

WELFARE CASES IN THE COURT OF PROTECTION: THE VIEWS OF PROFESSIONALS

Please could NHS Staff interested in participating in our study circulate this document, along with the information sheet and consent form, to managers and their Trust's or Health Board's R&D Department and ask whether they require us to seek formal approval through IRAS for Trust staff to participate in the survey.

About the project

Welfare Cases in the Court of Protection is a research project at the School of Law and Politics at Cardiff University. It is funded by the Nuffield Foundation¹. The researchers on the project are Professor Phil Fennell, Dr Lucy Series, Professor Luke Clements and Dr Julie Doughty are project consultants. The project examines efficiency and transparency in Court of Protection (CoP) welfare cases. More information about the project as a whole can be found on the project website: <http://sites.cardiff.ac.uk/wccop/>

Focus groups and surveys

We are conducting a series of focus groups and surveys with a range of professionals who have experience of welfare litigation in the CoP. The purpose is to ask professionals about their views on the accessibility and efficiency of the CoP and their suggestions for possible reforms to enhance accessibility, and reduce costs and delay. The CoP has also recently introduced new transparency guidance which means that public authorities and professionals will usually be named in published judgments; we want to seek the views of professionals about the impact of this guidance.

How we hope the study will help the NHS and other public bodies

Earlier research has identified that CoP welfare proceedings can be inaccessible for litigants, costly for public bodies and can be quite protracted.² This research will help to identify the underlying issues relating to access, cost and delay in proceedings, and proposals for possible reforms. The study will also help to identify good practice in relation to litigation and training and information needs for NHS staff and other professionals working with the CoP.

Disseminating results

A detailed report, with a summary, will be published on our project website and sent to participants. We will also publish our results in a range of academic and professional publications, as well as in magazines and more widely read media.

Participation in the study: NHS Resources

The survey consists of 11 questions. Survey respondents can put as much or as little time as they like into responding; we estimate it could take between 30 minutes and 2 hours to give responses to each question, depending on the level of detail of response. There is no limit to the number of survey respondents, although we believe it is unlikely there would be more than four from a single NHS Trust.

Confidentiality, consent and research ethics review

No public bodies or individual participants will be named in the study. Further information about confidentiality, consent and data protection can be found on the detailed information sheet. This study has been subject to independent peer review through the funding application and review by a university research ethics committee.

Contact

If you have any further questions about the research, please contact Professor Phil Fennell (Fennell@cardiff.ac.uk) or Dr Lucy Series (SeriesL@cardiff.ac.uk).

¹ www.nuffieldfoundation.org

² Series, L., Mercer, A., Walbridge, A., Mobbs, K., Fennell, P., Doughty, J. and Clements, L. (2015) *Use of the Court of Protection's welfare jurisdiction by supervisory bodies in England and Wales*, Cardiff University School of Law and Politics.