

**Designing Ethical Research Protocols for Social Research:
An analysis of key ethical elements in human participant research
using a case study about timing child protection mediation**

By

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Bachelor of Social Work, University of Western Ontario, 2019

A Thesis Submitted in Partial Fulfillment of the
Requirements for the Degree of

MASTER OF PUBLIC ADMINISTRATION

in the School of Public Administration

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Supervisory Committee

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protection mediation

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Abstract

This thesis examines different components of ethical research: vulnerability, sensitive research topics, Indigenous participants, informed consent, protecting participant privacy, and minimizing harm. Each element is examined in general and in the context of a case study, with the analysis focusing on solutions for addressing each ethical component. This thesis then examines the current state of the literature on child protection mediation, concluding that there is a gap in the literature regarding the timing of child protection mediations. The literature review provides context for the case study that is presented in the thesis. The case study examines the timing of child protection mediation in British Columbia. It is presented to provide an example for future researchers of how ethical dilemmas can arise and be addressed. Each ethical element is discussed on how the issue came to the attention of the research team, what options were considered, and what was added to the research protocol to manage ethical concerns.

Keywords: child protection mediation; ethical research protocol; vulnerability; ethics review.

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Acknowledgements

I would like to express my appreciation to the other members of the child protection mediation research team: Professor Robert Lapper, Dr. Kimberly Speers, Abby McFee, and Dr. Susanne Thiessen, as well as Sharon Sutherland and Jereme Brooks, from Mediate BC, for their contributions to this project. I would like to thank my thesis supervisor, Professor Lapper in particular, for his support and guidance as this project developed and changed over the last year.

Getting this thesis to its final stage has been a lengthy project, which would not have been possible without the kindness and support of my family and friends. I would like to specifically thank my parents, Mike and Michelle Craig, my partner, Michael Waldock, and my best friend, Emily Norris, for their reassurance, patience, and advice as I navigated this work. I am so grateful to have such an extensive support system at home and in Victoria, who will all likely be grateful to not hear about this project for a while. Throughout my work on this project, I have been uplifted with words of encouragement and love. I will patiently wait until I can return that huge undertaking to each of you.

Chapter 1: Introduction

How This Project Came to Be

To understand this project in its entirety, it will be important to understand how the research project came to this point. In May 2021, a research team from the University of Victoria contracted with Mediate BC and the British Columbia Ministry of Children and Family Development (MCFD) to conduct research on the timing of child protection mediation. Timing in this regard refers to the stage of the child protection process in which mediation occurs, not the duration of a mediation.

The author was subsequently brought onto the project in relation to two students being hired to undertake the majority of the research. The broad purpose of the contract was to provide evidence, in the form of a report, about the effects of early child protection mediation on which clear guidance on the optimum timing of child protection mediation could be developed. These evidence-based guidelines were to be designed to use to support child protection workers (CPWs) in providing better services, leading to better outcomes for children, families, and communities.

The research protocol was primarily designed by the University of Victoria (UVic) research team, with the guidance and support of Sharon Sutherland and Jereme Brooks, both who are from Mediate BC. Mediate BC manages the child protection mediation program in British Columbia (BC). When mediation is chosen by parents and child protection workers as a means of resolving their child protection issue, Mediate BC facilitates the process, including the provision of a mediator from their roster (Mediate BC, 2017).

As the research team worked on the research proposal and began to design the research protocol, several different ethical issues were identified. Two ethics forms were submitted to the University of Victoria Human Ethics Board (HREB) from each of the two students with guidance from the faculty advisors. The University of Victoria HREB provided feedback and requested changes as is done many times when returning ethics forms. Upon further reflection, Mediate BC and MCFD requested that the UVic research team revise the research protocol to better protect the research participants, especially Indigenous participants. The final research protocol designed and approved by the University of Victoria Human Research Ethics Board is explained in chapter 5, serving as a case study for a larger discussion on ethical human participant research. The process of the research team is described in chapter 6.

The research questions that Mediate BC seeks to answer in the child protection mediation research project are:

1. When is mediation most effective during the child welfare process (e.g., at what stage of the social workers' continuum of service to families or as it relates to or interacts with other available collaborative practices)?
2. What are the impacts/outcomes of earlier mediated intervention on children, youth, families, Indigenous communities and/or social workers?
3. What are other impacts of early mediation particularly related to costs and time, e.g., can early mediation prevent children from being taken into care, providing major cost savings for MCFD?

This thesis serves as an effort to bring together the existing knowledge on designing and conducting ethical research with human participants with literature that critiques and develops the subject. It is hoped that by explaining the issues faced and addressed by the UVic research team, other researchers will be able to identify and address ethical concerns more readily as they design research protocols for their own human participant projects. Ethical challenges will always arise when working with certain topics and participant groups that must be addressed. This thesis seeks to help researchers in this task, though the author recognizes that it was not the first, nor will it be the last piece of writing on this topic.

Note: the Mediate BC research project has not yet begun the field research phase as of July 2022 and ergo, the tense in this thesis will signify this research state.

Defining the Issue and Scope

DEFINING THE ISSUE

In the research contract, the UVic research team was set to the task of conducting research on the timing of child protection mediations in British Columbia (BC). The client, Mediate BC, has noted anecdotally that mediation in child protection is not often introduced early in a family's engagement with the child protection system. Rather, child protection mediation is used in further stages in the dispute resolution process and often more than a month after involvement with the child protection system has begun. The client also notes that mediation is often used as a last resort in developing a resolution. In discussions with the client, early mediation was to be defined as mediation that occurs within thirty days of a child protection dispute arising, while late mediation is any mediation that occurs after thirty days (Mediate BC, meeting, June 28, 2021). In practice, by the time mediations are occurring, families have usually been involved with the system for quite a while and tensions have escalated (Mediate BC, meeting, June 28, 2021). Pal, Auld and Mallett (2021) would describe this as a tame, or a well-defined problem. While challenging, the problem lends itself well to a solution. Once the relevant resources, expertise and data is assembled, one can be confident that a solution will be reached (Pal et al, 2021).

When MCFD conducts mediations, they typically occur 30 to 60 days after the child protection dispute arises. (Jereme Brooks, personal communication, May 13, 2022). Mediations tend to be on the later end of the 30-60 days unless there are extenuating circumstances pushing for a quicker timeline (Jereme Brooks, personal communication, May 13, 2022). Mediate BC has noted that with later mediations, conflicts have escalated and relationships between child protection workers and families have been damaged (Mediate BC, meeting, June 28, 2021). As will be noted later in chapter 4, there is a gap in the scholarly and grey literature about the timing of child protection mediation. The research team was contracted to conduct research to begin addressing this gap and advance the state of knowledge on timing in child protection mediation.

The Mediate BC project gathers data from human participants. While both quantitative and qualitative data will be collected, the primary sources of this data are the people who have participated in child protection mediations themselves. Researchers conducting human participant research are required, both morally and as a matter of national policy, to use ethical research protocols (Canadian Institutes of Health Research, Natural Sciences and Engineering Research Council of Canada, and Social Sciences and Humanities Research Council, 2018). In Canada, research is guided by the Tri-Council Policy Statement on ethical conduct for research involving humans (often referred to as the TCPS2). This policy was developed by Canada's three federal research agencies – the Natural Sciences and Engineering Research Council of Canada (NSERC), the Canadian Institutes of Health Research (CIHR), and the Social Sciences and Humanities Research Council (SSHRC) – and lays out clear standards for ethical research across the country (Canadian Institutes of Health Research et al, 2018). The Agencies require that any research funded by them complies with the TCPS2.

Despite the guidance of the TCPS2, designing an ethical research protocol can be difficult because of the complex population being studied or the mix of research methods being used. For example, graduate students especially report feeling lost and frustrated through their applications to Ethics Boards at their institution because instruction regarding research ethics lacked depth and did not pertain to the actual ethics application process, students received conflicting advice from the review board and the student's research supervisor, and students felt there was a lack of advice from the review board as to how to address the ethical dilemmas identified by the board (Petillion, Melrose, Moore & Nuttgens, 2017). This study was conducted with participants from five different universities, three of which were in Canada. The specific universities were not disclosed in the article (Petillion et al, 2017).

Further difficulty arises because the ethics review process does not actually teach researchers how to recognize and respond to ethical dilemmas that arise in their research; it expects them to know before submitting an application (Davis, Tan, Miller & Israel, 2021). While some institutions offer resources, such as templates and workshops, there is not consistent assistance offered across Canadian universities (Petillion et al, 2017). At UVic, students are required to complete the TCPS2 tutorial prior to completing an ethics submission, which

supplements their learning about human research ethics. UVic students also receive some training in research methods courses. Bain (2017) identifies that research ethics education is a key action area for researchers. Many universities offer research methods classes, though these are not often mandatory, and have been criticized for only focusing briefly on ethical issues (Petillion et al, 2017).

The complexity of designing an ethical research protocol is a challenge that affects scholars, public and private sector researchers, and students alike. More importantly, it is an issue that affects individuals participating in research and the larger community. Unethical research is harmful. Society has seen many examples in history of the effects of unethical research. Some examples include the Tuskegee Study, research in Residential Schools in Canada, and Nazi research in concentration camps, among others (Morton Ninomiya, & Pollock, 2017; Loblay, 2008). Society hopes ethical violations so egregious no longer occur and accordingly, many researchers remain obligated to conduct research ethically.

Despite the complexity of the ethics review process, conducting research in an ethical manner maintains a critical role in the research process. Ethics review ensures that research complies with national standards (Canadian Institutes of Health Research et al, 2018). It further ensures that participants are protected from harm (Bain, 2017). In social research, participants do not often receive benefits for participation, so it is particularly important that risks are mitigated (Bain, 2017). Beyond protecting participants, the ethics review process also protects the researchers and the institution (Guillemin, Gillam, Rosenthal & Bolitho, 2012). Some researchers have also noted that they feel the ethics review board was also responsible for ensuring the research had merit (Guillemin et al, 2012). Conducting ethical research also fosters community trust in the institutions conducting research, creating possibilities for more future research (Resnik, 2018).

SCOPE

The academic and grey literature analyzed for this project was not limited to British Columbia or Canada. Literature from around the globe that focused on publications from the last 25 years were examined. There is a wealth of literature and commentary from scholars around the world, particularly in the United States and Australia. The ethical issues addressed in chapter 3 and the discussion were selected because they were noted as common themes in the literature. These themes also aligned with the issues faced by the research team in the development of the child protection mediation protocol. Other ethical issues, such as research with children as participants, were deemed beyond the scope of this paper given that they did not align or relate to the Mediate BC project.

Thesis Goals, Research Questions, and Key Terms

The main goal of this thesis is to synthesize the existing literature on ethical issues commonly at play in the design of a research protocol with human participants and apply that

knowledge to a case study about the development of a study examining the timing of child protection mediation in British Columbia. This thesis is intended to provide an example for future researchers of how ethical dilemmas can arise throughout the research process, and what practical and creative solutions can be implemented to address them. To provide a foundation to better understand the case study, a literature review about child protection mediation is included.

The primary research question that was asked in this thesis was:

1. What are the ethical issues that Mediate BC and UVic research team have to contend with related to examining the timing of child protection mediation in BC?

Secondary or supplementary questions that were asked to support the primary question are:

1. What is the current state of knowledge regarding conducting ethical research with human participants?
2. How do ethical challenges commonly arise in human participant research?
3. How can these ethical challenges be addressed?

The key terms and concepts used in this thesis are defined in the following manner:

Child protection mediation (CPM): Child protection mediation is a well-regarded form of collaborative decision-making used to resolve child protection issues. CPM involves a neutral facilitator meeting with parents, child protection workers, lawyers, and other professions in an effort to reach a consensus on how to resolve the dispute (Olson, 2020).

Mediation: Throughout this thesis, “mediation” refers exclusively to child protection mediation unless otherwise stated.

Timing: The stage of the child protection process in which mediation occurs, not the duration of a mediation.

LEGAL CONTEXT FOR CHILD PROTECTION MEDIATION

Division 2 of the *Child, Family and Community Services Act (CFCSA)* discusses cooperative planning and dispute resolution. Section 22 of the *CFCSA* provides mediation as an option for families, stating that:

22 If a director and any person are unable to resolve an issue relating to the child or a plan of care, the director and the person may agree to mediation or other alternative dispute resolution mechanisms as a means of resolving the issue.

The legislation gives the court the power to adjourn proceedings in order to allow alternative dispute resolution processes to occur. Proceedings can be adjourned several times, in increments of a maximum of three months per adjournment (s. 23(1)). If parties come to an agreement, the Director can file the agreement in court (s. 23(3)). This means that the mediated agreement will be enforceable by the courts. The *CFCSA* further provides that information

shared in a mediation cannot be disclosed (or compelled) in a later court proceeding without the consent of all parties, or to the extent necessary to file a mediated agreement (s. 24(1)). The *CFCSA* does not provide any guidance or requirements related to the timing of mediation. Mediation could, in theory, be initiated as soon as an issue related to the child or plan of care arises. Anecdotal evidence from Mediate BC suggests that mediation is rarely implemented early in the process.

Significance of Inquiry

For both new and experienced researchers, designing an ethical research protocol for human participant research can be challenging to identify and address ethical issues. This project highlights several key elements of ethical research: vulnerability, Indigenous participants, sensitive research, informed consent, privacy, and risks of harm. This also aligned with the experiences of the child protection mediation research team and the ethical dilemmas that arose as that research protocol was developed. Understanding what each of these elements mean, what problems they cause, how they may arise in different studies, and what solutions are available is essential to designing an ethical research protocol.

Describing the challenges faced in designing a research protocol to study the timing of child protection mediation in British Columbia and how these were addressed, serves as a case study for future researchers in the hopes that it will help contextualize how ethical dilemmas can be addressed. Ethical issues can be difficult to conceptualize and a case study can be an effective means of shedding light on confusing areas.

Research is necessary for the continued development of knowledge. Without ethical research protocols, the validity and reliability of results are put in question. Graduate students, new researchers, and experienced researchers can all benefit from the learning that took place in this research project with Mediate BC.

Positionality Statement

To contextualize this project, it is important to address the issue of bias. The primary researcher and author of this thesis is a 25-year-old white Canadian woman, working towards degrees in both law and public administration. The researcher did not have any interaction with child protective services as a child. She was raised by both her parents in a middle- to upper-class family. Her parents continue to be married. The researcher does not identify as Indigenous. The researcher does not have personal experience with mediation.

Related to the development of ethical research protocols, prior to the research project explained in this thesis, the author had not applied for ethics approval from a university Human Research Ethics Board, nor had she worked on such a large-scale research protocol. In the development of the research protocol that serves as a case study in this thesis, the author struggled to conceptualize how the ideas discussed in the literature would look like this practice.

As a result, this paper seeks to synthesize the literature on ethical research with human subjects, making it more consumable for busy researchers engaging in this type of research.

Structure of Thesis

Chapter 2 contains the methodology used in the development of this thesis. The chapter discusses literature reviews and case studies, outlining the definition and benefits of each methodology. Literature and document review as research methods are discussed. The chapter continues by explaining how thematic analysis was used to analyze data. The limitations of the analysis are included.

Chapter 3 provides a literature review of different components of ethical research. The chapter discusses vulnerable participants, research with Indigenous peoples, sensitive research topics, informed consent, preventing harm, and protecting participant privacy. The chapter provides an explanation of what these ethical elements are and how scholars have critiqued them. The chapter seeks to offer potential solutions and interventions for each element discussed. The chapter does not address each component of ethical research; rather, the chapter seeks to address those that were identified in the literature as frequently arising in the design of ethical research protocols. The elements raised in the literature aligned with the personal experience of the research team in designing the research protocol on the timing of child protection mediation. This chapter is intended to synthesize the vast knowledge base about ethical research with human centered research into one place, making it more easily digestible for researchers. The chapter concludes that while the literature agrees that each of the ethical elements discussed as important, there is less consensus about how to address each component to best protect human participants.

Chapter 4 contains a literature review about child protection mediation (CPM). This chapter is intended to provide context for the research protocol that serves as a case study in chapter 5. Understanding what mediation is and the outcomes it seeks will frame the case study, such that a discussion about the ethical issues can be better understood. To that end, chapter 4 outlines what child protection mediation is and when referrals are made to CPM. The chapter continues to provide an explanation as to why there is resistance to mediation, and summarizes the outcomes sought and achieved in child protection mediation. The limited research on the timing of child protection is discussed. The chapter touches on Indigenous experiences and cultural competence in CPM. The chapter concludes by discussing the lack of recent literature about child protection mediation, particularly regarding the timing of mediation and the efficacy of early mediations.

Chapter 5 provides a case study of a recently developed and approved research protocol about the timing of child protection mediation. The chapter explains some background on the development of the study, but focuses predominantly on the methods used for recruitment, consent, and data collection. The chapter further explains the process the UVic research team

designed to protect participants from harm. This chapter does not provide commentary on how this research protocol was developed or why each decision was made. Chapter 5 serves as the basis for the discussion in the following chapter.

Chapter 6 provides a discussion of the case study, highlighting what questions the research team faced and why different decisions were made. The case study is used as an example of how different components of ethical research can arise in practice. It is intended to demonstrate what an ethical dilemma might look like, and what can be done to address it. This chapter discusses why and how the research team determined that some of the potential participants were vulnerable in the research context, and why it was concluded that the topic was a sensitive research topic. The chapter discusses how the research team protected and ensured reciprocity for Indigenous participants. The chapter then examines the consent process and how power imbalances were addressed. The chapter continues by exploring the risks of harm involved with participation and how these risks could be mitigated. The chapter discusses how participant privacy, confidentiality, and anonymity will be protected. Finally, the limitations to using a case study, as well as potential areas for future research, are discussed. Chapter 5 seeks to provide insight into how the ethical principles discussed in chapter 2 can be applied to a real research protocol.

This thesis concludes with chapter 7, which provides final reflections on the development of ethical research protocols, particularly with vulnerable populations. The chapter seeks to answer the research questions outlined earlier in this chapter.

Chapter 2: Methodology, Methods, and Data Analysis

Introduction

This chapter explains the methodology, methods, and data analysis used to develop this thesis.

An ethics review process was completed to fulfill the work outlined in the Mediate BC research project regarding the timing of child protection mediation. This research protocol that serves as the case study was approved on January 25, 2022 by the Human Research Ethics Board (HREB) at the University of Victoria. The certificate number is #21-0178. No ethics review was required for this thesis since it was an analysis of the research design process.

Methodology

The methodology for this thesis includes both a literature review and a case study. This section explains the ways in which the methodology is applied in this thesis.

LITERATURE REVIEW

A literature review can be defined as a means of “collecting and synthesizing previous research” (Snyder, 2019, p. 333). A literature review can serve as both methodology and method. As a methodology, a literature review serves to provide a foundation of existing knowledge on the topic to the reader, alongside the current debates and disagreements among authors (Snyder, 2019). In this thesis, a literature review is used twice: first, to provide a synthesis of the current state of knowledge about ethical research protocols, and second, it is used as a method to provide context to the case study about child protection mediation. The methods used to conduct the literature review are described below.

CASE STUDY

A case study provides an in-depth study of a particular problem or situation for the purpose of understanding a larger concern (Gerring, 2004). This method is often used to narrow down a broad topic (Labaree, 2022). Case studies are often used to facilitate understanding of a problem through contextual analysis. Case studies are not generalizable and may not provide an accurate example of a larger problem (Labaree, 2022). Case studies are often used in public administration research. Because of the practical nature of public administration, researchers are often focused on problems situated in the realities of everyday life, making a case study as helpful means of explaining problems and solutions (van Theil, 2022). In this thesis, a case study is used as a means of engaging in-depth with the topic of designing an ethical research protocol. The case study does not seek to provide answers to ethical questions but rather to provide an example of how ethical principles may arise in real-life situations. The case study cannot be taken to prescribe a set of ethical dilemmas that will arise in other human participant research but may provide context to better understand the discussion of ethical principles in chapter six.

Methods

The methods for this thesis include both a literature review and a document review. Within the document review, program evaluations and legal documents were analyzed.

LITERATURE REVIEW

This section describes the ways in which the literature review methodology was specifically applied in this thesis. To locate peer-reviewed literature for both literature review chapters included in this thesis, numerous university-licensed databases were examined: Academic Search Complete, EBSCO Host, JSTOR, and Summon 2.0. The Google Scholar search engine was employed. From the publications identified in these searches, further sources were identified. Literature examined often led to the inclusion of additional search terms or different combinations of key words. The reviews focus on literature from the last 25 years.

For chapter three, on the topic of ethical research, key word combinations included:

- designing research protocols for marginalized populations
- designing ethical research protocols for marginalized populations
- “research protocol” AND “ethics approval”
- “human research ethics”
- “informed consent” AND “human research ethics”
- “informed consent” AND “research ethics”
- “consent” AND “research ethics”
- “informed consent” AND “research ethics” AND “Indigenous”
- "coercion" AND "human research" AND "ethic*"
- "undue influence" AND "human research"
- "mitigate" AND "undue influence" AND "human research"
- “privacy” AND “research ethics”
- “confidentiality” AND “research ethics”
- “privacy” AND “confidentiality” AND “research ethics”
- “anonymity” AND “research ethics”
- “minimal risk” AND “research”
- “risk of harm” AND “research ethics”
- “benefits” AND “risks” AND “research ethics”
- “vulnerable groups” AND “research ethics”
- "vulnerability" AND “research ethics”
- “child protection” AND “research ethics”
- “sensitive” AND “research” AND “ethics”
- “indigenous” AND “research ethics”

- “indigenous” AND "child protection" “ethics”
- “indigenous” AND "child protection" “ethics” AND “research”

For chapter four, on the topic of child protection mediation, key word combinations included:

- “Mediation” and “child protection” and “Canada”
- “Effects” and “child protection mediation”
- “Child protection mediation” and “British Columbia”
- “Child protection mediation”
- “Decision making tools in child protection”
- “Policy decision making in child protection”
- “Timing” and “mediation”
- “Timing” and “child protection mediation”
- “Early” and “child protection mediation”
- “Timing” and “mediation”
- “When to mediate”
- “Collaborative decision making” and “child protection” and “timing”
- “Collaborative decision making” and “timing”
- “Mediation” and “child protection”
- “Collaborative decision making” and “child protection” and “British Columbia”

Also in chapter four, on the topic of indigenous-specific mediation experiences, key word combinations included:

- “Indigenous” and “mediation” and “family”
- “Indigenous” and “mediation” and “child protection”
- “Indigenous” and “mediation” and “timing”
- “Child protection mediation with Indigenous families”
- “Child protection mediation with Aboriginal families”
- “Child protection mediation” and “Aboriginal”
- “Child protection mediation” and “Aboriginal” and “Canada”
- “Child welfare” and “residential school” and “Canada”
- “Traditional decision making” and “child welfare” and “Canada”
- “Cultural competency” and “child protection”
- “Cultural competency” and “child protection” and “Indigenous”
- “Cultural competence” and “Mediation”

DOCUMENT REVIEW

Document review refers to the process of systematically collecting, analyzing, and interpreting documents (Bretschneider, Cirilli, Jones, Lynch & Wilson, 2017). The dearth of academically-rigorous literature regarding the timing of child protection mediation led to an analysis of grey literature to gather more comprehensive information on the state of child protection mediation in British Columbia. The client, Mediate BC, provided copies of all Ministry-ordered program evaluations as most are not publicly available. These evaluations were critically analyzed using themes observed from peer-reviewed literature. These evaluations constitute secondary sources, because the documents were provided as reports summarizing evaluations, not the data itself.

A legislative review – primarily of the *BC Child Family and Community Services Act* – was also conducted to understand the scope of the law surrounding child protection mediation. Legislation constitutes a primary data source (Bretschneider et al, 2017). The legislative review allowed for an understanding of when referrals to mediation can be made, what regulations may apply about disclosure of information obtained in a mediation, and what other options for resolution are available to families.

Data Analysis

The data referred to in this section are the documents reviewed in both the literature and the document review stages discussed in the previous section. A thematic analysis was conducted where common themes were identified throughout the preliminary review of the literature (Ritchie & Spencer, 1994). These themes were subsequently reviewed and defined. Finally, the themes were applied to the case study to identify ethical challenges in the research protocol as well as potential solutions to these challenges. The process used was drawn from Braun and Clarke's (2006) framework for thematic analysis.

Limitations of Analysis

This analysis faced a few challenges. First, this project was undertaken during the Covid-19 pandemic. Remote work and illness made communication and scheduling more challenging than in normal times, leading to some delays. Staff shortages and turnover at Mediate BC and MCFD also made it difficult to progress with the project on its intended timeline. Further, privacy and confidentiality concerns raised by MCFD mean that this thesis was not able to discuss all ethical issues that arose.

The case study nature of this thesis is also a limitation to the analysis. The case study serves as a single example of how ethical dilemmas arose. The case study hopefully provides context to the discussion and helps future readers conceptualize how ethical challenges may arise; however, the problems that arose in this research project are not necessarily going to surface in other human participant research topics. Along the same vein, the solutions implemented by the UVic research team, while supported by the literature, are not proven to resolve similar ethical challenges in other research protocols.

Chapter 3: Literature Review - Ethical Research

Introduction

This chapter highlights different components of ethical research and their corresponding dilemmas. A critique and the recommended practices, per the literature, of some key areas of ethical research is provided. The chapter helps to answer the secondary research question: What is the current state of knowledge regarding conducting ethical research with human participants? The chapter also aids in answering how these ethical challenges commonly arise, and how they can be addressed.

The chapter begins by discussing vulnerable research participants, including a brief comment on research with Indigenous peoples. The chapter continues to suggest that some research participants are considered vulnerable, when the research could be more accurately described as “sensitive.” The chapter then provides a discussion of the literature around three key ethics issues: balancing harm and benefits to participants, informed consent, and privacy. The overarching theme is that there is no firm consensus on how to address these issues on many of these areas and that the response is contextual based on such factors as population, questions, and scope. This chapter does not touch on every ethical concern that will arise in conducting research with human participants. The chapter reflects the issues that the literature suggests are more common when conducting research and that were also raised in the development of the child protection mediation study methodology.

The following themes are addressed: vulnerability in human research; research with Indigenous peoples; sensitive research topics; risks and benefits to participants; informed consent; and, privacy, anonymity and confidentiality. Each of the themes includes information that will be useful in answering the primary and secondary research questions for this thesis. In many of the ethical principles addressed in this chapter, there is a consensus that more needs to be done to protect participants during the research process, but disagreement remains about what exactly is the best method of addressing these concerns. The chapter does not seek to prescribe a correct course of action; instead, the chapter presents guidance as provided by the scholarly literature.

