



**Court of Protection
Court User Group Meeting
(P&A)
Wednesday, 18 January 2023 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 by **HHJ Hilder (HHJH)** at 14:06

Attendees

HHJ Hilder	Senior Judge of the Court of Protection (HHJH)
DJ Beckley (DJJB)	Resident Judge - Court of Protection
DJ Grosse (DJLG)	Resident Judge - Court of Protection
HHJ Owens (HHJO)	SE Regional Lead Judge
Mala Nair (MN)	HMCTS Court of Protection - Operations Manager
Joan Goulbourn (JG)	MOJ Mental Capacity Policy Team
Jessica Newton (JN)	HMCTS Jurisdictional Operational Support,(Secretariat)
Maureen Mohammed	HMCTS Court of Protection- Delivery Manager
Ross Hamilton (RH)	HMCTS Court of Protection - ACO
Lorna Green	HMCTS Court of Protection - ACO
Ayo Odunubi	HMCTS Court of Protection - ACO
Natalie Cheesewright	HMCTS Court of Protection
Scott Soley	HMCTS Court of Protection
Elaine Brown	Official Solicitor & Public Trustee
Mark Higgs	Official Solicitor & Public Trustee
Elizabeth Jeary	MOJ HQ Court Funds Office
Christine Leggett (CL)	HMCTS Senior Courts Costs Office
Mandy Giedrojczak	Office of the Public Guardian
Aretha Price	HMCTS Court of Protection

Georgina Baidoun (GB)	Former Lay Deputy
Caroline Bielanska (CB)	Caroline Bielanska Consultancy
Chantal Ul Haq-Weedon(CUHW)	Wilkin Chapman LLP
Martin Terrell (MT)	For the Professional Deputies Forum
Holly Chantler (HC)	Morrison Solicitors LLP (on behalf of SFE member)
Sheree Green (SG)	Greenchurch Legal Services Ltd
Karen Noulton (KN)	London Borough of Bexley
Yvonne Mitchell (YM)	On behalf of APAD
Michelle Weaver (MW)	Higgs & Sons
Lynn Annis (LA)	Davies Blunden & Evans
Samantha Vickery (SV)	Blackburn with Darwen Borough Council
Owen Brown (OB)	Wrigleys Solicitors LLP
Alex Rook (AR)	Rook Irwin Sweeney
Eirian Hitchmough (EH)	Royds Withy King Solicitors
Ruth Tarr (RT)	Rotheras Solicitors
Samantha Hamilton (SH)	Mullis & Peake LLP
Emily Gray (EG)	Davey Law Solicitors
Alexandra Edwards (AE)	JE Bennett Law
Neil Davies (ND)	Landon Bowdler LLP
Jess Edkins (JE)	RWK Goodman LLP
Chelle Farnan (CF)	NHS England
Karen Royall	Bath & North East Somerset Council
Rizwana Patel	Blackburn with Darwen Borough Council
Lucinda Hargreaves	Blackpool Council
Karen Taylor	Blackpool Council
Ruth Meyer	Boyes Turner LLP
Alexander Wright	Boyes Turner LLP
Caroline Manningham	Burnetts Solicitors
John Holdsworth	Coodes LLP
Teresa Pender-Stratford	Coole Bevis LLP
Shirley Otomewo	Croydon Council
Philippa Davies	Dawson Cornwell

Nikki Bedford	Enable Law
Asha Beswtherick	Enable Law
Robyn Hemmings	Freeths LLP
Thanuja Oppilamany	Freeths LLP
Alison Meacher	Gatehouse Chambers
Georgia O'Reilly	Harrison Clark Rickerbys Ltd
Vani Cheganna	Harrow Council
Tonina Ashby	HCR Hewitsons
Claire Whittall	Higgs & Sons
Stuart Farmer	Howden Insurance Brokers
Amanda Shergold	Howden Insurance Brokers
Shelia Moore	Hugh James
Hannah Thomas	Hugh James
Gemma Buxton	Hyphen Law
Anuara Ali	Islington Council
Naomi Fathers	Jackson Lees
Bethan Robart	JCP Solicitors
Amy Wallhead	JG Poole & Co LLP
Megan Christie-Copeland	JMW Solicitors LLP
Toni Reeves	Lanyon Bowdler Solicitors
Lucy Speed	Lanyon Bowdler Solicitors
Yassin Reem	Leigh Day Solicitors
Mark Collins	London Borough of Bexley
Nicola Rigby	London Borough of Bexley
Amina Hassan	London Borough of Hackney
Neil Micklewright	London Borough of Islington
Kevin Duce	Mills & Reeve LLP
John Hodges	Neath Port Talbot County Borough Council
Doris Sheridan	NHS Coventry and Warwickshire CCG
Thomas Boden	North Tyneside Council
Clare Hall	North Tyneside Council
Louise Khreibani	North Tyneside Council
Peter Slaney	Osborne Morris and Morgan Solicitors

