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Dear Sir/Madam

### **Mediation of Medical Treatment Disputes Research**

I write to introduce myself as the academic undertaking a new research project investigating the use of mediation to resolve medical treatment disputes, funded by the Economic and Social Research Council (ESRC) and conducted by Dr Jaime Lindsey, Senior Lecturer in Law at the University of Essex.

The research aims to understand whether and, if so, the extent to which, mediation can and should be viewed as a form of Therapeutic Justice in medical treatment disputes. By 'medical treatment disputes' we mean disagreements that arise between patients, health professionals and family members regarding the provision of health and care to the patient. Within our study we include disputes concerning adult and child patients.

The research aims to collect much needed empirical data on the use of mediation in medical treatment cases, to improve understanding of mediation's use in this challenging area. The (anonymised) findings will inform academic, policy and practitioner debates and will be used in publications.

The research will involve **observing medical treatment mediations**, a **questionnaire of mediation participants**, and **interviews with mediation participants**. Further details about each of these methods is contained in the attached participant information sheets and consent forms, including information about consent, data use, confidentiality and what each method will involve.

### **Why are we contacting you?**

We are contacting you to let you know about the research as we understand that you are likely to be involved in medical treatment mediations over the course of the next 13 months. We hope that, when a dispute arises that fits our inclusion criteria (set out below), you may consider referring it to our research project. If you do identify a case that is proceeding to mediation that falls within the scope of the research, the process for notifying us about it is:

1. If you identify a mediation that you think might be relevant, obtain consent from the parties for their contact details to be provided to the research team (if you are unsure whether it falls within our research scope you can check the subject matter with us first without passing on any confidential data);
2. Once consent has been obtained, please let us know about the mediation and provide us with the contact details of the parties who have given consent. We will get in touch with them directly to obtain their informed consent to participate in the research, attaching the relevant participant information sheet and consent form (enclosed here for reference);
3. Once individuals have consented to being part of the research, we will notify you or the mediator (as relevant) who will then need to inform us of the date and location of the mediation so that we can observe it (or whether the case did not proceed to mediation);
4. If we do observe the mediation, please note that mediation participants (excluding the patient) will be sent a questionnaire by email and will be asked a series of questions at the start of the online form to obtain their written consent;

Inclusion criteria for mediations (and questionnaire of mediation participants) to be included in the study:

- A dispute that goes to mediation
- Concerning a medical treatment issue (defined as either a dispute about an adult's health and care under the Mental Capacity Act 2005 or a dispute about a child's health and care under the Children Act 1989/inherent jurisdiction or Mental Capacity Act 2005)
- In England and Wales
- In which English is the language of the mediation

Thank you in advance for your co-operation and we hope that you can take part in this research examining the use of mediation in medical treatment disputes.

Yours sincerely

Dr Jaime Lindsey

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