Vulnerability in Human Research

Vulnerability will be a key ethical issue that researchers, including Mediate BC, will need to contend with when conducting human participant research. What constitutes vulnerability in a research context is not clearly defined in the literature. Generally, vulnerability can be taken to be a way of identifying groups who require greater protection in the research process, so that these individuals are brought to the attention of the researchers (Pieper & Thomson, 2020; Agllias, 2011; Coleman, 2009). Coleman (2009) writes that this is done to ensure their rights and well-being are protected. The label is not meant as othering or discrimination; rather it is intended to draw the researcher’s attention to an enhanced need for protection. Once a person or

group is identified as vulnerable, additional safeguards can be implemented to protect them from harm during and after their involvement in the research. These safeguards often related to consent, privacy, confidentiality, and ensuring risks are either minimal or mitigated (Resnik, 2018).

For many years, research ethics guidelines from countries across the globe created lists of groups that were considered vulnerable (Bracken-Roche, Bell, Macdonald, & Racine, 2017). In an analysis of eleven national research ethics guidelines, Bracken-Roche, Bell, Macdonald and Racine (2017) concluded that very few guidelines actually provided an explanation for what made these groups vulnerable. Racine and Bracken-Roche (2019) write that scholars have come to an agreement that this list-based method is not appropriate. The current method of listing groups that are considered vulnerable reinforces stereotypes, perpetuates stigma, and takes away agency from these populations (Peter & Friedland, 2017; Schonfeld, 2013). List- or Group-based vulnerability labels do not provide a reliable indicator of a person's characteristics and does not lead to an accurate reflection of their vulnerability. Furthermore, group listings are often broad, which can lead to confusion for the researcher(s) (Bracken-Roche et al, 2017).

Failing to recognize individual characteristics, over group membership, can mean that appropriate safeguards are not in place for individuals who need them, while resources are spent implementing excessive safeguards for participants who are not vulnerable (Pieper & Thomson, 2020; Van den Hoonaard, 2020; Racine & Bracken-Roche, 2019). Van den Hoonaard (2009) writes that these lists are incomplete; ethics codes cannot keep up with the rate of change in the world and a list-based definition of vulnerability will never accurately reflect the current state. Pieper and Thomson (2020) raise the interesting point that unnecessary labelling of individuals as vulnerable can have the effect of excluding them from research, silencing their voices. While it is problematic that research time and funding are spent protecting individuals who do not need it, it is even more distressing that some participants are not receiving the support and protection they need to participate in research without harm, while others may be excluded unnecessarily from participating in research.

Of particular concern to some scholars is the inclusion of some people who are vulnerable based on a historic vulnerability, which was exploited, leading to a history of inequitable and unfair treatment in research. Van den Hoonaard (2020) raises the interesting point that historically disadvantaged groups can, and have, later emerged as groups that are not vulnerable. Pieper and Thomson (2020) take the opposite position, arguing that the past injustices suffered by some communities creates a source of vulnerability that require explicit processes to mitigate.

Beyond the initial agreement that the current method of defining and determining vulnerability are not appropriate, scholars have been struggling to come to a consensus about what a preferable solution is (Racine & Bracken-Roche, 2019). Bracken-Roche and colleagues (2017) note that the naming of groups does little to bring attention to the underlying reasons

these groups are considered vulnerable, which would be more useful in extending the definition. Peter and Friedland (2017) consider vulnerability to be an intersection of many individual, social, and political factors, which can only be properly understood through a close knowledge of the potential participants. This aligns with Luna's recommendation of viewing vulnerability in layers, not labels (2019). She recommends developing lists of characteristics that can, on their own and in conjunction with one another, increase a person's vulnerability. Luna (2019) posits that a person can be increasingly vulnerable as more "layers" are added on. She does, however, caution that lists of characteristics could eventually lead to the same concerns as the lists of groups; researchers need to be cognizant that characteristics should be used as a guide, not a rigid, complete list. Van den Hoonaard (2020) recommends characteristics of a person being considered alongside the context of the research. It is possible for a person to be vulnerable in some contexts, and not others. Consider the following example: a middle-class pregnant woman and her fetus. In a study trialing new medication, she may be vulnerable. In a study where she is asked to track her spending for a month to learn about spending habits, she would not be vulnerable.

Peter and Fieldland's 2017 study conducted at the University of Toronto (n=343) found that there is a need for participant-focused decision making about vulnerability and recommended asking participants directly if they think they are vulnerable. While it is not typically debated that community consultation is important to human research, it may be questioned whether the very factors that make a person vulnerable would inhibit their ability to accurately answer Peter and Fieldland's (2017) question.

The Tri-Council Policy Statement (TCPS2), the Canadian guidelines for ethical conduct in research involving humans, has begun to move beyond an entirely group-based approach to vulnerability. It states that individuals should not be considered vulnerable only because of their inclusion in a listed group, and notes that vulnerability is context-dependent (Canadian Institutes of Health Research et al, 2018); however, the listed groups continue to be part of the TCPS2. Furthermore, the TCPS2 does not provide guidance about what characteristics would make a person vulnerable, beyond low socioeconomic status in the face of an economic incentive to participate (Canadian Institutes of Health Research et al, 2018).

There has been historic debate about whether vulnerable people should be included in research. The TCPS2 takes the position that vulnerable people should only be involved when the research cannot be carried out with persons who are less vulnerable. Special justification is required for the involvement of vulnerable participants (Canadian Institutes of Health Research et al, 2018). Resnik (2018) advocates for a similar standard. Some researchers argue that vulnerable groups are too easily exploited and therefore should not be included (See, e.g., the discussion in Dickson-Swift & Liamputtong, 2008). Others suggest now that vulnerable groups can, and should, be involved in research, but care should be taken to ensure these people are protected from harm (see, e.g., Racine & Bracken-Roche, 2019; Bracken-Roche et al, 2017; Dekking, van der Graaf & van Delden, 2014; Kowal, 2014).

The latter position tends to be more frequently adopted by researchers who conduct this type of research (see, e.g., Racine & Bracken-Roche, 2019; Bracken-Roche et al, 2017; Dekking et al, 2014); however, it is considered, research with vulnerable people straddles an ethical dilemma. Excluding vulnerable people from research is unfair because it prevents those people from having their voices heard and obtaining the benefits of the research. Research that leads to policy development and wise practices without including the experiences of vulnerable people may further marginalize them. Conversely, including vulnerable people in research puts them at a heightened risk of harm (Resnik, 2018). Morse (2000) takes a clear position on this dilemma, stating that vulnerable groups are the most disenfranchised in society and are most in need of understanding. Research that provides deeper understanding of vulnerable peoples' experiences can make clear their needs and provide a path to developing ways to meet those needs.

RESEARCH WITH INDIGENOUS GROUPS

Within this discussion of vulnerability, it is important to have a brief discussion about research with Indigenous peoples because Indigenous groups often require additional ethical considerations when involved with human participant research. Indigenous peoples in Canada are considered a vulnerable group because of the historic exploitation of Indigenous peoples in research. For example, egregious research was conducted in Indian Residential Schools (Morton Ninomiya & Pollock, 2017). Research in residential schools was conducted without consent or consideration of the well-being of participants. Experiments continued even when very negative impacts on participants were observed (Morton Ninomiya & Pollock, 2017). Indeed, Linda Tuhiwai Smith (2021), one of the most influential and reputable Indigenous research scholars in the world, describes "research" as one of the dirtiest words to Indigenous peoples. Research, in many Indigenous contexts, raises feelings of distrust and bad memories, viewing research as for the benefit of the researcher or the institution, not the community (Smith, 2021; George, 2020). Given the many negative research experiences in the past, Indigenous communities do not necessarily view research as beneficial to society (George, 2020; Kowal, 2014).

Many scholars and institutions have provided guidance on how to ethically conduct research with Indigenous peoples. Firstly, an understanding of the culture and values of the Indigenous peoples with which research is being conducted is essential. It is perhaps trite to say but it is always important to remember that Indigenous groups are not homogenous; understanding and respecting differences between and within groups is necessary (Vakalahi & Ihara, 2011). Homogenizing Indigenous groups may result in a failure to incorporate the values of the community in which research is taking place, and may lead to greater distrust of the research team (Vakalahi & Ihara, 2011).

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) describes the appropriate standard of consent as "free, prior, and informed" throughout the declaration (United Nations, 2018). Kwaymullina (2016) argues that this should apply to research with Indigenous communities as well. A fulsome discussion of informed consent can be found later in this chapter.

Kwaymullina (2016) further emphasizes that researchers need to understand their positionality as well as Indigenous cultural and intellectual property. A critical consideration of cultural safety is especially relevant when conducting research with Indigenous peoples (Kowal, 2014).¹ George (2020) highlights the importance of respect, honesty, fairness, care, and justice when conducting research with Indigenous peoples. She posits that any research with Indigenous groups should include Indigenous knowledge; to be ethical, there cannot be one without the other. This can involve an explicitly Indigenous methodology or could look like incorporating Indigenous methodologies into a more western methodology (George, 2020). Either way, the methods need to be respectful of Indigenous worldviews and clearly for the benefit of Indigenous communities within which the research is undertaken (George, 2020).

Engagement with Indigenous peoples in designing the research, from aims and objectives, to methodology, to how the findings are presented, is recommended (George, 2020; Morton Ninomiya & Pollock, 2017; Kwaymullina, 2016). Connecting with Indigenous groups and researchers and deferring to their views is suggested as a helpful starting point (Kowal, 2014). Including team members who are Indigenous, particularly from the community involved, is integral to collecting accurate data (Vakalahi & Ihara, 2011).

When it comes time to publish research, the non-Indigenous scholar should focus on highlighting and amplifying Indigenous voices (Kwaymullina, 2016). Researchers should consider who the knowledge belongs to, how it is presented, and whether that falls within the consent provided by the Indigenous peoples involved (Traianou & Hammersley, 2021; Kwaymullina, 2016). Indigenous peoples and Indigenous scholars alike have raised concerns about the western world viewing knowledge as belonging to the author of a publication, rather than the Indigenous peoples it came from (Traianou & Hammersley, 2021).

Sensitive Research

Closely connected to the idea of vulnerable participants in research is the idea of sensitive research. When human participant research involves a sensitive topic, additional ethical challenges will need to be addressed. Sensitive research is tricky to define but generally refers to where the subject of the research itself warrants extra safeguards for both participants and researchers alike (Wiles, 2012). Joan Siber and Liz Stanley (1988) defined socially sensitive research as research that had consequences for the participants in the research. This definition is critiqued for being far too broad; almost all social research would fall into this category (Dickson-Swift & Liamputtong, 2008). Other researchers consider sensitive research to be about

¹ Cultural safety refers to when people feel respected and safe in their interactions, in this case with the child protection system. Culturally safe systems are free from racism, discrimination, and stigma (Indigenous Health, 2017). A more fulsome discussion of cultural safety and cultural competence can be found on page 40.

topics which are emotionally-laden, intimate, private, stressful, incriminating, political, or risking sanctions to the participant (Agllias, 2011; Dickson-Swift & Liamputtong, 2008; Renzetti & Lee, 1993).

Sensitive research topics, like vulnerable participants, require extra care throughout the research process (Dickson-Swift & Liamputtong, 2008). The following two subsections on participants and researchers highlight risks of sensitive research raised in the literature and recommendations for safeguarding all involved from harm.

PARTICIPANTS AND SENSITIVE RESEARCH

Participants in sensitive research are at risk of having painful feelings brought up during and after the data collection (Wiles, 2012; Agllias, 2011; Dickson-Swift & Liamputtong, 2008). While these feelings often include being upset or distressed, embarrassment, humiliation and shame have also been noted (Wiles, 2012). Sensitive research conducted via interview or focus group (or like process) further raises the risk of unanticipated disclosure. People often share more than they meant to when talking through the topic (Dickson-Swift & Liamputtong, 2008). Further, the imbalance of power between participant and researcher may make participants feel obligated to respond to questions they otherwise would decline to answer. Wiles (2012) notes that, particularly in longitudinal studies, the end of the project may stir up an emotional reaction for participants.

The following section focuses on sensitive research that examines traumatic experiences. Some studies have tried to show that asking questions about traumatic experiences is not as harmful as some research suggests. There is minimal research in this area (Yeater, Miller, Rinehart & Nason, 2012). Gold standards for research with participants who have experienced trauma do not yet exist (Jefferson, Stanhope, Jones-Harrell, Vester, Tyano & Hall, 2021). Some of the research that does exist raises a significant concern: what is traumatic for one person is not necessarily traumatic for the next. The following paragraph seeks to explain why the research suggesting asking about traumatic experiences is not harmful cannot be relied on at this time. Researchers, or anyone for that matter, cannot decide what triggers a trauma response in another person. A 2021 study concluded that trauma research does not exceed the minimal risk standard. Participants in that study reported that participation was equally or less bad than the stressors of daily life (Stirling, Nixon & Takarangi, 2021); however, the methodology of the study was flawed: participants (all university students) were shown a video of a rape scene and asked to complete various questionnaires that evaluated their emotional response. Participants were also asked to evaluate their regular emotional responses to daily stressors, like losing a possession or the death of a family member. While it is undeniable that rape can be very traumatic, it is not universally traumatic for every person. The participants were not exclusively people who had been raped. The study's data did show some participants reporting distress as a reaction to the video, though the average response was that daily life was equally or less stressful. The reproducibility of this data may be questioned in a context where the participants had experienced the sensitive topic they were asked about, or asked to watch (e.g., a survivor of

domestic violence asked to watch a video of domestic violence occurring). In much social research, the participants are asked to share about a particular experience they have had, not an abstract sensitive topic. For now, it appears that this this research is not sufficient to conclude asking about trauma is equivalent to the stressors of daily life.

Strategies for mitigating risks in sensitive research are quite similar to mitigating risks in other social research, though the researcher should be more attentive to the potential of harm. Monitoring body language, taking breaks, and reminding participants they can decline to answer a question are useful tools (Wiles, 2012). Particularly for sensitive research, Agllias (2011) recommends providing access to counselling services, community consultation in the development of questions, and encouraging participant-initiated coping. Kellehear (1993) recommends using questionnaires in place of interviews to provide participants greater protection from unintentional disclosures and feelings of pressure to respond. Dickson-Swift and Liamputtong (2008) emphasize the need for informed consent in sensitive research, while also warning that the consent process is more complicated in this type of research because the risks of harm can be difficult to explain. Furthermore, a signed consent form may create greater risk through documentation that a person participated in the study (Dickson-Swift & Liamputtong, 2008). Maintaining confidentiality and anonymity is also especially important in sensitive research (Wiles, 2012).

There are also benefits to sensitive research. Scholars suggest that having an opportunity to discuss a sensitive topic or experience can be cathartic or therapeutic for participants who may not otherwise have the chance to discuss it in their daily lives (Dickson-Swift & Liamputtong, 2008; Wiles 2012). The confidential nature of research ensures that participants can be open and honest, which they may not be comfortable doing in other spheres of their lives. Participation can be empowering, making participants feel heard (Dickson-Swift & Liamputtong, 2008). Carla Pascoe Leahy (2021) goes so far as to suggest that participation and conversation can begin the process of healing.

RESEARCHERS AND SENSITIVE RESEARCH

The conversation around sensitive research has led to an interesting and important discussion about risks to researchers. Social research has typically been understood as without risk for the researcher, but this is not necessarily the case (Wiles, 2012). Ethics review boards require detailed plans about how the research team will protect participants from harm, but rarely require protocols for protecting the researchers themselves (Bain, 2017; Dickson-Swift & Liamputtong, 2008). A 2021 study conducted by Mallon and Elliot brought twelve self-proclaimed sensitive researchers around the table to discuss the risks of their work. The study found that feelings of sadness, guilt, anger, fear, hopelessness, and discomfort were common for researchers during and after collecting sensitive data. Researchers reported feeling particularly uncomfortable over their lack of control in turning the results of the research into meaningful change (Mallon & Elliot, 2021). Sensitive research may also be tied to legal issues. For example Dickson-Swift and Liamputtong (2008) note that researchers may face dilemmas related to

mandatory reporting of child abuse, disclosure of illegal behaviour, or subpoenas of research data by the court.

In other research, authors have found that sensitive research blurs the boundaries between researcher and therapist, with researchers acting in the role of a therapist for participants (Pascoe Leahy, 2021; Agllias, 2011). Some researchers interviewed by Dickson-Swift and Liamputtong (2008) felt that counselling skills were necessary for conducting sensitive research. Others felt that having those skills complicated boundary issues. Digging into the emotional response of a participant in the interview even with the proper training can be damaging to the participant (Tylden, 2012). Agllias (2011) notes that sensitive researchers may take vicarious responsibility for the well-being of their participants.

Researchers can mitigate risks of harm by preparing well to enter the field, breaking up data collection between team members to limit time spent in the field, seeking counselling from a professional outside of the research team, engaging in self-care, and debriefing with the research team regularly (Wiles, 2012). Agllias (2011) suggests that researchers seek out training specific to conducting sensitive research prior to engaging in it.

Risks and Benefits

Research that involves humans can have significant benefits for society, but the research process can harm participants. Much social research does not provide direct benefits to the participants themselves (Canadian Institutes of Health Research et al, 2018). Researchers are called upon to minimize risks for participants. This is an ethical consideration that all researchers, including Mediate BC, must contend with when conducting human participant research. What constitutes a risk or benefit, and the weighing of those factors together, will depend on the values and goals of each unique participant (Appelbaum et al, 2021). Respecting participant autonomy requires disclosing the risks and benefits to participants and allowing them to make informed decisions. It is not possible to fully anticipate all benefits, or risks, to participation (Tyldum, 2012). It is an accepted practice to share that there may be unknown risks associated with the research (Resnik, 2018). Researchers and ethics review boards can seek to minimize risk, but the final decision remains at the potential participants' discretion.

“MINIMAL RISK” RESEARCH

The Tri-Council Policy Statement defines minimal risk research as “research in which the probability and magnitude of possible harms implied by participation in the research are no greater than those encountered by participants in those aspects of their everyday life that relate to the research” (Canadian Institutes of Health Research et al, 2018, pg. 22). The United States has a very similar standard and American data has shown wide interpretations of “minimal risk” where many scholars have questioned the meaning of the standard (Wendler, Belsky, Thompson & Emanuel, 2005). The risks that a person faces in daily life depends on what kind of life they live, where they live, and with whom they regularly interact. Those who live in violent

neighbourhoods risk seeing and experience violence on a daily basis (Wendler et al, 2005). Does this mean that these individuals can participate in riskier research than others? The answer should surely be no because this would further marginalize groups that are already vulnerable. Wendler and colleagues (2005) recommend using an objective interpretation of risk: what the average person experiences in their daily life.

Another concern with the minimal risk standard is that little empirical data exists about exactly how risky different every day experiences are. This means that ethics board members, when reviewing applications, are making their own determinations. Wendler and colleagues 2005 study of risk in every day experiences and risk decisions made by ethics review board members demonstrated that decision-makers make regular systemic errors when assessing another person's risk based on their own perception rather than empirical data.

RISKS

Assessing risks means considering the potential for harm, both psychological and physical, as well as the costs to the participants incurred by participating (Wiles, 2012). Some costs include money lost by missing work, paying for parking or childcare, or mere inconvenience. Financial costs can be offset by stipends to the participant (Wiles, 2012). In social research, most risks are related to psychological welfare: participants may have an emotional response during data collection, or as a result of the publication of research findings. Participants may be distressed when asked to recount a particularly difficult experience. They may feel used or devalued by researchers when the findings are made public. When studies garner media attention, participants may experience further harm (Wiles, 2012).

Part of conducting ethical research is minimizing risks to participants; this is an ethical issue with which researchers need to contend. Resnik (2018) posits that researchers need to conduct a review of the literature to better understand the potential risks. The research team and anyone interacting with participants needs appropriate training and knowledge to implement the research protocol as designed and approved (Resnik, 2018).

Wiles (2012) recommends having a plan in place to manage participant distress during fieldwork. Some elements of the plan could include monitoring body language, suggesting breaks as needed, suggesting to stop the interview entirely, allowing people to decline to answer a question, or debriefing after the interview (Resnik, 2018; Wiles, 2012). Debriefing with participants does raise the risk of crossing the boundary from researcher to therapist, as discussed earlier.

BENEFITS

One of the key benefits of social research is the advancement of knowledge, typically for the betterment of society (Resnik, 2018). Appelbaum and colleagues (2021) highlight that participants in social research are acting altruistically and to respect that, research should be designed to have the most impact possible. Direct benefits for participants are less common

(Resnik, 2018). Participating in social research can have non-quantifiable benefits for participants, like feeling heard, feeling as though they are influencing public policy, clarity from talking through experiences with an independent person, or empowerment from expressing views (Wiles, 2012). Participants may garner a sense of satisfaction from participation, feeling as though their contribution benefitted their community (Appelbaum et al, 2021).

There is extensive scholarly discussion on the use of payment as a benefit to participation in research (see, e.g. Resnik, 2018; Pieper & Thompson, 2015; Wiles, 2012). From a practical viewpoint, being paid for participation is a benefit (Resnik, 2018). On the other hand, the amount of payment could transform what was meant to be a benefit into an incentive and unduly influence participants into joining the study. This is a particular concern for low-income groups who may feel obligated to participate just to receive the money.

Informed Consent

Informed consent is one of the pillars of ethical research. As such, it is always an ethical issue that researchers will need to contend with when conducting human participant research. Informed consent assures research participants that investigators will protect them from harm, and treat them with respect (Resnik, 2018). It is a practical application of the research value ‘respect for persons’ (Henderson, 2011).

Resnik (2018) identifies five elements of consent:

1. **Competence:** The potential participant needs to have legal capacity to make a decision. In Canada, adults are presumed competent unless there is evidence to the contrary.
2. **Information:** The potential participant needs to have enough information to make a responsible choice. Sufficient detail should be included so the participant can weigh the risks and benefits.
3. **Voluntariness:** The person providing consent needs to be able to make a free choice; consent should take place under circumstances that minimize coercion and undue influence.
4. **Comprehension:** The potential participant needs to understand the information presented. Language used should be understandable to the reader. The format in which information is presented should facilitate understanding.
5. **Authorization:** The person providing consent needs to actually agree to the action or interaction that requires consent (i.e., participating in the research). This can be communicated by signing something, verbally, or in another manner.

There is a common misconception that consent is a form. In fact, it is a process (Resnik, 2018; Henderson, 2011; Flory & Emanuel, 2004). Researchers should provide relevant information to potential participants about how the research will be conducted, risks and benefits, measures taken to protect participants, and their rights (e.g., to withdraw, to decline to

answer a question). Potential participants should have an opportunity to ask questions and discuss their concerns. Researchers must be open and honest during this process (Resnik, 2018; Sanchini, Bonizzi, Disalvatore, Monturano, Pece, Viale ... & Boniolo, 2016). Honesty and an opportunity to ask questions are especially important given the participants' reliance on the researcher to understand the research process and the consent documents themselves (Albala, Doyle & Appelbaum, 2010). Signing the form (if that is the method chosen, as it often is) is the final step in a long process of informed consent (Henderson, 2011).

One method of consent, typically used in medical research, is opt-out consent. This enrolls everyone in a specified group (e.g., on a ward at the hospital) in the study unless they express a desire to opt-out. Opt-out consent is criticized for not upholding participant autonomy, since silence should not be equated to consent. Opt-out consent also leads to distrust of researchers, and research institutions, which may negatively affect future research. Opt-out consent should only be used when opt-in procedures are impractical (Resnik, 2018).

Within the discussion of informed consent, it is important to raise issues surrounding power relationships, undue influence, and coercion. This is relevant to consent because agreement to participate may be a product of the participant deferring to the desires of the person in a position of power, rather than consent being voluntary (Pieper & Thomson, 2015). There is always an inherent power imbalance between researchers and their participants (Dickson-Swift & Liamputtong, 2008). Power imbalances can also be heightened when participants are vulnerable (Pieper & Thomson, 2015). Dependent relationships, such as student-teacher/professor, or employer-employee also have inherent power imbalances that can impact voluntary consent (Resnik, 2018; Dekking et al, 2014). Any relationship where one party has actual power over another, or could be perceived to have power over another, ought to be addressed.

There are two main approaches to addressing power imbalances that may lead to unduly influence someone into participation: the process approach, and the content approach. Dekking and colleagues (2014) explain that the process approach involves having a third party, outside of the researcher-participant relationship explain the study, its risks, and benefits, answer questions, and document consent. This makes the consent process more formal and tends to be seen by participants as "outside" the dependent relationship. The third party is perceived as neutral. This approach is critiqued because often, the third party is not actually neutral; they are an unknown member of the research team, who is likely invested in recruiting study participants. It also places greater demands on researchers, who need to train and employ new team members to do this job (Dekking et al, 2014).

The second approach, the content approach, involves ensuring that two pieces of essential information are conveyed to potential participants: that they can withdraw at any time, and that they will not suffer any consequences from refusal or withdrawal (Dekking et al, 2014). These two elements are essential to ethical research with human participants, alongside the right to

withdraw any already-collected data (Pieper & Thomson, 2015). The efficacy of the content approach is not well-studied; it is neither supported nor unsupported by the literature. Conversations with the researchers (when there is a dependent relationship between researcher and participant) could be more informative than a separate third party, allowing the participant greater knowledge on which to make a decision. Yet sharing information about rights does not necessarily make participants believe it or give them the willingness to act on those rights (Dekking et al, 2014).

Tyldum (2012) poses an interesting, though unpopular, argument that sometimes potential participants should be pressured to participate in research, to ensure data is representative. Studies have shown that groups with higher social capital are more like to volunteer to participate, but this means data predominantly reflects their experiences. Tyldum (2012) points out that coercion is very much accepted in some research, such as government population censuses, where citizens have a legal obligation to participate.

CRITIQUES + PROPOSED SOLUTIONS

This subsection considers the critiques of consent as it is currently operationalized and discusses the proposed solutions to address the critiques. This section helps answer the secondary research question about how ethical challenges can be addressed.

Consent as currently operationalized has been critiqued for being overly focused on individual autonomy (Henderson, 2011). These critiques do not come from a place of rejecting the idea of informed consent. Rather, the critique stems from a recognition that the current consent processes are rooted in an American emphasis on individual rights, while other cultures and communities may not adhere to that value (Henderson, 2011). Henderson (2011) recommends paying attention to culturally appropriate ways of implementing participant protection and engaging both communities and institutions to develop appropriate processes. Kiri West-McGruer (2020) echoes this concern, highlighting that research over-relies on informed consent from everyone even when conducted in communities that value collective autonomy. UNDRIP highlights the existence and importance of collective consent in many Indigenous communities (United Nations, 2018). West-McGruer (2020) does acknowledge that collective consent can be impractical to obtain. Though not commenting directly on this debate, Pieper and Thomson (2015) emphasize that researchers should engage with groups in ways that reflect respect and understanding of their cultural norms and values. This can, and should, be applied in the context of consent.

Despite an emphasis on informed consent in research ethics protocols, consent forms have become longer and less readable. Language has become increasingly legalistic (Henderson, 2011). In 2012, the average consent form was 18 pages long and over 4000 words (Benatar, Mortimer, Stretton, & Stewart, 2012) The significant length of consent forms means that many do not read the whole document, while others fail to understand the language used (Benatar et al, 2012; Flory & Emanuel, 2004). The increased length of consent forms has been critiqued for

protecting the institution conducting research, not the participants themselves, despite the intentions of the form being participant welfare (Henderson, 2011). Furthermore, research demonstrates that removing legalistic language is one of the most effective interventions for increasing comprehension and recall of consent documents (Benatar et al, 2012).

