



**HM Courts  
& Tribunals  
Service**

**Court of Protection  
Court User Group Meeting  
(P&A)  
Wednesday, 17 January 2024 2pm  
via MS Teams  
Terms of Reference**

The purpose of the Court User Group is to provide a forum for discussion of matters causing concern for Court Users and views and comments on policy issues.

**These minutes may be widely disseminated.**

**MINUTES**

Meeting started: 14:12

|                              |  |
|------------------------------|--|
| HHJ Hilder (HHJH)            | Senior Judge of the Court of Protection        |
| HHJ Owens (HHJO)             | SE Regional Lead Judge                         |
| HHJ Beckley (HHJB)           | Resident Judge - Court of Protection           |
| DJ Clarke (DJLC)             | Resident Judge - Court of Protection           |
| DJ Eldergill (DJAE)          | Resident Judge - Court of Protection           |
| DJ Grosse (DJLG)             | Resident Judge - Court of Protection           |
| DJ Mullins (DJMM)            | Resident Judge - Court of Protection           |
| Mala Nair (MN)               | HMCTS Court of Protection - Operations Manager |
| Kamila Czmil                 | HMCTS Court of Protection- Delivery Manager    |
| Maureen Mohammed (MM)        | HMCTS Court of Protection- Delivery Manager    |
| Anthony Tang (AT)            | HMCTS Court of Protection- Delivery Manager    |
| Joan Goulbourn (JG) via chat | MOJ Mental Capacity Policy Team                |
| Katie Strong (KS)            | Irwin Mitchell LLP                             |
| Greg Phillips (GP)           | EMG Solicitors Ltd                             |
| Gemma Trinder (GT)           | Surrey County Council                          |
| Tracy Brooks (TB)            | Kent County Council                            |
| Jill Nicoll (JN)             | Nottinghamshire County Council                 |
| Emily Gray (EG)              | Red Kite Law LLP                               |
| Meenu Sharma (MS)            | Liberata                                       |
| Sheree Green (SG)            | Greenchurch Legal Services Ltd                 |
| Donna Golden (DG)            | Middlesborough Council                         |

|                       |                                       |
|-----------------------|---------------------------------------|
| Sean Rivers (SR)      | BCP Council                           |
| Nicola Fitzhugh (NF)  | Southerns Solicitors                  |
| Chris Sheffield (CS)  | Nottinghamshire County Council        |
| Julian Partridge (JP) | Devon County Council                  |
| Kate Brolly (KB)      | NHS Norfolk and Waveney ICB           |
| Antoinette Simms (AS) | Solihull MBC                          |
| Doris Sheridan (DS)   | Sheridan Consult Ltd - Holborn House  |
| Karen Royall (KR)     | Bath & North East Somerset Council    |
| Natalie Cheesewright  | HMCTS Court of Protection             |
| Scott Soley           | HMCTS Court of Protection             |
| Heather Feast         | HMCTS Court of Protection - ACO       |
| Harmen Johal          | HMCTS Court of Protection - ACO       |
| Ezinne Kanu           | HMCTS Court of Protection - ACO       |
| Ayo Odunubi           | HMCTS Court of Protection - ACO       |
| Robert Pheby          | HMCTS Court of Protection - ACO       |
| Manisha Takhtar       | HMCTS Court of Protection - ACO       |
| Wendy Treadway        | HMCTS Court of Protection - ACO       |
| Janet Ilett           | Official Solicitor & Public Trustee   |
| Mark Higgs            | Official Solicitor & Public Trustee   |
| Victoria Newey        | Official Solicitor & Public Trustee   |
| Elaine Brown          | Official Solicitor & Public Trustee   |
| Rachel Fiske          | Office of the Public Guardian         |
| Tanjina Begum         | Office of the Public Guardian         |
| Mandy Giedrojć        | Office of the Public Guardian         |
| Christine Leggett     | HMCTS Senior Courts Costs Office      |
| Kane Tetley           | MOJ HQ Court Funds Office             |
| Sacha Hibbitt         | Anthony Collins Solicitors            |
| Annemarie Strong      | Bath & North East Somerset Council    |
| Rachel Hergest        | BCP Council                           |
| Amrita Hurst          | Bevan Brittan LLP                     |
| Emma McIntosh         | Birmingham City Council               |
| Rizwana Patel         | Blackburn with Darwen Borough Council |
| Samantha Vickery      | Blackburn with Darwen Borough Council |
| Lucinda Hargreaves    | Blackpool Council                     |

