

Factsheet

For single parents in England and Wales August 2017

Freephone

0808 802 0925

Gingerbread Single Parent Helpline

Help when you can't agree

Whether you have recently separated or your circumstances have changed, you might need some help to come to an agreement with your child's other parent about arrangements for your children, financial matters or property.

This factsheet explains the different options available to help you negotiate and communicate more effectively and resolve any disputes. If there are reasons why it is not suitable to negotiate with your child's other parent, for example if they are a threat to you or your child or you have suffered domestic violence, you should get legal advice. See page five for organisations that can help.

For advice tailored to your individual situation you can call the Gingerbread Single Parent Helpline on 0808 802 0925. Calls are free.

First steps

If you haven't already, take a look at our factsheet

[Making arrangements for your children](#).

It provides some basic steps to help you have more effective conversations about your children.

Looking after yourself

If you have been through a difficult break-up or an emotionally challenging or stressful time, taking steps to look after yourself and using the help that's available will help you make better decisions.

It will also make it easier for you to stay available to your children and their emotional needs, and ensure they are supported.

The Gingerbread factsheet [Looking after your emotional health](#) will give you advice on how to get in better shape to make those important decisions.

Do you need legal advice?

If you're separating or have recently separated you will need to consider your finances, your home and any property you own or debts you have. You should find out your legal rights before you negotiate.

To find family law solicitors who take a non-confrontational approach contact Resolution, who can put you in touch with a local solicitor. Civil Legal Advice can also refer you to a local solicitor and assess your entitlement to legal aid (see page five). For more information on what legal advice is available see the Gingerbread factsheet [Getting Legal Help](#).

Helping you talk

Sometimes it's hard to know where to start or how to make things better. A variety of organisations can help, whether face-to-face, over the phone, via email or online. This type of support will help you to understand:

- How you are feeling
- Why communication can be so difficult
- Why it is worth trying to improve the way you communicate
- What positive steps you can take to change the situation and make it easier for you both to talk to each other.

Some programmes are designed to help you gain skills that will help you negotiate in a calm and positive way. Some of the services on offer are free while others will charge. Find out as much as possible about each type of service so you can select the one that best suits you and your situation. There are details of organisations that can help on page five.

Mediation

Mediation can help resolve disputes on practical issues, with the guidance of a trained professional. It's a voluntary process, neither parent can be forced to try mediation if they don't want to. It is not counselling or guidance – the focus is on making an agreement that works rather than discussing emotions.

Mediators can't give you legal advice, and it's advisable to get legal advice before you use mediation, especially if you need to decide financial issues. Most people going through mediation find it helpful to have legal advice to support them. You can arrange this at any time. The mediator can give you information about local family solicitors and how to choose one. If you get legal aid for mediation, you may also get free legal advice during mediation.

Mediation can often be cheaper and quicker than negotiating through a solicitor or going to court. Negotiating an agreement through mediation may also help reduce hostility, and allow you to focus on your relationship as parents. If you're making arrangements for your child, it's important to take into consideration what your child wants and needs. A mediator will focus on making a child-centred agreement, which should be in the child's best interest.

What happens in mediation?

You and your child's other parent will discuss the issues you need to work out, and the mediator will lead the discussion and help you focus. The mediator will help you and your child's other parent have your say, and it is the two of you who make the decisions. You may be worried that your child's other parent will dominate or take over, but the mediator will work to make sure you are both heard.

Who is mediation suitable for?

Mediation relies on two people wanting to resolve their dispute, even though they have very different viewpoints at the start of the process.

Mediation is not suitable in certain situations. If you have been in a violent or abusive relationship with your child's other parent, mediation may not be appropriate for you.

Mediation may not be possible due to practical issues, such as not being able to attend because of where you live, or because of a disability.

Is it legally binding?

If you are able to reach an agreement with your child's other parent, the mediator will draw up a written document for you. You might want to get legal advice on whether it is fair to you, especially if it's about finances.

The agreement provided by the mediator is not legally binding, but if you would like it to be, a court can make an agreement about finances into a 'consent order'. This means you have a court order, but you have decided it rather than a judge. The court will need to check the arrangement is fair before they grant the order. The current fee for a consent order is £50, but if you're on a low income it may be reduced – you can ask at the court for more information on costs before you pay.