Multimedia interventions have not been successful at improving participant understanding (Flory & Emanuel, 2004). An older, but still relevant, study found that after incorporating feedback from research ethics review boards, consent forms were longer, and had a mean increase in grade reading levels of 0.9 (Burman, Breese, Weis, Bock, Bernardo & Vernon, 2003). Another study found that the most effective way to present information to participant is a simple booklet alongside a simplified consent form (Benatar et al, 2012). It is notable that this study only involved paper documents, not a conversation between researcher and potential participant. In the study of 282 participants, those who received a simplified form and booklet were most likely to report reading all of the information and feeling as though they understood it (Benatar et al, 2012).

Privacy, Confidentiality, and Anonymity

Protecting the privacy of research participants is seen as a key component of ethical research. As such, a discussion about privacy, confidentiality and anonymity helps answer the primary and secondary research questions of this paper. As with many of the ethical elements discussed in this paper, there is not a universally-accepted definition of privacy. A popular definition refers to the ability to control the collection, use, and disclosure of one's own personal information (McGraw, Greene, Miner, Staman, Welch, & Rubel, 2015). Maintaining privacy respects and protects participant autonomy to decide how, when, and to whom their personal information and experiences are disclosed (Macnish, 2020). Traditionally, researchers have relied on anonymization as a means of protecting privacy, in conjunction with seeking authorization from participants when anonymity is not possible (McGraw et al 2015).

Anonymity and confidentiality are frequently conflated. True anonymity occurs when the researchers themselves do not know the identities of the people participating in their research. Confidentiality, on the other hand, refers to when researchers know who their participants are, but commit to not revealing that information. To complicate things further, anonymization refers to the process of deleting identifying information from data and reports, a process that is notoriously difficult (Roth & von Unger, 2018; Wiles, 2012).

Ethics issues involving privacy arise early in the research process, despite a perception that most issues arise with the publication of results. Data collection can raise privacy concerns. It is impossible to guarantee anonymity or confidentiality in group work. When participants look around the group, they will know who else has participated. Even if a participant chooses a pseudonym, the other members of the group will know what they look like. A researcher should not provide a guarantee of confidentiality when conducting group work (Macnish, 2020).

Further, when any information about a participant has been collected, it needs to be stored securely. This means that documentation of consent must be stored as securely as data collected. Nobody besides the authorized researchers should have access (Macnish, 2020). Though added safeguards can be inconvenient for researchers seeking to access data, the core concern should be ensuring that nobody unauthorized can access the information (Lowrance, 2012). Macnish (2020) provides the following recommendations for storing data in ways that uphold participant privacy:

- Hard copies should be kept in locked cabinets, which can only be accessed by those with permission; and
- Soft copies should be stored on password protected, encrypted or air-gapped servers.

When it comes time to publish results, the most common method of protecting privacy is by replacing names with pseudonyms, but also may include removing information about the participant's traits or where the research was conducted. Wiles (2012) highlights the importance of removing identifying information about the location of the research and being cognizant of what descriptive information other than name is included. In smaller communities, or niche research areas, it can be easy to take an educated guess about the participant's identity if enough descriptive information is included. Some researchers choose to alter information, instead of removing it. Some researchers choose to change an individual's job, gender, or medical condition to reduce the risk that the participant will be identified (Wiles, 2012); however, this raises the concern about how much context can be changed before the data presented is not accurate (Tyldum, 2012). Researchers need to take care to make sure that the integrity of the data is maintained (Wiles, 2012).

Anonymizing results is considered especially important for protecting vulnerable participants (Roth & von Unger, 2018). When anonymity fails, participants are at risk of harm, ranging from censure to loss of friends and employment (McGraw et al, 2015; Wiles, 2012). Anonymous reporting is seen as empowering for participants, giving them freedom to share experiences without consequences. (Macnish, 2020; Gordon, 2019). Interestingly, some researchers have questioned whether this is *always* true, suggesting that mandatory anonymity denies participants their right to be heard and silences them (Gordon, 2019). For example, some women have reported a desire to be named, wanting to be recognized for the work they did and beneficial outcomes of the research (Gordon, 2019). Other women suggested that after being silenced for so long, they now wanted to own their narrative (Gordon, 2019). This is not to say that anonymity is always silencing, or that it is no longer appropriate; rather, researchers should think critically about anonymizing their data, and question the assumption that anonymity is always required (Gordon, 2019).

Conclusion

Designing an ethical research protocol is no simple task. Researchers need to engage critically. There is a wealth of scholarship on areas of concern for ethical research, which highlights many areas of ethical research with which Mediate BC, will need to contend. Considerations of participant vulnerability, based on characteristics of participants in context, rather than only group membership, is an important place to start. Vulnerable participants require a heightened level of concern to ensure research is conducted properly. Research on sensitive topics also warrants increased concern. Informed consent, mitigating risks, and protecting participant privacy are key characteristics of ethical research.

This chapter highlights the meaning of these ideas, the critiques raised in the literature, and strategies that could be implemented to ensure participants are protected. This chapter does not highlight all ethical concerns that may arise when conducting research with human participants. It does however, address some of the most significant concerns that emerge from a review of the literature on ethical research with human centered research. The concerns raised in the literature, as will be apparent in chapter six, align with what the research team observed in the design of a research protocol about the timing of child protection mediation.

Chapter 4: Literature Review - Child Protection Mediation

Introduction

This chapter seeks to provide context for the case study in chapter five. The research design selected was informed by the existing knowledge on child protection mediation. An understanding of the literature discussed in this chapter will lead to a more fulsome understanding of the discussion of ethical principles in chapter six.

This chapter examines research literature on child protection mediation (CPM) published in approximately the last 25 years. This chapter focuses on child protection mediations in British Columbia when possible, though literature from across Canada, the United States, and Australia is used. This chapter seeks to answer the following questions about child protection mediation:

1. What outcomes are sought and achieved by child protection mediations?
2. When are referrals made to child protection mediations? What are alternative collaborative design-making mechanisms available, and when are those methods chosen instead?
3. How do Indigenous families experience child protection mediation?
4. What are the problems with the current literature? Where are there gaps in the literature?
5. What impact does timing have on the efficacy of mediation?

This review will begin by explaining what child protection mediation is and when referrals are and are not made to CPM programs. In the next section, alternatives to mediation, including traditional decision making and family group conferencing are discussed. An overview of the outcomes sought and achieved by CPM noted in the academic literature and in Ministry-ordered program evaluations are discussed. The experiences of Indigenous families in mediation are examined. This chapter concludes by outlining the gaps in current literature and noting areas for future research.

The most significant theme arising in this chapter is the need for more research; there is a gap in the literature regarding the timing of child protection mediation and Indigenous experiences in mediation. The research supporting the efficacy of mediation is also becoming outdated. Few longitudinal studies exist on this topic. More research is needed in almost every area of child protection mediation.

What is Child Protection Mediation?

Child protection mediation is a well-regarded form of collaborative decision-making used in the British Columbian child protection system. “Child protection system” refers to the organizations within the provincial government that address child abuse and neglect. CPM is one

of several collaborative decision-making (CDM) processes (such as traditional decision making or family group conferencing) used in child protection. Mediation can occur after a child protection issue has been investigated and determined to exist as an alternative to court. Mediation arose because of dissatisfaction with the adversarial system as a means for addressing child protection issues (McHale, Robertson & Clarke, 2009).

Mediation was first introduced in British Columbia (BC) in the early 1990s. The first program was in Victoria, British Columbia, in 1992. At this time, programs in the United States implemented in the previous ten years had demonstrated that mediation was a viable option for collaborative decision-making in child protection (McHale, Robertson & Clarke, 2009). Due in part to the success of the Victoria pilot project, British Columbia implemented legislation that encouraged early, cooperative resolution of disputes outside of court. Though legislation was not necessary for mediation to occur, this development was seen as institutional support for mediation programs (McHale et al, 2009). The government went further by creating the official roster of child protection mediators, as well as working with the private sector to expand training opportunities for child protection mediators (McHale et al, 2009).

By 1997, mediation programs were expected to be increasing in numbers and services. In practice, this did not happen (McHale et al, 2009). Child protection workers, lawyers, and families were all resistant to mediation. Proponents of mediation worked hard to educate parties about the benefits of mediation, while simultaneously making small adaptations to programs to address concerns (McHale et al, 2009). While some resistance exists to this day, significant growth has been observed in child protection mediation programs since the early 2000s. In British Columbia in 2001-02, there were only 77 cases where mediation was initiated. By 2007-08, mediation was initiated in 824 child protection cases (McHale et al, 2009).

COURT PROCESS

The traditional response to a child abuse determination involves the apprehension and removal of the child that is suffering abuse or neglect. At this stage, a child is removed from the home and placed either with extended family or in foster care. Following apprehension, a lengthy and complex court process ensues (McHale et al, 2009). The process is time-consuming, messy, and adversarial in nature. Described by the former Chief Justice of the British Columbia Provincial Court Robert Metzger, trials seek to fix blame, not develop a plan of care for the child moving forward (Metzger, 1997).

MEDIATION

In contrast to the traditional approach, mediation is a “collaborative problem-solving” process involving an “impartial facilitator who works with parents, lawyers, child protection and other professionals to reach a consensus regarding how to resolve issues of concern when children are alleged to be abused, neglected, or abandoned” (Olson, 2020, p. 938). Mediation does not determine if a child is being abused. Mediation is about building solutions moving forward in an interest-based environment (Bennett, 2008; Edwards, 2009; Madden & Aguiniga,

2013). Typically, the mediation includes a trained mediator, parents or guardians of the child, counsel for the parent, the child protection worker assigned to the file, and counsel for the Director (who represents the interests of the child protection agency). There is typically only one mediator present, though some studies have suggested co-mediators can be beneficial when discussions reach a stalemate (Kathol, 2009). Linda Crush (2005) identifies that inclusion of lawyers for parties is key to a successful child protection mediation. The child, or their representative, may be present, if appropriate (Olson, 2003). Some parents choose to bring a support person. As well, representatives from other community support agencies may be present to discuss their involvement in the agreement. The mediator is neutral, helping all parties voice their concerns, frustrations, ideas, and perspectives while exchanging important information (Olson, 2020; Olson, 2003).

Mediation is often introduced into the child protection process as an alternative to court-annexed decision making for several reasons. Maresca (1995) observes that the length of time litigation takes in child welfare cases is not in the best interests of the child. The timeline referred to is “many months” (Maresca, 1995, p. 732). The court process is also adversarial where the child protection worker and the parents are pitted against each other. This has psychological and emotional costs to the parties, including the children, and creates a hostile relationship between guardians and the child protection agency (Bennett et al, 2008, Olson, 2003; Barsky, 1996).

Child protection mediation does not follow a strictly prescribed format; participants can make it their own unique process to address the issues specific to their family (Bennett 2008). That said, typically, a mediator will first meet with parties separately (in private “caucuses”) to gain further understanding into their positions, in addition to the larger meetings with all parties present (Olson, 2020). Together, with the help of the mediator, the parties develop a plan for parenting the child(ren). The primary role of the mediator is to facilitate communication (Madden & Aguiniga, 2013). Mediation agreements are tailored to suit the unique needs of each family whereas court-ordered plans (designed by the child protection worker) tend to be template-like, containing the same information and ideas, which does not necessarily reflect the concerns and needs of each family (Olson, 2003). A mediated agreement typically includes steps for case plan advancement (e.g., attending parenting classes or addiction treatment), establishing permanency for the child, visitation schedules and locations, and a communication plan for parties moving forward (Bryan et al, 2011).

Referrals to Mediation

While mediation is not the only option available for child protection decision-making, it is sometimes recommended over other methods of dispute resolution. Other options include traditional decision-making and family group conferencing (Government of British Columbia, n.d.) This section aims to explain when referrals are made to child protection mediation programs over other options. Referrals to mediation programs can be made by child protection agencies, social workers, lawyers, and parents; and have been made for a variety of topics,

including permanency planning, communication issues, visitation, access to services and resources, and parent behaviour (Bryan et al., 2011; McHale et al., 2009; Giovanucci & Largent, 2009; Coleman & Ruppel, 2007; Olson, 2003; Maresca, 1995; Savoury et al., 1995). Some researchers have suggested that mediation can be employed in all child welfare matters, although this opinion is not held by all child protection mediation supporters (Thoennes, 2009).

Cases are not considered appropriate for mediation if there is a threat of immediate harm to a child (Giovanucci & Largent, 2009). Mediation cannot be used to determine the veracity of child abuse claims (Giovanucci & Largent, 2013; Bennett et al., 2008). If parents or guardians have cognitive or psychological impairments that may negatively impact ability to participate and give consent, mediation cannot be used (Giovanucci & Largent, 2013). All parties must have the ability to advocate for themselves, though many will be accompanied by advocates. It should be noted that a guardian can bring a support person, community advocate, or legal representative to the mediation to help in their self-advocacy. Apart from these caveats, literature suggests that CPM can be used in most child welfare disputes (Thoennes, 2009).

Resistance to Mediation

Despite the literature's support of CPM, there is noted resistance to its use from professionals involved in the child protection field. In Canada, child protection workers and the legal community have expressed concerns about CPM programs for various reasons. For example, Linda Crush identified multiple reasons for this resistance in her 2005 analysis of Canadian CPM programs:

- CPM programs did not meaningfully consult child protection workers, lawyers, and the local communities (both Indigenous and non-Indigenous) in which programs were running;
- Not enough autonomy given to local child protection agencies to allow them to tailor mediation to their communities, resulting in low referral rates to programs (this finding is mirrored in a 1995 analysis of Nova Scotia's CPM program, which was cancelled due to low referral rates (Savoury et al., 1995)); and
- Insufficient training of mediators.

Child protection workers may feel that their authority is threatened by the mediation process (Savoury et al., 1995; McHale et al, 2009). Bennett (2008) argues that child protection workers have been taught for too long that they alone have the answers to the problems families are facing, so workers view alternative measures, like CPM or FGCs, as an ineffective use of time. This is concerning, given that the balancing of power dynamics is a key benefit of CPM. McHale and colleagues (2009) further noted that child protection workers saw the introduction of mediation as a threat, because they viewed it as meaning they needed help doing their jobs. Some child protection workers also worried that the mediator would usurp their role and they would be out of a job (McHale et al, 2009).

Research has also found that lawyers may pose resistance to mediation. As part of the “Jumping Through Hoops” study, Bennett (2008) interviewed six lawyers in Manitoba who work with Indigenous families. While these particular results are not generalizable, some thought-provoking opinions were shared. Lawyers identified that alternative dispute resolution (ADR) mechanisms may be useful prior to the apprehension of a child, but felt that once this happened, ADR would no longer be useful (Bennett, 2008). The explanation given is that as the parent’s emotions are so high and their views are so opposite to that of the child protection worker, the two cannot be reconciled. Finally, lawyers noted that ADR is too time consuming, with such low chances of resolution that the time is wasted since cases often return to court anyways (Bennett, 2008). McHale and colleagues (2009) also found that lawyers felt CPM was too time consuming and were dubious an agreement would be reached.

The perceived impartiality of the mediator may also play a role. If the mediator is seen to have a bias, this can impact the willingness of professionals and families to participate in the process (Maresca, 1995; MacFarlane, 2016). For example, some families have resisted mediation because it was offered by the government (McHale et al, 2009). Families were noted to assume that the mediator would side with the child protection worker because they understood both as coming from the Ministry (McHale et al, 2009). Indigenous families, who have been historically exploited by the child protection system, often view any government-offered service with distrust because of the role of the state in disrupting their families (Cameron, 2006).

Professionals and families may not be aware of child protection mediation as an option. This may also contribute to low mediation referral rates (McHale et al., 2011).. Moreover, research conducted on this topic has tended to include small sample sizes in small geographical areas. Future research with a larger jurisdiction or multiple jurisdictions and more participants would contribute to a more comprehensive state of knowledge in this area than what currently exists.

Power Dynamics in Mediation

Mediation seeks to address the power imbalance between parents or guardians and the child protection worker (Olson, 2020). This section provides a brief overview on the literature surrounding power dynamics in child protection mediation. The academic literature suggests that mediation does balance power dynamics between parties successfully, though individual agency evaluations (discussed in a later section of this literature review) suggest that a power imbalance continues to exist. Some argue that mediation is harmful to parents, especially mothers, because they feel an obligation to participate. Sinden (1999) argues that in an informal process like mediation, it is easier for those in power to take advantage; however, Olson (2003) found that the mediator’s presence by itself had a power-balancing impact. In a small study (n=5) that cannot be generalized to the population at large, Barsky (1996) noted that child protection workers were not holding the possibility of returning to court over the parents’ heads. Despite having power over the families, the child protection workers were not exercising this power. In Barsky’s

research, child protection workers appeared genuine in their participation, seeking to effectively reach an agreement without need to go to court.

Olson, (2003) argues that mediation is harmful to parents, especially mothers, because they feel an obligation to participate. Olson (2003) also rebuts Sinden's theory by saying that while mediation is it is possibly harmful, but the overall risk of harm is less than in litigation. Others argue that mediation is not appropriate in child protection cases; however, this has been repeatedly dispelled by research (Edwards, 2009; Thoennes, 2009).

Outcomes of Child Protection Mediation

The research on mediation describes the success of the intervention in child protection proceedings; however, each study defined "success" slightly differently. Thoennes commented that success means something different to each party that goes to mediation (Kathol, 2009), which makes the literature difficult to generalize. In measuring success, the research demonstrated that agreement rates are often seen as a marker of success. Other studies have looked at time and costs saved by avoiding court, party satisfaction, party empowerment, and permanency (Olson, 2003; Kathol, 2009; Bryan et al, 2011; Madden & Aguiniga, 2013; Barsky, 1996). The factors used to demonstrate the success of mediation in other studies point to the outcomes sought and achieved by mediation.

SAVED FINANCIAL COSTS

Mediation is far less expensive than going to court for parents and the justice system. The cost of legal representation for parents is high. Court time also costs the public purse: funds are required for court space, court staff, and court services, among other things (Bennett et al, 2008). In Hamilton County, Ohio, a child protection mediation program resulted in cost savings of 39 percent for the court system in 2002 (Olson, 2003). Thoennes (2009) accepts that it is difficult to quantify exact savings, but studies have estimated that mediation saves between \$637 to \$10,000 per case diverted from court to mediation. In an evaluation of a mediation program in Toronto, it was found that the total cost for the Children's Aid Society to resolve a case in full through mediation was \$1100. An uncontested court case cost the same Children's Aid Society, at the same time (1992), \$1500 in legal fees alone (Maresca, 1995). That does not reflect any financial costs to parents.

Compared to a control group with court-ordered plans, cases that are mediated are less likely to return to court within twelve months of case closure, reducing future court costs as well (Gatowski, Dobbins, Litchfield & Oetjen, 2005). It is suggested in the literature that the reduced rate of re-litigation is because parties, particularly parents or guardians, are more likely to comply with a case plan when they have helped create it. Parents feel a sense of ownership over the plan (Bennett et al, 2008; Olson, 2020). Parents are less likely to sabotage plans or view plans as unfair (Bennett et al, 2008). Parents who have undergone mediation report that they

understand their responsibilities better than parents who have plans ordered by the court (Olson, 2020). Greater compliance leads to a reduced rate of cases returning to court for re-litigation.

RESOLUTION/SETTLEMENT RATES

The literature refers to coming to an agreement in child protection mediation as either a “resolution rate” or a “settlement rate.” Studies have noted reliably similar resolution rates for child protection mediation across Canada and the United States. Gatowski, Dobbins, Litchfield and Oetjen (2005) conducted a program evaluation in Washington, D.C., where they found that 93 percent of mediated cases reached either full (54%) or partial (39%) settlement. Olson (2003) found that 70-89 percent of cases were resolved in an Arkansas evaluation of multiple CPM programs. In Olson’s 2003 study, she found that in mediations that only reached partial agreement, 90 percent of issues to be discussed were resolved. In 2009, Nancy Theonnes examined fourteen existing studies on CPM. She noted that 60-80 percent of CPM cases reach a full agreement, with an additional 10-20 percent reaching a partial agreement (Thoennes, 2009). Notably, Theonnes (2009) found that in cases involving the termination of parental rights, full resolution rates were closer to 50-60 percent. In a study which examined 325 participant evaluation forms and 124 mediator reports completed after mediation, it was found that 52.4 percent of cases were fully settled, and 11.3 percent were partially settled (Bryan et al, 2011). While the authors did not separate the settlement rates for cases involving the termination of parental rights and those that did not, they did note that “most” of the cases in their study involved the termination of parental rights (Bryan et al, 2011). This data demonstrates that mediation leads to an agreement (either partial or complete) the majority of the time. One of the key outcomes sought by child protection mediation programs is an agreement between the family and the child protection worker. CPM is successful at achieving this outcome.

The data notably does not discuss when the meditations were conducted. There is no available data on whether mediations are more, equally, or less effective at achieving agreements if conducted earlier in the child protection process.

SAVED TIME

There are several ways that child protection mediation has been found to save time. This section predominantly refers to the amount of time used to resolve the child protection dispute.

Child protection mediation has been observed to reduce the amount of time that a child spends in foster care, away from their permanent home, whether the permanent home is back to the parents or not (Olson, 2020; Edwards, 2009). In a 2007 study that collected surveys from 33 American states and two Canadian provinces, the average mediation session took two to three hours (Kathol, 2009). Similarly, Gatowski and colleagues (2005) found that the average time spent to mediate a case was 2.2 hours. 67.4 percent of child protection mediations required only one session, while 24.4 percent required two sessions (Kathol, 2009). In a 2003 study, Olson found that mediated agreements resulted in resolution one to two months earlier than non-mediated agreements.

Madden & Aguiniga (2013) noted that the number of court officials and child welfare administrators view CPM as being both a logical and cost-effective means for creating safe and agreeable case plans in a timely manner. This opinion is reflected in the literature: mediation has been observed to save court time, while also producing better, more detailed agreements with longer-lasting results (Edwards, 2009, Thoennes, 2009; Gatowski et al, 2005; Olson, 2003).

Mediated cases are further said to reach disposition faster (see, e.g., Holyk & Harder, 2011; Pierce, 2009; Gatowski et al, 2005). In a case-control study, the families that went through mediation reached an agreement and had it approved by the court an average of 49 days after the initial hearing. The control group of families who had a court-ordered plans following a hearing took an average of 86 days (Gatowski et al, 2005). Preparing and participating in mediation requires a different type of work for child protection workers, which can be just as time consuming as preparing for a court process. There is some evidence that an experienced social worker who can coordinate mediations can lessen the workload for social workers. Some ministry evaluations found that a designated mediation coordinator² is crucial to the ongoing success of the program (Holyk & Harder, 2011; Focus Consultants, 2009; Pierce, 2009, 2010a & 2010b). With or without a coordinator, mediation appears to result in a faster closing of cases. Cases that went through mediation were closed after an average of 7 months, while non-mediated cases were closed after an average of 8.6 months (Gatowski et al, 2005).

RELATIONSHIP BETWEEN PARENT AND CHILD PROTECTION WORKERS

According to various authors, mediation enhances communication between parties; it teaches parents and child protection workers (CPW) how to effectively communicate with one another (Bennett et al, 2008; Madden & Aguiniga, 2013). Various studies demonstrate that parties establish a cooperative relationship coming out of mediation (Bennett et al, 2008; Kathol, 2009). Seventy three percent of child protection workers reported that their relationship with the parents or guardians improved because of mediation (Coleman & Ruppel, 2007). Conversely, one of the effects of the adversarial approach is that parents and CPW are pitted against each other, resulting in lack of trust in that important relationship (Olson, 2020). Lawyers even sometimes warn their clients against openly speaking with the child protection worker during the court process (Bennett et al, 2008). Further, court involvement takes significant psychological and emotional energy, particularly from parents, though from other parties as well, which can damage the working relationship between parent and child protection worker (Bennett et al, 2008). Researchers (e.g. Kathol, 2009) suggest mediation leads to more positive future working

² Ministry evaluations typically use ‘Court Work Supervisor’, ‘Mediation Coordinator’ and ‘Mediation Supervisor’ to refer to this position. Smaller programs in more remote areas had roles with similar titles, but much more limited jurisdiction: ‘Mediation Facilitator’, ‘Mediation Consultant’ and ‘Mediation Supervisor’ (Focus Consultants, 2007a, 2007b & 2008). These positions did not typically attend mediations, and sometimes did less coordinating and scheduling work than a Court Work Supervisor or Mediation Coordinator.

relationships, but this has not been empirically examined. A longitudinal study is needed to evaluate this relationship.

PARTY SATISFACTION

The academic research suggests that the parties, particularly the family, feel empowered in the mediation process (Olson, 2003; Barsky, 1996). This is explained through evidence that, in mediation, parents can tell their story, ask questions, explain the unique circumstances of their family, and participate in the decision-making process (Olson, 2020). This extensive information sharing creates an enhanced collaborative environment that produces better outcomes for families. Barsky (1996) observed that in mediation, parties were able to listen to the opinions of others and change their own based on the new information.

Olson (2003) found that 75-90 percent of parties state that they are satisfied with the mediation process and results. Similarly, Bryan and colleagues (2011) found that 75.1% of all participants (n=325) were satisfied with the mediation. Foster parents and child protection workers reported a satisfaction rate of 85-90 percent. Biological parents and other relatives reported a satisfaction rate of 53-59 percent (Bryan et al, 2011). Studies posit party satisfaction for a variety of reasons including:

- Power balancing between child protection worker and other parties (Olson, 2003);
- Parties are treated with respect and dignity (Bennett et al, 2008);
- Parents feeling heard (Olson, 2003; Bennett et al, 2008; Olson, 2020);
- All parties (including extended family) having an equal opportunity to participate in solution-development (Barsky, 1996; Thoennes, 2009; Madden & Aguiniga, 2013);
- Possibility to tailor agreements to each specific family (Olson, 2003); and
- Fairness (Bryan et al, 2011).

Timing of Child Protection Mediation

This section aims to discuss the available literature on timing of child protection mediation. Timing refers to the stage of the child protection process in which mediation occurs, not the duration of a mediation. In the context of this research, “early” mediation refers to mediations conducted within 30 days of a child protection dispute arising. Many child protection mediation researchers have anecdotally commented that early mediation is likely more effective than later mediations. It is not known if the outcomes discussed above are more, less, or equally likely if a mediation occurs sooner after the child protection dispute begins. California Judge Leonard Edwards suggests that early mediation can have high levels of success because parties have not yet become entrenched in their adversarial positions, and parental frustrations with the system are not as high as they will likely become (Edwards, 2007). Giovannucci and Largent (2009) comment that early-stage referrals are likely to lead to a quicker and more satisfactory resolution. Honourable Patricia Martin (2009) echoes this. After finding that late mediation does

not have a statistically significant impact on permanency, Madden and Aguiniga (2013) suggest that early mediation may change this result.