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|-------------------------|-----------------------------------|
| Gemma Ashcroft          | Bolton Council                    |
| Jade Mason              | Bolton Council                    |
| Vicki Silvester         | Bolton Council                    |
| Ruth Meyer              | Boyes Turner LLP                  |
| Nicole Jarrett-Francis  | Brent Council                     |
| Sharon Mercelsanca      | Bridgend County Borough Council   |
| Sian Paddick            | Bridgend County Borough Council   |
| Simon Rowley            | Bromley Council                   |
| Caroline Manningham     | Burnetts Solicitors               |
| Amanda Peters           | Cheshire East Council             |
| Stephanie MacKinnon     | Cheshire West and Chester Council |
| Rhona McLachlan         | City of York Council              |
| John Holdsworth         | Coodes LLP                        |
| Teresa Pender-Stratford | Coole Bevis LLP                   |
| Amanda Hill             | Court observer                    |
| Janice White            | Coventry City Council             |
| Shirley Otomewo         | Croydon Council                   |
| Emma Costin             | Davies & Partners Solicitors      |
| Liz Calvert             | Davies & Partners Solicitors      |
| Philippa Davies         | Dawson Cornwell                   |
| Helen Georgiou          | Devon County Council              |
| Philippa Barton         | Duncan Lewis Solicitors           |
| Tailer Jai Punton       | Duncan Lewis Solicitors           |
| Lucy Cavell             | East Riding of Yorkshire Council  |
| Catherine Lazenby       | East Riding of Yorkshire Council  |
| Christine Youngs        | East Riding of Yorkshire Council  |
| Nikki Bedford           | Enable Law                        |
| Hazel Downey            | Enfield Council                   |
| Jordan Glasgow          | Enfield Council                   |
| Ciaran O'Hart           | Essex County Council              |
| Victoria Marsh          | Farley Solicitors                 |
| Laura Dickinson         | Gateshead Council                 |
| Charlotte Koster        | Hampshire County Council          |
| Georgia O'Reilly        | Harrison Clark Rickerbys Ltd      |

|                    |                                  |
|--------------------|----------------------------------|
| Hannah Robinson    | HCR Law                          |
| Vanessa Manley     | Herefordshire Council            |
| Stuart Farmer      | Howden Insurance Brokers         |
| Amanda Shergold    | Howden Insurance Brokers         |
| Alison Greatbanks  | HSW Solicitors                   |
| Eve Carter         | Hudgell Solicitors               |
| Charlotte Fletcher | Hugh James Solicitors            |
| Catherine Adamec   | Hugh James Solicitors            |
| Laura Hassett      | Hugh Jones Solicitors            |
| Liz Hughes         | Hugh Jones Solicitors            |
| Elena Hall         | IBB Law                          |
| Zoë Bancroft       | Investec Wealth & Investment Ltd |
| Gemma Eason        | Irwin Mitchell                   |
| Naomi Fathers      | Jackson Lees Group Ltd           |
| Joanne McNally     | Jackson Lees Group Ltd           |
| Alexandra Edwards  | JE Bennett Law                   |
| Rachael Gibb       | JMW Solicitors LLP               |
| Peter Taylor       | Judge & Priestley LLP            |
| Andrea Lewis       | Kent County Council              |
| Catherine Scurr    | Kent County Council              |
| Melanie Sleaf      | Kent County Council              |
| Stephanie Walker   | Kent County Council              |
| Zena Bolwig        | Keystone Law                     |
| Glen Miles         | Knights plc                      |
| Kevin O'Neill      | Knowsley MBC                     |
| Charlotte Alderson | Lancashire County Council        |
| Annette Roberts    | Lancashire County Council        |
| Joanna Rushton     | Lancashire County Council        |
| Neil Davies        | Landon Bowdler LLP               |
| Toni Reeves        | Landon Bowdler LLP               |
| Dan Kitson         | Leeds City Council               |
| Chris Mdee         | Leeds City Council               |
| Jack Thornton      | Leeds City Council               |
| Desmond Mohabir    | Leicestershire County Council    |