Adrian Hawley	Partners in Costs
Grace Serwanga	Penningtons Manches Cooper LLP
Kate Benn	R Costings
Samantha Simms	Redcar and Cleveland Council
Nicola Cho	RMNJ Solicitors
Sara Isenberg	Royds Withy King Solicitors
Maria Meek	Royds Withy King Solicitors
Kerry-Jo Hatfield	Roythornes Limited
Alexandra Stephenson	Roythornes Limited
Tricia Grout	RWK Goodman LLP
Louise Nettle	RWK Goodman LLP
Hayley Mason	SEN Legal
Sue Bowler	Shoosmiths LLP
Rebecca Bristow	Shoosmiths LLP
Georgina Garner	Slater Heelis Solicitors
Pamela Clarke	South London Legal Partnership
Nicola Fitzhugh	Southerns Solicitors
Megan Taylor	Stephensons Solicitors LLP
Annette Lawton	Suffolk County Council
Marie Leonard	Suffolk County Council
Frances Seager	Suffolk County Council
Neil Cawthorn	The Professional Deputy Service Trust Corporation (Chairman)
Mark Aitchison	The Professional Deputy Service Trust Corporation (CEO)
Fran Russell	The Professional Deputy Service Trust Corporation (Case Manager)
Emma Wesley	Tollers LLP
Esha Kansal	Torbay Council
Nilufer Ozdemir	TV Edwards LLP
Nicola Mawson	Waddington and Son Solicitors
Ezweni Ncube	Wards Solicitors
John Mackenzie	Warners Law
Lisa Flynn	West Berkshire Council
Hayley Monaghan	Wigan Council

Keighan Lovett	Wilkin Chapman LLP
James Batey	Wilson Browne Solicitors
Matthew Cardoza	Wiltshire Council
Katrina Vollentine	Wollens
Nicola	please identify
Emma	please identify

1. Apologies

- DJ Batten
- DJ Ellington
- Janet Ilet - Official Solicitor & Public Trustee
- Christine Bunting - Hyphen Law
- Alison Lamont – Setfords Solicitors
- Katherine Schimmel – Rotherham MBC

2. Minutes and action points from previous meeting 6 July 2022

Issue raised by email

- **Georgina Baidoun (GB) Former Lay Deputy**

Please can you report under matters arising from the minutes that the Knowledge and Information Liaison Officer, London Regional Support Unit, HM Courts & Tribunals Service, replied to my request for complaints information forwarded to them by Ms Nair to say that it could not be provided due to cost. I referred the matter back to Ms Nair who, as I understand it, is also unable to provide any information about complaints.

Further to the above GB expressed concern that in her opinion lay deputies concerns are not being taken into account and noted the system used by the OPG and COP

MN/HHJH responded that all GB's concerns had been referred to and considered by KILO. Complaints records are not controlled by COP but rather by the HMCTS-wide body, KILO, whose response is final. Unfortunately the COP is unable to assist further.

Previous meeting minutes agreed and adopted.

- 3. **Operations/Delivery Manager's Report – COP Senior Management Team - Mala Nair (MN)**

Court Manager's Report

Applications and Orders

The statistics have been shared and I hope you have had an opportunity to review the figures.

Backlogs and recovery

The paper files awaiting review by a Judge or ACO has significantly reduced and the backlog in this area has almost halved from July 2022, which is an improvement. However, this work is now with the administrative staff to progress.

Recruitment and retention of staff is an ongoing challenge. In 2022 alone, 22 of our staff have left the organisation, which includes some very experienced staff members. This is around 20% of our headcount. Yet again, we have had little interest in the recruitment campaign that was rolled out in November last year to fill 25 vacancies. We have been offered 7 candidates from this campaign. We continue to rely on agency staff to support departments across the court and currently have 16 contract staff placed within the different teams. The deployment from the HMRC national surge team of 3 administrative officers did not prove successful as only one candidate completed their term.

