

The Legal Services Commission provides public funding for Family Mediation. This enables us to offer our services free to people who need to resolve a legal dispute concerning certain family matters, and who qualify because they have low income and small capital reserves.

This leaflet provides some guidance only and details should be discussed with our staff.

How to apply for free Family Mediation

Before mediation itself can begin, we will arrange for you to meet with a mediator to discuss the suitability of mediation both to you and your situation. During that initial appointment, your financial circumstances can be assessed to see if you qualify for free mediation.

When you come to your appointment you will need to supply your National Insurance number together with evidence in support of your application for free mediation. We will give you a list of the documents that may be needed when we confirm your appointment. Free mediation cannot begin until the mediator has completed the eligibility form with you and seen your evidence.

Are you entitled to free mediation?

You are automatically entitled to free mediation if either you or your partner with whom you live is in receipt of Income Support or Income-based Job Seekers Allowance. If you can show us evidence of this, no other assessment is needed.

If neither of these apply to you we need to assess whether the **total gross income of you and your partner (if applicable) was £2,530 or less** over the calendar month up to and including the day we assess you. All income must be included whether from employment, state benefits or elsewhere, including maintenance, Working Family Tax Credit, Child Benefit and assistance from friends or relatives.

If your total gross income is low enough, you would qualify for free mediation if your:

- **disposable capital is £8,000 or less and**
- **disposable income is £698 per month or less.**

How is disposable income assessed?

Disposable income is your gross income after allowances have been deducted. Allowances include:

- income tax,
- national insurance,
- certain state benefits (including Invalid Care Allowance and War Pensions),
- maintenance payments (including bills you pay for your ex-partner),
- actual childcare expenses and
- rent or mortgage payments (see next section).

There are also allowances for dependants (children and others who live with you). The amounts for children depend on the child's age one calendar month before your assessment. The monthly amounts are:

- ❖ £228.52 for children 15 years old and under
- ❖ £228.52 for 16 year olds and over
- ❖ £149.69 for dependant spouse or partner where you are living as couple
- ❖ £45 per wage earner (not self-employed) against work related expenses eg travel.

No allowance is made for pension contributions, union fees, professional subscriptions and other deductions from pay at source in calculating disposable income.

Housing costs

If you have no dependants for whom you are claiming allowances then the maximum allowed against your income for rent or mortgage costs is £545. If you have dependants living with you the full cost of your mortgage or rent is deducted from your income. Mortgage repayments include monthly premiums of any linked life insurance/endowment policies, ISAs etc which will be used to repay the capital sum borrowed. No allowances are given for Council Tax, water rates and other household costs such as hire purchase repayments unless these are for your ex-partner who is no longer living with you.

Changeable income (including self employed)

If your income is variable (due to bonuses, commission, nature of employment or payment) and goes up after the interview to a level where you would be ineligible, the change makes no difference. Once free mediation has been granted it will not be taken away unless a mistake was made or you were dishonest in your application. If you wish to delay assessment until a month when you think you will be eligible, you may choose either to postpone the first mediation session or to pay for mediation until you become eligible.

Self-employed income is the level of drawings taken from the business for personal use. We will need to know the amount normally taken per month. You are not allowed to artificially reduce the drawings in order to qualify for public funding.

How is disposable capital calculated?

This means the amount or value of assets or savings that you might reasonably be expected to use to pay the cost of settling your dispute. It includes capital obtained by a loan or other borrowing. It does not include household furniture or effects, clothes, tools and trade implements or payments under the Community Care Act. Annual bonuses are classed as capital not income.

Bristol Family Mediation
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Does capital count when we are discussing it in mediation?

Capital assets that are part of the dispute being mediated are not counted in the assessment for free mediation. However, if the only issues being mediated are those concerning arrangements for children then capital assets can not be treated as being in dispute, even if they actually are.

What about the value of the house and mortgage?

Part of the value of your home is counted towards capital if it is not in dispute. The dwelling should be valued at the amount for which it could be sold on the open market. The first £100,000 of the value of your share of the property is not counted. In addition up to £100,000 can be allowed for your mortgage.

If I'm living with a partner, are our means (income and capital) added together?

Yes, the means of two people living together as a couple are aggregated (added together). However your means will not be added to those of your ex-partner, even if you are still occupying the same home, because you are assumed to have opposing interests.

Does the cost of mediation have to be paid back?

At present, if you qualify for free mediation, the cost does not have to be repaid at any time in the future.

Legal Advice when using Mediation

If you qualify for free mediation and you need legal advice or assistance alongside mediation, this can also be obtained free of charge from a franchised solicitor (ie. a solicitor with a contract with the Legal Services Commission).

Are there any other points to consider?

The short answer is yes! This leaflet gives outline guidance only. This is why you need to spend some time with our staff going through the detail which can not be covered here.

Further information can also be obtained from the:

LEGAL SERVICES COMMISSION

Head Office
85 Gray's Inn Road
London WC1X 8AA
www.legalservices.gov.uk

or

Regional Office
32-35 Queens Square
Bristol BS1 4LU
Tel:: 0117 302 3000



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**Community
Legal Service**



Obtaining Free

Family Mediation

at

**BRISTOL
FAMILY
MEDIATION**

Bristol Family Mediation is a not-for-profit organisation, which is committed to providing high quality mediation at an affordable cost.

Company No 3306861

Charity No 1060603