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|-----------------------|--------------------------------------|
| Kishan Shah           | Leigh Day                            |
| Sandeep Arora         | Liberata                             |
| Karen Noulton         | London Borough of Bexley             |
| Ellen Mkukupha-Tembo  | London Borough of Hackney            |
| Hannah Carver         | Manchester City Council              |
| Jasmine Mutch         | Michelmores                          |
| Holly Chantler        | Morrisons Solicitors LLP             |
| Samantha Hamilton     | Mullis & Peake LLP                   |
| Chelle Farnan         | NHS England                          |
| Linda Putland         | NHS Suffolk and North East Essex ICB |
| Sarah Clarke          | Norfolk County Council               |
| Jane Warren           | North Somerset Council               |
| Claire Rouse          | North Yorkshire Council              |
| Kaiysha Chambers      | Nottinghamshire County Council       |
| Chas Taylor           | Nottinghamshire County Council       |
| Gemma Thorpe-Richards | Nottinghamshire County Council       |
| Sheena Shah           | OM&M Law                             |
| Ciara Panayiotou      | Pathfinder Legal Services Ltd        |
| Sian Evans            | Pembrokeshire County Council         |
| Jackie Friel          | Pembrokeshire County Council         |
| Samantha Larcombe     | Portsmouth City Council              |
| Joseph Brophy         | Qualia Law CIC                       |
| Leanne Gibson         | Ramsdens Solicitors LLP              |
| Natalie Lang          | Ramsdens Solicitors LLP              |
| Alison Palmer         | Ramsdens Solicitors LLP              |
| Trishy Neczaj         | Reading Borough Council              |
| Philippa Stroud       | Reading Borough Council              |
| Elaine Verney         | Reading Borough Council              |
| Jack Mannion          | Reading Borough Council              |
| Lindsey Marks         | Reading Borough Council              |
| Harriet Marwood       | Redcar and Cleveland Borough Council |
| Katie Richardson      | Redcar and Cleveland Borough Council |
| Maria Willis          | Redcar and Cleveland Borough Council |
| Sarah O'Sullivan      | Renaissance Legal                    |

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|---------------------------|--|
| Lyndsey Hudson            | Rothera Bray                           |
| Ruth Tarr                 | Rotheras Solicitors                    |
| Deborah Sotheran          | Rotherham Metropolitan Borough Council |
| Rebecca Bristow           | Rothley Law                            |
| Andriy Buniak             | Rothley Law                            |
| Lauren Miner              | Rothley Law                            |
| Venetia Thomas            | Rothley Law                            |
| Jess Edkins               | RWK Goodman LLP                        |
| Matilda Pillonel          | RWK Goodman LLP                        |
| Samantha Evans            | Sandwell Borough Council               |
| Mandy Timms               | Sandwell Borough Council               |
| Kyra Harvey               | SEN Legal                              |
| Nicki Booker              | Sheffield City Council                 |
| Daniel Marshall           | Sheffield City Council                 |
| Samuel Taylor             | Sheffield City Council                 |
| Megan Whyke               | Sheffield City Council                 |
| Cathy Thorpe              | Shropshire Council                     |
| Tom Williams              | Shropshire Council                     |
| Jill Thomason-Stewart     | Slater Gordon Lawyers                  |
| Amanda Piper              | SME Solicitors LLP                     |
| Keira Terry               | Solihull MBC                           |
| Adam Lamming              | Somerset Council                       |
| Pamela Clarke             | South London Legal Partnership         |
| Hasfa Weheliye            | Southampton City Council               |
| Emily Deane               | STEP                                   |
| Jessica Hobro             | Stephensons Solicitors LLP             |
| Sophie Holmes             | Stephensons Solicitors LLP             |
| Nicola Horrocks           | Stephensons Solicitors LLP             |
| Katie Mayren              | Stephensons Solicitors LLP             |
| Emma O'Brien              | Stephensons Solicitors LLP             |
| Judith Thomas-Whittingham | Stephensons Solicitors LLP             |
| Jodee Mayer               | Stewarts Law LLP                       |
| Janet Ballinger           | Stockton-on Tees Borough Council       |
| Sarah Garside             | Stockton-on-Tees Borough Council       |