Early stage mediations influence all subsequent actions in a case (Edwards, 2009). This may mean that even if the results are the same at early mediation and late mediation, early mediation has better impacts on families, MCFD, and the court. In a 2005 evaluation of a Washington DC CPM program, 93 percent of early mediations were able to reach a full or partial settlement (Gatowski et al, 2005). This study did not compare results between early and late mediations.

Notably, Firestone (2009) noted that in a child protection mediation, parents may feel a greater pressure to settle the dispute by compromising, in an effort to have their child returned to their home faster. It is unclear if this is true in both early and later mediations.

In a non-child protection context, Robyn Gnudi (2008) writes that early mediation is not always effective because parties have not yet had time to temper their expectations. Conversely, Williams (2017) writes that “conventional wisdom” suggests mediations should happen as soon as possible to preserve the ongoing business relationship between parties, as well as reducing attorney fees. Given the lack of literature about early child protection mediations, it would be interesting to examine whether either or both Gnudi’s and William’s comments are true in the child protection context.

Researchers have identified a need to examine the efficacy of earlier and later mediation (Madden & Aguiniga, 2013). For this to be done in B.C., it first needs to be established whether early or late mediations have different outcomes, and what those outcomes are. Mediate BC indicates that there is anecdotal evidence from staff that mediation is introduced into child protection cases after conflicts have already escalated. A study comparing the outcomes of early mediation to late mediation would fill a gap in the current literature.

Indigenous Experiences in Child Protection Mediation

This section aims to examine the experiences of Indigenous families and children in child protection mediations. In general, there is a lack of literature about the experiences of Indigenous peoples with child protection mediation, and the child protection system as a whole (Bennett, 2008). This is problematic given the overrepresentation of Indigenous children in the child protection system. Indigenous children are six to eight times more likely to be in care than non-Indigenous children (Blackstock, 2010), and successive generations of Indigenous families continue to be involved with the child protection system (Walkem, 2015). This is especially relevant in British Columbia, given that the overrepresentation of Indigenous children in child welfare in Canada is most pronounced in the western provinces (Fluke, Chabot, Fallon, MacLaurin & Blackstock, 2009). Cameron (2006) notes that Indigenous families have had all aspects of their lives “stolen” by the state – not only their conflicts. It is essential to understand

this to understand Indigenous resistance to engaging with child protection services (Cameron, 2006).

The federal government exercises significant control over child protection on reserve. First Nations are required to accept provincial or territorial laws to get funding for programming. This limits the services that Indigenous communities can provide (Blackstock, 2016). The BC government has acknowledged that joint-decision making, incorporating Indigenous legal orders, has the potential to change outcomes for Indigenous children. Indigenous families often experience pressure to assimilate in child protection. Their identity and culture has been historically undervalued or even ignored (Bennett, 2008). Indigenous parents reported feeling more harshly judged, and subject to more scrutiny and conditions than non-Indigenous parents (Walkem, 2020). Holyk and Harder (2016) argue that despite a lot of talk, the Ministry of Children and Family Development continues to see themselves as the “ruling class” while Indigenous groups are “others.” Outside of mediation, Indigenous mothers have expressed concerns that they were not consulted regarding the plans made for their children. These mothers also reported being encouraged by their legal counsel to accept the proposed plan rather than challenge it (MacDonald, 2002). Many Indigenous mothers are not made aware of the option to request mediation or other alternative dispute resolution mechanisms (Bennett, 2008).

In an Australian study evaluating alternative dispute resolution options, Ralph (2004) observed characteristics particular to Indigenous families, compared to non-Indigenous families in alternative dispute resolution. These characteristics included:

- Greater involvement of extended families (this is consistent with the collectivist nature of Indigenous families and cultural obligations regarding community care of children);
- Greater complexity;
- Family concern about the transmission of cultural values, beliefs, and practices; and,
- Not uncommon for children to be raised by others who only have a remote “family” connection.

Some of the literature on Indigenous experiences of mediation criticizes the neutrality of the mediator. When the mediator is not Indigenous, the mediator often unwittingly favours their own cultural perspective, which typically is also that of the child protection worker (Ciftci & Howard-Wagner, 2012). This is particularly problematic when the mediator feels as though they are being neutral; when a dominant party honestly believes everyone is being treated equally, the concerns of subordinated parties often go unaddressed (LeBaron, 2004). Indigenous communities in British Columbia have raised concerns that the list of available child protection mediators is not always culturally relevant for the needs of children from their communities (Walkem, 2015). Similarly, in a 2002 study of the Torres Strait Islander Family Mediation Program, Kelly found that Indigenous communities generally felt that Indigenous people should be the only mediators

for disputes involving Indigenous peoples. In a 2009 study of Indigenous child welfare collaborative decision-making models conducted by the Law Foundation of British Columbia, it was learned that programs with Indigenous facilitators (from the nation which the program was serving) were the most successful. This was true across British Columbia (Harder, 2009). It was even more beneficial when the facilitator had a personal history and existing positive relationships in the community (Harder, 2009). An effective mediator has experience dealing with Indigenous children, as well as particular knowledge and sensitivity to the unique traditions, practices, and laws of the Indigenous community from which the child comes (Walkem, 2015).

The training provided to mediators appears to be part of the problem. The training does not encourage mediators to assess their own cultural frames of reference, nor question how these affect the mediation process (LeBaron, 2004). Cultural competency training needs to do more than educate mediators about other cultures; understanding one's own culture, values and biases is necessary (LeBaron, 2004). When cultural competency training does exist, it is often only a day or less (Behrendt, 2004). Such a short training is not sufficient to learn about other cultures, or understand how those cultures fit into one's own perspective (Behrendt, 2004). Furthermore, this training often has an inherent cultural conflict: it focuses on formal learning, rather than life experience (Behrendt, 2004). Even the content of formal trainings tend to be lacking by not adequately providing an understanding of Indigenous cultural and historical perspectives (Behrendt, 2004).

Interestingly, the neutrality of the mediator is seen as of utmost importance in western literature (Olson, 2020). Behrendt (2004) observes that this can be problematic for some Indigenous communities, who have traditional values about who has the right to speak in the community. These groups are faced with overcoming an additional hurdle: letting an outsider have the power to facilitate the mediation (Behrendt, 2004).

Similar concerns were noted regarding the child protection workers assigned to Indigenous children's files. Bennett (2008) observed that many social workers do not remain long enough in their roles to practice cultural competency. The 2008 study further noted that Indigenous mothers felt more comfortable with Indigenous social workers.

Many cultural differences exist that pose barriers to successful mediations with Indigenous families. Communications styles may differ (Ciftci & Howard-Wagner, 2012). Different parties will likely assess cultural impacts differently, which can create further issues. Non-Indigenous mediators are often insufficiently trained to meet the needs of Indigenous families (LeBaron, 2004; Behrendt, 2004). The overall approach that child protection mediation takes may not be beneficial for Indigenous families. CPM focuses on deficits, while the restoration of harmony is essential to Indigenous justice (Dewhurst, 2004). Larissa Behrendt (2004) identifies the following "cultural issues" as problematic in mediations with Indigenous families:

- Language issues lead to miscommunication and misinterpretation;
- Incorrect assumptions are made about diverse cultures;
- Expectations from parties who are part of the dominant culture that others will conform to the dominant culture;
- Parties have biases against the unfamiliar; and,
- Values are in conflict where the dominant culture does not align with another culture.

Efforts to “Indigenize” alternative dispute resolution mechanisms have been generally unsuccessful. Many efforts have tried to integrate Indigenous knowledge and concepts of justice, but only to the extent that it does not conflict with Western laws and values (Ciftci & Howard-Wagner, 2012). Other attempts have been superficial and tokenistic; a cheap substitute for putting in effort and doing the real work (Cameron, 2006). The Indigenous population is also not homogenous; there are many differences between Nations (Bennett, 2008; Cameron, 2006; Mann 2005). Integrating the values of one Nation will not necessarily create a system that reflects the values of another (LeBaron, 2004). Cameron (2006) argues that true structural change and community involvement will be necessary to develop a system that meaningfully and safely addresses child protection disputes with Indigenous families.

Cultural Competence and Safety in Child Protection

This section aims to explain what cultural competence and cultural safety are, and how the concepts are seen in the child protection context. Section 4(1)(e) of the *Child, Family, and Community Service Act* states that a child’s cultural identity must be considered in determining their best interests in the child protection context. Research regarding culture and cultural competency in the child protection context is lacking but has begun to develop in recent years (Sawrikar & Katz, 2014). It is important to note that while cultural competence and safety arise often in discussions surrounding Indigenous peoples, the concepts and practices extend and apply beyond Indigenous groups to all cultures that are not part of the dominant culture (Walker, Shultz and Sonn, 2014).

Cultural competence is a “commitment to engage respectfully with people from diverse cultures” (Walker et al, 2014, pgs. 199-200). Others add that cultural competency requires learning skills that can be put into practice (Indigenous Health, 2017). Practicing culture competence well leads to cultural safety for Indigenous clients (Walker et al, 2014). Cultural safety refers to when people feel respected and safe in their interactions, in this case with the child protection system. Culturally safe systems are free from racism, discrimination, and stigma (Indigenous Health, 2017). Cultural safety is an outcome of practicing cultural competence; it is not something that professionals do (Walker et al, 2014).

Cultural competence includes being culturally aware and practicing tolerance. Individuals practicing cultural competence need to be aware of their own biases, assumptions, values and beliefs. They also need to be able to recognize when differences in culture are arising, and the

impacts this may have on their work. It further involves practicing respect for cultures different from your own (Walker et al, 2014). Sawrikar and Katz (2014) suggest that cultural competency should be worked towards at an individual, agency, and systemic level. Cultural competence is an ideal to which one can work toward, but not something that can be accomplished. Beaucage, Kuin and Ionaco (2018) agree that cultural competency is not an achievable goal given how many different cultures exist and how each person experiences that culture differently.

Cultural competency is critiqued for not considering the ongoing traumas of Indigenous groups, as well as not taking ongoing racism into account (Herring, Spangaro, Lauw & McNamara, 2013). The intergenerational trauma and embedded racism against Indigenous peoples inform their cultural practices (Herring et al, 2013). To understand a group's culture, one must understand the history that came before it. Cultural competency is further critiqued for lacking a power analysis, othering non-white groups, and leading to tokenistic behaviour (Herring et al, 2013). These critiques likely come from misuse, or surface-level use of the concept. Common issues that lead to an improper implementation of cultural competency include: lack of awareness about Indigenous cultures and contexts; lack of specific skills for working with and in other contexts; lack of engagement with broader justice and human rights issues; and, lack of strategies for challenging racism and prejudice (Walker et al, 2014).

Cultural safety is crucial for effective service delivery, and for the empowerment of Indigenous groups. Providing culturally sensitive and inclusive care increases the likelihood that clients will feel a sense of cultural safety (Walker et al, 2014). Unsafe cultural practices diminish and demean both the cultural identity and the wellbeing of those outside the dominant culture (Walker et al, 2014). Cultural safety is not something a service provider can claim to offer; it is about how the user experiences the program or service. Clients and practitioners agree that genuine partnerships with Indigenous peoples is a necessary piece of cultural competency (Walker et al, 2014). Further, doing so begins to implement the *United Nations Declaration on the Rights of the Indigenous Peoples*, particularly Article 8, which outlines the right to not be subject to assimilation, and Article 11, which affirms the right of Indigenous peoples to have and maintain their own distinct cultures (United Nations, 2018). Wein, Blackstock, Loxely and Trocmé (2007) suggest that provision of culturally-based child welfare services is a solid starting point for reducing the overrepresentation of Indigenous children in the child protection system.

In the child protection system overall, studies have noted that when clinical characteristics are controlled, there is not a statistically significant difference in decision-making about child welfare placements between Indigenous children and non-Indigenous children (Trocmé, Knoke & Blackstock, 2004). Similarly, Sawrikar and Katz (2014) conducted a study evaluating whether service provision was equal between six different ethnic groups in Australia: Vietnamese, Indigenous, Anglo, Pacific Islander, Lebanese and Chinese. The study found that services provided were relatively equal between all cultures studied; it saw a very similar number of referrals to parenting programs, financial assistance, counselling, and other services. Sawrikar and Katz (2014) see this as a positive thing. However, it is possible that both studies reflect a

lack of consideration of culture. Child protection workers are making the same decisions whether a child is Indigenous, or not (Trocmé et al, 2004), and making the same referrals no matter the culture (Sawikar & Katz, 2014). In Sawikar and Katz's (2014) study, parties interviewed still noted that the child protection workers were failing to provide culturally appropriate services. Perhaps, rather than making a decision tailored to each family and considering the effects of culture, child protection workers are repeating the same set of actions.

Mediation as it currently operates has a cultural bias; it was not designed for Indigenous families (Beaucage, Kuin, & Ionaco, 2018). Any cultural overlap is a mere coincidence (Behrendt, 2004). This increases risks that mediation is not culturally safe for Indigenous families, or other families who are not part of the dominant culture; however, it is also important to note that mediation does appear to be more culturally safe than court because parties have some opportunities to express themselves and influence the process (Behrendt, 2004).

Cultural competency training for mediators is often inadequate (Behrendt, 2004). Bennett (2008) notes that turnover is so common in child protection staff that cultural competency is difficult to achieve. This training ought to include general knowledge as well as specific learning about the Indigenous peoples with which the child protection workers and mediators will be working (McAuliffe, Tilbury, Chenoweth, Stehlik, Struthers & Aitchison, 2016). It is also essential to remember that a one-time training is not sufficient (McAuliffe et al, 2016). There is little evidence that the cultural competency trainings, as they currently are implemented, change the practices of child protection workers in the medium or long term (Herring et al, 2013).

Lack of Recent Literature

The literature about child protection mediation is lacking in general. A problem in this field is that much of the literature consists of program evaluations of new programs that are not yet situated; the sample sizes are small, the mediations are inconsistent, and the evaluations lack academic rigour (Thoennes, 2009). One of the most cited authors is Allen Barsky, who published one of the earliest academic studies on the topic in 1996; however, upon critical appraisal, the Barsky study is most useful in the sense that it began a conversation, subsequently generating further research. The study used a sample size of only five cases, with a control group of three cases. The assertions Barsky made, though positive, are not generalizable to a larger population. This study did, however, start an important conversation about child protection mediation.

For many years, two of the leading academics on the topic were Dr. Nancy Thoennes, alongside Kelly Browe Olson. Separately, these women published numerous studies until around 2013. Since then, the research about child protection mediation has notably dropped off. Interestingly, an article written by Olson in 2020 that compares child protection mediation to family group conferencing cites only eight articles written after 2013, with only four discussing child protection mediation.

The combination of a recent decrease in available literature and the long-standing lack of academically rigorous research makes it difficult to come to evidence-based conclusions about the efficacy of and best practices in CPM. To inform the reader of the existing state of knowledge on child protection mediation in British Columbia, a summary of the available agency evaluations of child protection mediations in British Columbia conducted between 2003 and 2010 has been compiled. While this literature cannot be used to make assertions of knowledge, it can inform the context in which the research is conducted.

Summary of BC Ministry Evaluations of Mediation in Child Protection

This section uses findings from Ministry-conducted child protection mediation program evaluations to inform information gaps. In particular, this section aims to fill information gaps in the literature regarding:

- At what stage a child protection case is typically referred for mediation in B.C.;
- Party satisfaction; and,
- Indigenous experiences in B.C. mediations.

Issues present in these programs and information that continues to be missing in these evaluations and that has not been examined in other research will be identified.

The early-to-late-2000s saw a trend in British Columbia to integrate and promote the use of mediation in child protection across the province. After the success of Victoria's Child Protection Mediation pilot project in the early 1990s and the Surrey Court Project (also known as the Facilitated Planning Meeting Project from 2001-2003, when the Ministry sought to replicate its results province-wide. The Ministry of Children and Family Development, BC's Ministry of Attorney General, and the Legal Services Society formed a partnership to direct funding for multiple CPM programs. From 2003-2010, child protection mediation programs were funded in nine BC regions: South and Upper Vancouver Island, Fraser-Cascades (apart from Sto:lo territory), Prince George, Peace-Liard Sub Region, the Northwest, and Bulkley Valley-Nechako. Additionally, there was a Sto:lo territory Aboriginal Child Protection Mediation Program which aimed to incorporate Indigenous decision-making practices into the mediation process. Subsequent evaluations were conducted of each program. Each evaluation analysed slightly different factors, making the studies difficult to compare. The brief summaries below attempt to bring together like variables.

TIMING OF MEDIATIONS

Provincial child protection mediation programs were based on the Surrey Court Project model, or the Facilitated Planning Meeting model. The initial conception of this mediation model was to introduce it "as early in the court process as possible" (Focus Consultants, 2003, pg. 3); however, the evaluation revealed that a "significant percentage" (pg. 11) were referred to mediation at a later stage in the process, particularly towards the end of the project (Focus

Consultants, 2009; 2003). Regardless of outcome, several other evaluations listed early child welfare interventions as goals of the program (Pierce, 2010a & 2010b; Drolet, Clark & Walton, 2010).

Two team leaders in the Vancouver Coastal project identified “stage in process” as a factor determining the success of a mediation, but this was not elaborated upon in the evaluation (Focus Consultants, 2006, pg. 31). No data was kept for the South Vancouver Island program but the mediation supervisor stated that most referrals occur at either removal/ temporary order or continuing care order stage (Focus Consultants, 2007, pg. 6). Social workers in the Peace-Liard program requested that referrals be initiated earlier in the court process than was being done at the beginning stages of the project (Pierce, 2010b). Peace-Liard’s mediation coordinator claimed that the stage at which referrals was dramatically earlier (“at intake stage”, pg. 58) at the time of evaluation when compared to the program’s inception (Pierce, 2010a).

No data was available for the Aboriginal Child Protection Mediation program or the programs in Bulkley Valley-Nechako, Prince George, the Northwest Sub-Region, Fraser-Cascades, or Shuswap.

Focus Consultants recognized a need for further data on the timing of mediations, recommending in the South Vancouver Island evaluation that “all child protection mediation programs be required to collect data on...the stage in the child protection process that mediation occurs” (Focus Consultants, 2007a; 2007b).

PARTY SATISFACTION

Most evaluations reported satisfaction from most parties regarding mediation when contrasted with the court process. This is consistent with the benefits that the literature indicates about mediation.

Surrey’s FPMP reported high satisfaction rates for all participants, including parents, social workers, lawyers and judges, a result that was sustained in the long-term (Focus Consultants, 2002; 2009). Professionals, parents, and family members generally agreed that mediation served the best interests of the child (Focus Consultants, 2009). Of twenty-one parents involved in the Vancouver Coastal Mediation Program reported satisfaction with agreements, although five were significantly dissatisfied (Focus Consultants, 2006). Social workers and clients’ counsel rated the referral process and the mediation sessions themselves positively (Focus Consultants, 2006).

The South Island Mediation Program’s evaluation showed “very favourable opinions” from parents regarding the overall project (Focus Consultants, 2007a, pg. iii). Social workers showed considerably greater variation in their ratings, with negative ratings as to the time saved through mediation and the helpfulness of a designated person to coordinate mediation. (Focus Consultants, 2007a). Mediators, alternatively, rated the mediation supervisor’s role positively

(Focus Consultants, 2007a). Parents' counsel returned largely positive responses regarding the overall process, while director's counsel were significantly more negative as they were often unable to attend mediations (Focus Consultants, 2007a). In the Peace-Liard program, parents described the mediation process as "less intimidating" than court as well as feeling more able to participate in the decision-making process (Pierce, 2010, pg. 38).

Social workers in the Upper Island Mediation Project gave positive reviews of mediator performance during the actual mediations but were divided as to whether the children and family's needs were met in the process (Focus Consultants, 2007b). Though a much smaller sample size, 90 percent of parents involved in the evaluation positively reviewed the experience (Focus Consultants, 2007b). Prince George's evaluation reported general approval from social workers and strong approval from parents towards mediation over the court process (Pierce, 2009).

Family members participating in the Aboriginal Child Protection Mediation Program in Sto:lo territory stated a preference for mediation over FGC, which they felt could be disorganized due to the size of the group, as well as exacerbated power imbalances (Abrahamson and Associates, 2008). 74 percent of professional participants in the Shuswap Child Protection Mediation Program were satisfied with mediation and stated that they would recommend it to other families (Drolet, Clark, & Walton, 2010). While there are clearly some programs in which child protection mediation is achieving its goals, there are also programs in which growth and re-design are necessary.

RELATIONSHIP BETWEEN THE PARENT AND CPW

Social workers largely perceived the relationship between themselves and their clients to have changed positively as a result of mediation. In Bulkley Valley-Nechako, social workers reported their relationship with clients as improved after mediation (Holyk & Harder, 2010). 77 percent of social workers from VCMP reported a positive relationship change with their clients (Focus Consultants, 2006) and majority of social workers from the Peace-Liard program felt that mediation had significantly ameliorated their relationships with clients (Pierce, 2010). Upper Island Mediation Program social workers were divided between neutral and positive when asked if mediation had changed the social worker-family relationship (Focus Consultants, 2007b). Fraser-Cascades region social workers offered a similar perspective (Focus Consultants, 2008). By contrast, parents reported feeling that their relationship with social workers had *worsened* after mediation (Focus Consultants, 2008).

TIME SAVED

The Surrey Court Project reported significant time saved from the beginning to end of mediations, with 77 percent of cases completed in less than forty days from initial referral (Focus Consultants, 2002). Vancouver Coastal Mediation Program (VCMP) reported an average of 1.2 months from initial referral to completion of mediation and reported a reduced delay in decision-making (Focus Consultants, 2006). Social workers from the Bulkley Valley-Nechako Sub

Region program reported that mediation reduced time in court (Holyk & Harder, 2010). Social workers involved in the South Island Mediation project stated the opposite, reporting that mediation had not saved them time (Focus Consultants, 2007a).

RESOLUTION/ SETTLEMENT RATES

The 2002 evaluation of the Surrey Court Project reported a high resolution rate: 79 percent of cases had all issues resolved (Focus Consultants, 2002). Of thirteen completed cases in the Shuswap region's program 74 percent settled either all issues or some issues (Drolet et al, 2010). There is notably less data for this category than for others.

Program Issues Identified in Ministry Evaluations

While the evaluations support some of the benefits highlighted in the existing literature, they also underscore some issues present in most of the mediation programs. The following section will examine the problems identified through the Ministry evaluations.

CULTURAL SAFETY FOR INDIGENOUS PARTICIPANTS

The need for Indigenous-centred approaches to collaborative decision-making were emphasized in multiple evaluations (Focus Consultants, 2007a; Abrahamson & Associates, 2008; Holyk & Harder, 2010; Pierce, 2009 and 2010b; Drolet et al, 2010). The Aboriginal Child Protection Mediation program on Sto:lo territory attempted to incorporate some cultural practices and traditional decision-making into the mediation process, but participant experience was mixed (Abrahamson & Associates, 2008).

The Vancouver Coastal Mediation Program noted that only 31 percent of mediation cases involved Indigenous participants, despite Indigenous families comprising 50 percent of removals at the time of publication (Focus Consultants, 2006). Shuswap and South Vancouver Island also reported low rates of Indigenous participation in the programs (Drolet et al, 2010; Focus Consultants, 2007a). Both evaluations identified a need for further investigation in this area. As previously discussed, there is notably also a lack of academic literature surrounding the experiences of Indigenous families in child protection mediations.

STAFFING AND FUNDING IMPACTS ON PROGRAMS

Evaluations emphasized that consistent staffing (which requires consistent funding) is crucial to ensuring the success of a CPM program. This is also reflected in the academic literature (Edwards, 2009; Crush, 2005).

Most of the CPM programs evaluated were designed based on the Surrey Court Project, which included an experienced social worker (known in the project as a Court Worker Supervisor, but more commonly as mediation coordinator) who oriented participants to the process and connected them with a mediator. The Surrey Court Project also included administrative support staff to book venues, arrange food, and complete other administrative tasks. This support was identified as vital by most professionals involved in evaluations (Focus

Consultants, 2006, 2007a & 2008; Pierce, 2009 and 2010a; Drolet et al, 2010; Holyk & Harder, 2010). Mediators cited the eventual loss of the Court Work Supervisor as a major hit to the Surrey Court Project's continued success (Focus Consultants, 2009).

Rural regions tend to face a greater struggle to maintain mediation programs due to a lack of resources. The Northwest Sub Region's program was cancelled in its second year due to a lack of mediators and low referral rates (Pierce, 2010). Social workers reported to have been impacted by government staffing cuts the previous year (Pierce, 2010).

In summary, MCFD's CPM program evaluations seem to support some positive claims made in surrounding literature. At the same time, they do not support *all* claims, and there are numerous concerns regarding their accuracy and applicability to the current state of CPM in BC. The evaluations were most useful for supporting anecdotal claims that cases tend to be referred to mediation late rather than earlier and that early mediation is viewed as more beneficial.

LIMITATIONS OF MINISTRY EVALUATIONS

These evaluations may not reflect the state of CPM in BC today for the following reasons:

- Evaluation methods used in these studies do not account for Indigenous-specific experiences of the child welfare system. There are two major reasons for this:
 - Underrepresentation of Indigenous participants in evaluations; and
 - Questionnaires that did not cover culture or ethnicity in-depth³.
- Criteria were not consistent across each evaluation. Questionnaires were different in each evaluation, and different consultants asked different questions. Evaluation results are therefore not standardized across regions.
- Evaluations were carried out on a short-term scale, with the average length being two years. This timeline is insufficient to appropriately analyze trends and establish context. Only the Surrey Court Project was subject to longer-term evaluation.
- Most evaluations had a relatively low number of respondents, particularly for clients. It is therefore difficult to establish definitive experiences of mediation for clients. Small sample sizes mean that experiences are not generalizable to further populations.
- Lack of recent evaluations: there have been no evaluations conducted after 2010.
- There has been a noted difference in the success of initial small-scale CPM projects in Canada and the success of larger-scale programs once they are implemented provincially. Funding can be uneven due to shifting political priorities, and programs may not meet the

³ Consultants were aware of this major information gap and expressed a need for further research in this area.

needs of individual communities as local agencies are unable to tailor programs to suit community needs. (Crush, 2005).

Conclusion

The purpose of this review was to provide a synopsis of the research about child protection mediation in the last 25 years. The literature is clear that mediation is highly effective at achieving the outcomes it seeks. Mediation programs sought to achieve party satisfaction, agreements between guardians and child protection workers, reduced financial costs for families and the public purse, save time, and preserve or improve the relationship between the guardians and the child protection worker. The data, both academic and from BC program evaluations, demonstrates that these outcomes are being achieved. This data is becoming outdated, and new research would help confirm these conclusions. There is little data available about the impact of timing on the success of a mediation. Authors have suggested earlier may be better, but this cannot be concluded based on the data available.

