

## Covid 19 Mediation Service

If you find yourself in a conflict with another person or group arising from social distancing or self-isolation due to COVID-19 the Scottish Mediation Covid 19 Mediation Service is here to help.

This is a challenging time for many of us and qualified mediators from the Scottish Mediation Register have stepped forward to offer their services to support you using Distance Mediation. The service is offered free to individuals and small organisations and at significantly discounted rates for larger organisations.

### How it works

- Contact us through our website  
<https://www.scottishmediation.org.uk/contact-us/>

or email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)

If these options are not available to you please leave a message on the Scottish Mediation Helpline 0131 556 8118

- Tell us about the conflict and how it relates to Covid 19.
- We will send you information about mediation and a consent form.
- Check with the other party that they are willing to participate or
  - give us their contact details and we will contact them on your behalf
- Once we have received completed consent forms from both parties we will appoint an appropriate mediator.
- Your mediator will contact you to start resolving your conflict using email, phone and online platforms that meet your needs.

### Eligibility

You are eligible for this service if:

- You live in Scotland
- The conflict is connected to social distancing or self-isolation
- The conflict is not part of a pre-existing dispute
- All of the people in the conflict agree to participate in mediation.

### Cost

The service is free to individuals and organisations with up to five employees. Organisations with more than five employees will be charged at £300 for up to one day's mediation.

# Frequently Asked Questions

## WHAT IS MEDIATION?

Mediation can be a useful way of solving a dispute or a disagreement and finding a solution. It allows the people involved to make their own decisions about how to move forward for a more positive future. Mediation is a flexible process and can be used in a wide variety of situations.

Mediation involves an independent third party, the mediator, assisting people to have a discussion to help them find a solution to the issues that they are facing. The mediator helps people work out and express what their issues are. They then help to consider what the options are for moving forward. These options are then discussed and used to work out an agreement.

With the help of the mediator, the people with the dispute decide whether they can resolve things and what the solution should be. The mediator does not take sides or make judgements. The mediator will make sure that everyone gets a chance to tell their version of events, hear the other side, work through the issues that are important to them and make an agreement. The parties to the mediation are in control of finding the solution.

Mediation is a voluntary process and only takes place if everyone involved agrees that they want to find a solution. It is a confidential process where nothing will be discussed with anyone outside of the mediation meeting, unless agreed otherwise by everyone involved.

Mediation can be a practical alternative to more formal methods such as grievance, complaints or employment tribunal. If the people involved are unable to reach an agreement, they can still go take forward more formal methods if this is appropriate in the circumstances. The details of what went on in the mediation will not be discussed at subsequent formal hearings.

If you are unsure if your dispute would benefit from mediation or you would like further information or clarification, please contact us -

- Email [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk)
- Scottish Mediation Helpline on 0131 556 8118

**and quote (Covid 19 Mediation Service)**

**Note: as Scottish Mediation are working from home an email is preferable and is likely to get a quicker response**

## WHY MEDIATION?

### What are the benefits of mediation?

Mediation:

- is confidential, unbiased and voluntary
- encourages early resolution of disagreements
- puts the people involved in control of the outcome
- is less formal than grievance and complaints procedures or employment tribunals
- is less stressful
- could be cheaper
- could resolve your dispute quicker
- shows that you are keen to resolve your dispute amicably

### Why do people choose to mediate?

There are a number of reasons why people choose to mediate, including:

- they want to maintain a relationship with people they have a dispute with.
- they want the dispute and any agreement to be confidential.
- they want to stay in control of the process
- they are worried about the costs or the delay in waiting for formal grievance or complaints processes
- there may be outcomes that can be agreed which formal processes could not award.

### Is mediation successful?

Yes – most mediations are successful in reaching agreements and people are more likely to stick to agreements made in mediation than when something was decided more formally.

### What kinds of conflict can be referred for mediation?

Isolation and the stress of living in close quarters can cause, or increase, conflict for families, friends, and flat mates, and can create challenges for work teams, small businesses, and more.