With reliance on agency staff to fill the gaps due to high staff turnover, our backlogs have not improved.

As an interim measure, I am seeking agreement from the Director to introduce a Friends and Family campaign for the Court of Protection to fill the remaining vacancies.

There has also been some good work going on at the Court. A continuous improvement mapping event took place on the 13th and 14th January with the FAH team to see what further improvements can be brought in our internal processes. We are identifying opportunities to reduce unnecessary activities and improve the workflow and looking at ways to improve staff morale. We are reviewing the ideas gathered from the event and working on an action plan.

The Senior Management Team is also exploring ways we can celebrate our colleagues for their hard work and commitment and make better use of the MOJ Reward and Recognition scheme.

Upfront notification update

We onboarded over 210 professional users to the digital journey and 672 applications were filed by professionals under the upfront notification pilot. The average estimate disposal times for these applications were 4.2 weeks with the fastest deputy order made within 24 hours of receipt.

Following the success of the pilot, from 3rd January 2023, the upfront

notification process has become the standard process for all Property and Affairs deputyship applications. The online service is available for professional users and lay applicants will be able to pay and apply online from February 2023.

There are two new forms to use for upfront notifications, the COP14PADep and COP15PADep. A few issues have been raised by our users with regards to the forms and the portal and this is currently being reviewed.

We will continue to review the digital process with a long-term plan of removing uploads of paper documents and instead, capturing more information within the digital journey. We also aim to accommodate more streams of work digitally.

I would like to thank all our court users, for your continued support while we look at ways to improve our performance and the experience for our users.

No questions raised

HHJH noted in respect of current staffing issues that ¼ of the total COP First Avenue House workforce has been lost over the past year, and the reality is that it will take time to build up lost expertise again. HHJH enquired whether the 'friends and family' recruitment scheme could be opened to include court users. **MN** advised that a work connection to HMCTS or Judiciary would be required.

4. **Update from the Mental Capacity Policy Team – Joan Goulbourn (JG)**

• **Upfront notifications, statement of truth, website**

The revised digital process roll out began on 1 January 2023 and new changes made to COP Rules, Practice Directions, and forms. Ongoing work of the Statement of Truth and service of documents by email. Also working on improvements to GOV.uk site

• **Ministerial Updates**

Dominic Rabb, Secretary of State/Deputy Prime Minister
Mike Freer – Junior minister with responsibility for the MCA
Lord Bellamy, Minister in the Lords

• **Liberty Protection Safeguards**

The consultation closed on 14 July 2022, with a response snow being drafted. No date confirmed for implementation.
DHSE newsletter available for further updates

• **Consultation on Small Payments and Child Trust Funds**

The consultation closed on 12/01/23, the response is delayed due to recent ministerial changes. A government response is hoped for soon.

• **Powers of Attorney Bill**

Private members bill Stephen Metcalfe in December, at Committee stage and can be located under bills under parliament, policy team

HHJH added that improvements to the GOV.UK site have been desirable for a long time but are subject to GOV.UK rules on content and style improvements. Such improvements as are permissible will be sought asap. **JG** confirmed the GDS are particular about content, but the aim would be to make this more user friendly.

Caroline Bielanska (CB) raised via the chat

It says that the COP5 still request pre notification and all annexes to COP1 do not contain statement of truth.

JG confirmed that the statement of truth forms had been updated and will be circulated shortly

AOB question 3 was brought forward in the agenda from **Chantal UI Haq-Weedon (CUHW)**

In relation to the liabilities of Deputy's. I know of a professional Deputy that has left her old firm and they are pursuing her for the difference between WIP and assessed costs. Between multiple files and over many years, this is over £200,000.

She has attempted to speak to the CoP but not really had a response. I wanted to seek Judge Hilder's opinion of this given that Deputies are already personally responsible for P's finances. If professional/panel Deputies are then going to be responsible for fees that have been reduced on assessment, I cannot see how anyone would want to be a professional Deputy. I thought it would be helpful to have this shared openly in case any other Deputies end up with the same issue.

HHJH thanked CUHW for raising this but advised that this was outside of the jurisdiction of the Court, and it would be inappropriate to comment further.