There is also a lack of data available about the experiences of Indigenous families in child protection mediation. The research and commentary that is available notes that insufficient training for mediations can lead to worse experiences for Indigenous families. It can further be concluded that efforts to “indigenize” current alternative dispute resolution programs is an inadequate replacement for designing programs that meet the needs of Indigenous communities.

Finally, it is concluded that the most significant barrier to referrals to mediation is a lack of understanding about mediation. Parents, particularly Indigenous families, are often unaware of the option to refer their own file to mediation. Lawyers and child protection workers may have preconceived notions about the efficacy of mediation (or lack thereof, in their minds) and view it as a waste of time. This lack of understanding means files are not referred to mediation when families may truly benefit from the value of mediation.

The current state of literature on child protection mediation is lacking. There is lots of research from the early 2000s about the outcomes of mediation. A more fulsome understanding of child protection mediation would require deeper analysis about the impact of timing on mediation and the reasons why referrals are, and are not, made to mediation programs. The field, and consequently the on-the-ground mediation programs, would benefit from a study that examines timing of mediation, as well as a longitudinal study looking at the long term outcomes of mediation. Throughout this literature review, no research examining whether families who participated in mediation had future involvement with child protection agencies was encountered. Finally, given the disproportionate representation of Indigenous children families in the child protection system, research regarding Indigenous experiences in mediation and cultural competency in child protection is necessary.

These avenues for future research will inform the state of knowledge about the resolution of child protection issues. Conducting this research will create a basis of recent, academically

rigorous evidence on which wise practices can be developed. This prioritizes the best interests of the child and will create better experiences for families and children throughout their involvement with the child protection system. It is anticipated that doing so will have societal benefits spanning wider than the families involved with the system.

Chapter 5: Case Study – The Approved Research Protocol

Introduction

This chapter provides an outline of the research project and the methodology the research team designed to evaluate the timing of child protection mediation in British Columbia. The chapter provides an overview of the approved research protocol for recruitment, data collection, and data analysis. The ethical dilemmas that the research team faced and the process taken to get to the protocol is discussed in the following chapter. The purpose of this chapter is to provide context for the discussion in the following chapter.

This research protocol was approved on January 25, 2022 by the Human Research Ethics Board (HREB) at the University of Victoria. The certificate number is #21-0178. As of June 30, 2022, the research process has not yet begun.

Background

As noted in the previous chapter, there is substantial literature that shows mediation used later has significant benefits for children and families, but there is a lack of literature that shows whether mediation has the same effects when initiated early in the child protection process. The limited literature on the subject demonstrates that early mediation is just as effective as later mediation, with the added benefit that disputes are resolved earlier. The study that was designed, that now serves as a case study, seeks to determine if early mediation has the same, or different, impacts, if any, on children and families as late mediation.

The project with Mediate BC had two pieces. The first section involves focus groups with professionals from across British Columbia. The second piece involves surveys, interviews, and focus groups with parties to mediations at two MCFD offices in BC. This case study only discusses the second section of the larger Mediate BC project.

Research Questions

Though the research questions do not themselves raise ethical issues, the questions used to guide the development of this research protocol are reproduced below to provide an understanding of what specific knowledge the team is seeking to glean from the research protocol explained in this chapter:

1. When is mediation most effective during the child welfare process (e.g., at what stage of the social workers' continuum of service to families, or as it relates to or interacts with other available collaborative practices)?
2. What are the impacts/outcomes of earlier mediated intervention on children, youth, families, Indigenous communities and/or social workers?

3. What are other impacts of early mediation particularly related to costs and time, e.g. can early mediation prevent children from being taken into care, providing major cost savings for MCFD?

Methods

SURVEY AND FOCUS GROUPS/INTERVIEWS

The research will be conducted as a comparative study with a control group and an intervention group. The participants in this study are different parties to mediation: child protection workers, parents and guardians, Director's counsel, parents' counsel, and mediators. The research will take place at two separate sites. Both sites are in British Columbia. **This thesis will not specify which site served as the control group and intervention group to protect confidentiality.** Each site had its own office of the Ministry of Children and Family Development and an attached delegated agency for Indigenous families. One site will conduct mediations as usual, serving as a control group. These mediations typically occur around 60 days after the presentation hearing. The other site will implement early mediations, occurring within 30 days of the presentation hearing, for the purposes of this study. This site will serve as the intervention group. The research protocol for both sites are substantively the same. The data collection questions are phrased slightly differently in some circumstances but seek out the same information. The research project uses a post-test only design. In this scenario, participants are, in some questions, asked to think back on their thoughts and feelings before the mediation.

Briefly, the data collection constitutes two stages: first, a survey administered online via Survey Monkey, and second, a more in-depth conversation, conducted either as an interview or a focus group, depending on the participant group. Knowing this helps frame the information about recruitment and consent. For mediators, there is no survey; mediators will be invited to participate only in a focus group.

RECRUITMENT

Recruitment for all groups will occur after the mediation in which the participants took part has concluded. The research will be conducted in two offices of the Ministry of Child and Family Development in British Columbia – referred to in this thesis as Site A and B. All parties who participated child protection mediation through these offices will be invited to participate in the survey portion of this study, provided everyone in the mediation signed a consent to disclosure form (explained in the consent section). An administrative staff at the Ministry of Children and Family Development (MCFD) will email all parties, inviting them to participate in the research.

The body of the initial emails can be found in appendices A1 to A3. For all groups except group 5, there will be two attachments to the email: a consent form for the questionnaire portion of the research and an “invitation to participate” information sheet. The consent forms and invitations to participate were tailored to each participant group. Consent forms for the

questionnaires can be viewed in appendices C2 to C4. The invitations to participate can be found in appendix B. For group 5, the consent form emailed pertains to the focus group, not a survey. A follow up email will be sent a week after the initial email. The body of these emails can be found in appendices A4 to A6. The consent form and invitation to participate will be attached again. All participants will receive the follow up email.

Recruitment for the second stage for groups 1-4 will use a opt-in method. Each survey ends with a request that any participants who wished to participate in an interview (for parents/guardians, parents' counsel and director's counsel) or focus group (for the child protection workers) email the author at her University of Victoria email address. Using an official University of Victoria email increases the legitimacy of the research, as well as created clear documentation of interest in participating in the next phase of the study. When a participant indicates interest in participating in the second stage of the research, they will be emailed a consent form directly from the research team. Scheduling will be done between the participant and research team.

CONSENT

Prior to recruitment, all parties to a mediation in both locations will be asked to sign a consent to disclosure form. This form can be found at appendix C1. The form grants permission for others in the mediation to talk to members of the research team. It does not permit parties to discuss the mediation with anybody else. Consenting to disclosure does not mean a person has agreed to participate in the research themselves. Only individuals from mediations where everyone present signed the form will be recruited.

The consent to participate in the online survey will be collected at the beginning of the survey. Survey Monkey, the platform used to administer the surveys, will not allow participants to access to survey without consenting by clicking a box. Participants will not be asked to type in their name or sign as the surveys are truly anonymous. Participants can revoke their consent by not submitting the survey. Once the survey is submitted, the research team will not be able to withdraw responses from particular individuals, as there will not be any way of knowing who submitted which answers. The consent forms for the survey can be found in appendices C2 to C4.

Consent to participate in the interview or focus group will be collected orally and documented in the transcript and in the researcher's notes. Participants will be asked if they read and understood the consent form that was previously emailed to them. If they confirm that they have, participants will be asked if they consent to participate in this stage of the research. If participants have not read, or not understood, the consent form, they will be offered time to review it and ask questions. After the researcher is satisfied that the participant understands what the research entails, the participant will be asked if they consent. The researcher will document each person's consent in their notes. The transcript will also reflect this conversation. The

consent forms for the interviews can be found in appendices C5 and C7. The consent forms for the focus groups can be found in appendices C6 and C8.

DATA COLLECTION

The research team plans to use three different methods to collect data: surveys, interviews, and focus groups. Each method is outlined below.

An online questionnaire will be sent to groups 1-4. The survey is administered through Survey Monkey. Responses are anonymous. The questionnaires for parents, child protection workers, director's counsel and parents' counsel can be found in Appendix D. The surveys for the intervention group and control group are identical.

The second stage includes interviews with parents and guardians, and with both director's and parents' counsel. Interviews will be conducted over the phone or using the video conferencing software, Zoom, at the participant's choice. For child protection workers, the second stage includes a focus group. Mediators, in group 5, will only be asked to participate in one stage: a focus group. Focus groups will be conducted over Zoom. The interview guides and focus group guides can be found in Appendix E and F, respectively. The questions are substantively the same for both the intervention group and the control group. Some questions are worded slightly different, but seek out the same information in the context of the group of which the participant took part.

Audio of the interviews will be recorded for the purposes of transcription. Once the interview has been transcribed, the audio recording files will be deleted. Video and audio of the focus groups will be recorded, also for the purposes of transcription. These files will also be deleted after transcription is complete. All data collected will be stored on a password-protected laptop within a password-protected folder.

DATA ANALYSIS

The quantitative data collected on the questionnaires will be analyzed using statistical methods. After the raw data is collected via SurveyMonkey, it will be entered into SPSS, a statistical analysis program. The data collected from the Likert-like scales is ordinal; however, for this study, Likert-like scales will be treated as interval because doing so allows for more precise statistical testing. Both inferential and descriptive statistics will be used. Univariate and bivariate analysis will be conducted. This will indicate whether there are trends and relationships in the data. These findings will be used to draw conclusions about the outcomes of mediation occurring at different times in child protection proceedings.

The qualitative data collected through short answer questions on the questionnaires, interviews, and focus groups will be analyzed using thematic exploration. The interviews and focus groups will be transcribed from recordings. A preliminary read-through of the data will be conducted to determine the best way to sort and categorize the data. Inductive logic will be used to draw out themes and conclusions. There will be cycles of iterative analysis. The transcriptions

will be analyzed for interconnectivities, as well as to gain an understanding of how individual experience fit into global themes. The team will work together to condense these themes into findings. These findings will then be used to draw conclusions and inform an understanding of outcomes of mediation at different times in child protection proceedings.

HARM REDUCTION

For parents and guardians, there is some risk involved in participation in this study. The parents in the study have experience with the child protection system and have volunteered to represent other parents in a formal way. The research team was concerned that parents would experience emotional discomfort during the interview. This risk was categorized as medium, because at the time the interviews were conducted, the literature suggests parents would no longer be in crisis. Still, to reduce risks, questions are focused on the effects of mediation, not their specific child protection case. Questions will ask about their reflections on the process. While this may have raised some possible emotional discomfort, it is believed that it is unlikely that this will materially add to the discomfort that parents/guardians already experience as clients of this system.

In order to protect parents who become upset or uncomfortable during the interview, the research team will implement the following protocol: Parents will be reminded that they could decline to answer any question without consequence or withdraw from the interview at any time without consequence. Parents will be told that they can take breaks as needed throughout the interview. Parents will also be given the option to complete the interview in more than one session, or to end the interview early as needed. Parents will be provided with the list of questions in advance of the interview so that they are aware of the type of questions to be discussed. If a parent shows signs of discomfort during the interview, the researcher will remind them of their options to decline a question, take a break, or end the interview. If they choose to end the interview, they will be offered to reschedule for a later date or end completely. The researcher will also offer to assist them in calling a support person of their choosing (ie, a friend or family member, whoever they choose), or to debrief with the participant themselves. The researcher will stay on the call until the participant connected with their support person. If the person did not want to debrief with the researcher conducting the interview or their own support person, the researcher offered them the chance to debrief with the Principal Investigator (Kimberly Speers) or another faculty member on the research team (Robert Lapper or Susanne Thiessen). The participant will be provided with an information sheet listing several support options in their local community. These information sheets can be found in Appendix G (though the sheets have been anonymized). If the researcher deems it warranted, the research team will follow up with the participant the next week to check in.

Conclusion

This chapter discusses the approved research protocol for a study on the timing of child protection mediation. The chapter outlines the purpose of the study and the research questions, as

well as the approved procedure for recruitment, seeking consent, protecting privacy, and preventing harm. This study was designed and adapted in attempt to address many of the ethical issues associated with social research.

This chapter provides the context needed for a discussion on the real-life application of the principles discussed in chapter three. A discussion on the ethical dilemmas faced by the research team in the development of this protocol, and why different elements of the method were chosen is included in the following chapter.

Chapter 6: Discussion about the Development of an Ethical Research Protocol

Introduction

In the previous chapter, the research methodology that was prepared by the research team and approved by the Human Research Ethics Board (HREB) and the University of Victoria is described. In the development of the research protocol on the timing of child protection mediations, the team faced several rounds of revisions, some required by the HREB, and some initiated by the research team upon further discussion about the ethical considerations of the study.

This chapter describes the process of designing an ethical research protocol to evaluate the timing of child protection mediation, as well as provides an in-depth discussion of the ethical dilemmas faced in its development, and how the dilemmas were addressed. This is intended to provide an example of how the ethical issues described in chapter 3 can come to light and how a research team has dealt with them in a real-life situation.

The themes discussed in this chapter are:

- Vulnerability;
- Sensitive research topics;
- Indigenous peoples as research participants;
- Informed consent;
- Minimizing harm and increasing benefits for participants; and
- Maintaining participant privacy.

Vulnerability

An important consideration in this research was determining whether or not the participants would be considered vulnerable. As recommended by the literature, the research team did not take a list- or group-based approach, but rather considered the characteristics of the desired participants. The research team sought to consider the potential participants within the context of the research, in recognition that someone may be vulnerable in some contexts and not others (van den Hoonaard, 2020).

For child protection workers, director's counsel, parents' counsel, and mediators, it was concluded that potential participants in these groups were not vulnerable in the context of the research project. To be employed in any of these positions, participants require a post-secondary education, and are relatively well-paid, suggesting they are not living in poverty. Furthermore, the research questions will not ask about the participants' *personal* experience with the child protection system (if any); rather, the questions seek their *professional* reflections about child protection mediation.

For parents, the analysis to determine vulnerability was more complicated than the previous groups. Statistics about demographics of families involved with the child protection system provide some insight into the characteristics of the potential participants although there is a lack of publicly available data about the demographics of families involved in the child protection system. Though old, a 2005 study from Blackstock and Trocmé can provide insights. The authors analyzed data from the 1998 Canadian Incidents Study. There were 2728 participants. 614 of these participants were Indigenous. This is not a representative sample. Currently, there are almost twice as many Indigenous children involved in the child protection system as non-Indigenous children (Ministry of Children and Family Development, 2021). For this reason, the Blackstock & Trocmé (2005) separated the data into Indigenous and non-Indigenous families, as well as other visible minorities.

Blackstock & Trocmé (2005) found that:

- 48.2% of Indigenous families 34.8% of non-Indigenous families, and 29.3% of visible minority families had a primary caregiver younger than 30;
- 57% of Indigenous families were single parent families. 90% of that 57% were single mothers;
- 51% of non-Indigenous families were single parent families, with 86% of those being single mothers;
- 41% of other visible minority families were single parents;
- 59% of Indigenous families were on social assistance;
- 38% and 33% of non-Indigenous and visible minority families, respectively, received social assistance; and,
- Families were noted to live in unsafe or precarious housing, moving frequently (Blackstock & Trocmé, 2005).

Though the Blackstock and Trocmé research is dated, it raises concerns about the parents and guardians who could become participants in the study. It shows that parents tend to rely on social assistance, which is below or at the poverty line. Families tend to be single-parent led, predominantly with single mothers. Families tend to live in precarious housing, renting and moving often. These are characteristics of vulnerability. Low socioeconomic status is considered a characteristic of vulnerability in the TCPS2 (Canadian Institutes of Health Research et al, 2018). The layers added by the other characteristics led to the conclusion that parents and guardians needed to be considered vulnerable participants in this study as well. This is not to say that every parent involved in the child protection system will be vulnerable, but that the likelihood of vulnerability is significantly increased. Safeguards were put in place for all parents to ensure adequate protection of those who are vulnerable.

The HREB raised the concern that vulnerable participants should not be included in the study unless necessary. The research team felt that involving parents was essential to develop a comprehensive understanding of the main actors in child protection mediation. Parents play a

key role in child protection mediations. Engaging parents means that their voices and needs are reflected in the policies that impact them, and those like them. Engagement supports the idea that there should be “nothing for us, without us,” which communicates the idea that no policy should be decided without representation and the full and direct involvement of members of the group(s) affected by that policy (Dr. Thiessen, personal communication, December 9, 2021). This often involves groups thought to be marginalized or vulnerable, and this research is not an exception. Because the project planned to recruit and collect data from vulnerable participants, further safeguards were put in place. This chapter details the safeguards implemented.

SENSITIVE RESEARCH TOPIC

In light of the fact that there is not agreement on the definition, the research team kept in mind elements from the different definitions of sensitive research raised in the literature. From the initial stages of developing the research protocol, it was recognized that researching the timing of child protection mediations would be a sensitive topic for parents. The involvement of MCFD in a family’s life is highly personal, emotionally-laden, and stressful. It also comes with social stigma. Talking about one’s involvement in the child protection system is likely to be a subject that parents prefer to keep private. This was addressed in two key ways: first, data will be collected via anonymous questionnaire and this approach is recommended by Kellehear (1993). This approach allows participants to keep their identity private from everyone, even the researchers, and gives them time to consider their responses to questions, including how much information they are comfortable disclosing. Second, the questions focus on the *experience* of child protection mediation; in other words, how the participant felt, not on the details of MCFD’s involvement. While some parents may choose to provide context to their answers, the questions are designed to be answered without disclosing details about why and how MCFD is involved with a family.

For the research team, the sensitive nature of the research topic was addressed by dividing up time in the field between members of the team, engaging in self-care, and conducting regular de-briefs as a team during the data collection process.

Indigenous Research Participants

As noted earlier in the thesis, Indigenous children and families are disproportionately represented in child protection (Walkem, 2015; Sinha et al., 2011; Sullivan & Charles, 2010; Blackstock, 2010; Fluke et al, 2010; Tilbury, 2009 Trocmé et al., 2008). The MCFD most recently reported statistics about children and youth in care on March 31, 2021 and noted 5259 children were under the guardianship of the Director. This does not include any children and their families who continue to receive services and support from MCFD while the child continues to live at home. It was further found that 3548 of the 5259 children in the care of the Director are Indigenous. This is more than double the number of non-Indigenous children in care (Ministry of Children and Family Development, 2021).

This posed an interesting dilemma in regard to Indigenous participation in the study. The study will not be targeting Indigenous parents specifically to participate in the study, though the disproportionate representation of Indigenous families in the child protection system means that there is a very high chance that some of the parents recruited are Indigenous. Therefore, it is very likely that some of the study's participants will be Indigenous.

Involving Indigenous peoples as research participants warrants extra ethical considerations. In an earlier section in the thesis, it was demonstrated that Indigenous peoples in Canada have been historically exploited in many ways, including in research (Morton Nonomiya & Pollock, 2017). Some Indigenous scholars highlight that research in many Indigenous contexts raises feelings of distrust (Smith, 2021). Adding a layer (to use Luna's (2019) terminology) of involvement in the child protection system heightens the vulnerability of potential participants. Parents are already undergoing a very difficult time, even akin to crisis. The historic mistreatment of Indigenous children in the child welfare system has created significant resistance for Indigenous engagement with child welfare services. The combination of these layers leads to a conclusion that Indigenous participants are vulnerable in the context of this research. As such, safeguards are necessary in this research project. Indigenous-specific safeguards are included in this section, while safeguards that apply to all parents as vulnerable participants are discussed in the remainder of the chapter.

In the development of the study, the research team contacted the HREB to ask about if a section on engaging with Indigenous communities and peoples were needed given that population was not the focus of the research project. Initially, the team felt that because the research did not target a specific community or ask specifically about the Indigenous experience, particular Indigenous ethical considerations were not needed. Once the Ministry reviewed the first draft of the ethics form, the Ministry then determined that it wanted focus on Indigenous people in the research project on child protection and mediation. The research team then had to revise the original research protocol to address this development.

There was a practical barrier to addressing Indigenous participation in the research project. Because of the true anonymity of the surveys and the diversity of population in the communities in which the data will be collected, there is no way to know which nations and communities the participants are from. This prohibited consultation with individual communities at the outset and during the research project. Furthermore, every research participant has the opportunity to self-identify but may choose not to answer that question. An accurate number of Indigenous people participating in the study may be difficult to gather.

Before the research begins, the research team felt that some form of consultation to bring Indigenous voices, values, and research methods to the development of the research protocol was essential for ethical research. The emphasis placed on confidentiality (discussed further below) meant that the team was not willing to remove the true anonymity of the surveys. As a solution, the questionnaires and interview/focus group guides were reviewed by a representative from an

Indigenous community before being finalized. To more fully recognize the need for more extensive consultation, another member was added to the research team: Dr. Susanne Thiessen. Dr. Thiessen has lived experience as a person of Haida, Gitksan and Scottish settler ancestry and is a professor at the University of Victoria in the School of Public Administration. She has specific experience in Indigenous community engagement and Indigenous research methodologies. As a member of the research team, she advised us on how to best conduct the research with Indigenous participants in a way that acknowledges Indigenous rights, is strengths-based and culturally safe. Dr. Thiessen provided constructive comments and feedback in the development of the preparation of the research protocol and will be guiding the data collection with Indigenous participants. Virtual focus groups will be facilitated by Dr. Thiessen and guided by an Indigenous circle practice. This is a practice that the participants may be familiar with using and supports the creation of a culturally and emotionally safe space where all voices can be heard (Dr. Thiessen, personal communication, December 9, 2021).

Knowing that Indigenous individuals would be part of the study highlighted the need for reciprocity. If Indigenous participants are going to be involved in the study, the research should provide a benefit for them. A question was added to the survey that invites participants to self-identify their ancestry. This will allow the research team to cross-reference responses to identified ancestry and report on differences in Indigenous experiences of mediation from other groups. While the sample size may be too small to make meaningful conclusions, the data may serve as anecdotal evidence of different experiences and may serve as a basis for further research and exploration on the use of early mediation with participants of particular backgrounds (for instance, Indigenous persons). The MCFD may also take the reports of Indigenous experience into consideration when developing wise practice guidelines, allowing child protection workers to better serve Indigenous families.

Informed Consent

This section provides a discussion surrounding the consent process. One of the key considerations during the designing of the research protocol was free, prior, informed consent. The research team considered power dynamics, how to seek consent in truly anonymous data collection, and the implications of legislation surrounding mediation when developing the research protocol.

For the purposes of this study, eight different consent forms were developed:

- Parents' Consent to Survey
- Parents' consent to interview
- CPW consent to survey
- CPW consent to focus group
- Counsel consent to survey
- Counsel consent to interview

- Mediator consent to focus group
- Consent to disclosure to research team

Though Director’s counsel and parents’ counsel would be asked slightly different questions in the survey and interview, the groups received the same consent form because their function in the study is the same. Several rounds of revisions were undertaken to make the form easy to understand. In the end, the consent forms were about two and a half pages long. Based on the guidance of Benatar and colleagues (2012), an “Invitation to Participate” was developed tailored to different groups that explained more details about the study. Though not actually a booklet (as used in the Benatar et al study), the research team felt this mirrored the purpose behind the booklet. An interesting challenge was faced when evaluating the plain language of the consent documents with the Flesch-Kincaid readability tests: no matter how many revisions were undertaken, the documents remained at a high school reading level. Upon some investigation, it was learned that part of the formula used in the Flesch-Kincaid evaluations was the number of words with four or more syllables (Readable, 2020). Mediation, the focus of the study, is a four-syllable word. In the end, the research team had to set aside the goal of a low Flesch-Kincaid reading level and rely upon review by various experienced members of the research team and the review by the HREB to ensure the documents were easy enough to understand.

The consent to disclosure warrants further discussion. Section 24 of the British Columbia *Child Family and Community Services Act* states that information shared during a child protection mediation is confidential. However, the *Act* provides an exception to this rule: if all participants in the mediation agree, information can be disclosed. At first, the research team felt that this did not include this research, because it was looking at how people *felt* during mediation, not what was actually disclosed. The Ministry raised concerns that participants would be at a risk of harm by incidentally disclosing information while answering questions about how they felt. To protect the participants, all parties at a mediation in each of the study locations will be asked to sign a consent to disclosure form. This consent form can be found at appendix C1. The form was carefully drafted in such a way that the form grants permission for others in the mediation to talk to **only** members of the UVic research team. It does not permit parties to discuss the mediation with anybody else. This form will be presented by the mediator, and the very end of the mediation. It does not mean that any of the participants agree to participate in the research, only that others can choose to if they would like. Recruitment emails will only be sent if all parties to the mediation consent to disclosure to the research team.

The research team was particularly concerned with the possibility of unintentional undue influence. The recruitment emails for this research will be sent by an administrative staff at the Ministry of Children and Family Development (MCFD). This is following the “process” method of reducing undue influence. Having MCFD send the emails was also practical for the research team since MCFD already has the contact information for all parties to a mediation. Having the Ministry email participants meant that there were no ethical issues surrounding MCFD releasing

contact information to participants, nor did researchers have to attend each mediation to talk to potential participants; however, having MCFD send recruitment emails creates ethical dilemmas for two groups: the child protection workers and the parents/guardians. The child protection workers (CPWs) are all employed by MCFD. While the administrative person sending the emails will not be affiliated with the research team whatsoever, the CPWs may perceive it otherwise, and feel pressure to participate because their employer is asking them. For parents, the concern was that parents would perceive that participation in the research would impact their child protection file with the Ministry and lead to better outcomes for their family. This was not accurate.

For this reason, the “content” method of reducing undue influence was also engaged. As the recruitment emails and invitations to participate were drafted, the research team tried to emphasize that participants could withdraw at any time, or choose not to answer a question, all without consequence. It was emphasized that nobody at the Ministry would know whether or not a child protection worker had participated in the research by completing a survey. For parents, it was emphasized that participation would have no impact on the outcome of the mediation. Initially, recruitment emails were to be sent when the participants scheduled a mediation, with the intention that the survey would be completed afterwards. It was hoped that this would make participants more cognizant of their feelings during the mediation, and thus be able to report their experience more accurately in the survey. The HREB at the University of Victoria helpfully pointed out that this may heighten the perception that participation could influence the outcome of the mediation. Based on that feedback, the protocol was changed so that emails for recruitment were sent after the entire mediation process was complete.

Combining the “method” and “content” method of reducing undue influence raised additional concerns. Because the surveys would be truly anonymous, conducted online without ever interacting with the participants, the research team could not have a discussion about the consent process or form; however, the discussion is important, given that consent is a process, not just a form. The research struggled to balance providing participants with anonymity, while also giving them a forum in which they could discuss the research with the research team. The solution was to send an “Invitation to Participate” that was written in plain language and explained the study in detail. A copy of the consent form with the recruitment email was also sent despite the fact that participants would be asked to agree to the consent form at the beginning of the questionnaire and would never return these emailed forms. Emails and phone numbers for the research team were provided, so a participant could reach out prior to completing the survey, still anonymously, to discuss the study and the consent process. The last addition was to include a specific, stand-alone line in the recruitment emails for child protection workers and parents outlining that participation would not affect their employment or mediation outcomes, respectively.