The Scottish Mediation Covid 19 Service may be able to assist if:

- You live in Scotland
- The conflict is connected to social distancing or self-isolation
- All of the people in the conflict agree to participate in mediation.

Conflicts that might fall within this scope include:

- Family matters including conflicts around the care of older people
- Flat mates/housemates
- Landlord/tenant
- Cooperative or social housing
- Workplace concerns related to working from home or shared workspaces
- Neighbours

For example –

- Families may have disagreements over the appropriate care of elderly relatives taking into account the social distancing restrictions.
- where families with children are in shared housing blocks, noise levels may be increased beyond toleration for possibly elderly neighbours who are confined to their home for most or all of the day.
- people sharing accommodation may find that being cooped up together creates and amplifies issues, perhaps around house rules, that either didn't exist before or were being dealt with relatively easily.
- the social distancing restrictions and financial difficulties might limit the ability for landlords to carry out repairs or tenants to keep up with rent.
- issues over social distancing in the workplace or difficulties around home working can create conflict.

It is possible that some issues may have existed before but were being managed successfully but the additional pressures have pushed them into conflict.

### **What kinds of conflict do not qualify for this service?**

- Family cases around divorce and separation including those relating to child contact.
- Pre-existing conflicts where a process has already started, even if it is worsened by social distancing or self-isolation.
- Conflicts which involve domestic violence or where there is a history of domestic violence.

If your conflict is not eligible we will try and signpost you to an appropriate alternative resource.

## **WHAT'S INVOLVED?**

### **Do I have to go to mediation?**

No-one can force you to participate in mediation, however, as it is likely that it will help you to solve your disagreement and as you can withdraw at any time it is usually worth trying.

### **Will I have to do or agree to anything I do not want to do?**

No – the process of mediation is totally voluntary. You do not have to agree to anything in mediation that you do not want to.

### **Is offering to mediate a sign of weakness?**

No – there is nothing to lose by agreeing to mediate, even if you believe you are in the right or have a strong case. Mediation will help find a solution to the issue.

## How long does it take to organise a mediation?

You will arrange this with the mediator. It is normally down to everyone's availability.

## When is the best time for mediation to take place?

Mediation can be considered at any stage in a dispute or a conflict. Mediation can be helpful at any time if communication becomes difficult or relationships break down.

## Will I need to send anything to the Mediator?

The mediator will let you know if they need any documents from you before the mediation takes place.

If you would like to use any documents as part of the discussions, it is suggested that you email these to the mediator.

## What does distance mediation look like?

- A mediator will speak with each person involved in a dispute individually - by video-conference or by phone.
- Once the mediator has had a chance to learn about the conflict, and about each person's perspective on the topics that need to be resolved, the mediator will host a joint session to facilitate conversation about how to solve the concerns.
- The types of online tools used will depend on the people involved and the resources they have available to them. They might use videoconferencing (Zoom, Skype, etc.) FaceTime, telephone, or any other platform that is comfortable for everyone.
- The mediator will help the individuals in conflict to work out a plan for reducing or eliminating conflict.
- The mediator will usually write up what has been agreed and forward to everyone.

## What technology do I need to participate?

As long as people have access to a telephone, distance mediation is possible. If you have a computer or laptop with a mic and/or camera or you have a smartphone, mediators may help you to participate in a videoconference.

## Do I need to be tech-savvy to participate?

No. The mediator will check in with you about your comfort levels with technology and will help to identify the best tools to use for everyone's comfort.

## How do I get a mediator?

- Please speak with the other person(s) involved in the conflict to see if they are open to mediating. Mediation through this program is a voluntary process and everyone must agree to participate. If you are uncomfortable with speaking to them yourself please provide the contact details for the other party and we will contact them on your behalf.
- Once we have received the completed consent forms from both parties we will appoint an appropriate mediator. Your mediator will contact you to start resolving your conflict using email, phone and online platforms that meet your needs

## How long will the mediation take?

This depends on the situation and the people involved. Once the mediator has discussed the situation with you, they will have a better idea of the likely time involved. Most mediations are completed within one day .

