



Participant Information and Consent Form

Participants – Practising and accredited mediators

Title 'Consciously Coupling': Emotions and Psychological Wellbeing in the Law

Chief Investigator / Senior Supervisor	Dr Tina Popa
Co Investigator /Associate Supervisor(s)	Dr Christina Platz
Co Investigator / Associate Supervisor(s)	Dr Kayleigh Young
Co Investigator / Associate Supervisor(s)	Dr Kate Jackowski
Co Investigator / Research Assistant	Ms Lisa Heap
Co Investigator / Research Assistant	Ms Ilona Clarke

What does my participation involve?

If you agree to be involved in the Project, you will be required to participate in an interview of approximately 45 minutes in duration with the researcher. The interview can be undertaken online or at a location most suitable to you.

The interview will consist of questions similar to the following:

- *Can you tell me about your current role working as mediator?*
- *Can you tell me about the disputes that you mediate with where emotions are a heightened factor?*
- *Can you tell me about the skills you use to manage emotions in disputants?*
- *Does facilitating a mediation have an emotional impact your wellbeing outside of work?*
- *In your view, is there a need to improve the wellbeing/ better support the emotional need of mediators as professionals?*

The interview will be audio recorded; however, you may request at any time for audio recording to cease. If this occurs, the interviewer will make written notes of the interview content.

1 Introduction

You are invited to take part in the research project, which is called '*Consciously Coupling': Emotions and Psychological Wellbeing in the Law*' ('the Project'). The research is being carried out by a research team from RMIT consisting of Dr Tina Popa (Chief Investigator), Dr Christina Platz (Associate Investigator), two Research Assistants; and the industry partner, Workplace Conversations that consists of Dr Kate Jackowski (Associate Investigator) and Dr Kayleigh Young (Associate Investigator).

The purpose of the Project is to ensure best possible outcomes for future laypeople, lawyers and mediators involved in dispute resolution. The project achieves this by reviewing the way in which emotions are addressed in dispute management and how it impacts on the wellbeing of legal actors and laypeople.

You have been invited to participate in the Project because of your experience involving the management of disputes as a mediator in the area of personal injury (including specifically medical negligence). Participants have been contacted via email through the *Victorian Association for*

Dispute Resolution ('VADR') database or the publicly available registry of the *Victorian Bar*. For these reasons, the research team would like to interview you for the Project.

This Participant Information Sheet/Consent Form tells you about the research project. It explains the processes involved with taking part in the Project. Knowing what is involved will help you decide if you want to take part in the Project.

Please read this information carefully. Please ask us questions about anything that you do not understand or want to know more about.

Participation in this research is voluntary. If you do not wish to take part, you do not have to. If you decide you want to take part in the research project, you will be asked to sign the consent section.

By signing it you are telling us that you:

- Have read and understood the Participant Information Sheet
- Understand the purposes, procedures and risks of the research described in the project
- Have had an opportunity to ask questions and are satisfied with the answers you have received
- Freely agree to participate in this research project as described, to have your interview audio recorded, and understand that you are free to withdraw at any time during the project without affecting your relationship with the research team, RMIT or Workplace Conversations.

You will be given a copy of this Participant Information and Consent Form to keep.

2 What is the purpose of this research?

The aim of the Project is to combine legal practice and psychology principles to gather empirical data about emotional reactivity in conflict and the impact on wellbeing, to identify problems and design meaningful solutions. Exploring wellbeing in the legal profession can help identify issues, and lead to social change that enhances the mental health of clients, lawyers, and mediators and support better access to justice.

This Project has the potential to contribute to knowledge and understanding of the mental wellbeing of lawyers and mediators in the legal profession. It will also benefit society, because it will help increase knowledge about the level of emotions and client wellbeing in emotionally heightened disputes as gained from the perspectives of the lawyers and mediators involved in these types of legal disputes.

This research Project lays the foundation for future research in the area of emotion in legal context.

This research has been funded by the Malcolm Moore Industry Research Award.

3 What does participation in this research involve?

If you agree to participate, you will be asked a number of questions about your experiences in the form of an interview. The interviewer intends – upon gaining your permission, as outlined in this document – to audio record and subsequently transcribe the interview electronically. Audio recording is a core element of the integrity of the research process. Strict privacy protocols apply to researchers' handling of data, and de-identification protocols will be followed to safeguard participants' identities to that responses are non-identifiable in the research data.

During the interview and if your answers to the questions includes names of disputants and/ or references to the name of the case, you will be asked to de-identify the information and speak about the case in

general terms. Data that includes information that identifies disputants and/ or case law, will be de-identified.

The interviews will be transcribed by OutScribe Transcription which is Australia's leading transcription service. OutScribe is well respected, and their transcription services are both private and confidential.

The interviews are conducted in English, and it is anticipated that respondents will be fluent in English.

