



## Supporting Guidance for Blog Posts

*We are delighted that you are interested in writing or contributing to a blog post for the Open Justice Court of Protection Project.*

*The project is held together by the contributions of members of the public as well as professionals working in mental capacity law, who all have in common a passionate dedication to the principles of transparency and open justice. It relies on the contributions of bloggers, and we are grateful for the time and effort that all contributors put into their blogs. We have produced this guidance to help bloggers ensure that they produce material conforming to the legal requirements of the Court of Protection transparency framework and our own policy and style.*

*If you have any questions, or are unsure about any of the guidance below, please feel free to get in touch with us – either via [our website](#) or by emailing us at [openjustice@yahoo.com](mailto:openjustice@yahoo.com)*

### **We publish two different types of blog post**

#### **A. Observations about Court of Protection hearings**

If you have observed a Court of Protection hearing we'd love you to send us an account of what you observed and your experience of it. The best way to start is to complete a Hearing Observation Feedback Form, and to send it to us saying that you'd like to write a blog about the hearing, perhaps adding what it is about the hearing that you found particularly interesting and would like to focus on. We recommend reading some of the published blogs before you start, to get a sense of the different ways in which people have approached blog-writing.

#### **B. Themed Posts (invited)**

These are invited posts which aim to provide background information useful to people who observe Court of Protection hearings. They cover topics like "How to find a Court of Protection hearing to Observe", "A Basic Guide to the Court of Protection", "Who's who in the Court of Protection" and "Transparency Orders". If you have an idea for a themed post, please contact us to discuss it.

**What follows is guidance for blog posts about Observations of Court of Protection hearings.** Please read it carefully before writing your blog post and get in touch with us if

you have any questions or concerns. We're happy to work with you to develop a publishable blog post and we're happy to advise on ideas or drafts rather than wait for a polished version.

### **1. Suggested Word limit**

Blog posts are normally 500 -2000 words. Please talk to us first if you want to write something in excess of 2000 words. If you have something to say about a hearing you observed but it's just a paragraph or a few sentences, send it in as a 'comment' and we'll incorporate it into a 'collective' blog expressing the views of a range of different observers.

### **2. Transparency Order**

If you are writing about a hearing that you observed, we ask that you submit the Transparency Order relating to the hearing at the same as submitting your blog post. This enables us to check that (so far as we can tell) nothing in what you have written contravenes the injunction. It is your responsibility in the first instance to ensure that this is so. For more information about what the Transparency Order means see [this article](#) by Celia Kitzinger.

### **3. Editorial input**

We publish blog posts only if they comply with the Open Justice Court of Protection Policy Document ([here](#)) and will suggest changes or deletions as appropriate. We will also work with authors to ensure that the blog post is as accurate and engaging as possible.

### **4. Style Guide**

We would like you to write about your experience of observing the hearing, rather than simply give a 'factual' account of what happened in the hearing itself. We'd like to know something about what you bring to the hearing you observed - your personal or family experience with decision-making and capacity, your professional involvements. And we'd like to be told something about what you take away from the hearing – what surprised you, engaged you, enraged you or bemused you. Was the decision about some issue you have experience with or not? Did you feel that the way the case was handled was appropriate? Was the voice of P (the person at the centre of the hearing) heard and were P's wishes, values, feelings and beliefs addressed in the hearing? Blog posts are not academic articles so please write in a clear, direct and accessible style. It will help if you have a look at some of the blog posts that have already been published.

- You do not have to cover everything that happened in a hearing – you can focus on just one aspect of it. For example, see [this blog post](#) by Celia Kitzinger which singles out just one thing that happened in a hearing, when the judge addressed his judgment to P,
- You can be critical of a decision made by a judge, as in [this blog post](#) about covert medication by Claire Martin and Alan Howarth.
- You can write about just one hearing, or you can combine several observations in a single post, as Bridget Penhale does [here](#).
- You can write about your feelings during (or after) the hearing. Gill Loomes-Quinn describes “a sense of outrage” and “righteous anger” about what happened in the hearing she observed and relates this to her own experience of disability-related bureaucracy ([here](#)).

- We encourage you to reflect on what you learn from the hearing – “with both your head and your heart”, as Clare Fuller does [here](#), reflecting on her experience of observing a hearing concerned with force feeding a young woman with anorexia.
- You can incorporate Tweets or other social media material into your blog posts if they’re relevant (as Emily Willisroft does [here](#))
- If a group of people are all observing the same hearing, we sometimes suggest a group blog post (which we will coordinate). You can see examples of these here: [Hunger Striking for his Identity: Autonomy, Capacity, and Justice](#) and [Seven Perspectives on a Court of Protection hearing](#).

## 5. Pronouns

Use the pronoun a person (so far as you know) would choose for themselves. Please do NOT use “they/them/their” (in place of she/her or he/him) in an attempt to introduce an extra layer of anonymity. Please do not switch people’s sex/gender in an attempt to further anonymise blogs. This is unnecessary and could be unacceptable to the people you are writing about

## 6. Quotations

Use direct quotations where possible. This depends on getting what’s said written down accurately during the hearing. Your quotations are unlikely to be word perfect but should be as close as you can get them. This is especially useful for vivid turns of phrase or for exchanges that are unusual or compelling. Here are some examples from blogs we have already published.

### ***(a) Short direct quotation incorporated into the text:***

He is unfailingly respectful of others, being careful to state that the staff in his care home were “courteous and hardworking” and that his eagerness to leave is “no reflection on them”. A rare moment of agitation came in response to the suggestion that he might have begun to integrate into care home life, perhaps going for a stroll with another resident. This, he says, is “absolute nonsense...it is a factual lie that I have a connection with any individual” (July hearing). He distinguishes himself from the other residents with whom, he explains, he has nothing in common, as they have “mental problems”. (from a blog post by Jenny Kitzinger [here](#) which uses lots of quotations)

### ***(b) Blocked out longer quotation***

“It needed four people to restrain him. I explained to him that he didn’t have capacity to make the decision to refuse dialysis so we were going to give it in his best interests and we would sedate him to do that. He curled up in a ball in the top corner of the bed and pulled the sheet over his head. Two psychiatric nurses and two security guards held a limb each so that he couldn’t kick out. I got an injection into his upper arm and a cannular into his hand. He was shouting through most of it, ‘Leave me alone – I want to die.’” (Doctor quoted in Celia Kitzinger’s blog post [here](#))

***(c) Dialogue:***

Judge: I'm slightly baffled as to why he can't go fishing.

Counsel: He can't go anywhere at the moment sir, They're in complete lockdown. The home has had no Covid-positive cases and they're protecting the staff And residents.

Judge: Yes, I understand that but he's not going to catch it sitting by the canal, is he. (from [this blog](#)).

**7. References to published works**

Please be sparing in referencing other publications – these are blog posts, not academic articles, and they're based on your experience as an observer in court, not on academic theory. Nevertheless, there may well be occasions when it is appropriate to add references – for example to a section of the Mental Capacity Act 2005, or a published judgment. You may also want to reference professional guidelines or codes of practice (as does the blog on [Covert medication](#)) It may also be appropriate to reference a scholarly analysis that you consider relevant to your views and opinions about a particular decision: law students Lily Wildman and Emma Christie appropriately reference a key article on anorexia to support their analysis of what they observed in the court ([here](#)). We prefer you to reference publications that are not behind paywalls where possible. References should be provided by way of hyperlinks in the text (not as footnotes or endnotes).

*Celia Kitinger and Gill Loomes-Quinn*

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