## Can I leave a mediation?

Yes – at any time, although most mediators will ask you to give them a few minutes before you do so to discuss your reasons and to see if there is another suitable option.

## Can I ask someone to sit in with me at the mediation?

It depends on the circumstances. You should discuss this with the mediator before the mediation takes place.

## THE OUTCOME

### Who decides the outcome of the mediation?

The parties decide the outcome of the mediation. The role of the mediator is to help parties reach a solution to their problem and to arrive at an outcome that both parties are willing to accept.

### What happens if there is no agreement at the end of a mediation?

Mediation is not suitable for every case, but it can still help to settle some of the issues in a dispute. If appropriate, you can still take your case through more formal procedures if mediation does not work. All discussions during the mediation process are 'without prejudice' – in other words, anything said in the mediation cannot usually be used later in formal proceedings.

## **COSTS**

### **Individuals**

The mediation is free for individuals.

### **Organisations**

The mediation is free for organisations with less than 5 employees. Organisations with more than five employees will be charged a flat rate of £300 for up to 1 day's mediation. Most mediations are completed within 1 day but if the mediation is complex or involves a number of people the mediator will discuss further terms.

### **Do I pay if we do not reach an agreement?**

Yes – the fee is paid for the mediator to facilitate the mediation, regardless of the outcome. An agreement is reached in the majority of cases but there can be no guarantee of success.

## **THE MEDIATOR**

### **What is the role of the mediator?**

The role of the mediator is to help parties reach a solution to their problem and to arrive at an outcome that both parties are able to accept. The mediator will not take sides. The focus of a mediation meeting is to reach an agreement that both parties are able to live with.

Mediators come from many different backgrounds and are all trained and experienced in helping people settle their disputes.

### **What training and experience will the mediator have?**

In order to be a Scottish Mediation Registered Mediator, mediators must meet practice standards. These standards stipulate a number of criteria that mediators must satisfy before being admitted onto the Scottish Mediation Register:

- Adequate training from a trainer or team of trainers with appropriate experience
- A requirement of initial mentoring or co-mediating to gain experience
- Post-training Continuing Professional Development (CPD) and practice support
- Adherence to an appropriate Code of Conduct
- An appropriate system for addressing concerns and complaints
- Appropriate indemnity insurance

## LEGAL ADVICE

### Will the mediator offer legal advice?

No – if you feel that you may need legal advice you should make your own arrangements before the mediation. The mediator is an independent third party and must not take sides. Whilst you may be very open with the mediator, they will not offer any advice.

### Can I have a lawyer present?

You may feel that your dispute is complicated and that you would prefer legal advice throughout the mediation. If you would like a lawyer to be present, you should discuss this with the mediator in advance of the mediation.

In addition to the mediation fee, if you do have a lawyer present, you are responsible for paying your own legal costs as well.

Most parties choose not to bring legal representation to the mediation and still manage to resolve their dispute.

### Can you give me the name of a good lawyer?

We suggest that you contact the Law Society of Scotland.

Web: [www.lawscot.org.uk](http://www.lawscot.org.uk)

Email: [lawscot@lawscot.org.uk](mailto:lawscot@lawscot.org.uk)

Tel: 0131 226 7411

Text phone: 0131 476 8359

Fax: 0131 225 2934

## COMPLAINTS

### How do I complain about a mediator?

In the unlikely event that you have cause to complain about a Mediator please contact Scottish Mediation on: [admin@scottishmediation.org.uk](mailto:admin@scottishmediation.org.uk) or 0131 556 1221.

**Scottish Mediation is a registered charity funded by the Justice Directorate of the Scottish Government.**  
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