

Cheshire West & Chester Council-v- P & M

We have been instructed by the Official Solicitor regarding this matter since 2009. At first instance Mr Justice Baker found that P was Deprived of his Liberty but the Court of Appeal overturned that decision. Munby L J who gave the main judgment indicated that the objective purpose of the restrictions imposed upon P were relevant in determining whether article 5 was engaged and “relative normality” was also relevant following Surrey CC-v- P and Q.

The judgment indicated that somebody like P should be compared to somebody else who has a similar disability and not with an ordinary person without a disability. Following this through to its natural conclusion it would therefore mean that far fewer people would be found to be Deprived of their Liberty and the Official Solicitor felt that this should be challenged.

The Court of Appeal refused to grant leave to the Supreme Court and we therefore made an application seeking leave to Appeal. We have now received confirmation that leave has been granted and that our case will be heard alongside that of P and Q-v- Surrey CC.

It is crucial to all those with considerable learning disabilities and challenging behaviour and those who care for them that these cases are heard by the Supreme Court.