How much does it cost?

Mediation costs will vary depending on the service you use. Depending on your income, you may be eligible for legal aid funding, which means it would be free. For an assessment to see if you qualify for legal aid contact Civil Legal Advice (see page five).

The charges are likely to be per session, so find out the costs from the mediation service before you start. Some services can charge you separately, but if this isn't possible make sure you agree between you how the costs will be paid before you start.

The amount of sessions you need will depend on the issues you need to resolve, but between three and five is the average.

How to find a mediator

You can search for a family mediator at www.familymediationcouncil.org.uk/find-local-mediator. The search should give you details of local services that do legal aid work, can give you general information about mediation, and details of a local non-profit making mediation service.

Using a solicitor to negotiate

If negotiating with your child's other parent directly and using a mediator is not suitable or has failed, you could ask a solicitor to negotiate for you.

There are likely to be costs involved, as you can't get legal aid for family matters unless you have suffered domestic violence, or very rarely – your case is "exceptional".

Once you have discussed with the solicitor what your options are and what decision a court might make in your circumstances, you will need to give them clear instructions on how you want to proceed.

Collaborative law

Collaborative law involves agreeing that you will not go to court, and you will resolve the dispute between you and your solicitors. It usually means meeting with your child's other parent and their solicitor face-to-face and trying to reach an agreement around the table.

You would both have your solicitor with you to make sure that a fair agreement is reached and they will give advice during the meeting. To find a collaborative law solicitor contact Resolution (see page five).

If you still can't agree

Arbitration

Arbitration is an alternative to going to court. It is a formal, private and binding process for resolving family disputes, and can only be used for financial matters; it can't be used to resolve disputes about arrangements for children. If you reach an agreement through arbitration there won't be any public court records, and you can choose your arbitrator.

Arbitration is similar to the court process. A trained professional will make a decision for you, in the same way a judge would. It can be quicker and cheaper than going to court. For more information, contact the Institute of Family Law Arbitrators (see page five).

Asking the court to decide

Applying to the court should be the last resort, when all other attempts to agree have failed or aren't suitable. Court action can be lengthy and expensive, and parents may not get the outcome they want.

Before you can apply for a court order, most people will have to consider mediation, and show a form at the court to prove that you have been to a meeting to discuss the suitability of mediation. This is called a Mediation Information Assessment Meeting. There are exemptions to attending a meeting, for example if you have suffered domestic violence.

For more information contact National Family Mediation (see page five) or visit the **[Family Mediation Council website](#)**.

The court will encourage you to reach an agreement, but if you can't it may be necessary for the court to issue an order.

Orders for children

The following are the most common orders a court can issue in relation to disputes over children:

- **Parental responsibility order** – an order granting a parent or carer the legal rights and responsibilities of a parent – for more information see the Gingerbread factsheet **[Parental responsibility](#)**.
- **Child arrangements order** – sets out when a child sees and stays with a particular person, usually a parent. These orders have replaced contact and residence orders
- **Specific issue order** – to decide a particular point of dispute, such as where a child will go to school, or which religion they should follow
- **Prohibited steps order** – stops a person doing something with or to a child, for example to stop a parent taking a child abroad, or from picking a child up from school.

How does a court make a decision about our children?

When deciding whether to make an order, the court must consider whether it would be better for the welfare of the child to make an order than not make an order. The court will not make an order unless it's necessary. The welfare of the child must be the court's top priority when making decisions. This is known as 'the welfare principle'.

There are certain things that a court considers when deciding what's in a child's best interests. This is known as the 'welfare checklist'. The court considers all the circumstances of the case and not just the checklist, but it's the starting point.

The checklist is:

- The wishes and feelings of the child (in light of their age and understanding)
- The child's physical, emotional and educational needs
- The likely effect on the child of any changes in circumstances
- The child's age, sex, background and any characteristics which the court considers relevant
- Any harm the child has suffered or is at risk of suffering
- How capable each of the parents (or other relevant person) is of meeting the child's needs
- The range of powers available to the court.