5. Payments on account – HHJ Hilder

HHJH explained that, further to **Martin Terrell's (MT)** paper to the Rules Committee on costs on account, some questions have arisen:

1. In what kind of applications (as opposed to general management) is the court likely to be sympathetic to applications for authority to take payments on account pending SCCO assessment?
2. what happens if the assessed costs are less than the amount taken (in accordance with authorisation granted) on account?

HHJH recaps that the request was put to the Rules Committee on the basis that there is already provision for payment on account of management costs but not in respect of other applications which a deputy may make; then read from MT's paper: "The reality today is complicated by the increased complexity of applications and delays in the court process both with the court

and the SCCO. Cases involving professional deputies are often by their nature more difficult. With deputy applications there may be limited information to work with and uncooperative family members. Delays cause further work as there is more work to do waiting for authority to act, fending off creditors, or applying for interim orders. Court of Protection proceedings are also more protracted, with regular direction orders, adjournments and attempts at mediation. It is not uncommon for it to take more than a year between an application and a final order, in addition to the time and effort invested in preparing the application. During this period considerable costs will be incurred. The problem is then compounded by delays at the Costs Office- often six months or more, so there are cases where a solicitor will work for a year on a case and then wait another year before a FCC is issued...Across several cases this has a major impact on profitability. And while solicitors may not always be seen as deserving of payment, this does have an impact on the extent to which firms will invest in and support this area of work. There will be similar concerns among barrister who act for solicitors in such cases.”

HHJH would like it to be understood that there is general sympathy with these concerns, such that an application for authority to take a certain percentage of costs in respect of an application, either subsequent to appointment or in respect of seeking deputyship appointment, may be looked on favourably if these kind of issues genuinely arise. In contrast, the court is not likely to grant authorisation to take payment on account for ‘ordinary’ deputyship applications without particular (and explained) complications. It is not to be considered a ‘standard’ expectation.

HHJH further explained that it was never intended in Rules Committee discussion that the undertaking to repay any sum taken in excess of the final sum certified by the SCCO would be a formal undertaking on form N117. Rather what is expected is an acknowledgement, bearing in mind that solicitors are officers of the court, that such sum will be repaid promptly.

MT enquired whether the undertaking could be in form of a letter and should evidence be provided and whether request for payment on account should be addressed by a brief explanation.

HHJH confirmed that the undertaking could be on covering letter, in the COP4 or the COP9; and evidence to support the payment on account should be provided on a proportionate basis.

Holly Chantler (HC) enquired why this cannot be considered on straightforward cases.

HHJH responded that the authorisation is considered as an individual best interests decision but the court is mindful there is a fixed fees option in accordance with the Practice Direction, which is a rapid way for solicitors to have their fees paid. It is not intended that the possibility of payment on

account should become a disincentive to solicitors to accept the fixed rate of costs in appropriate cases.

Sheree Green (SG) via chat

I have sought this type of costs orders for statutory will applications. The OS rep appeared unaware of the provision but would agree 50% or 60% of our costs and theirs (not 75%) to be paid on account.

HHJH advised that unable to comment on individual case but that the authorisation granted is ultimately a judicial decision.

Christine Leggett (CL) for the SCCO advised that they were not aware of this new introduction yet, so would request that a copy of the relevant order is filed.

HHJH confirmed that it was likely to be in the deputy order itself, if granted when the application is made, or otherwise in the order concluding the proceedings of a subsequent application.

DJJB noted that it would be more likely for the costs on account to be approved if justification for the request was also filed.

DJLG agreed that a short paragraph on this would be very helpful.

6. Karen Noulton (KN) London Borough of Bexley

Delays - Have cases outstanding in court since March 2022 and no one to contact for updates – we do not know why a case is delayed or if the COP20A/B has been mislaid etc why so many delayed.

We are being challenged about the delays and safeguarding raised against us even though not our fault no order. Clients being threatened with eviction or being taken to court for non-payment of fees etc.

It reflects badly against Local Authorities or Solicitors as other parties think we are not fulfilling our role when we are awaiting on the court and nowhere to get updates.

KN expanded on the difficulties experienced due to delays and no way of obtaining an update, noting that an email update would assist

HHJH acknowledged that delays should be avoided where possible and it is helpful for court users to have a realistic understanding of the workflow in the court:

1. Delays between order being made by Judge/ACO and being issued

There is currently a 3–4-month delay in issuing orders which is unfortunate, but a direct reflection of staffing issues discussed earlier. An email update cannot be provided as the time spent doing this would only take staff away from actually doing the work and therefore increase delay further. For urgent situations

a COP9 should be filed but the reasons for must be clearly explained.