There are no costs associated with participating in this research project, nor are there any applicable fees payable for participation.

4 Other relevant information about the research project

It is anticipated that approximately 10-15 lawyers and 10-15 mediators that have experience within the area of personal injury (including medical negligence) will be interviewed for this project.

The research project focuses on the experiences of Victorian lawyers and mediators.

The project involves researchers from RMIT University in collaboration with Workplace Conversations.

5 Do I have to take part in this research project?

Participation in any research project is voluntary. If you do decide to take part, you will be given this Participant Information and Consent Form to sign and you will be given a copy to keep.

You may stop the interview at any time. Unless you say that you want us to keep them, any recordings will be erased and information you have provided will not be included in the study results. You may also refuse to answer any questions that you do not wish to answer during the interview.

6 What are the possible benefits of taking part?

There is no direct benefit to the participants for participating in the research; however, there may be some indirect benefit. First, the participants may find participating in the study interesting, as they will learn new information about mental health, wellbeing and the law. Second, participants may benefit from gaining increased knowledge from the de-brief at the end of the study about mental health, wellbeing and the law, over and above the knowledge held by laypeople in the Australian community.

There is a broader benefit to the community and to the legal profession more broadly in completing this research. Through semi-structured interviews, this research team aims to gain further knowledge, insight and understanding of mental health, wellbeing in the legal profession, and the role of emotion in dispute resolution. As a result, the research team hope to develop better understanding of the impact that working in emotionally stressful disputes can have on lawyers, and the role that emotions can have in legal disputes, and to use this knowledge to benefit future practice in this field. Dissemination of the research in the sector, including to participants in the research, will assist in improving practices and outcomes for legal actors and laypeople who engage in the legal system.

7 What are the risks and disadvantages of taking part?

There is a risk of inconvenience relating to the time taken to participate, and you might feel that some of the questions we ask are distressing. If you do not wish to answer a question, you may skip it and go to

the next question, or you may stop immediately. If you become distressed because of your participation in the research project, members of the research team will be able to discuss appropriate support for you.

Risk mitigation

While we intend to take every measure possible to avoid any negative consequences, there is a low risk that the themes explored, or questions asked during the interview may conjure unpleasant memories that lead to distress. Importantly, you will not be asked to discuss specific individuals or situations, but to talk in generalities. In any case, to minimise or prevent any distress that may be experienced, the research team has put in place several risk mitigation protocols. These include:

- You do not have to participate in this research, however if you choose to do so, we will make every effort to conduct the interview at a time and place that is convenient to you.
- You do not have to answer all questions, you may skip questions and you may take a break from the interview or stop the interview at any time.
- You will be provided with an opportunity to debrief following the interview.
- Your participation is voluntary, and you may opt-out at any point before or during the interview, and within 14-days after the interview.
- The research team will ensure **anonymity** of all participants and will de-identify participant information.
- We will take significant steps to ensure any potential identifying elements of interview contents are removed or otherwise concealed to protect your identity.
- If you would like to review or amend any part of your interview, you may request a written copy of your interview transcript within 14-days of the interview and request that changes are made.

Should it be required, the research team will have available a list of organisations and agencies to direct you to for assistance. These services include those provided by your GP, Beyond Blue (1300 22 4636) and LifeLine (13 11 14).

You may also seek assistance from your workplace Employee Assistance Program (EAP) counselling service. If you are a lawyer, you may contact the Law Institute of Victoria member counselling service AccessEAP (1800 818 728) which provides confidential 24/7 support and counselling to LIV members. If you are a barrister, you can contact the Victorian Bar independent counselling services for members: Revision Group (9650 5540) and Converge International (1300 687 327).

8 What if I withdraw from this research project?

If you do consent to participate, you may withdraw at any time. If you decide to withdraw from the project, please notify the Chief Investigator, Dr Tina Popa, or if it is during the interview, your interviewing researcher.

You have the right to have any unprocessed data withdrawn and destroyed, providing it can be reliably identified.

9 What happens when the research project ends?

The de-identified data from the Project will be used to create industry impact by disseminating knowledge through research papers and conference presentations.

Digital transcripts of interviews will be stored online on secure RMIT servers which are password protected. The digital data from interviews will be stored on secure RMIT servers for 7 years.

If you express interest in seeing the results, the Chief Investigator or a member of the research team will send an email with a one-to-two-page summary of the results when the research is completed.

How is the research project being conducted?

