

## Guidelines for In-Person Mediations

These guidelines assume that all participants, including the mediator are in agreement to proceed with an in-person mediation. They are designed by CEDR to assist mediators and parties to conduct in-person mediations safely whilst Covid-19 is still a significant risk to public health. CEDR recommends that they are used in conjunction with current government, venue and employer specific guidance, as applicable. These are general recommendations intended to mitigate the risk of virus transmission whilst recognizing that attendees are responsible for their own well-being and will want to implement measures suitable for their particular circumstances, mediation and venue.

### In Advance of the Mediation

- Participants required to self-isolate/quarantine on the date of the mediation to inform all participants, including the mediator and CEDR as soon as this requirement is imposed (for example if a participant receives a notification from the NHS Track and Trace App).
- Exchange documents electronically by email or secure file transfer.
- Consider agreeing the use of lateral flow testing and the effects of a positive test on the mediation taking place in person. See CEDR's recommendations for best practice below.
- Consider start times and travel arrangements to avoid rush hours on public transport.
- Prepare a contingency plan for a virtual mediation if it cannot proceed in person.
- Do not travel to a mediation if you or someone in your household is experiencing symptoms of Covid or is required to self-isolate. Contact CEDR and the parties immediately to convert to a virtual mediation.

### During the In-Person Mediation Event(s)

#### 1. Venue

- Follow venue specific requirements and guidance.
- Prioritise using rooms that have access to fresh air and ensure rooms can accommodate all party attendees comfortably allowing for social distancing.
- Consider use of facial masks or protective screens by the mediator and parties as appropriate.
- Bring antibacterial hand sanitizer/surface wipes.
- Use allocated seating and desks.
- Bring your own devices, headsets, charging leads and stationery, etc.
- Bring your own refreshments and eating/drinking utensils.

#### 2. Meeting Sessions

- Restrict joint sessions to the necessary attendees only.
- Attendees to join meetings sequentially to maintain social distancing.
- Limit the length of joint sessions meetings and the mediation day.
- Schedule regular breaks to allow for time outside and a change of air.
- Avoid sharing hard copy documents and consider e-signatures, e.g., on settlement agreements.
- Arrange a follow-up or virtual session to finalise drafting settlement agreements.

### 3. Coronavirus symptoms

- Agree a method of communication in case a participant develops symptoms.
- **Do not** travel to or attend the mediation if you develop symptoms before the mediation.
- **Do not** travel to or attend the mediation if a member of your household develops symptoms before the mediation.
- Call CEDR and the parties immediately to agree converting the session to a virtual mediation, postponing the date or substituting the mediator.
- If you or a household member develops symptoms during the mediation notify all parties, CEDR and venue staff immediately and withdraw from the mediation.

### Post Mediation Day

Following the mediation, the parties and the mediator are to provide the following to the mediation service provider or direct to the venue:

- Feedback on the venue and comments or suggestions for process refinements
- Notification if a participant develops Covid-19 symptoms within 14 days of the mediation.

### Best Practice Guidance

1. All attendees should confirm prior to the mediation that in accordance with current government guidance they are not experiencing symptoms of Covid-19 or required to quarantine or self-isolate.

2. All attendees should complete two lateral flow tests with a representative of each party to share the results with a pre-agreed distribution list including representatives from all parties, the mediator and CEDR.

#### a. **First Test - 72-hours prior to the mediation**

In the event of a positive result at the First Test the parties and mediator are to discuss holding the mediation virtually and/or possible postponement.

#### b. **Second Test - by 3pm the day before the mediation**

Responses are to be shared **by 15:00 on the day before the mediation** to allow time for alternative arrangements to be made. In the event of a positive result the mediation may take place in-person if:

- if the parties and the Mediator agree; and
- without the person testing positive (although they may attend by video conference); and
- without other participants attending who have been in close contact with the person testing positive over the previous 14 days (although they may attend virtually by video conference).

**If the Parties and the mediator do not agree that the mediation can take place in-person, the mediation will be held virtually with all participants joining by video conference.**