2. Delays between date of issue and date of receipt

Documents are put in the post on the day of issue so any delay before receipt is attributable to the postal service rather than the court.

KN enquired whether the new portal system would increase issuing speed.

HHJH advised that it was hoped that the timescales advised by MN earlier could be maintained in the business-as-usual environment.

KN noted that this was ok for cases using the portal, but what about the long-term requests where no response has been received?

HHJH stressed that applications are not considered more or less important according to the process by which they are made but even after the pre-issue notification system has become standard, there will unavoidably be an element of a 2-track system whilst the older applications are worked through. It has been shown that the pre-issue notification system speeds up the whole process, so court users are very much encouraged to embrace it, and the applications portal as soon as each is available to them. Non-professional court users will be able to use the portal from February 1st. Since we implemented the pre-issue notification process as a pilot, the overall deputyship backlog has reduced from approximately 4000 cases to approx. 1000. It is hoped that making pre-issue notification 'business as usual' will go a long way towards helping the court avoid future backlogs building up. Some patience is therefore requested.

CUHW commented via the chat

[We had an order made in May 2022 and it was only issued January 2023 so there was a big delay for a basic deputyship application](#)

HHJH advised that was significantly longer than the average, suggesting that a particular issue had arisen. The timescales just given provide some help to gauge when it is appropriate to query if something has gone astray.

Emma (Guest) (EG) via the chat

[Are there details on how long it is taking for the Orders to be approved by Judges as I am waiting for at least 3 applications that were made Feb 2022? I haven't even reached the delays yet with issuing!](#)

HHJH advised that if no interim orders or contact from the court has been received within the timescales indicated, it may reasonably be concluded that something may have gone astray. Missing COP20s are the principle cause of such delays.

DJJB confirmed that judges are currently working at around a 1 month wait from referral by staff.

Yvonne Mitchell (YM) via the chat

Once we are all online - can we expect a slowdown in turn around?

HHJH confirmed that it could not be promised that the pilot turnaround rates could be maintained as 'business as usual' but it is very much hoped that a reduction from the current 16 weeks KPI will be maintained.

MT expressed his thanks to MN and team in resolving urgent issues

Michelle Weaver (MW) raised via the chat

I made an application in September 2021. We have been told that an order has been made on 5th August 2022 and the issuing team are dealing with orders from mid-September, so the order may be dealt with and sent out in a month

Lynn Annis (LA) raised via the chat

I did not receive a letter sent to me in August confirming an order had been made for a P & A Deputy, and giving bond details. I asked for this to be resent to me in when I became aware in October that it had been sent so that my client could get the bond. I asked for it to be resent on three separate occasions in October, November and December. I called three times and spent two hours on hold in total until my call was answered in December. I got the letter requested yesterday. It was very frustrating for my client, and for me it was very frustrating being unable to obtain this letter.

HHJH noted the chat messages and strongly encouraged professionals to use the speedy bonds process, which eliminates these types of issues completely.

Samantha Vickery (SV) via the chat

Please may we have an email address for us to seek updates on applications with lengthy delays. Can we provide a list of cases, or will individual applications be required?

COP contact email addresses shared for cases with significant delays:

mala.nair@justice.gov.uk

copying in

maureen.mohammed@justice.gov.uk & tom.gearing@justice.gov.uk

HHJH assured the meeting that the court managers will do their best to respond to these referrals promptly but please be realistic about when you

make such referrals. The time spent dealing with them takes managers away from wider duties.

7. Holly Chantler (HC) on behalf of a member of SFE

Please could I enquire about the possibility of solicitors/CILEx lawyers being allowed to complete COP3s (alongside the other professionals who are already able to do this). I believe it would be fair as long as:
The person has good understanding of the MCA 2005/test of capacity and can demonstrate this. There is no conflict of interest (i.e. the firm not being appointed as professional deputy)

HHJH advised that this is a 'never say never' answer but it is important to emphasise the possible conflicts of interest. The type of incapacity and the type of application will be relevant – some may be more appropriate than others.