|                       |   |
|-----------------------|---|
| Lucy Steven           | Stockton-on-Tees Borough Council            |
| Hannah Rodgers        | Stonegate Legal                             |
| Perry Bettis          | Suffolk County Council                      |
| Annette Lawton        | Suffolk County Council                      |
| Vanessa Roper         | Suffolk County Council                      |
| Sharon Thompson       | Suffolk County Council                      |
| Neil Cawthorn         | The PDS Trust Corporation (Chairman)        |
| Emma Carey            | The PDS Trust Corporation (Client Manager)  |
| Angharad Palin        | Thomson Reuters                             |
| Charlene Hughes       | Thomson Snell & Passmore LLP                |
| Emma Wesley           | Tollers LLP                                 |
| Hayley Doyle          | Torbay and South Devon NHS Foundation Trust |
| Esha Kansal           | Torbay Council                              |
| Geri Rawlins          | Trojan Consultants Limited                  |
| David Plant           | Walsall Council                             |
| Laura Warren          | Wards Solicitors                            |
| Karon Walton          | Warner Goodman LLP                          |
| Martin Terrell        | Warners Law LLP                             |
| Beyza Asik            | Wigan Council                               |
| Keighan Lovett        | Wilkin Chapman LLP                          |
| Chantal Ul Haq-Weedon | Wilkin Chapman LLP                          |
| James Batey           | Wilson Browne Solicitors                    |
| Rachel Hayes          | Wilson Browne Solicitors                    |
| Matthew Cardoza       | Wiltshire Council                           |
| Hannah Cullen         | Wokingham Borough Council                   |
| Tracey Gell           | Wokingham Borough Council                   |
| Karen Russell         | Wokingham Borough Council                   |
| Joanna Shields        | Wokingham Borough Council                   |
| Leslie Tuck           | Wokingham Borough Council                   |
| Katrina Vollentine    | Wollens                                     |
| Louise Hadley-Niblett | Worcestershire County Council               |
| Alexandra James-Scott | Worcestershire County Council               |
| Ruth Karry            | Worcestershire County Council               |
| Clare King            | Worth Legal Ltd                             |

|                    |                           |
|--------------------|---------------------------|
| Owen Brown         | Wrigleys Solicitors LLP   |
| Mark Kaliisa       | full details not provided |
| Anna-Maria Maleska | full details not provided |
| Emma Winter        | full details not provided |
| Gemma              | full details not provided |
| Georgina           | full details not provided |
| Helen              | full details not provided |
| Josh               | full details not provided |

## 1. Apologies

- HHJ Robertshaw - SW Regional Lead Judge
- Elizabeth Mouricette - London Borough of Camden
- Alexander Wright - Boyes Turner LLP
- Caroline Bielanska - Caroline Bielanska Consultancy
- Elizabeth Jeary - MOJ HQ Court Funds Office
- Samantha Simms - Redcar and Cleveland Council
- Nikki Lyons – Manchester City Council
- David Rees KC - 5 Stone Buildings
- Joan Goulbourn - MOJ Mental Capacity Policy Team (via chat only)

2. Minutes and action points from previous meeting 12 July 2023  
Agreed and adopted

3. Operations/Delivery Manager's Report – **COP Senior Management Team.**

## **Court Manager's Report - Mala Nair (MN)**

The statistics were shared with users last week and I hope you have had time to review them.

As an overview of 2023, we received over 35,000 applications and issued over 58,000 orders. That's an average of 125 applications received and 200 orders made by the Court of Protection *each day*.

### **Resources**

Our staffing position has remained stable in the last quarter and attrition rate has been low. We continue to rely heavily on contract staff; however, we recently ran a campaign to recruit admin officers. We advertised 40 vacancies on a fixed term contract in a few courts across London, 18 of which are for the Court of Protection. We are hoping this will bring some interest and stability to these roles.



We have 2 Authorised Court Officers join us since our last meeting and a new resident District Judge join us in the new year.

### **P&A Digital process**

In the last quarter, we received 2543 property and affairs deputyship applications of which 1855 were digital applications which is around 72%.

The next steps of the digital submissions are the COP1A financial questions as part of the digital journey, which will be introduced once signed off.

