

CONFIDENTIAL MEDIATION QUESTIONNAIRE

This document will be used by the mediator to obtain information about the dispute and once you have consented to participate in the evaluation, will be shared with the evaluation team. Once this document has been completed please send it to the mediator as soon as possible and at least 7 days prior to the mediation. It will be treated as confidential.

Please note that reference to 'P' in this document refers to the subject matter of the Court of Protection proceedings.

Case Name:

Name of each party to the case:

Name and role of person completing this form:

	<p>The Venue:</p> <p>Where will the mediation be taking place?</p> <p>How many rooms will be available?</p> <p>Will there be flip charts available in each room? If possible, please provide them.</p> <p>Please confirm that lunch will be provided or will be available to purchase nearby.</p>
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Will it be ok if the mediator bring an observer or someone to assistant with the mediation?

(For the avoidance of doubt, there is no extra charge.)

Please explain who you are, and your relationship with P.

	<p>Please briefly explain why the dispute has arisen and summarise the main issues:</p>
	<p>Does P lack capacity and, if so, in which domains? (please list all that apply)</p>
	<p>On what basis has P been found to lack capacity (i.e. what evidence is there of P's incapacity)?</p>
	<p>As far as possible, please set out the current wishes and feelings of P on the issues in dispute and explain how these have been obtained.</p>

	<p>As far as possible, please set out the past wishes and feelings of P on the issues in dispute and explain how you are aware of these.</p>
	<p>Are there people who are concerned about P's welfare who are not parties to the dispute or attending the mediation? If so, please say who they are and as far as you are able, what their views on the issues in dispute are.</p>
	<p>If you are not P, what are your wants and needs - financial, physical, emotional, any other? Which of these are most important to you?</p>
	<p>What do you think are the wants and needs of the other parties? What do you think is most important to the other parties?</p>
	<p>What do you think are your strong points, legal and practical?</p>

	<p>What do you think are the strong points of the other side, legal and practical?</p>
	<p>What do you think are the main drivers behind this dispute:</p> <p>On your side?</p> <p>On the other side?</p>
	<p>What do you think might be the obstacles to settlement?</p>

	<p>What are your initial thoughts about the basis upon which it might be possible to settle the case?</p>
	<p>What stage is the case currently at (e.g. proceedings just issued, expert report received, near trial)?</p>
	<p>Is there anything else you would like to tell the mediator?</p>

Please provide:

- Mental Capacity Assessment(s) establishing that ‘P’ lacks the capacity to make the decisions that are the subject matter of the mediation.
- Most recent Care Plan (if appropriate)
- Information on P’s ‘participation’ in the mediation, (direct or indirect, names of relevant professionals who will represent P’).
- Information on P’s wishes and feelings on the issues in question as far as is reasonably ascertainable.
- The views of anyone who is not a party to the mediation, who should be consulted, as far as is practicable and appropriate, under section 4.
- Any records of best interests meetings relevant to the matters being mediated.
- Any essential documents from the COP proceedings including any transparency order and the permission of the Court to share information from the proceedings with the mediator and any attendees of the mediation who are not parties to the CoP proceedings.