than relying on mediation.

When should you speak to a solicitor?

Consider obtaining independent legal advice where:

- you do not understand your rights or options
- you are being asked to sign an agreement
- property, pensions or businesses are involved
- financial disclosure appears incomplete
- you or your former partner has connections abroad
- there are domestic abuse or safeguarding concerns
- court documents have been received
- a deadline or urgent decision is approaching
- communication has broken down
- you need an agreement made legally binding

Legal advice can also be helpful before mediation. A solicitor can explain the range of possible outcomes and help you identify questions to raise.

Can you use a solicitor and mediator together?

Yes. Many people use both.

A typical process might involve:

- Each person obtains independent legal advice.
- A mediator assesses whether mediation is suitable.
- Financial information is gathered and exchanged.
- The participants discuss possible arrangements in mediation.
- Each person takes further legal advice on the proposals.
- A solicitor prepares the necessary legal documents.
- The agreement is submitted to the court where approval is required.

The order may differ according to the circumstances. Some people only need limited legal advice, while others require ongoing support throughout the process.

What is a MIAM?

A Mediation Information and Assessment Meeting, commonly called a MIAM, is an initial meeting with an authorised family mediator.

The mediator explains mediation and other forms of non-court dispute resolution. They also consider whether mediation may be suitable.

Before making many child-related or financial applications to the family court, an applicant must normally attend a MIAM. Valid exemptions can apply, including in certain cases involving domestic abuse, urgency or child-protection concerns.

Attending a MIAM does not require you to continue into mediation. The Family Procedure Rules explain the purpose of a MIAM.

Which option costs less?

Mediation will often cost less than lengthy solicitor-led negotiations or contested court proceedings, there are practical ways to save money during divorce but costs vary.

Factors affecting the cost include:

- the number and length of mediation sessions
- the complexity of the issues
- whether valuations or expert reports are required
- how much independent legal advice each person needs

- whether an agreement is reached
- whether court proceedings become necessary

Solicitors generally charge for the time spent advising, negotiating, preparing documents and managing proceedings. Ask for information about hourly rates, fixed fees and likely additional costs before instructing anyone.

Some people may qualify for legal aid or support through the Family Mediation Voucher Scheme. Eligibility and funding arrangements can change, so check the current official guidance.

It is not only about cost

The least expensive route is not necessarily the most appropriate, and extensive legal representation is not required in every case.

Mediation may be worth exploring when both people can negotiate safely and want to reach decisions together. Independent legal advice becomes particularly important when the consequences are unclear, financial arrangements are complex or one person feels unable to negotiate freely.

The objective is to use the level and type of support appropriate to the decisions being made.

Be cautious with online advice

Social media and online forums contain strong opinions about family courts, solicitors and mediation. These accounts are usually based on individual experiences and may omit important facts.

General information can help you prepare questions, but it cannot determine what is appropriate in your own case. Be particularly cautious of anyone who:

- promises a particular result
- claims courts always favour one group
- encourages you to hide or dispose of assets
- advises ignoring court documents
- presents conflict as the only strategy
- discourages all professional advice

Reliable support should help you understand your options without guaranteeing an outcome.

Questions to ask before choosing a professional

Consider asking a solicitor:

- Do you specialise in family law?
- How do you charge for your work?
- What work can I complete myself?
- How will you keep me informed about costs?
- Do you support mediation and other non-court options?
- Who will manage my case day to day?

Consider asking a mediator:

- Are you accredited by the Family Mediation Council?
- How do you assess whether mediation is suitable?
- Do you offer separate or remote sessions?
- How are fees divided?
- What financial information will be required?
- How will any proposals be recorded?
- When should participants obtain legal advice?

Final thoughts

A solicitor and a mediator are not competing versions of the same service.

A solicitor advises and represents one person. A mediator remains impartial and helps both people explore possible agreements. Using both can combine independent legal advice with a less adversarial way of resolving practical issues.

Divorcify helps users explore family solicitors and mediators, compare the services they offer and identify professionals who may be suitable for their circumstances.

This article provides general information about family law and mediation in England and Wales. It does not constitute legal advice. Mediation is not appropriate in every case, and individual circumstances should be assessed by a suitably qualified professional.