I acknowledge the time it is taking to conclude these applications is increasing due to the volume of application we are receiving digitally. Our focus for the next two quarters will continue to be the e-application team resourcing and processes with an aim to improve the timeliness of the digital applications.

We are working closely with the Service Team to bring further improvements and expansion with digital applications and we will share comms as and when we have more information on this.

### **Case management system replacement**

The replacement work for the current case management system started in November 2023. The project team will begin with the development work at the end of this month and the planned 'go live' date is around summer 2024. I will keep you updated on progress.

I'd like to introduce you to my team, the Senior Management Team of the Court of Protection. Maureen Mohammed, Anthony Tang and Kamila Czmiel are the Delivery Managers running the show and ensuring we deliver the best service possible.

I'd like to conclude with a thank you to our court users, for your patience and continued support while we are looking to improve our performance and the service we offer our users.

### **Questions raised follow the COP Management update.**

#### **Katie Strong (KS) Irwin Mitchell**

[KS requested an update re the requests for corrections to IM's trust corporation deputyship orders](#)

**MN** responded that these orders are to be referred to a Judge for a new order to be made. This is in progress and an update of the backlog figure to be provided when available.

#### **Greg Phillips (GP) EMG Solicitors**

[Has the court changed its policy re gratuitous care payments? When applications are made for review of security requirements, the court is sending orders requesting applicants to prove gratuitous care payments. Has anything changed in the OPG's guidance on this?](#)

**HHJH** confirmed that there has been no 'guidance' from the court and, so far as she is aware, no changes to the OPG guidance. Noted that the OPG guidance does not generally require application for gratuitous care payments, only required in certain circumstances. A COP9 application for reconsideration may be made if an order, made on the papers, is considered by the applicant misplaced.

**HHJB** enquired whether there was a problem in the security requirement not being reviewed?

**GP** advised experience of both.

**HHJH** noted that it would be most efficient for the security review to be complete at first consideration if possible, with any further directions on gratuitous care or otherwise *in addition* if needed.

### **Gemma Trinder (GT) Surrey County Council**

[Requested an update re the current timelines for paper and digital applications.](#)

**MN** advised she would confirm these figures post meeting.

**MN** confirmation post meeting

It is currently taking approximately 25 weeks to conclude P&A deputy applications in paper as opposed to approximately 15 weeks when filed digitally. These are estimates and we do not have published statistics around these figures.

**HHJH** advised that the timelines for the P&A E-Applications are currently outside of the 6–8-week period, due to staffing issues, but still significantly shorter than paper applications.

### **Tracy Brooks (TB) Kent County Council via the CHAT**

[What are the current delays with portal applications ?](#)

**HHJH** advised that these delays are being addressed by allocating more staff and overtime hours to this area.

**MN** confirmed that backlog numbers have halved since November 2023.

#### **4. Update from the Mental Capacity Policy Team – Joan Goulbourn (unable to attend, but contributed via the chat)**

**HHJH** shared the following updates in JG's absence.

- The Code of Practice. The MoJ and DHSC are in discussion regarding publication.
- Work in progress with financial institutions regarding raising the awareness of front-line staff of the MCA/ deputyship and court orders. There are also discussions with them regarding the difficulties that deputies have when dealing with banks.

#### **5. Applications made on paper by professional court users for new deputyships - HHJ Hilder**

**HHJH** noted that although 72% of applications are now received digitally., paper applications are still being made by professional deputies. The next steps on this will be:

1 Rules Committee - at the next meeting the RC will be invited to consider whether it is required to make a rule change to make it clear that professional deputies will not be allowed to seek the costs of making an application on paper.

2. The 311 professional court users who have been identified as still making paper applications in December 2022 will be sent a letter by delivery COP Manager **Anthony Tang (AT)**. The aim is to identify any impediments to using the digital process, and help to overcome them wherever possible.

### **Jill Nicol (JN) Nottinghamshire County Council**

[Raised an issue with online completion with regards to income and inability to override boxes to insert specific types of benefits.](#)

**HHJH** suggested that brackets in the main box are tried as a work around. If this does not work, please advise the Court for this to be referred back to the form builders.