An opt-in consent was selected for the second stage of the research. Those who completed the questionnaire were asked to email the research team if they would like to

participate in an interview or focus group. The research team considered simply adding a check box on the survey that asked if the research team could contact the participant about the next stage, eventually deciding that adding an active step for the participant of sending an email would encourage the participant to stop and think, rather than just typing in their email at the end of the survey without consideration. The research team hoped that this would reduce pressure that participants felt to consent to participating in an interview or focus group. This was also considered to be a harm-mitigation technique, thinking that participants who did not have the time or emotional capacity to participate in an in-depth interview would also not get around to emailing the research team.

Minimizing Harm and Increasing Benefits

RISK OF HARM AND MITIGATING HARM

In the analysis of harms and benefits, the research team started with the minimal risk standard. The risks that each participant group faced in their daily lives were considered. For child protection workers, parents' counsel, Director's counsel, and mediators, it was concluded that there were minimal risks associated with participating in any part of this study. The subject of this study is content that participants in these groups regularly engage with in the course of their employment. The groups would be minorly inconvenienced by the time required to complete the survey or the interview/focus group. The team shared the estimated time-length for each element of the study in the recruitment emails so that participants could make an informed decision. The opt-in nature of the second stage meant that parties who did not have the capacity for a greater time commitment would not endure this inconvenience without actively taking steps to do so.

The HREB had some concerns that participation in the research would interfere with the professional obligations regarding confidentiality for lawyers and child protection workers (who are often registered social workers). Initially, it was assumed that these two groups would be cognizant of their own obligations and answer questions within the bounds of these codes of conduct. To ensure that this occurs, language was added in the consent form for counsel and child protection workers that participants can refuse to answer any question without giving a reason, and that responses should only be given as they are able within the bounds of their professional ethical obligations.

For all parties, the interview and focus group stage of the research involve a risk of exposure to COVID-19, if the meetings were held in person. To mitigate this risk, the research team chose to hold interviews either over the phone or using the video conferencing software, Zoom. Zoom will also be used for the focus groups. This allows the interviews and focus groups to be conducted, while completely removing the risk of contracting COVID-19 during participation in the study. Conducting interviews over the phone or Zoom also mitigates other costs and inconveniences associated with the research. Nobody will be required to pay for

parking or spend time travelling to the research site. Participants are less likely to require child care as they can participate from their own homes.

When evaluating the risk for parents and guardians, there were two key pieces of learning. At the beginning of the project, the research team considered parents in the context of their own lives. The research team took the position that any emotional distress parents experienced would not be greater than experienced in their daily lives. Wendler and colleagues (2005) advise against this, as it means those in precarious situations are exposed to greater harm in research. When considering parents involved in the child protection system compared to the objective parent, the study participants are at a greater risk of harm. Parents involved in child protection mediation are experiencing great emotional distress, even akin to a time of crisis. Secondly, the research team relied on the data that suggests most mediations are successful to conclude parents would be relieved and no longer in a time of crisis at the time of data collection. While the data suggests that the majority of child protection mediations are successful, a 100% success rate is not noted. Further, the research project specifically adds a new variable to half of the mediations: the mediations will be conducted earlier in the process. While it is hypothesized that this will increase party satisfaction, this is not guaranteed.

This was an area where the literature and experienced members of the research team guided the development of an improved research protocol. The research team concluded that even though the data suggests that child protection mediations are likely to be successful, discussion of the experience may result in emotional distress. Parents were categorized as facing a medium risk of emotional discomfort during the interview. It is anticipated that this discomfort will be transient. Given the risk, safeguards needed to be put in place.

One of the safeguards for parents that was implemented was sending questions for the interviews in advance. The research team felt that this would allow parents to digest the questions, reduce any shock, and begin to process any emotional response. It also means that parents will have an opportunity to withdraw from the study if they feel that answering the questions will cause them harm. Further, the questions are focused on the experience of mediation and reflections on the process, not their individual child protection case. At the beginning of the interview, parents will be reminded that they can decline to answer any question without consequences, take a break, complete the interview in another session, or end the interview at any time.

The most significant safeguard was the implementation of a protocol for the research team to respond to any signs of emotional distress. The researcher(s) conducting the interview will be cognizant of signs of discomfort and distress. If a participant appears uncomfortable, the researcher will remind them that they can take a break or end the interview. Parents will be given the option of rescheduling the remainder of the interview or ending it completely. If a parent becomes upset, the researcher will offer to debrief with them, or assist them in calling a support person of their choosing (e.g., trusted friend or family member). The researcher will stay on the

call until the participant has connected with their chosen support person. If the participant does not want to call a support person or debrief with the researcher, they will be offered the opportunity to debrief with one of the faculty members on the research team, including the Indigenous researcher. If the research team deems necessary (based on how upset the person appears), a follow up with the participant will occur within one week of the interview. If needed, referrals to further support services will be made.

Finally, an information sheet was created to give to all participants about resources they can access for longer term support. Separate information sheets were created for each research site. The majority of the resources included are free, and this is highlighted on the sheet. Services that specialized in supporting Indigenous peoples were specifically included so that any Indigenous participants could access culturally safe services. The sheet includes a brief blurb about each service, how to access it, and how to get more information. The information sheets can be found in appendix G, though both have been edited to ensure the anonymity of the research sites.

POTENTIAL BENEFITS

The anticipated benefits of this research are systemic. The results of the research are expected to contribute to the development of wise practice guidelines for the use of mediation in child protection proceedings. The results will fill a gap in the literature and are intended to benefit the state of knowledge. Any guidelines developed based on this research is intended to help child protection workers better support families and produce better outcomes for children and families. Anecdotally, the research team has heard that early mediations are better for families. Having a larger-scale study conducted in British Columbia will form an evidentiary basis for Mediate BC and MCFD to develop practice guidelines that can improve service provision and preserve the best interests of the child more effectively than in the past.

The research does not have immediate, direct benefits for participants. Because participation occurs after a family had undergone mediation, any improvements to the child protection mediation process would not impact them. Parents who have continued involvement with the child protection system may experience these changes, but any chance of that is too distant to be characterized as a benefit. There are potential emotional benefits to participation: parents may feel heard or find clarity from talking through their emotions with an independent person. Participants may also feel empowered by sharing their experience or derive a sense of satisfaction from participating and influencing public policy. Like most benefits, these are not guaranteed.

Because of the lack of immediate, direct benefits to parents in particular, the research team considered adding a financial incentive for parents and guardians. From a practical perspective, receiving money for participation is a benefit; however, the research team was concerned that offering a financial incentive would induce parents into participation. As discussed in the section of vulnerability, many families involved in the child-protection system

are living in poverty. In the end, it was concluded that a financial incentive posed too great a risk of unduly influencing parents into participation.

Maintaining Participant Privacy

Because of the sensitive nature of the research topic, the research team was concerned about protecting the privacy of participants. There was concern that without sufficient privacy protections, parents/guardians and child protection workers would not feel comfortable sharing their honest opinions about the mediation process. Because of the potential perception that participation would impact the child protection workers' employment, and the parents' outcomes in mediation or their child protection file, the team felt that ensuring confidentiality would make participants more willing to give sincere responses.

To keep data confidential, it will only be stored within a password-protected folder on a password-protected laptop. This includes any notes taken by researchers, the audio and video recordings of interviews of focus groups, documentation of consent, and anything else collected that relates to the study. No data will be stored in a cloud-based system. Because of the nature of the study and the realities of the COVID-19 pandemic, it is not anticipated that there will be any hard copies of data. If any hard copies of the data do exist, they will be stored in a locked cabinet in a locked office belonging to a member of the research team at the University of Victoria.

Survey data will be truly anonymous. No identifying information about the participants is collected, except their ancestry. Participants will be asked about ancestry to identify whether mediation impacted people of different ethnicities in different ways. As discussed earlier, this was to bring about reciprocity for Indigenous participants. Originally, the survey asked about the date of mediation, so that the research team could examine how different parties to a mediation had perceived the same series of events. The HREB felt that this opened a door to the possibility of identifying the parties, since only a few mediations occur on the same day in each location. Receiving this feedback, this question was removed. While pairing the responses of different parties to the same mediation may have provided an additional lens with which to analyze the data, it would not have helped answer any of the specific research questions, and therefore was not worth the risk.

The survey will be administered through Survey Monkey, an online platform for creating, sharing, and analyzing surveys. Importantly, Survey Monkey stores its data entirely in Canada. It was important to the research team that data be stored in Canada, and not the United States, because of the *U.S. Freedom Act*, which allows the American government to access any data stored in the USA without the knowledge or consent of participants. Storing data in Canada was a means of protecting participant privacy. The Ministry's secure Zoom will be used for similar reasons.

Individual interviews will be conducted with parents and guardians to provide a heightened sense of confidentiality. With focus groups, confidentiality could be emphasized, but

not guaranteed. Because of the sensitive nature of the subject matter, and in respect of the parents' willingness to share such a personal piece of their lives with us, it was determined that individual interviews were the most appropriate. This way, only the research team would know which parents participated in this stage of the study. This was a means of protecting participant privacy and also mitigating a risk of harm. In a group setting, an accidental disclosure of information is heard by all participants. In an interview, the researcher can easily remove it from the transcript. Similarly, if a participant withdraws from a study after an interview and wishes to withdraw already-collected data, it is relatively simple to do so. In a group setting, the other participants in a focus group cannot un-hear what one person has shared.

Interviews were chosen for counsel for a completely different reason. Though it was concluded that a focus group would not create a risk of harm for director's and parents' counsel, interviews will be conducted nonetheless. This was purely practical. Based on personal experience from members of the research team, it was concluded that it would be too difficult to schedule a time when a group of lawyers are all available.

Interviewees will have the choice of conducting their interview over the phone or using the video conferencing software, Zoom. Participants can choose to call in from a friend's phone, with a blocked number, leave the camera off on Zoom, or use a pseudonym during the interview. Information about how to change one's name on Zoom will be provided to participants in advance of the interview.

Because of the low risk of harm to child protection workers and mediators, focus groups were selected. The consent forms and invitation to participate made it clear that confidentiality could not be guaranteed in this setting. This allows participants to more accurately weigh the risks and benefits of participation in a focus group. Each focus group will begin with a conversation about the importance of confidentiality. Because the focus groups will be conducted over Zoom, participants have the option of leaving their cameras off, changing their Zoom name to a pseudonym, or both, as a means of protecting their privacy. Information about how to change a name on Zoom will be sent to participants ahead of the focus group.

One last concern regarding privacy is in regard to the audio and video recordings of interviews and focus groups. The research team chose to record the audio of each interview, and audio and video of focus groups. The audio will be recorded solely for the purposes of transcription. Video of focus groups will be recorded for ease of transcription. In a group setting, it can be difficult to tell who is speaking with only an audio recording. All recordings will be stored on a hard drive, not in a cloud-based system. As soon as transcription is complete, the recordings will be deleted. This poses a risk because a recording could allow for the identification of particular participants if the recording fell into the wrong hands. Notes, as the alternative, can be taken without participant names or identifying information, like their appearance or the sound of their voice. A recording is also a complete record of everything said, whereas notes of incidental disclosures may never be taken. The research team decided that the

privacy measures already implemented would be sufficient to mitigate this minor risk. Recordings will be stored on a hard drive, not in a cloud-based software, meaning another person would have to physically obtain the computer. The recording will be stored in a password-protected folder on a password-protected laptop. Furthermore, the recording will be transcribed in a timely manner, and then the recording will be deleted. Identifying information or incidental disclosures will be deleted from the transcript.

PUBLICATION

When the results of this research are to be published, all the data will be presented anonymously. The survey data will be anonymous from the beginning, and data from the interviews and focus groups will be anonymized. The research team will remove any identifying information that is incidentally shared during the data collection process. It is difficult to comment on the extent to which the data will need to be anonymized because it has not yet been collected. Pseudonyms will be used as needed. As Wiles (2012) warns, in smaller communities it can be possible to narrow down a list of possible participants based on a description. In order to accurately present the results, it will likely be necessary to identify data as coming from a parent, a CPW, director's counsel, parents' counsel, or a mediator. In some communities, there are only a few lawyers who act as counsel for each side, and only a few mediators. In these communities, identifying that "parents' counsel" gave a certain opinion could narrow down the possible participants to only a few individuals. Knowing that identification of groups in the publication would likely be required, the research team presented this as a minor risk to participation in the consent form. Before participating in an interview or focus group, counsel and mediators will be aware that the small number of professionals doing their work in their community may make it possible to match them to their comments. Because both counsel and the mediators are doing this work in a professional capacity, this risk was identified as minimal.

The research team queried whether the participants would want to be anonymous in the final publication, or whether anonymity would make them feel silenced, as suggested by Gordon (2019). In the end, the team concluded that the importance of confidentiality to some participants outweighed this risk and chose anonymizing results as a default. If a participant raises a desire to have their name attached to comments in the final publications, the research team would be open to having that conversation, and likely would be happy to include their name alongside their comments in the report.

Limitations and Further Research

This paper and this discussion included in it have limitations. Only one case study is discussed, which reflects the experiences of one research team at a university in British Columbia. The paper, while synthesizing the literature, does not reflect how ethical dilemmas may arise in other contexts or other studies. Case studies are not generalizable. This case study is meant as an example, not a reliable prediction on how ethical issues will arise in other situations. This example is also limited in that the recruitment and data collection had not begun at the time

of writing. While the protocol was approved by the HREB at the University of Victoria, and the research team feels confident about it, there has not been an opportunity to see how the protocol will play out in practice, when the study is conducted. Finally, this paper does not address every ethical dilemma that may arise. The paper focuses on ethical challenges that frequently arose in the literature, and those that aligned with the experiences of the research team in designing the child protection mediation research protocol. The discussion of ethical issues is not comprehensive. Researchers will need to remain cognizant that the ethical issues discussed are not the only challenges that may arise in the development of a human-centered research protocol.

Further research into the frequent ways that ethical issues arise, conducted in a way that is generalizable, would be helpful. This could perhaps occur through an evaluation of primary documents, such as ethics applications and comments from ethics review board. This would further support researchers in recognizing where they need to pay particular attention when developing a research protocol.

Conclusion

Developing an ethical research protocol is not an easy journey. The research team carefully and critically considered the research protocol for quite a long time. Several rounds of revisions occurred to get the ethical protocol approved. It was a lengthy learning process. It will be interesting to see the impacts of the decisions, as well as if other ethical issues arise, during the data collection phase.

In the context of studying the timing of child protection mediation, developing an ethical research protocol involved a consideration of the vulnerability of the participants, the sensitive nature of the topic, the involvement of Indigenous peoples, informed consent, risks of harm, and the protection of privacy. There are many more ethical considerations that fall outside of these categories that can arise when developing a research protocol. This chapter was meant to provide an in-depth discussion of the ethical issues faced, to provide a case study as to how ethical dilemmas can arise, and how they can be addressed. Cognizance of other ethical issues will be important when developing a different project.

Chapter 7: Concluding Thoughts

The goal of this paper was to provide a discussion about the development of ethical research protocols, particularly for vulnerable populations. This goal came to be after the author worked on developing a research protocol and realized how difficult it is to identify, navigate, and address ethical dilemmas. A case study of a research protocol developed by the author, in conjunction with a larger research team, was used in Chapter 5 to illustrate how ethical issues can present, and what solutions can be applied.

This paper utilizes the research protocol designed to study the timing of child protection mediation as a case study on which a more thorough discussion of ethical elements of research is based. While there is a lot of literature about ethical research, it remains difficult to conceptualize what ethical dilemmas will look like in one's own research protocol.

This paper begins with a chapter reviewing the literature about several commonly seen ethical dilemmas. The paper does not purport to address every element of ethical research – only those that were noted to be common in the literature and in the personal experience of the research team. The chapter discusses vulnerable participants, including Indigenous peoples as participants, sensitive research topics, mitigating harm, seeking informed consent, and protecting participant privacy. The literature shows that there is not a consensus about many of these issues across the scholarly community, except perhaps that researchers need to do better. Large scale, egregious ethical violations are less common now, but smaller, yet equally harmful, ethical concerns regularly arise and need to be addressed.

Throughout this paper, the primary research question to be addressed was: What are the ethical issues that Mediate BC has to contend with in terms of the research examining the timing of child protection mediation in BC? This thesis has made clear that there are numerous ethical issues that Mediate BC will need to address in future research studying the timing of child protection mediation. These ethical issues are outlined once more, in brief, below.

Scholars agree that vulnerability should not be assumed based on group membership but have not yet decided on which individual characteristics should point to vulnerability. It is also important to consider context in determining a person's vulnerability. Historically, Indigenous groups have been considered vulnerable in the research context. A vulnerability categorization creates the need for additional protection in other areas of the research, such as consent, privacy, and protection from harm. In child protection mediations, the research team concluded that parents ought to be considered vulnerable because they are in a time akin to crisis, and often come from marginalized communities. Old, but still relevant, data, suggests that parents and guardians involved in the child protection system are likely to live in poverty, be single parents, and be visible minorities (Blackstock and Trocmé, 2005). Current data from the Ministry of Children and Family Development in BC shows us that Indigenous families are disproportionately represented in the child protection system (Ministry of Children and Family Development,

2021). From this, it was concluded that there was a high likelihood that some of the participants would be Indigenous. All of this together led to a conclusion that parents and guardians were a vulnerable group that would require additional considerations when developing the rest of the research protocol. In any future research on child protection mediation, Mediate BC will need to address the vulnerability of parents and guardians as research participants by including additional safeguards.

The literature is clear that human research participants need to be protected from harm. Risks of harm must be mitigated, and benefits increased to balance the scale. Risks should be no more than what the average person faces in their daily life (Canadian Institutes of Health Research et al, 2018). In the case study, the research team recognized that for parents, there was a risk of emotional distress during the data collection process. To address this, questionnaires were chosen as a means of data collection so that participants could complete at their own pace, choosing not to finish if they wanted. Interview questions will be sent in advance, allowing participants to consider the questions and prepare for any emotional discomfort before the interview. Most importantly, a protocol was designed for the research team to use to intervene if any signs of emotional distress arose. This protocol is intended to help interviewee in accessing personal or professional support for their emotional discomfort. For child protection workers, counsel, and mediators, this was classified the study as minimal risk. As future research is conducted about child protection mediation, Mediate BC will need to be cognizant of the potential emotional distress caused by asking about mediation, and ensure that the recruitment, data collection, and publication processes are designed to minimize any risks of harm and increase benefits to participants.

Informed consent is a key pillar of ethical research, requiring individuals to agree to participate in the research after learning and understanding what exactly the project entails, including all risks and benefits. Each participant must consent without being unduly influenced or pressured to participate. Consent is a process, not just a form (Resnik, 2018). In the case study, plain language consent forms were drafted to be sent out with the recruitment emails. The form, alongside another document called an Invitation to Participate, explains the data collection process, the risks and benefits of the research, and what will be done with the data, among other things. The documents were sent by an administrative person at MCFD to reduce any pressure that a participant might feel receiving the documents from the researchers themselves. Any future research on CPM will require Mediate BC to engage once more with the consent process, including how to break down perceptions of unequal power dynamics and informing potential participants of the risks and benefits. Consent for any future study will necessarily require that the participant makes a free, informed decision.

Finally, the paper discusses privacy, anonymity, and confidentiality. Privacy refers to one's ability to control how information about oneself is collected, used, and disseminated (McGraw et al, 2015). Anonymity and confidentiality are means to achieving privacy's end. To maintain privacy in the timing of mediation study, data will be collected using truly anonymous

questionnaires. The research team, nor anybody else, will ever be able to determine who submitted which questionnaire. Interviews and focus groups are much more difficult to keep anonymous. Interviews were selected for parents and guardians to better protect confidentiality. Because of the minimal risk to participation, focus groups were selected for child protection workers and mediators. The research team set out safe ways to store data to ensure participant confidentiality would be protected. In research about child protection mediation, Mediate BC will need to contend with the ethical issues of privacy, anonymity, and confidentiality. These are complicated, overlapping subjects that can be difficult to navigate. Ensuring privacy is respected through confidentiality and anonymity reduces harm to participants, particularly vulnerable ones.

This paper highlights that it is difficult to design an ethical protocol for research with human participants, despite the vast literature on the subject. This paper seeks to synthesize the existing knowledge so that future researchers can learn this important information more easily. Further, the research seeks to fill a gap in the literature: despite the extensive literature base, it is still hard to conceptualize how these ethical issues will arise in practice. This paper uses a case study of the research protocol designed to study child protection mediation is used to illustrate how ethical dilemmas can go unseen, and how they can be addressed. As the research team developed the protocol, they struggled with how to best handle situations, and wondered how things that the ethics review board pointed out had been missed.

The purpose of this paper was to highlight the process one research team took to develop an ethical research protocol, the logic followed, and the decisions made. Illustrating this is intended to support other researchers in the development of their own studies. Having a better grasp on ethical dilemmas and how to address them will make students, new researchers, and experienced researchers better prepared for the development and execution of research protocols. It is hoped that this will make the ethics review process faster, permitting researchers to spend their time on the research, rather than in a revision loop with the review board. A faster process will likely also reduce workloads for review boards, allowing them to process more applications. Most importantly, ethical research promotes trust of institutions in the community, and leads to a greater knowledge base on which policies and practices can be based.

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Appendix A: Recruitment Emails

A1: Initial Email to Parents and Counsel

Hello,

We invite you to participate in a study about mediation in child protection. You are receiving this email because you recently participated in a mediation. Your views are vital in shaping the processes of child protection moving forward.

This study is being conducted by a research team at the University of Victoria. It looks specifically at the timing of mediation in child protection. We have attached an info sheet to this email that details the research. A consent form to participate in the study is also included in this email for your review.

Participation includes completing an online survey about your experience with mediation. The survey will take 10 to 15 minutes to be completed after the mediation is complete. If you decide to complete a survey, we will ask you to participate in an interview. You can participate by only completing the survey or completing both the survey and interview.

Completing the survey is completely up to you.. Nothing would change with your mediation or your child protection file if you chose not to participate. The mediator who conducts the mediation and the child protection worker assigned to your file will not know if you chose to complete the questionnaire or not after your mediation. Your answers will be confidential. All reporting will be anonymous.

If you choose to complete an interview, the questions will be provided in advance so that you know what to expect. If you become upset during the interview, the researcher will be available to talk to you about how you are feeling, or to connect you with somebody who can support you in your own community. You will be able to decide if you want to talk to somebody, and who to contact.

The research team will summarize the results in a report for Mediate BC and MCFD. The report will be available for participants to read.

The experience of mediation is critical support for families involved in the child protection process. The more insight we can gain from your experience, the more information we have to develop wise practice guidelines about mediation in child protection in British Columbia. We are appreciative of any insight you will provide.

If you have any questions about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

The questionnaire can be completed using this link⁴:

Please complete the questionnaire in the next two weeks. All your responses are confidential.

We look forward to hearing from you!

Thanks for your consideration,

Victoria Craig

A2: Initial Email to Child Protection Workers

Hello,

We invite you to participate in a study about mediation in child protection. You are receiving this email because you recently participated in a child protection mediation. We value your input about how you felt during the mediation. Your participation and perspectives as a child protection worker will offer more significant data to develop wise practices for mediation in child protection in British Columbia.

Your participation and reporting are confidential. MCFD will not know whether or not you participated in the study. Accepting or declining this invitation to participate will not affect your employment in any way.

Specifically, this study will look at the timing of mediation in child protection proceedings. We have attached an information sheet. A consent form to participate in the study is also included for your review. Again, your participation and the data reporting are strictly confidential.

Participation includes completing an online questionnaire about your experience with mediation. It is expected to take 10 to 15 minutes to complete. If you complete a questionnaire, you will also be asked about participating in a focus group with other child protection workers about your experience in further detail. You can participate by only completing the questionnaire or completing both the questionnaire and focus group.

The research team will summarize the results in a report for Mediate BC and MCFD. The report will be available for participants to read as well.

As a child protection worker, you play a critical role in the lives of families going through the child protection process. Therefore, we feel your input is critical.

⁴ Note that the link will be different for parents, director's counsel and parents' counsel. The body of the email will otherwise be identical.

If you have any questions about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

The questionnaire can be completed using this link:

We look forward to hearing from you!

Thanks for your consideration,

Victoria Craig

A3: Initial Email to Mediators

Hello,

You are invited to participate in a study about mediation in child protection. You are receiving this email because you recently facilitated a child protection mediation. We would really value your input about how you felt and what you observed during the mediation. Your participation will mean that we have more significant data to develop wise practices for the use of mediation in child protection in British Columbia. Mediate BC will not know whether or not you participated in the study. Accepting or declining this invitation to participate will not affect your contract with Mediate BC in any way.

Please see the attached information sheet about the study. A consent form to participate in the study is also included for your review.

Participation includes participating in a focus group with other mediators. It is expected to last about two hours.

If you have any questions about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

If you are interested in participating, please email victoriacraig@uvic.ca.

We look forward to hearing from you!

Thanks for your consideration,

Victoria Craig

A4: Follow Up Email to Parents and Counsel

Hi there,

A week ago, we sent an email inviting you to participate in a research project about mediation in child protection. We would value your participation in this project – the more people who complete the survey, the more information we have to develop wise practice guidelines for the use of mediation in child protection in British Columbia. If you've already completed the survey, please ignore this email.

Please see the attached information sheet about the study. A consent form to participate in the study is also included for your review.

Participation includes completing an online questionnaire about your experience with mediation. It will take 10 to 15 minutes to complete. It should be completed after the mediation has occurred. If you complete a questionnaire, you will also be asked about participating in an interview! You can participate by only completing the questionnaire or completing both the questionnaire and interview.

Completing the questionnaire is totally up to you. Nothing would change with your mediation or child protection file if you chose not to complete the questionnaire or the interview. The mediator who conducted the mediation and the child protection worker assigned to your file will not know if you choose to complete the questionnaire or not after your mediation. Your answers will be confidential. All reporting will be anonymous.

If you have any questions or concerns about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

The questionnaire can be completed using this link:

We hope to hear from you soon!

Victoria Craig

A5: Follow Up Email to Child Protection Workers

Hi there,

A week ago, we sent an emailing inviting you to participate in a research project about mediation in child protection. We would really value your participation in this project – the more people who participate, the more data we have to draw conclusions from, and to develop wise practices for the use of mediation in child protection in British Columbia. If you have already completed the questionnaire, please ignore this email.

MCFD will not know whether or not you participated in the study. All reporting will be anonymous. Accepting or declining this invitation to participate will not affect your employment in any way.

Please see the attached information sheet about the study. A consent form to participate in the study is also included for your review.

Participation includes completing an online questionnaire about your experience with mediation. It is expected to take 10 to 15 minutes to complete. If you complete a questionnaire, you will also be asked about participating in a focus group with other child protection workers. You can participate by only completing the questionnaire, or by completing both the questionnaire and interview.

If you have any questions or concerns about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

The questionnaire can be completed using this link:

We hope to hear from you soon!