10 What will happen to information about me?

By signing the consent form, you consent to the research team collecting and using information from you for the research project. Any information obtained in connection with this research project that can identify you will remain confidential. This is outlined below:

- Findings are intended to be published in a journal, with all contributions de-identified.
- Your identity will be removed from records of the interview and will not be revealed in publication of the results of the project.
- All research data (audio recordings and notes) created by the interview will be securely held by the researcher for a period of 7 years after publication before being destroyed.
- Any information that you provide can be disclosed only if (1) it is to protect you or others from harm, (2) if specifically required or allowed by law, or (3) you provide the researchers with written permission.
- The results of this project may be used in papers for publication, conferences, books, and as an Appropriate Durable Record (ADR) in the RMIT Online Repository, which is a publically accessible online library of research papers.
- No material from participants will be included in a form other than a checked quote, so it is expected that further approval from participants will not be necessary.

Participants will be offered the opportunity to review their transcribed interview. At each point if an amendment for accuracy or understanding in the practice and role context is required changes will be made. A further check of the amended quote will be undertaken to assure the researcher of accuracy in context.

No material from participants will be included in a form other than a checked quote, so it is expected that further approval from participants will not be necessary.

In accordance with relevant Australian and/or Victorian privacy and other relevant laws, you have the right to request access to the information about you that is collected and stored by the research team. You also have the right to request that any information with which you disagree be corrected. Please inform the research team member named at the end of this document if you would like to access your information. Any information that you provide can be disclosed only if (1) it is protect you or others from harm, (2) if specifically allowed by law, (3) you provide the researchers with written permission. Any information obtained for the purpose of this research project and for the future research described that can identify you will be treated as confidential and securely stored.

11 Who is organising and funding the research?

This research is being conducted as a collaboration between RMIT University that is led by Dr Tina Popa as the chief investigator and Dr Christina Platz as associate investigator together with Dr Hayleigh Young and Dr Kate Jackowski of Workplace Conversations as associate investigators. The Project is funded by the Malcolm Moore Industry Award. Ms Lisa Heap, Ms Ilona Clarke, and Mr Stephan Hitchins have also been engaged as research assistants for this Project.

12 Who has reviewed the research project?

All research in Australia involving humans is reviewed by an independent group of people called a Human Research Ethics Committee (HREC). This research project has been approved by the RMIT University HREC. This project will be carried out according to the National Statement on Ethical Conduct in Human Research (2007). This statement has been developed to protect the interests of people who agree to participate in human research studies.

13 Further information and who to contact

If you want any further information concerning this project, you can contact the Chief Investigator, Dr Tina Popa, on 9925 0128 or any member of the research team.

Research contact person

Name	Dr Tina Popa
Position	Chief Investigator
Telephone	(03) 9925 0128
Email	tina.popa@rmit.edu.au

Associate Investigators' contact details

Name	Dr Christina Platz
Position	Associate Investigator
Telephone	(03) 9925 2313
Email	christina.platz@rmit.edu.au

Name	Dr Kayleigh Young
Position	Associate Investigator
Telephone	0416 517 012
Email	kayleigh@wpconversations.com.au

Name	Dr Kate Jackowski
Position	Associate Investigator
Telephone	0416 517 012
Email	kate@wpconversations.com.au

Name	Ms Lisa Heap
Position	Co – Investigator, Research Assistant
Telephone	0418 996 354
Email	s3318213@student.rmit.edu.au

Name	Ms Ilona Clarke
Position	Co – Investigator, Research Assistant
Email	s3729818@student.rmit.edu.au

14 Complaints

Should you have any concerns or questions about this research project, which you do not wish to discuss with the researchers listed in this document, then you may contact:

Reviewing HREC name	RMIT University
HREC Secretary	Dr Peter Burke
Telephone	03 9925 2138
Email	humanethics@rmit.edu.au

Mailing address	Manager, Research Ethics, Integrity and Governance RMIT University GPO Box 2476 MELBOURNE VIC 3001
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Consent Form

Title 'Consciously Coupling': Emotions and Psychological Wellbeing in the Law

Chief Supervisor Investigator	Dr Tina Popa
Co- Investigator	Dr Christina Platz
Co- Investigator	Dr Kayleigh Young
Co- Investigator	Dr Kate Jackowski
Co- Investigator	Lisa Heap
Co- Investigator	Iona Clarke

Acknowledgement by Participant

I have read and understood the Participant Information Sheet.

I understand the purposes, procedures and risks of the research described in the project.

I have had an opportunity to ask questions and I am satisfied with the answers I have received.

I agree to be interviewed and agree to my voice being audio recorded.

I freely agree to participate in this research project as described and understand that I am free to withdraw at any time during the project without affecting my relationship with RMIT.

I understand that I will be given a signed copy of this document to keep.

Name of Participant (please print) _____	_____
Signature _____	Date _____

Declaration by Researcher*

I have given a verbal explanation of the research project, its procedures and risks and I believe that the participant has understood that explanation.

Name of Researcher* (please print) _____	_____
Signature _____	Date _____

* An appropriately qualified member of the research team must provide the explanation of, and information concerning, the research project.

Note: All parties signing the consent section must date their own signature.