

Information for Mediators: Evaluation of CoP Mediation Scheme

What is the research that is being carried out?

Dr Jaime Lindsey of the University of Essex (j.t.lindsey@essex.ac.uk <https://www.essex.ac.uk/people/linds59705/jaime-lindsey>) is the principal investigator undertaking this evaluation of mediation in the Court of Protection. Dr Lindsey is an experienced researcher on Court of Protection matters and is undertaking this evaluation as part of her wider research. The evaluation will be carried out independently of the Mediation Scheme and with separate funding. Participation in the evaluation is voluntary and parties will need to provide their informed consent to participate. The evaluation aims to answer the research questions set out below:

- a. What is mediation's effect on P's participation in the decision-making process as compared to judicial hearing?
- b. What is mediation's effect on judicial time as compared to legal proceedings, including judicial hearing?
- c. What is mediation's effect on costs, including parties' legal costs and the costs to public bodies, as compared with legal proceedings including judicial hearing?
- d. What is mediation's effect on other resources of those involved in CoP disputes? For example, to what extent does mediation divert the time of the professionals from front-line services? Does it lead to the resolution of disputes at an early stage when compared to proceedings?
- e. What is mediation's effect on the working relationship between the parties as compared with legal proceedings?

Key points for the mediator:

When a party contacts a mediator under the scheme:

- The mediator will seek consent from the parties to pass on their contact details to the evaluation team. Consenting to passing on their contact details to the evaluation team does not oblige the parties to participate in the research itself.
- Once the parties have agreed to their contact details being passed on, a member of the evaluation team will contact the parties and only then will their informed consent to participate in the evaluation be sought. This will include providing further details regarding what the evaluation will involve, such as participant information sheets and consent forms.
- Once parties have consented to being part of the evaluation, the evaluation team will contact the mediator who will inform the evaluation team of the date scheduled for the mediation (or whether the case did not proceed to mediation) and when the mediation has been completed.
- Eligibility for the scheme is not dependent on participation in the evaluation.

The first step in the process of mediation is for each of the parties to fill out a pre-mediation questionnaire. This will be provided by the Mediator in the pre-mediation stage, and will be shared by the mediator with the evaluation team to analyse. In some cases, the evaluation team will also seek consent to observe the mediation but this will be arranged between the evaluation team and the parties. The evaluation team will inform the mediator. After the mediation, the evaluation team will ask participants to complete a survey with a number of questions about their experience of the mediation. There may also be additional follow up interviews with participants whose mediations were observed.

If participants take part in the survey, interviews or observations, they will be contacted separately by the researchers and be sent consent forms and participation information sheets for those aspects.

The evaluation team are subject to the same rules on confidentiality as the parties and the research has been given ethical approval on behalf of the University of Essex Research Ethics Committee. They will therefore not publish any information that has been disclosed in any mediation without anonymising it so that none of the participants can be identified. The findings of the evaluation will be published in a freely available report, academic publications and conference proceedings.