Victoria Craig

A6: Follow Up Email to Mediators

Hi there,

A week ago, we sent an email inviting you to participate in a research project about mediation in child protection. We haven't heard from you. We would really value your participation in this project – the more people who participate, the more data we have to draw conclusions from, and to develop wise practices for the use of mediation in child protection in British Columbia. Mediate BC will not know whether or not you participated in the study. Accepting or declining this invitation to participate will not affect your contract with Mediate BC in any way.

Please see the attached information sheet about the study. A consent form to participate in the study is also included for your review.

Participation includes participating in a focus group with other mediators. It is expected to last about two hours..

If you have any questions or concerns about participation or the study in general, please feel free to contact Victoria Craig at victoriacraig@uvic.ca or 250-721-8057.

If you are interested in participating, please email victoriacraig@uvic.ca.

We hope to hear from you soon!

Victoria Craig

Appendix B: Invitations to Participate

B1: Invitation to Participate for Parents and Counsel

Timing of Mediation in Child Protection

We invite you to participate in a study entitled “**Timing of Mediation in Child Protection.**”

This study is being conducted by a research team at the University of Victoria and funded by Mediate BC. Because you recently participated in a mediation, your feedback is critical to shaping a better process and supports for all families moving forward. We appreciate your insights and experience.

If you agree to participate, we ask that you complete a brief online survey about how you felt about the mediation. The survey is entirely anonymous. At the end of the survey, we will ask a few more questions about your experience in an interview if you are willing. The interview is entirely optional. You can participate by completing only the survey or completing both the survey and interview.

Purpose and Objectives

This research project aims to understand when mediation is most effective in child protection cases. The project will also look at the impacts of mediation on children and families. Finally, we hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide better services to families and produce better outcomes for children, families, and communities.

Risks & Benefits

The interview may bring up difficult feelings. We will provide the questions in advance so that you know what to expect. You will have the option of stopping the interview whenever you would like. The research team will have support available for you if you need them. You can speak to the researcher or another member of the research team about how you are feeling if you would like. The researcher can also help you connect with your own support system, or provide a list of local support options in your community that you can access.

The benefits of this research are great. The potential benefits of your participation in this research include contributing to the knowledge of mediation in child protection. As well, your feedback will help child protection agencies provide better services to families, benefitting communities and society.

Voluntary Participation and Confidentiality

Your participation in this research must be entirely voluntary. Nothing would change with your mediation or your child protection file if you chose not to participate. The mediator who conducts the mediation and the child protection worker assigned to your file will not know if you chose to complete the questionnaire or not after your mediation. Your feedback in all data collection is confidential, and the data reporting is anonymous.

If you are interested, please contact Victoria Craig at victoriacraig@uvic.ca by DATE. She will answer any questions

Contacts

For any other questions about the study, you can contact:

- Victoria Craig: victoriacraig@uvic.ca

- Robert Lapper: rlapper@uvic.ca
- Kim Speers: kspeers@uvic.ca

Thank you so much for considering participating in this study! We look forward to hearing from you!

B2: Invitation of Participate for Child Protection Workers

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

This study is being conducted by a research team at the University of Victoria . This project is being conducted for and funded by Mediate BC. Because you have recently participated in a mediation, you are being invited to participate in the study. If you choose to participate, you will be asked to complete a brief online survey about how you felt about the mediation. The survey is completely anonymous. At the end of the survey, you will be asked if you are willing to be asked a few more questions about your experience, in a focus group. This is completely optional. You can participate by completing only the questionnaire, or by completing both the questionnaire and interview/focus group. Your insight would be very valuable to this project! For meaningful results, we need as many people as possible to participate in the study.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide better services to families, and produce better outcomes for children, families, and communities.

Risks & Benefits

There are no known or anticipated risks in participating in this research. However, the benefits are great. The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole.

Voluntary Participation

Your participation in this research must be completely voluntary. If you are interested in participating, please contact Victoria Craig at victoriacraig@uvic.ca. She can answer any questions you may have, and will provide a consent form for your review.

Contacts

Individuals that may be contacted regarding this study include Victoria Craig, Robert Lapper and Kim Speers. They can be contacted using the following information:

- Victoria Craig: victoriacraig@uvic.ca
- Robert Lapper: rlapper@uvic.ca

- Kim Speers: kspeers@uvic.ca

Thank you so much for considering participating in this study! We look forward to hearing from you!

B3: Invitation to Participate for Mediators

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

This study is being conducted by a research team at the University of Victoria. This project is being conducted for and funded by Mediate BC. Because you have recently facilitated a child protection mediation, you are being invited to participate in the study. If you choose to participate, you will be asked to participate in a focus group with other mediators. We expect that the focus group will last about a two hours. Mediate BC will not be provided names of mediators who choose to participate in the study. Only the research team and others in the focus group will know that you have participated. Your insight would be very valuable to this project! For meaningful results, we need as many people as possible to participate in the study.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide better services to families, and produce better outcomes for children, families, and communities.

Risks & Benefits

There are no known or anticipated risks to you by participating in this research. However, the benefits are great. The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole.

Voluntary Participation

Your participation in this research must be completely voluntary. If you are interested in participating, please contact Victoria Craig at victoriacraig@uvic.ca. She can answer any questions you may have, and will provide a consent form for your review.

Contacts

Individuals that may be contacted regarding this study include Victoria Craig, Robert Lapper and Kim Speers. They can be contacted using the following information:

- Victoria Craig: victoriacraig@uvic.ca
- Robert Lapper: rlapper@uvic.ca
- Kim Speers: kspeers@uvic.ca

Thank you so much for considering participating in this study! We look forward to hearing from you!

Appendix C: Consent Forms

C1: Consent to Disclosure

Our team at the University of Victoria is working on a research project to help improve mediation for families involved with the Ministry of Children and Family Development. We are asking people who participate in mediations if they are willing to answer some questions about the process.

Mediation is Confidential

Information that is shared during a child protection mediation is confidential under section 24 of the *Child Family and Community Services Act*. This means that nobody is allowed to share the things that you said in mediation. There is an exception to this rule. Sharing information is allowed if everyone who participated in the mediation agrees. That means that if everyone agrees, some people in this mediation could speak with the researchers about this mediation.

Scope of Research Questions

This research project will only ask questions about the mediation process itself. It will not ask about anyone's private information. We want to learn about when mediation works best so questions will focus on that topic.

The researchers will not ask questions about what happened exactly in the mediation, but it is possible that some people might share information while they are answering a different question.

We are asking for your permission for other people in the mediation to talk only to the University of Victoria research team about the mediation you just participated in. This consent to disclosure form does not allow the other people in the mediation to talk to anybody else about the mediation, only the research team.

Signing this form is completely up to you. There will be no changes to any mediation agreement or your child protection file based on whether or not you decide to sign. The research team will not know if you say no.

What this form means

Signing this form means that you consent to other people in the mediation talking with the researchers about the mediation.

Signing this form does NOT mean you agree to participate in the study yourself. If everyone in your mediation signs this form, you will be invited to participate in the study and you can make that decision at that time.

If Information is Shared

If everyone in your mediation signs this agreement, some people in your mediation may decide to participate in the research study. If they do, that person will be allowed to share what happened in your mediation with the researchers. Any identifying information or specific details about your mediation that are shared with the research team will be deleted from any research notes or recordings. People from Mediate BC and MCFD will not have access to the information shared. No details about your specific mediation will be in the final research report.

Signing this form on the line below indicates that you agree to everyone present in the mediation on **DATE** discussing the mediation with members of the University of Victoria “Timing of Mediation in Child Protection” research team.

Signature

Date

Name (Printed)

C2: Consent to Survey for Parents

Timing of Mediation in Child Protection

You are invited to participate in a research study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a Master’s student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a Master’s student, I am required to conduct research as part of the requirements for a degree in Public Administration. My work is being supervised by Robert Lapper, a professor of Public Administration and Law. You may contact my supervisor at [250-721-7647](tel:250-721-7647).

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being paid for by Mediate BC.

Purpose and Objectives

We are doing this research project to understand when mediation is most effective in the child protection cases. We want to know how mediation impacts children and their families. We hope to use the information we learn to develop new guidelines for MCFD about the use of mediation in child protection cases so that they can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will help us understand how mediation can be used early in the child protection process to get better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As a parent or guardian who has participated in a child protection mediation, your experiences will be very helpful to this project.

What is involved

If you agree to voluntarily participate in this research, your participation will include the completion of a questionnaire. The questionnaire will take between ten and 15 minutes to complete. It will be

completed online using Simple Surveys. The questionnaire will not ask any identifying information about you. The questions will be about your experience with child protection mediation. You will be asked to rank statements on a scale from 1 to 7, and respond to a few short answer questions. You can decline to answer any question without consequence.

At the end of the questionnaire, you will be invited to email a member of the research team if you would like to answer a few more questions about child protection mediation in an interview. You do not need to participate in the interview just because you did the questionnaire. If you decide to participate in an interview and email the address provided in the questionnaire, another consent form will be provided for you for that piece of the study.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of you participating in this research include contributing to how much we know and understand about mediation in child protection. This will help child protection agencies, like MCFD, provide better services to families like yours. We also think that knowing more will benefit communities and society as a whole.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study, your data will only be used if you give permission. Participating in the study by completing the questionnaire or the interview will not change the results of your mediation or child protection case. The mediator and your child protection worker will not know whether or not you participated.

Anonymity

The questionnaires will be completely anonymous. As the research team, we will not know who filled out each questionnaire. We will only know that it was a parent or guardian who completed a mediation.. No identifying information will be collected. If you accidentally share identifying information in the questionnaire, we will remove it from your answers for you.

Confidentiality

Your responses will be kept confidential. Your confidentiality and the confidentiality of the data will be protected by storing the data in a password-protected folder on a locked computer. Only members of the research team will have access to the data. This means that people from Mediate BC and MCFD will not be able to see the answers to the questionnaires.

Sharing the Results

We expect that the results of this study will be shared with others in the following ways: report for Mediate BC, thesis paper, presentations at scholarly meetings, on the internet, and in published articles.

Deleting theData

Data (the information we collect) from this study will be deleted by erasing electronic data and shredding any paper copies. Data will be kept for a maximum of 18 months after the collection date.

Contacts

We would be happy to talk further about the study if you have questions or concerns. Individuals that may be contacted regarding this study include Victoria Craig, Robert Lapper and Kim Speers. They can be contacted using the following information:

- Victoria Craig: victoriacraig@uvic.ca; 250-721-8057
- Robert Lapper: rlapper@uvic.ca
- Kim Speers: kspeers@uvic.ca

In addition, you may check the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Typing your name below indicates that you understand the conditions of participation in this study (above), that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

<i>Name of Participant</i>	<i>Signature</i>	<i>Date</i>
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A copy of this consent will be left with you, and a copy will be taken by the researcher.

C3: Consent to Survey for Child Protection Workers

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a graduate student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at 250-721-7647.

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being funded by Mediate BC.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so

that child protection agencies can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will contribute to understanding how mediation can be used early in the child protection process to produce better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As a child protection worker who has participated in a child protection mediation, your experiences and insight will be very valuable to this project.

What is involved

If you consent to voluntarily participate in this research, your participation will include the completion of a questionnaire. The questionnaire will take between ten and 15 minutes to complete. It will be completed online using Simple Surveys. The questionnaire will not ask any identifying information about you. The questions will be about your experiences with child protection mediation. You will be asked to rank statements on a scale and respond to a few short answer questions. You can decline to answer any question without consequence. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations.

If you consent to participate in the study by completing a questionnaire, you may be contacted to potentially participate in participating in a focus group about child protection mediation. You may decline to participate in the focus group and still complete the questionnaire. A separate consent form and more information will be provided if you are contacted about the focus group.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will only be used if you give permission.

Anonymity

The questionnaires will be completely anonymous. You will only be asked to identify that you participated in the mediation as a child protection worker No other identifying information will be collected. As the research team, we will not know which participants submitted which questionnaire.

Confidentiality

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a graduate student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at 250-721-7647.

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being funded by Mediate BC.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will contribute to understanding how mediation can be used early in the child protection process to produce better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As counsel, your insight into mediation will be very useful for this project.

What is involved

If you consent to voluntarily participate in this research, your participation will include the completion of a questionnaire. The questionnaire will take between ten and 15 minutes to complete. It will be completed online. The questionnaire will not ask any identifying information about you. The questions will be about your experiences with child protection mediation. You will be asked to rank statements on a scale and respond to a few short answer questions. You can decline to answer any question without consequence. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations.

If you consent to participate in the study by completing a questionnaire, you may be contacted to potentially participate in participating in an interview about child protection mediation. You may decline to participate in the interview and still complete the questionnaire. A separate consent form and more information will be provided if you are contacted about the interview.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

Contact information:

Please provide an email address to which we can send the link to the questionnaire:

A copy of this consent will be left with you, and a copy will be taken by the researcher.

C5: Consent to Interview for Parents**Timing of Mediation in Child Protection**

You are invited to participate in a research study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a Master’s student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a Master’s student, I am required to conduct research as part of the requirements for a degree in Public Administration. My work is being supervised by Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at 250-721-7647.

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being paid for by Mediate BC.

Purpose and Objectives

We are doing this this research project to understand when mediation is most effective in child protection cases. We want to know how mediation impacts children and their families. We hope to use the information we learn about to develop new guidelines for MCFD on the use of mediation in child protection cases. The goal of the study is that they can provide the best services to families and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will help us understand how mediation can be used early in the child protection process to get better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As a parent or guardian who has participated in a child protection mediation, your experiences will be very helpful to this project.

What is involved

If you agree to voluntarily participate in this research, your participation will include an individual interview with one or two members of the research team. The interviews should last 30 to 60 minutes. You will get to choose how we do the interview: by telephone, or over zoom (virtual meeting software that is used via the Internet).

If you choose zoom, the MCFD's secure zoom will be used. Even though we are using their Zoom account, nobody from MCFD will be part of the call. Nobody from MCFD will know if you participate in the study or not. The research team will provide you with guidance on how to protect your identity and increase the protection of your personal information when using Zoom, if you choose to use it.

The interviewer will ask questions and you will be given as much time as you need to answer. The interviewer may ask follow-up questions to your answers. If you do not know how to respond, or you don't want to respond, for whatever reason, you can decline to answer any questions without consequence. The interviewer will not ask why you did not want to answer a question. The questions will all be about your experiences with mediation in child protection and that is important to us to learn about.

You can pause the interview to take a break at any time. You can end the interview at any time. The interview can be completed over several smaller meetings, if you want to.

We will record the audio of the interview and take written notes during the interview. We will use the voice recording to write down everything that was said during the interview. Once it is copied down, we will delete the recording.

Risks

Discussing your recent mediation might be emotionally uncomfortable. We expect that this feeling will only be temporary. You will have the option to pause or stop the interview if you become uncomfortable. We will send you the interview questions ahead of time so that you know what to expect. If you become uncomfortable or upset in any manner during the interview, we will stop and ask what your preferred next steps are. Some options may be to take a break, help you find support for you to address your needs, or talk to you about your feelings, or another topic you choose. There may be other options you may wish to identify.

Benefits

The potential benefits of you participating in this research include contributing to how much we know and understand about mediation in child protection. This will help child protection agencies, like MCFD, provide better services to families, benefitting communities and society as a whole. You might also feel satisfied from helping us understand mediation and in this way, you will be acting as a teacher to us

Voluntary Participation

Your participation in this research is completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study, your data will only be used if you give permission. Participating in the study by completing an interview will not change the results of your mediation or child protection case. The mediator and your child protection worker will not know whether or not you participated.

Anonymity

Note: the audio recorded will only be used for transcription of the focus group, then deleted. The recording will not be disseminated at all.

A copy of this consent will be left with you, and a copy will be taken by the researcher.

C6: Consent to Focus Group for Child Protection Workers

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a graduate student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at 250-721-7647.

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being funded by Mediate BC.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will contribute to understanding how mediation can be used early in the child protection process to produce better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As a child protection worker, your involvement and insight into mediation will be very useful to the project.

What is involved

If you consent to voluntarily participate in this research, your participation will include an hour-long focus group facilitated by members of the research team. Only other child protection workers and members of the research team will be present. The focus group will occur over Zoom. MCFD’s secure zoom will be used. Even though we are using their Zoom account, nobody from MCFD will be part of the call. Nobody from MCFD will know if you participate in the study or not. The research team will provide

you with guidance on how to protect your identity and increase the protection of your personal information when using Zoom, if you choose to use it.

The focus group facilitators will pose a question, and participants will be invited to respond with their opinions. Participants are welcome to disagree with one another. The facilitator may ask probing questions to understand answers. You may decline to answer any question without consequence. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations. The questions will not be of a personal nature. Questions will be able your experiences with mediation in child protection.

Video- and Audio-tapes and written notes will be taken during the focus group. A transcription will be made.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole. Your own knowledge of mediation may increase from listening to others in the focus group.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will only be used if you give permission.

Anonymity

All identifying features will be removed in the final reports to protect your anonymity.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected by storing the data in a password-protected folder on a locked computer. Only members of the research team will have access to the data.

Other members of the focus group will know who you are and what you said in the group. The importance of confidentiality will be raised at the beginning of the group. However, the research team cannot guarantee that your answers will be kept confidential. You may decline to answer any question without consequence.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways: report for Mediate BC, thesis, presentations at scholarly meetings, on the internet, and in published articles.

Disposal of Data

Data from this study will be disposed of by erasing electronic data and shredding any paper copies. Data will be stored for a maximum of 18 months after the collection date.

Contacts

Individuals that may be contacted regarding this study include Victoria Craig, Robert Lapper and Kim Speers. They can be contacted using the following information:

- Victoria Craig: victoriacraig@uvic.ca; 250-721-8057
- Robert Lapper: rlapper@uvic.ca
- Kim Speers: kspeers@uvic.ca

In addition, you may verify the ethical approval of this study, or raise any concerns you might have, by contacting the Human Research Ethics Office at the University of Victoria (250-472-4545 or ethics@uvic.ca).

Your signature below indicates that you understand the above conditions of participation in this study, that you have had the opportunity to have your questions answered by the researchers, and that you consent to participate in this research project.

Name of Participant

Signature

Date

Audio Recording of Focus Group: Participant to provide initials, *only if you consent:*

Audio recordings may be taken of me for analysis: _____

- Video recordings may be taken of me for analysis: _____

Note: the audio and video recorded will only be used for transcription of the focus group, then deleted. The recording will not be disseminated at all.

A copy of this consent will be left with you, and a copy will be taken by the researcher.

C7: Consent to Interview for Counsel

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a graduate student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at [250-721-7647](tel:250-721-7647).

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being funded by Mediate BC.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will contribute to understanding how mediation can be used early in the child protection process to produce better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As either Directors' or Parents' counsel, your involvement and insight into mediation will be very useful to the project.

What is involved

If you consent to voluntarily participate in this research, your participation will include an interview facilitated by members of the research team. We anticipate the interview will take about an hour. Only counsel and members of the research team will be present. The interview will occur over Zoom. MCFD's secure zoom will be used. Even though we are using their Zoom account, nobody from MCFD will be part of the call. Nobody from MCFD will know if you participate in the study or not. The research team will provide you with guidance on how to protect your identity and increase the protection of your personal information when using Zoom, if you choose to use it.

A member of the research team will pose a question, and you will be invited to respond with your opinions. The member of the research team may ask probing questions to understand answers. You may decline to answer any question without consequence. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations. The questions will not be of a personal nature. Questions will be able your experiences with mediation in child protection.

Audio-tapes and written notes will be taken during the interview. A transcription will be made.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole. Your own knowledge of mediation may increase from listening to others in the focus group.

Note: the audio recorded will only be used for transcription of the focus group, then deleted. The recording will not be disseminated at all.

A copy of this consent will be left with you, and a copy will be taken by the researcher.

C8: Consent to Focus Group for Mediators

Timing of Mediation in Child Protection

You are invited to participate in a study entitled “Timing of Mediation in Child Protection” that is being conducted by Victoria Craig, Robert Lapper, Kim Speers, Tara Ney, and Abby McFee.

Victoria Craig is a graduate student in the School of Public Administration at the University of Victoria and you may contact her if you have further questions by emailing victoriacraig@uvic.ca.

As a graduate student, I am required to conduct research as part of the requirements for a degree in Public Administration. It is being conducted under the supervision of Robert Lapper, a professor of Public Administration and Law . You may contact my supervisor at 250-721-7647.

This study is also being conducted for a client. Sharon Sutherland is the Director of Strategic Innovation at Mediate BC. This research is being funded by Mediate BC.

Purpose and Objectives

The purpose of this research project is to understand when mediation is most effective in the child protection cases. The project will also look at the impacts of mediation on children and families. We hope to develop clear, evidence-based guidance about the use of mediation in child protection cases so that child protection agencies can provide the best services to families, and produce the best outcomes for children, families, and communities.

Importance of this Research

Research of this type is important because it will contribute to understanding how mediation can be used early in the child protection process to produce better outcomes for children and families.

Participants Selection

You are being asked to participate in this study because of your experience with child protection mediation. As a mediator, your involvement and insight into mediation will be very useful to the project.

What is involved

If you consent to voluntarily participate in this research, your participation will include an hour-long focus group facilitated by members of the research team. Only other mediators and members of the research team will be present. The focus group will occur over Zoom. MCFD’s secure zoom will be used. Even though we are using their Zoom account, nobody from MCFD will be part of the call. Nobody from MCFD will know if you participate in the study or not. The research team will provide you with guidance on how to protect your identity and increase the protection of your personal information when using Zoom, if you choose to use it.

The focus group facilitators will pose a question, and participants will be invited to respond with their opinions. Participants are welcome to disagree with one another. The facilitator may ask probing questions to understand answers. You may decline to answer any question without consequence. The questions will not be of a personal nature. Questions will be able your experiences with mediation in child protection.

Audio- and video-tapes and written notes will be taken during the focus group. A transcription will be made.

Risks

There are no known or anticipated risks to you by participating in this research.

Benefits

The potential benefits of your participation in this research include contributing to the state of knowledge of mediation in child protection. This will help child protection agencies provide better services to families, benefitting communities and society as a whole. Your own knowledge of mediation may increase from listening to others in the focus group.

Voluntary Participation

Your participation in this research must be completely voluntary. If you do decide to participate, you may withdraw at any time without any consequences or any explanation. If you do withdraw from the study your data will only be used if you give permission.

Anonymity

All identifying features will be removed in the final reports to protect your anonymity.

Confidentiality

Your confidentiality and the confidentiality of the data will be protected by storing the data in a password-protected folder on a locked computer. Only members of the research team will have access to the data.

Other members of the focus group will know who you are and what you said in the group. The importance of confidentiality will be raised at the beginning of the group. However, the research team cannot guarantee that your answers will be kept confidential. You may decline to answer any question without consequence.

Dissemination of Results

It is anticipated that the results of this study will be shared with others in the following ways: report for Mediate BC, thesis, presentations at scholarly meetings, on the internet, and in published articles.

Disposal of Data

Data from this study will be disposed of by erasing electronic data and shredding any paper copies. Data will be stored for a maximum of 18 months after the collection date.

Contacts

Appendix D: Surveys

D1: Survey for Parents

The Ministry of Children and Family Development (MCFD) and Mediate BC with the assistance of a research team from the University of Victoria School of Public Administration are currently studying the use of early mediation in child protection matters. Mediation is a way of solving problems with the help of a neutral third party (the mediator). MCFD and Mediate BC are interested in understanding whether the timing of mediation in the child protection process affects opportunities to resolve matters, or otherwise impacts the planning process. The broad purpose of this research is to develop clear evidence-based guidance on the optimum use of mediation in child welfare work to support better outcomes for children, families, and communities.

As a parent or guardian who has participated in a child protection mediation, you are invited to share your experience with qualified members of a research team from the University of Victoria by completing this questionnaire. Your response is anonymous and will be kept confidential. The responses from these questionnaires will help MCFD and Mediate BC make optimum use of mediation in future, to support positive outcomes in child protection matters. Your feedback is an important part of this project. It will take you approximately 15 minutes to complete this questionnaire. Thank you.

You can skip any question you do not feel comfortable answering. It's possible that answering these questions will bring up difficult feelings. Please feel free to take breaks as you need to. You can submit the questionnaire without finishing, or decide not to submit at all, if you want to do so. Lean on your personal supports as needed. You can contact the research team for additional supports if you need to.

How do you identify your ancestry? For the purpose of this survey, this self-identification is not intended as an indication of one's birthplace, citizenship, language or culture. If you are of mixed descent, please indicate this by checking off all that apply. If your self-identification (or parts of it) does not appear in this list, please specify under "Prefer to self-identify as".

- African/Black (e.g., African, African-American, African-Canadian, Afro-Caribbean, etc.)
- Arab (e.g., Algerian, Lebanese, Tunisian, etc.)
- East Asian (e.g., Chinese, including Hong Kong and Macau, Japanese, Korean, etc., and including Asian-Canadian, Asian-American, etc.)
- European/Non-White (e.g., Roma, etc.)
- European/White (e.g., Belgian, Croatian, English, Swedish, Spanish, etc.)
- Filipina/Filipino
- Indigenous (outside of North America)
- Indigenous (within North America)
- Latin, South, or Central American (e.g., Brazilian, Chilean, Colombian, Mexican, etc.)
- South Asian (e.g., Indian, Pakistani, Sri Lankan, etc., and including Indo-Caribbean, Into-African, Indo-Fijian, West Indian, etc.)
- Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese, etc.)

- West Asian or Middle Eastern (e.g., Afghan, Iranian, etc.)
- Not listed: [].
- Prefer to self-identify as:[]
- Prefer not to answer

Did you reach a full or partial agreement ?

- a) Agreement on all the matters that were the subject of the mediation
- b) Agreement on some of the matters that were the subject of the mediation?
- c) We did not resolve any of the matters that were the subject of the mediation.

Rank the following statements from 1 to 7. 1 is strongly disagree, and 7 is strongly agree. If you can, provide reasons for your ranking.

1. I felt like my opinions and concerns were listened to during mediation.
2. I thought the mediation was fair.
3. The mediation considered the best interests of the child.
4. I was satisfied with the speed of the mediation.
5. I felt satisfied with the outcomes of the mediation.
6. I felt prepared for mediation.
7. I felt respected by the child protection worker during mediation.
8. I felt respected by the mediator during mediation.

Think back to your relationship with the child protection worker you work with most often. Rank the following statements based on the relationship you had with them BEFORE mediation.

9. I was comfortable telling the child protection worker if I disagreed with them.
10. I was uncomfortable telling the child protection worker if their ideas would not be feasible for my family.
11. I felt the child protection worker had power over me and my family.
12. I felt heard when I shared my opinions with the child protection worker.
 - a. Option on this question to choose “I did not feel comfortable sharing with the child protection worker”
13. I felt I could contribute ideas to the plan for my family.
14. I felt the child protection worker had the final say in decisions.

Now, think about the relationship you have with the child protection worker you work with most often AFTER mediation. Rank the following statements based on the relationship you have with them NOW.