8. Owen Brown (OB) Wrigleys Solicitors LLP

We received an Order several weeks after it was made with a short deadline for responding to it. It was received in the week before Christmas when there were several days of postal strikes, so a decision was made to email the response to the court. Unfortunately, as you will see, this was not accepted. We are unsure why documents cannot be accepted by email particularly when the time between receiving an Order and the deadline for responding includes several bank holidays. On this occasion the issue was compounded by the postal strikes.

HHJH advised that the FAH Property and Affairs jurisdiction is still a paper-based jurisdiction. It is therefore not workable to receive documents electronically. The Court is gradually trying to become more digitalised but is outside the current reform program so resources are very limited. The digitalisation of the P&A deputyship application is the first step but there is presently no prospect of wider P&A processes becoming digital. If a short timeframe was set, it would be because the decision-maker considered that a rapid response was required.

9. AOB

1. Alex Rook (AR) Rook Irwin Sweeney

Are there any moves afoot to allow welfare deputyship applications to be made electronically, rather than by post, which is very slow/inefficient.

HHJH had already addressed this point.

2. Georgina Baidoun (GB Former Lay Deputy

I have just been made aware of a very useful webinar about the new on-line property and affairs application process in which Ms Nair replied to a question

about whether a copy of a DOLS application should be sent with any application that related to the selling of P's home. She confirmed that professionals would know to do this but that there was no guidance given to lay applicants. Can she explain why this is the case?

HHJH clarified the reference was probably to the filing of a Standard Authorisation for deprivation of liberty in a care home when authorisation to sell P's property, which otherwise was P's home, was made. HHJ explained that it is not realistic to expect guidance to cover every single practice point. Professionals – who make such applications repeatedly – may be expected to know the likely response of the court. The Court cannot expect the same knowledge of lay persons. Whoever makes the application, if sight of a current Standard Authorisation is required and none has yet been filed, an interim order will be made explaining the need. It is desirable to avoid the delay of making this order and awaiting a response, where possible (and hence the reference to professionals 'knowing', but the court understands that lay applicants cannot be expected to know everything.

GB responded that if she had been advised of the evidence requirements this would have then been provided in her original application and then would have prevented delay

HHJH noted that the Court cannot give advice but was thankful for the open discussion in this area.

Link to Staffordshire County Council c SRK & Anor [2016] EWCOP 27 shared: <https://www.courtprotectionhub.uk/cases/staffordshire-county-council-v-srk-anor-2016-ewcop-27>

Eirian Hitchmough (EH) via the chat

Would it be possible to prioritise sending Orders discharging a Deputy? We are finding the SCCO are writing off costs/work from the date the Order is made, despite the Deputy not being aware they have been discharged until the Order is issued.

HHJH commented that if the discharge was due to regaining of capacity, this should indeed be prioritised by the court as urgent and referred to the UBJ. Please advise if this is not the case

Ruth Tarr (RT) via the chat:

If COP3s can, in some circumstances, be accepted by lawyers is there any chance the forms be updated (or guidance issues) to reflect the circumstances when this might be the case? (I raised this initial question so thank you for responding!)

HHJH explained that COP3 amendments are currently in progress with the Rules Committee, in particular with regards the questions with possible paragraphs to be removed and guidance re professionals.

AOB update
The New Upfront Notification Process for Property and Affairs
Deputyship Applications

HHJH confirmed that this became business as usual via the online portal on 1 January 2023 for the use by all, except lay users. From the 1 February 2023 lay users will also be encouraged to use this, with the paper option still available to avoid exclusion.

This is at the beginning stages with a few wrinkles identified internally and opened now for external issues to be raised.

Samantha Hamilton (SH) via the chat

While discussing the upfront notification, the new COP15 has no section for the notified person to sign and date the form. This was on the older version of the COP15 used in the pilot. Is there a reason for this?

Jess Newton (JN) confirmed that the signature section will be addressed and amended so that the person notifying is able to sign. This update is already in progress. Agreed by JG

CB raised the question whether on the COP14PADEP the statement of truth required a physical signature.

HHJH explained that the COP14PADEP records the notification of P, and the question arises have you personally notified P. If yes, the details will then pop up to input P's response. But where the solicitor has not directly notified, i.e., the client has actioned this, then No should be selected and the COP14PADEP with signature completed
If in doubt a COP14PADEP should also be filed as well.

JN added that clarification text can be added to make this clearer on the form and within the guidance note. Direct notification always needed.

