

Mediation in the Court of Protection

Post-Mediation Court Order Checklist

This Checklist is intended to be a helpful guide as to the procedural considerations following mediation in the Court of Protection. Each case will need to be considered carefully in its own right as to whether any specific recitals, directions, orders and steps are required. It is not intended to be and is not a substitute for legal advice.

- Recitals:
 - Whether the Order is agreed between the parties;
 - Noting the fact of the occurrence of the mediation;
 - Referencing Transparency Order/privacy of proceedings;
- Declarations:
 - (Interim/Final) Capacity - to conduct proceedings, to mediate and relevant as to the subject-matter of the proceedings;
 - Best interests – regarding the subject-matter of the issues in the mediation and/or required to implement the outcome of the mediation;
 - (Interim/Final) Authorisations – regarding any Article 5 or 8 interferences and any review/renewal provisions;
- Directions:
 - Case Management:
 - Staying/concluding proceedings; or
 - Timetable for resolution of any outstanding areas of dispute;
 - Further Evidence
 - P's capacity;
 - P's wishes and feelings;
 - Wishes and feelings of any relevant stakeholder;
 - Available option(s);
 - P's best interests;
 - Further Listing –
 - Court Bundle;
 - Position Statements;
 - Parameters for vacating any listing (including, where appropriate, attendance by telephone where there is an agreed Order);
 - Updating Record of Information Sheet to Transparency Order – to incorporate all attendees to the mediation;
 - Disclosure – relevant permissions for disclosure to non-parties in relation to the mediation and/or the proceedings.