15. I am comfortable telling the child protection worker if I disagree with them.
16. I am uncomfortable telling the child protection worker if their ideas would not be feasible for my family.
17. I feel the child protection worker has power over me and my family.
18. I am able to share my ideas with the child protection worker.
19. I feel heard when I share my ideas with the child protection worker.

20. I am able to contribute ideas to the plan for my family.
21. I feel like the child protection worker had the final say in decisions.

Please answer the following questions in the space provided:

1. How would you characterize your relationship with the child protection worker?
2. Do you feel the way you communicate with the child protection worker has improved because of the mediation? In what ways?
3. Did you feel safe during the mediation? If you can, please explain.
4. Did you feel your culture was respected during the mediation?
5. Were you ever involved in a court process (rather than mediation process) about a child protection issue? If your answer is “yes”, would you say the outcomes for you and your family from this mediation were better, worse, or about the same as the outcomes of court proceedings? Please explain if possible.
6. Were new (not previously discussed) issues raised the mediation? If your answer is “yes”, please explain how these issues were dealt with/discussed/navigated in the mediation.
7. Were you offered other types of collaborative decision-making processes (such as integrated case management, or family group conferencing)?
 - a. If your answer is “yes”, why did you choose or agree to mediation instead of those other options?
 - b. If your answer is “no”, why did you choose or agree to mediation generally?
8. What was most helpful about the mediation?
9. What was least helpful about the mediation?
10. Overall, were you satisfied or unsatisfied with the mediation?
11. What would you change about the mediation if you could?
12. Do you have any other comments you would like to make about any aspect of the mediation process?

D2: Survey for Child Protection Workers

The Ministry of Children and Family Development (MCFD) and Mediate BC with the assistance of a research team from the University of Victoria School of Public Administration are currently studying the use of early mediation in child protection matters. Mediation is a way of solving problems with the help of a neutral third party (the mediator). MCFD and Mediate BC are interested in understanding whether the timing of mediation in the child protection process affects opportunities to resolve matters, or otherwise impacts the planning process. The broad purpose of this research is to develop clear evidence-based guidance on the optimum use of mediation in child welfare work to support better outcomes for children, families, and communities.

As a child protection worker who has participated in a child protection mediation, you are invited to share your experience with qualified members of a research team from the University of Victoria by completing this questionnaire. Your response is anonymous and will be kept confidential. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as

you are able to without breaching any professional or ethical obligations. The responses from these questionnaires will help improve the use and timing of mediation in the future. Your feedback is an important part of this project. You can skip any question you do not feel comfortable answering. It will take you approximately 15 minutes to complete this questionnaire. Thank you.

How do you identify your ancestry? For the purpose of this survey, this self-identification is not intended as an indication of one's birthplace, citizenship, language or culture. If you are of mixed descent, please indicate this by checking off all that apply. If your self-identification (or parts of it) does not appear in this list, please specify under "Prefer to self-identify as".

- African/Black (e.g., African, African-American, African-Canadian, Afro-Caribbean, etc.)
- Arab (e.g., Algerian, Lebanese, Tunisian, etc.)
- East Asian (e.g., Chinese, including Hong Kong and Macau, Japanese, Korean, etc., and including Asian-Canadian, Asian-American, etc.)
- European/Non-White (e.g., Roma, etc.)
- European/White (e.g., Belgian, Croatian, English, Swedish, Spanish, etc.)
- Filipina/Filipino
- Indigenous (outside of North America)
- Indigenous (within North America)
- Latin, South, or Central American (e.g., Brazilian, Chilean, Colombian, Mexican, etc.)
- South Asian (e.g., Indian, Pakistani, Sri Lankan, etc., and including Indo-Caribbean, Indo-African, Indo-Fijian, West Indian, etc.)
- Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese, etc.)
- West Asian or Middle Eastern (e.g., Afghan, Iranian, etc.)
- Not listed: []
- Prefer to self-identify as:[]
- Prefer not to answer

Did you reach a full or partial agreement ?

- a) Agreement on all the matters that were the subject of the mediation
- b) Agreement on some of the matters that were the subject of the mediation?
- c) We did not resolve any of the matters that were the subject of the mediation.

Rank the following statements from 1 to 7. 1 is strongly disagree, and 7 is strongly disagree. If you can, provide reasons for your ranking.

1. I was able to share my concerns in a productive manner.
2. I thought the mediation was fair.
3. The mediation considered the best interests of the child.
4. I was satisfied with the speed of the mediation.
5. I felt satisfied with the outcomes of mediation.
6. I felt heard during the mediation.
7. I understand the parent's point of view better because of mediation.
8. I felt prepared for mediation.

9. I felt respected by the parents during mediation.
10. I felt respected by the mediator during mediation.

Think back to your relationship with the parents/guardians in this case before mediation. Rank the following statements based on the relationship you had with them BEFORE mediation.

11. The parent/guardian seemed nervous sharing with me.
12. I was able to discuss the family's unique circumstances with the parents/guardians.
13. The parent/guardian was able to disagree with my recommendations.
14. My relationship with the parent/guardian was tense.
15. We were able to work collaboratively to develop a plan for the family.

Now, think about the relationship you have with the parents/guardians in this case after mediation. Rank the following statements based on the relationship you have with them NOW.

16. The parents/guardians seem nervous sharing with me.
17. I am able to discuss the family's unique circumstances with the parent/guardian.
18. The parent/guardian is able to disagree with my recommendations.
19. My relationship with the parent/guardian is tense.
20. We are able to work collaboratively to develop a plan for the family.

Please answer the following questions in the space provided:

21. How would you characterize your relationship with the parent(s) or guardian? Did mediation change the relationship you had with them?
22. Do you feel the way you communicate with the parent(s) has improved because of the mediation? In what ways?
23. Was the child or family Indigenous? How, if at all, did this change your approach to mediation?
24. What steps did you take to incorporate culture into the mediation?
25. Were new (not previously discussed) issues raised the mediation? If your answer is "yes", please explain how these issues were dealt with/discussed/navigated in the mediation.
26. Were you ever involved in a court process (rather than mediation process) about a child protection issue? If your answer is "yes", would you say the outcomes for you and your family from this mediation were better, worse, or about the same as the outcomes of court proceedings? Please explain if possible.
27. Were other types of collaborative decision-making processes (such as integrated case management, or family group conferencing) considered in this case?
 - a. If your answer is "yes", why did you choose or agree to mediation instead of those other options?
 - b. If your answer is "no", why did you choose or agree to mediation generally?
28. What was most helpful about the mediation?
29. What was least helpful about the mediation?
30. Would mediation have been more helpful if it had been done at a different point in the child protection process? If so, when? Why?
31. Overall, were you satisfied or unsatisfied with the mediation?

32. What would you change about the mediation if you could?
33. Do you have any other comments you would like to make about any aspect of the mediation process?

D3: Survey for Parents' Counsel

The Ministry of Children and Family Development (MCFD) and Mediate BC with the assistance of a research team from the University of Victoria School of Public Administration are currently studying the use of early mediation in child protection matters. Mediation is a way of solving problems with the help of a neutral third party (the mediator). MCFD and Mediate BC are interested in understanding whether the timing of mediation in the child protection process affects opportunities to resolve matters, or otherwise impacts the planning process. The broad purpose of this research is to develop clear evidence-based guidance on the optimum use of mediation in child welfare work to support better outcomes for children, families, and communities.

As a lawyer who has participated in a child protection mediation representing parents or guardians, you are invited to share your experience with qualified members of a research team from the University of Victoria by completing this questionnaire. Your response is anonymous and will be kept confidential. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations. The responses from these questionnaires will help improve the use and timing of mediation in the future. Your feedback is an important part of this project. You can skip any question you do not feel comfortable answering. It will take you approximately 10 minutes to complete this questionnaire. Thank you.

How do you identify your ancestry? For the purpose of this survey, this self-identification is not intended as an indication of one's birthplace, citizenship, language or culture. If you are of mixed descent, please indicate this by checking off all that apply. If your self-identification (or parts of it) does not appear in this list, please specify under "Prefer to self-identify as".

- African/Black (e.g., African, African-American, African-Canadian, Afro-Caribbean, etc.)
- Arab (e.g., Algerian, Lebanese, Tunisian, etc.)
- East Asian (e.g., Chinese, including Hong Kong and Macau, Japanese, Korean, etc., and including Asian-Canadian, Asian-American, etc.)
- European/Non-White (e.g., Roma, etc.)
- European/White (e.g., Belgian, Croatian, English, Swedish, Spanish, etc.)
- Filipina/Filipino
- Indigenous (outside of North America)
- Indigenous (within North America)
- Latin, South, or Central American (e.g., Brazilian, Chilean, Colombian, Mexican, etc.)
- South Asian (e.g., Indian, Pakistani, Sri Lankan, etc., and including Indo-Caribbean, Into-African, Indo-Fijian, West Indian, etc.)
- Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese, etc.)
- West Asian or Middle Eastern (e.g., Afghan, Iranian, etc.)

- Not Listed: []
 Prefer to self-identify as:[]
 Prefer not to answer

Did you reach a full or partial agreement ?

- a) Agreement on all the matters that were the subject of the mediation
- b) Agreement on some of the matters that were the subject of the mediation?
- c) We did not resolve any of the matters that were the subject of the mediation.

Please answer the following questions in the space provided:

2. What outcomes were you seeking in this matter?
3. Were those outcomes realized? Why or why not?
4. Did you have sufficient time to prepare for mediation?
5. Did this mediation help avoid a court proceeding or further court proceedings for this matter?
6. Was your client given an opportunity to share their perspective?
7. Was your client given an opportunity to share ideas for resolution?
8. How much did your client need to compromise to reach an agreement?
9. What, if any, do you identify as benefits of this specific mediation?
10. How would you characterize the relationship between the parent(s) and the child protection worker before mediation?
11. Were new (not previously discussed) issues raised the mediation? If your answer is “yes”, please explain how these issues were dealt with/discussed/navigated in the mediation.
12. Were other types of collaborative decision-making processes (such as integrated case management, or family group conferencing) considered in this case?
 - a. If you answer is “yes”, why did you choose or agree to mediation instead of those other options?
 - b. If you answer is “no”, why did you choose or agree to mediation generally?
13. What was most helpful about this mediation?
14. What was least helpful about this mediation?
15. Would mediation have been more helpful if it had been done at a different point in the child protection process? If so, when? Why?
16. Overall, were you satisfied or unsatisfied with the mediation? Why?
17. Do you have any other comments you would like to make about any aspect of the mediation process?

D4: Survey for Director’s Counsel

The Ministry of Children and Family Development (MCFD) and Mediate BC with the assistance of a research team from the University of Victoria School of Public Administration are currently studying the use of early mediation in child protection matters. Mediation is a way of solving problems with the help of a neutral third party (the mediator). MCFD and Mediate BC are interested in understanding whether the timing of mediation in the child protection process affects opportunities to resolve matters, or otherwise impacts the planning process. The broad

purpose of this research is to develop clear evidence-based guidance on the optimum use of mediation in child welfare work to support better outcomes for children, families, and communities.

As a lawyer who has participated in a child protection mediation representing the Director, you are invited to share your experience with qualified members of a research team from the University of Victoria by completing this questionnaire. Your response is anonymous and will be kept confidential. We understand that you may not be able to answer some questions due to the nature of your professions ethical requirements to do with confidentiality. You should answer questions only as you are able to without breaching any professional or ethical obligations. The responses from these questionnaires will help improve the use and timing of mediation in the future. Your feedback is an important part of this project. You can skip any question you do not feel comfortable answering. It will take you approximately 10 minutes to complete this questionnaire. Thank you.

How do you identify your ancestry? For the purpose of this survey, this self-identification is not intended as an indication of one's birthplace, citizenship, language or culture. If you are of mixed descent, please indicate this by checking off all that apply. If your self-identification (or parts of it) does not appear in this list, please specify under "Prefer to self-identify as".

- African/Black (e.g., African, African-American, African-Canadian, Afro-Caribbean, etc.)
- Arab (e.g., Algerian, Lebanese, Tunisian, etc.)
- East Asian (e.g., Chinese, including Hong Kong and Macau, Japanese, Korean, etc., and including Asian-Canadian, Asian-American, etc.)
- European/Non-White (e.g., Roma, etc.)
- European/White (e.g., Belgian, Croatian, English, Swedish, Spanish, etc.)
- Filipina/Filipino
- Indigenous (outside of North America)
- Indigenous (within North America)
- Latin, South, or Central American (e.g., Brazilian, Chilean, Colombian, Mexican, etc.)
- South Asian (e.g., Indian, Pakistani, Sri Lankan, etc., and including Indo-Caribbean, Into-African, Indo-Fijian, West Indian, etc.)
- Southeast Asian (e.g., Cambodian, Indonesian, Laotian, Vietnamese, etc.)
- West Asian or Middle Eastern (e.g., Afghan, Iranian, etc.)
- Not Listed: []
- Prefer to self-identify as:[]
- Prefer not to answer

Did you reach a full or partial agreement ?

- a) Agreement on all the matters that were the subject of the mediation
- b) Agreement on some of the matters that were the subject of the mediation?
- c) We did not resolve any of the matters that were the subject of the mediation.

Please answer the following questions in the space provided:

1. What outcomes were you seeking in this matter?
2. Were those outcomes realized? Why or why not?
3. Did you have sufficient time to prepare for mediation?
4. Did this mediation help avoid a court date for this matter?
5. Was your client given an opportunity to share their perspective?
6. Was your client given an opportunity to share ideas for resolution?
7. How much did your client need to compromise to reach an agreement?
8. What, if any, do you identify as benefits of this specific mediation?
9. How would you characterize the relationship between the parent(s) and the child protection worker after mediation?
10. Were new (not previously discussed) issues raised the mediation? If your answer is “yes”, please explain how these issues were dealt with/discussed/navigated in the mediation.
11. Were other types of collaborative decision-making processes (such as integrated case management, or family group conferencing) considered in this case?
 - a. If your answer is “yes”, why did you choose or agree to mediation instead of those other options?
 - b. If your answer is “no”, why did you choose or agree to mediation generally?
12. What was most helpful about this mediation?
13. What was least helpful about this mediation?
14. Would mediation have been more helpful if it had been done at a different point in the child protection process? If so, when? Why?
15. Overall, were you satisfied or unsatisfied with the mediation? Why?
16. Do you have any other comments you would like to make about any aspect of the mediation process?

Appendix E: Interview Guides

E1: Interview Guide for Parents

Note: Follow up questions may be asked for clarity or more details. The interviewer or facilitator may also rephrase the question in a different way, and follow up on questions in the questionnaire generally.

- Could you please tell me about your experience with mediation.
 - o What did you like?
 - o What didn't you like?
- How did you typically interact with the child protection worker before mediation? Since then?
 - o How involved were you in decision making?
- Do you think the mediation improved your relationship with the social worker?
 - o Are you more or less comfortable with them now?
 - o Are you more or less willing to share your thoughts/opinions/ideas?
 - o Did you learn new ways to communicate during the mediation?
- What did you hope for at the beginning of the mediation? Did your expectations of mediation change throughout the process?
- How satisfied were you with the outcomes of this mediation?
- Did the mediation result in agreement on matters that are important to you?
- Have you been involved in court proceedings related to child protection matters?
 - o How does mediation compare to court proceedings?
- Have you been involved in other collaborative decision making processes, such as integrated case management?
 - o How does mediation compare to those processes?
 - o Do you feel that mediation produced better, similar, or worse outcomes than those processes?
- Were you offered other processes for this matter? If yes, why did you choose mediation over other processes?
- How did you feel throughout the process? Were you ever frustrated with the process?
- What suggestions do you have for improving the mediation process?
 - o Would the mediation and its outcomes have been better if it had been held earlier or later in the process of your engagement with the child protection system?
- Do you have any other comments you would like to add about the mediation or your experience since the mediation that are important to you?

E2: Interview Guide for Director's Counsel

Note: for all interviews, follow up questions may be asked for clarity or more details. The interviewer or facilitator may also rephrase the question in a different way, and follow up on questions in the questionnaire generally.

- How would you describe your role in a mediation session?

- In your experience, is mediation more or less effective in resolving matters between the child protection system and the parent than court processes?
- Does the timing of the mediation – (earlier in the relationship between the parent and the child protection system, or later in that relationship as matters progress) affect the effectiveness of mediation?
 - o What benefits are there to early mediation compared to late mediation? What barriers are there?
- **ONLY FOR INTERVENTION GROUP:** What barriers exist to early mediation? How could these barriers be overcome?
- **ONLY FOR CONTROL GROUP:** Would it have been possible to hold this mediation earlier in the process? Why or why not?
 - o If yes, why did you choose to have it later in the process?
 - How could those barriers be overcome?
- To what degree does mediation present an opportunity for parties to be heard and contribute to the decision-making process?
- How satisfied were you with outcomes of this mediation?
 - o Do you think that the timing of this mediation affected its results? Would the mediation have been more effective if it had been held earlier/later?
- Do you have any other comments you would like to add about mediation or your specific experience since this mediation that are important to you?

E3: Interview Guide for Parents' Counsel

Note: for all interviews, follow up questions may be asked for clarity or more details. The interviewer or facilitator may also rephrase the question in a different way, and follow up on questions in the questionnaire generally.

- How would you describe your role in a mediation session?
- In your experience, is mediation more or less effective in resolving matters between the child protection system and the parent than court processes?
- Does the timing of the mediation – (earlier in the relationship between the parent and the child protection system, or later in that relationship as matters progress) affect the effectiveness of mediation?
 - o What benefits are there to early mediation compared to late mediation? What barriers are there?
- **ONLY FOR INTERVENTION GROUP:** What barriers exist to early mediation? How could these barriers be overcome?
- **ONLY FOR CONTROL GROUP:** Would it have been possible to hold this mediation earlier in the process? Why or why not?
 - o If yes, why did you choose to have it later in the process?
 - How could those barriers be overcome?
- To what degree does mediation present an opportunity for parties to be heard and contribute to the decision-making process?
- How satisfied were you with outcomes of this mediation?
 - o Do you think that the timing of this mediation affected its results? Would the mediation have been more effective if it had been held earlier/later?

- Do you have any other comments you would like to add about mediation or your specific experience since this mediation that are important to you?

Appendix F: Focus Group Guides

F1: Interview Guide for Child Protection Workers

Note: Follow up questions may be asked for clarity or more details. The interviewer or facilitator may also rephrase the question in a different way, and follow up on questions in the questionnaire generally.

- Could you please tell me about your experience with mediation.
 - o What did you like?
 - o What didn't you like?
- How did you typically interact with the parent/family before mediation? Since then?
 - o How involved were they in decision making?
- How did mediation affect the power dynamic between you and the parents?
- Do you think the mediation improved your relationship with the parents?
- Do you think your relationship with the parent and your communication with them will be better than, the same as, or not as good as it was before the mediation? Why?
- Were you satisfied with the outcomes of the mediation? Why/why not?
- How did you feel throughout the process? Were you ever frustrated with the process?
- What suggestions do you have for improving the mediation process?
Would the mediation and its outcomes have been better if it had been held earlier or later in the process of your engagement with the child protection system?
- Do you have any other comments you would like to add about the mediation or your experience since the mediation that are important to you?

F2: Interview Guide for Mediators

Note: Follow up questions may be asked for clarity or more details. The interviewer or facilitator may also rephrase the question in a different way.

For Intervention Group:

- Have you conducted mediations later in the child protection process? How does early mediation compare to late mediation?
 - o Are there benefits to having mediation earlier or later in the child protection process?
- What barriers, if any, can you identify to early mediations? How can these barriers be overcome?
- What improvements would you make to this process?
- What are your priorities in a mediation? How do you go about meeting those priorities?
- What types of issue are most often discussed in early mediations?
 - o What issues are most often resolved?
- In this specific mediation, did you observe any changes in the way the parents/guardians and the child protection worker interacted throughout the mediation? How so?
- How satisfied were you with outcomes of this mediation?
 - o Do you think that the timing of this mediation affected its results? Would the mediation have been more effective if it had been held earlier/later?

- Do you have any other comments you would like to add about early/late mediation in child protection?

For Control Group:

- Have you conducted mediations earlier in the child protection process? How does early mediation compare to late mediation?
 - o Are there benefits to having mediation earlier or later in the child protection process?
- What improvements would you make to this process?
- What are your priorities in a mediation? How do you go about meeting those priorities?
- What types of issue are most often discussed in mediations?
 - o What issues are most often resolved?
- In this specific mediation, did you observe any changes in the way the parents/guardians and the child protection worker interacted throughout the mediation? How so?
- How satisfied were you with outcomes of this mediation?
 - o Do you think that the timing of this mediation affected its results? Would the mediation have been more effective if it had been held earlier/later?
- Do you have any other comments you would like to add about mediation or your specific experience since this mediation that are important to you?

Appendix G: Resource Sheets

Note that these resource sheets have been anonymized for the purposes of this thesis.

G1: Resource Sheet for Site A

Vancouver Island Crisis Line:

This is a free, 24-hour phone line that offers emotional support to folks in need. Text service is available from 6:00 pm to 10:00pm, seven days a week. This service is available in English.

Phone: 1-888-494-3888

Text: [250-800-3806](tel:250-800-3806)

Website: <https://www.vicrisis.ca>

Rapid Access Clinic [REDACTED]

This is a walk-in clinic offered through [REDACTED] Mental Health and Substance Use. No substance use issues are necessary to use the clinic. The clinic offered walk in appointments from 10:00am to 2:00pm Monday to Friday. The service is free and no appointments are required. Individuals will get a single session and then supported referrals to other community agencies.

Phone: [REDACTED]

Address: [REDACTED]

Parenting Counselling and Support Program:

This is a program offered by [REDACTED] Youth Services. The program offered individual counselling for parents and a 4-week parenting group. The programs are either free or subsidized. Programs are available in English.

Phone: 250-748-0232

Website: [REDACTED]

Address: [REDACTED]

[REDACTED] Counselling [REDACTED]

This is a private counselling service [REDACTED]. This service likely has a cost associated with it. Appointments will be required. The counsellor has experience with the child protection system and previously worked as a family counsellor through Integrity Family Services.

Phone: [REDACTED]

Website: [REDACTED]

Email: [REDACTED]

Province-Wide Resources:

Hope for Wellness Helpline

The Hope of Wellness Helpline is a free service where individuals can talk to an experienced counsellor at any time. Individuals can choose to call in or chat online through their website.

Phone counselling is available in English, French, Cree, Ojibway, and Inuktitut.

Phone: 1-855-242-3310

Website: <https://www.hopeforwellness.ca>

Indigenous Support Line

This is a free 24-hour support phone line for Indigenous individuals in need. The program is provided by the Tsow-Tun Le Lum Society.

Phone: 1-250-268-2463

Crisis Centre Chat

This is a free online resource where adults in distress can chat in real-time or email with counsellors. The service is available from 12:00 noon to 1:00 am in BC and Yukon. The service is available in English.

Website: <https://crisiscentrechat.ca>

Services to Residential School Survivors

This is a bundle of services provided by the Indian Residential Schools Survivors Society (IRSSS). Services include crisis counselling, trauma counselling, clinical therapy, traditional healing methods, and emotional support, among many others. All services are free.

Email: reception@irsss.ca

Website: <http://www.irsss.ca/services>

Phone to be connected to services: 1-800-721-0066

Residential Schools Health Support Program – Emotional and Cultural Support

This program is offered by the First Nations Health Authority. It provides mental health and emotional support to former Indian Residential School students and their families. The program offers cultural support, emotional support and professional counselling. The website summarizes other culturally-safe supports as well.

Phone: 1-877-477-077

Website: <https://www.fnha.ca/what-we-do/mental-wellness-and-substance-use>

Email: [REDACTED] (contact person for [REDACTED] and area)

Residential School Crisis Line

This is a free, 24-hour crisis line for any First Nations individuals requiring immediate emotional support. This line is provided by the First Nations Health Authority.

Phone: 1-866-925-4419

KUU-US Adult Crisis Line

This is a 24-hour phone line available for First Nations throughout British Columbia. Callers can receive free emotional support and help problem-solving. This service is provided in English.

Phone: 1-800-588-8717

G2: Resource Sheet for Site B

24-Hour Crisis Line:

The Crisis Intervention and Suicide Prevention Society of BC offers a 24-hour crisis line for individuals in need. The service is free.

Phone: [604-872-3311](tel:604-872-3311)

██████████ Crisis Line:

This is a 24-hour crisis line. Callers do not need to be in immediate crisis. You can call about anything causing you concern, worry or distress. This service is free.

Phone: [1.877.820.7444](tel:1.877.820.7444)

██████████ Mental Health and Substance Use Centres:

The Centres provide programs like individual counselling, crisis intervention and community support services (among others) to adults in the ██████████ area. No referral is required to access these programs. Programs are provided by ██████████

Phone: ██████████

Address: ██████████

Moving Forward

This service offers free short-term counselling and affordable longer-term counselling. The service can be accessed online, by telephone, or in-person. To access services, folks must complete an intake form or phone.

Intake form: ██████████

Phone: ██████████

Website: ██████████

The Care Centre ██████████

This service provides access to affordable, confidential professional counselling. An appointment is required. Costs are based on a sliding-scale. The initial interview is free. ██████████ is a Christian organization.

Phone (reception): ██████████

Email: ██████████

Website: ██████████

Address: ██████████

Province-Wide Resources:

Hope for Wellness Helpline

The Hope of Wellness Helpline is a free service where individuals can talk to an experienced counsellor at any time. Individuals can choose to call in or chat online through their website. Phone counselling is available in English, French, Cree, Ojibway, and Inuktitut.

Phone: 1-855-242-3310

Website: <https://www.hopeforwellness.ca>

Residential Schools Health Support Program – Emotional and Cultural Support

This program is offered by the First Nations Health Authority. It provides mental health and emotional support to former Indian Residential School students and their families. The program offers cultural support, emotional support and professional counselling. The website summarizes other culturally-safe supports as well.

Phone: 1-877-477-077

Website: <https://www.fnha.ca/what-we-do/mental-wellness-and-substance-use>

Email: [REDACTED] (contact person for [REDACTED] and surrounding area)

Indigenous Support Line

This is a free 24-hour support phone line for Indigenous individuals in need. The program is provided by the Tsow-Tun Le Lum Society.

Phone: 1-250-268-2463

Crisis Centre Chat

This is a free online resource where adults in distress can chat in real-time or email with counsellors. The service is available from 12:00 noon to 1:00 am in BC and Yukon. The service is available in English.

Website: <https://crisiscentrechat.ca>

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Email: reception@irsss.ca

Website: <http://www.irsss.ca/services>

Phone to be connected to services: 1-800-721-0066

Residential School Crisis Line

This is a free, 24-hour crisis line for any First Nations individuals requiring immediate emotional support. This line is provided by the First Nations Health Authority.

Phone: 1-866-925-4419

KUU-US Adult Crisis Line

This is a 24-hour phone line available for First Nations throughout British Columbia. Callers can receive free emotional support and help problem-solving. This service is provided in English.

Phone: 1-800-588-8717