If you're considering applying for a court order, or your child's other parent has applied for a court order, you should think about getting legal advice. If you can't get help with the costs through legal aid, seeing a solicitor can be expensive.

If it's not possible for you to see a solicitor, consider getting some help from an organisation that can give you some advice for free, such as Rights of Women or Citizens Advice (see their details on page five).

For more information see the Gingerbread factsheet [Getting Legal Help](#).

Useful organisations

The Parent Connection

www.theparentconnection.org.uk

The website supports parents through separation and parenting difficulties. There are a range of resources including articles, videos and support to develop a new parenting relationship after separation.

BACP (The British Association for Counselling and Psychotherapy)

01455 88 33 00

www.itsgoodtotalk.org.uk

Provides confidential information and advice for those considering counselling. You can search on the website to find a local registered counsellor.

Counselling

www.counselling.ltd.uk

Counselling is a professional membership organisation for counsellors and psychotherapists. They can offer free and discounted counselling, depending on availability.

Relate

0300 100 1234

www.relate.org.uk

Offers a range of services and provides support at all stages of relationships, including after separation.

National Domestic Violence Helpline

0808 2000 247

www.nationaldomesticviolencehelpline.org.uk

Freephone 24-hour helpline for women experiencing domestic violence or their friends or family. An interpreting service is available.

Men's advice line

0808 801 0327

www.mensadvice.org.uk

Confidential helpline for men who have experienced domestic abuse.

National Family Mediation

0300 4000 636

www.nfm.org.uk

Can answer general enquiries relating to mediation and put callers in touch with local not-for-profit mediation services.

Family Mediation Council

www.familymediationcouncil.org.uk

For information on mediation and to search for local mediation services.

Family Mediators Association

01355 244 594

www.thefma.co.uk

Provides information on family mediation, and can give information on local mediation services.

Institute of Family Law Arbitrators

www.ifla.org.uk

For information on family law arbitration.

Civil Legal Advice

0345 345 4345

www.gov.uk/civil-legal-advice

Can assess your eligibility for legal aid and signpost to local sources of help.

Law Society

www.lawsociety.org.uk

Use the website to find a solicitor in your area.

Resolution

01689 820272

www.resolution.org.uk

Association of family law solicitors. They can provide a list of local members. The website has free information on issues such as splitting up, divorce and parenting apart.

Rights of Women

0207 251 6577

www.rightsofwomen.org.uk

The helpline offers free, confidential legal advice for women. Specialist areas include family law, relationship breakdown, child arrangement issues and domestic violence.

Child Law Advice Service

www.childlawadvice.org.uk

The child law advice charity provides legal advice and information on all aspects of law and policy affecting children.

Further help and information

Gingerbread Single Parent Helpline

Freephone 0808 802 0925

www.gingerbread.org.uk

Provides free, confidential advice for single parents. No matter the challenge – around your finances, contact arrangements or help you could receive – our trained advisers are here with tailored advice that works for you.

One Parent Families Scotland Lone Parent Helpline

Freephone 0808 801 0323

www.opfs.org.uk

Run by our partner organisation, One Parent Families Scotland, the Lone Parent Helpline provides free, confidential advice and information for single parents in Scotland.

More from Gingerbread

The following related Gingerbread factsheets for single parents are also available:

- > [Making arrangements for your children](#)
- > [Action to take when a relationship ends](#)
- > [Looking after your emotional health](#)
- > [Parental responsibility](#)
- > [Information for parents who don't live with their children.](#)

Download them from our [website](#) or call 0207 428 5791 to request them.

Become a Gingerbread member

Membership is available to single parents in England and Wales. Join a community of thousands of single parents who benefit from the mutual support, free advice and information provided by Gingerbread.

You can also meet other single parents at one of our local support groups.

Visit our [website](#), call 020 7428 5424 or email membership@gingerbread.org.uk

Gingerbread
Single parents, equal families

Gingerbread, the charity for single parent families, is registered in England and Wales as a company limited by guarantee, no. 402748, and a registered charity, no. 230750. The Gingerbread Single Parent Helpline is supported by the Department for Education, HMRC, The Big Lottery and other funders and is accredited by the Helplines Partnership.

www.gingerbread.org.uk

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