

EVALUATION PARTICIPANT INFORMATION SHEET

Project title: An evaluation of the Court of Protection mediation scheme

Invitation to take part

You are being invited to take part in this research on the basis that you are considering taking part in an evaluated mediation under the Court of Protection mediation scheme. Before you decide whether or not you wish to take part, it is important for you to understand what the research involves. Please read this information sheet carefully and ask if there is anything that is unclear or if you would like more information. This project is conducted by Dr Jaime Lindsey, Lecturer in Law at the University of Essex.

Background to the project

The research aims to evaluate the use of mediation in Court of Protection proceedings. The Court of Protection is the court that deals with disputes under the Mental Capacity Act 2005 ("MCA"). The MCA is an area of law which deals with mental capacity and allows certain decisions to be made on behalf of a person who lacks the mental capacity to make the decision for themselves. Mediation is an informal way of resolving disputes between the parties. The research aims to provide an evidence base regarding the use of mediation in the Court of Protection.

There is limited evidence regarding the use of mediation in Court of Protection proceedings. However, mediation has the potential to reduce the costs of proceedings, allow for quicker resolution of disputes and to encourage greater participation by the subject of proceedings. The aim of this evaluation is to obtain an evidence base regarding the use of mediation in CoP proceedings, provide data to complement existing evidence about mediation, and to consider ways that mediation in CoP proceedings might be improved.

Do I have to take part?

No. You are free to decide whether or not you wish to take part in the evaluation.

If I take part, what do I have to do?

Taking part involves agreeing for information given to the mediator about your case to form a part of the evaluation. The researcher will add information about your case to the evaluation database. It also involves answering survey questions about your experience of the mediation and, in some cases, agreeing to the mediation being observed by the researchers. If you take part in the survey or if your mediation is observed, you will be contacted separately by the researchers and consent forms and participation information sheets will be made available for those aspects at a later date.

If you want to take part in the evaluated scheme, please sign a copy of the enclosed consent form. Signed consent forms will be kept separately from individual data and locked in a drawer until the end of the project.

What are the benefits of taking part?

Participating in this research allows you to directly contribute to original research being conducted into a new and developing area of law and society research.

What are the risks of taking part?

It is not envisaged that you will be exposed to any risk by taking part in this research.

Am I free to withdraw from the research?

Yes, you are able to withdraw from the research without giving any reason by contacting the researchers by e-mail (see contact details below). However, any data that you have provided by that date will still be used in the research. This is because data recorded may have been anonymised by the time that you withdraw and it may not be possible to separate your data from other data obtained. The data will also be used in publications and therefore it will not be possible to remove the data from the public domain.

How will information about me be used?

The researchers will analyse the data provided about your case and prepare a summary of findings that will be presented at conferences relating to law and society, as well as publishing the findings in articles or books. Quotes provided may be used in conjunction with pseudonyms. The data will also be used to prepare a report to the Court of Protection on the use of mediation in proceedings.

Who will have access to information about me?

The researchers will have access to the information about you. However, all of the data used by the researchers as part of publications or presentations will be anonymous and will be used in conjunction with pseudonyms. Your anonymity will be protected both during and after this study. Your data will be retained securely for a period of 10 years by the researcher and shared with the University of Essex research data repository, as per the University of Essex guidelines on research, following which the data will be securely destroyed.

Who is funding the research?

The research is currently funded by Essex Law School.

Will I receive any feedback?

You may provide the researcher with your e-mail address and once the project is finished, the researcher will e-mail you with a summary of the findings.

Ethical approval

This project has been reviewed on behalf of the University of Essex Ethics Committee and has been given approval.

Concerns and complaints

If you have any concerns about any aspect of the study or a complaint, in the first instance please contact the principal investigator of the project (see contact details below). If are still concerned or you think your complaint has not been addressed to your satisfaction, please contact the Director of Research in the principal investigator's department (see below). If you are still not satisfied, please contact the University's Research Governance and Planning Manager (Sarah Manning-Press).

Contact details

Principal Investigator: Dr Jaime Lindsey. Essex Law School, University of Essex, Wivenhoe Park, Colchester, CO4 3SQ. Email: j.t.lindsey@essex.ac.uk.

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