



Trust Mediation

specialist personal injury and
clinical negligence mediation

COVID-19 POLICY

“Coronavirus remains a serious health risk. You should stay cautious to help protect yourself and others.”

[Coronavirus \(COVID-19\): guidance and support - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/coronavirus-covid-19-guidance-and-support) as at 21/9/2021.

Whilst Covid-19 remains a serious health risk we encourage all our clients to use online mediation via video conference.

Since March 2020 we have hosted the vast majority of our mediations online via video conferencing tools such as Zoom and Microsoft Teams. The settlement rate of these online mediations has been the same high level as our pre-March 2020 rates. Litigants have benefited from being able to participate from the comfort of their own homes and savings have been made in travel time and expenses.

If there is a particular reason not to use online mediation we can now also offer in-person mediation and hybrid mediation (where the mediator and some participants are in-person and other participants attend via video conference). In-person or hybrid mediations will be offered in accordance with the following policy.

Policy for in-person and hybrid mediation.

This policy assumes that all participants, including the mediator, are in agreement to proceed with an in-person mediation. The policy should be used in conjunction with current government, venue and employer specific guidance, as applicable.

The Mediator

Whilst the parties have the choice to use online mediation, in-person mediation or hybrid mediation we can only provide in-person mediation if the parties and the selected mediator agree to take part. That agreement will be subject to the mediator approving the Covid security arrangements – see below.

If the mediator does not feel able to take part because of a risk to health and the parties wish to proceed in-person we will endeavour to provide an alternative mediator subject to the parties' approval and agreement.

The Venue

The parties are responsible for sourcing and providing the venue. The party organising the venue must provide to the mediator and all other participants details of the venue's arrangements to protect the health of attendees as soon as practicable to enable each participant to decide if they are satisfied with the arrangements.

The policy should cover the following non-exhaustive list:

- How the rooms are ventilated.
- Are the rooms (including any room to be used for joint meetings) large enough to accommodate attendees comfortably allowing for social distancing?
- The cleaning arrangements and provision of antibacterial hand sanitizer.

Participants

Whether the Covid security arrangements are satisfactory for the particular mediation is within the discretion of the agreed mediator. In general the expectation will be that all participants will have completed two **lateral flow** tests before attending the mediation.

[\(Get tested for coronavirus \(COVID-19\) - NHS \(www.nhs.uk\)\)](https://www.nhs.uk/conditions/coronavirus/covid-19/get-tested/)

- First test – 72 hours before the mediation.
- Second test – by 2 pm on the day before the mediation.

By attending each participant is confirming to the mediator and all other attending participants that:

- both tests have been taken and returned a negative result;
- neither they nor anybody they are living with have any symptoms of Covid-19 – see [Main symptoms of coronavirus \(COVID-19\) - NHS \(www.nhs.uk\)](https://www.nhs.uk/conditions/coronavirus/covid-19/symptoms/);
- in accordance with current government guidance they are not required to quarantine or self-isolate.

If a potential participant returns a positive test, the mediator and all other attendees must be notified and arrangements will be put in hand for the mediation to be held on-line or in hybrid form or postponed.

On the day of the mediation we recommend that all attending participants should

- Follow the requirements and guidance of the venue.
- Limit the number of attendees to a safe number for the rooms being used.
- Maintain social distancing during meetings and whilst moving around the building.
- Take regular breaks out of your “breakout ” room to allow for a change of air.
- Consider using face masks or protective screens where appropriate.
- Avoid sharing equipment and work on joint documents electronically.
- Bring your own refreshments.

Contingency Planning

The parties should consider in advance what steps to take if any participant is unable to attend or has to leave the mediation at short notice due to Covid-19 related reasons and put in place the appropriate back-up arrangements. This may include arranging for the affected participant attending via video conference.

Important Reminder

All attendees are responsible for their own well-being and should satisfy themselves that suitable measures are being taken for their own particular circumstances.

Enquiries

Contact Phil Hesketh

philip.hesketh@trustmediation.org.uk

www.TrustMediation.org.uk