Signatures

HHJH advised that with regards to signatures/typed names, this issue is still being considered. The typed names are not fully compliant with the new Practice Direction (which differs from provision in the Family Court). Please follow the portal guidance on this for now whilst the Rules Committee resolves the problem

Notification

This can be by email or post but please explain which is used because it may be significant according to where the person notified is based. In particular, if notification is by post but the person notified is for example in Australia, in practice the ACOs will be astute to making sure that realistic time is allowed for objections to be received.

When informing the court that the parents of a minor have been notified, please could the parents be clearly identified as such (eg by putting Mum/Dad

in brackets after their names when listed as persons notified.) Minors do not always have the same surname as both parents.

Ross Hamilton (RH) gave general feedback to HHJH that there are little things to be worked on, but the new process was considered to be working reasonably well.

Emily Gray (EG) raised via the chat

Do you have any update on the issuing of directions orders? I have a case where a directions order was issued in September 22. I have now been informed a further directions order was made in November 22 which I am yet to receive. In this application, we have also requested the release of the damages in the court funds account. The directions orders, when more than one, seem to take forever to get back to us and ultimately, in this case, it is affecting P's rehabilitation due to the funds stuck with the court. Do you have any advice on this?

HHJH referred back to earlier discussions about timescales of delay in issuing orders. Once orders are made, they are placed in the queue, unless the decision-maker identifies urgency to justify 'queue-hopping.'

HHJH shared with the CUG that there is now a workable system between the Masters QB and FAH to detect and flag urgency in damages cases.

MT raised whether there are plans for the portal to store data?

JN advised that the MOJ form builder system being used does have some save and return functions, but the deputyship application is too big of a form to consider initially. This will be reviewed again but not until the end of the year. JN clarified that the COP1 details are digitally stored; COP1A is not yet.

HHJH gave a comparison with the passport application system. Unfortunately COP IT resources do not extend to such sophistication. **JG** echoed for the need for resources in this area to be shared of via the forums.

SG via the chat

Does the applicant sign and date the COP15PADep before they send the notification to the "person to be notified" or when they receive the form back completed by the person to be notified before filing the COP1

JN confirmed that this should be signed before sending to the person to be notified

YM via the chat

Does this apply when this is completed by the 'Agent'??

JN confirmed with regards to notification that the agent should complete a COP14PADEP

Alexandra Evans (AE) via the chat

Please may I clarify - New COP14PA Dep must be signed by whoever personally gives service - essentially replacing COP20A?

HHJH confirmed yes

Neil Davies (ND) raised via the chat

As the new form COP14PADep combines 3 previous forms there seem to be practical issues. Can someone run through how the form is to be completed by the client (the applicant) and then by P. Is the applicant to complete section 4 then leave whole form with P to complete section 5?

CB confirmed a practical and courteous approach of leaving a duplicate copy with P. This was a workaround confirmed by other users.

Jess Edkins (JE) via the chat

I have a new P&A Deputy application to upload to the portal and noted the issue with the signature page for the notified person on the COP15PADep form, can these forms which omit the signature page for the notified person still be submitted and accepted by the Court?

HHJH/JN confirmed that yes this should be filed wherever possible for now, whilst this issue is being resolved.

SH advised that the comments box has been used for this in the interim

RT via the chat

The COP14PADep may need updating given what is being discussed - the form specifies that if the Applicant notifies P, and is submitting via the online portal, then they should not complete the form. This means that if a solicitor submits the application on behalf of the Applicant (and therefore ticks 'no' on the portal) the COP would not have any information about the notification - as the forms direct them to not complete the info, and so does the portal.

HHJH confirmed COP14PADep should be completed in this situation.

HHJH gave thanks to all for attending the CUG meeting

Dates for next meeting confirmed as:

General 19 April 2023 2pm MS Teams
P&A 12 July 2023 2pm MS Teams

Meeting ended 15:47

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

Open Actions

Meeting Date	Action Point	Owner	Deadline	Status	Description of Status
19 January 2022					
1	Review of the receipt of death certificates process	COP Management Team	Following meeting	Open	Tom Gearing to update- ongoing
06 July 2022					
1	Review as to whether a more frequent report of statistics is required	Judicial and Management Team	Monthly meeting	Open	
2	Review re the possible provision of draft orders	HHJ Hilder	Monthly meeting	Open	
18 January 2023					
	No actions points raised				