**HHJH** continued that main reason for the failure of processing digital applications has been incorrect notification. Users were urged to check the Practice Direction re the requirements of notification to avoid this delay. It was noted that the failure rate for notification is higher with professional users than lay people making applications!

### **6. Rachel Lavelle (COP - Court Enquiries Service)**

- a).When emailing CES if you do not have a case reference, please supply P's full name and date of birth.
- b). COP20s signed, dated, with case number.
- c). Chasing updates - keep within COP timescales
- d). Please do not duplicate (ie email or post, not both).
- e). Please send enquiries for different Ps in different emails

**HHJH** firstly acknowledged the Court's delays in answering calls and the limitation of the Courts current telephone system. This was raised directly with the MP Mike Freer on his recent visit to First Avenue House. A response is awaited.

**HHJH** read the above points to the group.

### **Emily Gray (EG) Red Kite Law LLP via chat**

[Will the court accept the forms submitted via the portal signed via DocuSign by lay applicants and or professional deputies?](#)

**HHJH confirmed** that an electronic signature by this means is acceptable.

### **GT via the chat**

[Can I ask about consistency of responses to the COP Enquiries mailbox?](#)

**GT** expanded on the inconsistency of response timeframes, with some replies being received in hours and others taking months.

**HHJH** advised that the CES emails are triaged by 2 people each day to filter the urgent work. This would explain the different times of responses. It was advised that response times would also fluctuate due to staffing levels.

**MN** confirmed that the current response times for CES work is approx. 20 working days.

**Meenu Sharma (MS) Liberata via the chat**

How long is reasonable to wait before we should follow up an application with the court -3 months?

Digital Applications New Deputyship - approx. 2 weeks

Paper Applications - approx. 3 months

**Sheree Green (SG) Greenchurch Legal Services Ltd and Donna Golden (DG) Middlesborough Council via chat**

What is the best way to seek an update - post or email?

Maureen Mohamed (**MM**) confirmed that email is the preferred way for case updates to be requested.

**Sean Rivers (SR) BCP Council via the chat**

Can I ask what we should do in a matter which is exceedingly urgent but is on the finance pathway. We had a case where an attorney was stopping a party from moving home from hospital by giving someone a tenancy to P's home. It took two months to get an order. Just wondering what the best method might be to expedite a matter?

**HHJH** could not comment on a particular case but suggested that careful thought be given as to what type of application is made – where a person is 'stuck' in hospital it looks primarily like a welfare case. These types of issues are processed and referred to the urgent business judge usually within 24 hours.

Alternatively, where there is genuine urgency for court consideration of p&a issues, please ensure that the application is (exceptionally) e-mailed, with 'URGENT – [brief explanation]' in the strapline. In absence of a rapid response, it would be appropriate to contact MN and the COP delivery managers:

[mala.nair@justice.gov.uk](mailto:mala.nair@justice.gov.uk),

[maureen.mohammed@justice.gov.uk](mailto:maureen.mohammed@justice.gov.uk)

[anthony.tang@justice.gov.uk](mailto:anthony.tang@justice.gov.uk)

[kamila.czmiel@justice.gov.uk](mailto:kamila.czmiel@justice.gov.uk)

**Nicola Fitzhugh (NF) Southern Solicitors via chat**

If an application has been issued and the Court of Protection have requested further information/witness statements, and the application was made digitally, should the information/statements be filed via email or post?

All information/documents/forms relating to a P&A deputy e-applications should be filed digitally to the mailbox [COP\\_EAPPS@justice.gov.uk](mailto:COP_EAPPS@justice.gov.uk)

**Chris Sheffield (CS) Nottinghamshire County Council via chat**

Is there anyone currently looking at the COP3, currently you can type more information into the boxes than the form displays, could someone please redo the form to allow you not to type more information than the box displays or have boxes that expand as more information is added.

**JG** via the chat, confirmed that this is already in hand and a new version will be available shortly.

### **Julian Patridge (JP) Devon County Council via the chat**

Is there any update on fee increases for local authority deputies?

**HHJH** confirmed that this has been referred to the Rules Committee and will be considered at the next meeting. Confirmed by **JG** in the chat.

### **7. Kate Brolly (NHS Norfolk and Waveney Integrated Care Board)**

Notification of deputyship applications to ICBs.

