



Family arbitration

Ensuring an independent
and binding decision

Splitting up is complex, and for many people the thought of sorting out your separation yourselves is daunting. Perhaps you and your former partner disagree on how resources will be divided, or you have tried and failed to reach an agreement.

But this doesn't have to mean going to court. Arbitration is a form of dispute resolution where, if you and your partner agree, a qualified professional is appointed as an arbitrator and adjudicates your separation, similar to the way a judge would, and makes a binding decision known as an award.

The difference from court is that family arbitration is confidential, you have more control over the way the arbitration is run and it's often quicker. Arbitration is not just for married couples and civil partners – it can be used by unmarried couples too.

Family arbitration can be used for:

- divorce financial disputes
- claims on inheritance from a child or spouse
- financial claims after an international divorce
- claims for child maintenance between unmarried parents
- disputes about property ownership between unmarried couples
- civil partnership financial claims

Family arbitration cannot currently be used to decide on parenting and contact arrangements for children, but this may change in the future.

Why use arbitration?

- Faster process – you can fix a date for your arbitration almost immediately
- You and your former partner can choose your arbitrator
- You can select a date and time for your hearing that suits you both
- You can choose how you want to run your arbitration
- Flexible and less formal than the courtroom
- Confidential and kept out of the 'public eye'
- Your arbitrator will be completely focused on your hearing

Arbitrators are experienced family justice professionals with extensive experience working in family disputes. Your family arbitrator will make a decision after hearing from each of you. They will act fairly and impartially, giving each of you the opportunity to put forward your views.

Family arbitration applies the laws of England and Wales. It's different from other forms of out of court dispute resolution – in arbitration, you are guaranteed that a decision will be made for you.

Arbitrators do charge fees, but due to the speed of the process, the overall cost is likely to be less than going through the courts.



How does arbitration work?

- After discussing your options with your solicitor they will be able to refer you to an arbitrator if you choose the process. You can also find an arbitrator on the Resolution website or from the Institute of Family Law Arbitrators (IFLA) website www.ifla.org.uk. Alternatively you can ask IFLA to choose an arbitrator for you.
- You and your former partner meet your arbitrator to discuss the issues and how the arbitration will be conducted. At this meeting you agree the fee. Your arbitrator will write to you accepting the arbitration and setting out the conditions.
- A directions appointment is made to discuss the timetable for the arbitration and management of your case. Depending on your case, you may need a face to face hearing or your case could be decided on paper.
- A date is set for the hearing, or for filing your position statements (written documents setting out your case) for the arbitrator to make an award on your case.
- Your arbitrator will send you an invoice, which must be paid before the award is made.
- Your hearing takes place, or your position statements are submitted.
- The arbitrator writes your award, and provides it in draft to your solicitors, before it is finalised and sent on to you and your former partner.
- Your solicitors prepare an order setting out the terms of your separation, which is lodged with the court.

Find out more about arbitration

You should talk to your solicitor about the process, who will also be able refer you to an arbitrator.

You can find out more about arbitration on the Resolution website at www.resolution.org.uk/arbitration. You can also read more about arbitration on the Institute of Family Law Arbitrators (IFLA) website www.ifla.org.uk.



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