**KB** expanded on her question, asking what is the best route for ICBs to deal with such notification where they have had no involvement with the P?

**HHJH** advised that it would be useful for a COP5 to be returned indicating that there is no engagement with the person.

### **8. Antoinette Simms (Solihull MBC)**

We are hoping to outsource the court deputy and appointee service. Will the court look at the whole case load together or will that look at the cases individually. What is the time frame from the court (currently 30 cases approx.) and has it been done before?

**HHJH** thanked and encouraged LAs to continue to offer deputyship service where possible. In circumstance where a LA with an existing deputyship caseload ceases to provide deputyship services, there is an established practice of dealing with the matter as follows:

- File one COP1 application for one P as normal.
- With that application, also file a COP9 application telling the Court the circumstances and that the LA will be seeking equivalent orders in respect of further persons identified in a schedule by initials and case number only.
- Such application will be referred to HHJ Hilder to consider on whether the COP1 requirement can be dispensed with for each case on the schedule. It is highly likely that individual notification requirements will remain.
- A member of COP staff will be allocated as single point of contact to co-ordinate these cases, but each matter will be 'best interests' determined on an individual basis.

### **AOB1 Doris Sheridan - Sheridan Consult Ltd - Holborn House**

It was agreed during the workshop held on the 24 May 2023 that it was not essential to use the term 'unsound of mind'. The following is an extract from the workshop minutes dated 24 May 2024:

## **Medical evidence**

*'Explicit use of the term 'unsound mind' is not required, as long as a diagnosis or description is given from which the judge can determine whether it falls within the meaning of the term'.*

However, recently I have received court orders from a Judge specifying the following:

1. **AND UPON** *the Court reminding itself that medical evidence establishing unsound mind, is a fundamental requirement to ensure compliance with Article 5 of the ECHR. The judgement in Re X and others (deprivation of liberty) [2014] EWCOP 25 confirms this at paragraph 14, as does the checklist on page 6/31 of the COPDOL11.*

*This is based on the ECHR case of Winterwerp that states (para 39):*

*"...the individual concerned should not be deprived of his liberty unless he has been reliably shown to be of "unsound mind". The very nature of what has to be established before the competent national authority - that is, a true mental disorder - calls for objective medical expertise. Further, the mental disorder must be of a kind or degree warranting compulsory confinement."*

Page 6 and 31 of the COPDOL11 makes reference to unsoundness of mind and there is a tick box which states 'I confirm that P has been medically diagnosed as being of 'unsound mind' and I attach written evidence from a medical practitioner. However, it was acknowledged during last year's workshop that gaining this terminology from GP's proved difficult to obtain.

**HHJH** confirmed the extract of minute of the workshop meeting as correct. It is accepted that the term 'unsound mind' is not favoured in medical circles as being outdated. The need is for the court to be satisfied that the medical evidence is sufficient for the court to be satisfied that the legal test is met – which does not require the use of the term. Users referred to the recent judgment <https://caselaw.nationalarchives.gov.uk/ewcop/2023/58> which helpfully confirms this position.

## **AOB2 Karen Royal (KR) Bath & North East Somerset Council via chat**

*A question on behalf of Annemarie Strong solicitor for B&NES who has had to leave the meeting. "if there is a finance deputy for a self-funder and P has lost capacity for health and welfare does the decision remain with the best interest decision maker, in this case the LA or should the Deputy for finance be the decision maker and if the LA disagrees a COP application be made*

**HHJH** noted that if a P&A deputy does not have authority to make welfare decisions - see *Re ACC*.

## **The next meeting dates:**

~~General – 17 April 2024 at 2pm MS Teams~~

**\*\*Amended date** for the General Meeting- 23 April 2024 at 2pm MS Teams  
(this date was changed post meeting)

P&A -10 July 2024 at 2pm MS Teams

Meeting ended 15:11

**Court of Protection - Court User Group (P&A)**

**Open Actions**

| Meeting Date    | Action Point     | Owner | Deadline | Status | Description of Status |
|-----------------|------------------|-------|----------|--------|-----------------------|
| 12 July 2023    |                  |       |          |        |                       |
|                 | No action points |       |          |        |                       |
| 17 January 2024 |                  |       |          |        |                       |
|                 | No action points |       |          |        |                       |