



**Court of Protection
Court User Group Meeting
(P&A)
Wednesday, 10 July 2024 2pm
via MS Teams**

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

Start time 14:04

Attendees

HHJ Hilder (HHJH)	Senior Judge of the Court of Protection
DJ Ellington (DJSE)	Resident Judge - Court of Protection
DJ Grosse (DJLG)	Resident Judge - Court of Protection
HHJ Miranda Robertshaw	SW Regional Lead Judge
Mala Nair (MN)	HMCTS Court of Protection - Operations Manager
Anthony Tang (AT)	HMCTS Court of Protection- Delivery Manager
Kamila Czmil	HMCTS Court of Protection- Delivery Manager
Amrit Panesar	Senior Operations Manager - HMCTS
Caroline Bielanska (CB)	Caroline Bielanska Consultancy
Trishy Neczaj (TN)	Reading Borough Council
Joan Goulbourn (JG)	MOJ Mental Capacity Policy Team
Chantal UI Haq-Weedon (CUHW)	Wilkin Chapman LLP
Dianne Fossey (DF)	Richmond and Wandsworth (DOLS Lead Network)
Ruth Tarr (RT)	Rotheras Solicitors
James Batey (JB)	Wilson Browne Solicitors
Paige Wood (PW)	Slater Heelis Solicitors
Holly Mieville-Hawkins	Wills and Equity Committee (Michelmores LLP)
Donald Tiong (DT)	Bison Solicitors Ltd
Bridie Sanderson (BS)	Wrigleys Solicitors LLP

Emily Gordon (EG)	Rotheras Solicitors
Ashleigh Bryant-Fower (ABF)	Kiteleys Solicitors
Kate Bibby (KB)	Wigan Council
Laura Hassett (LH)	Hugh Jones Solicitors
Michelle Mwangi (MW)	London Borough of Islington
Rhona McLachlan (RM)	City of York Council
Julie Stevenson (JS)	Staffordshire County Council
Sheree Green (SG)	Greenchurch Legal Services Ltd
Gemma Eason (GE)	Irwin Mitchell
Natalie Cheesewright	HMCTS Court of Protection
Scott Soley	HMCTS Court of Protection
Heather Feast	HMCTS Court of Protection - ACO
Lorna Green	HMCTS Court of Protection - ACO
Harmen Johal	HMCTS Court of Protection - ACO
Ayo Odunubi	HMCTS Court of Protection - ACO
Manisha Takhtar	HMCTS Court of Protection - ACO
Wendy Treadway	HMCTS Court of Protection - ACO
Janet Ilett (JI)	Official Solicitor & Public Trustee
John Howard	Official Solicitor & Public Trustee
Mark Higgs	Official Solicitor & Public Trustee
Victoria Newey	Official Solicitor & Public Trustee
Elizabeth Jeary	MOJ HQ Court Funds Office
Christine Leggett	HMCTS Senior Courts Costs Office
Rachel Fiske	Office of the Public Guardian
Carys Davies	HMCTS - COP South West
Katie Morris	Affinity Law
Beth Parlane	Anthony Collins Solicitors
Karen Royall	Bath & North East Somerset Council
Barbara Walton	Bedford Borough Council
Joshua Braznell	Birmingham City Council
Rizwana Patel	Blackburn with Darwen Borough Council

Samantha Vickery	Blackburn with Darwen Borough Council
Gemma Ashcroft	Bolton Council
Jade Mason	Bolton Council
Sue Clark	Boyes Turner LLP
Ruth Meyer	Boyes Turner LLP
Nicole Jarrett-Francis	Brent Council
Omolade Manning	Brent Council
Crystal Marinoni	Brent Council
Sharon Mercelsanca	Bridgend County Borough Council
Anjun Noreen	Bromleys Solicitors LLP
Madeline Heeley	Browne Jacobson LLP
Anna Callow	Care Advice Centre Ltd
Nicholas Gardner	CFG Law
Amanda Peters	Cheshire East Council
Patrick Bradbury	Cheshire West and Chester Council
David Ballam	City of Doncaster Council
John Holdsworth	Coodes LLP
Peter Bell	Court observer
Amanda Hill	Court observer
Shirley Otomewo	Croydon Council
Emily Ham	Davies & Partners Solicitors
Philippa Davies	Lester Aldridge LLP
Helen Georgiou	Devon County Council
Julian Partridge	Devon County Council
Tailer Jai Punton	Duncan Lewis Solicitors
Liam Pitt	Durham County Council
Catherine Lazenby	East Riding of Yorkshire Council
Greg Phillips	EMG Solicitors Ltd
Asha Beswtherick	Enable Law
Hazel Downey	Enfield Council
Jordan Glasgow	Enfield Council
Rosalind Wing	Enfield Council

Victoria Marsh	Farley Solicitors
Georgina Baidoun	Former Lay Deputy
Deb Johnson	Gateshead Council
Christian Richardson	Gateshead Council
Rebecca Wherlock	Hampshire County Council
Jo Wieczorek	Hampshire County Council
Lauren McGurk	Harrison Clark Rickerbys Ltd
Cara Howells	Herefordshire Council
Malgorzata Bajda	Hoople Group
Ernesta Barakauskaite	Hoople Group
Callum Parry	Hoople Group
Richard Shaw	Hoople Group
Alison Greatbanks	HSW Solicitors
Christine Bunting	Hugh James Solicitors
Gemma Buxton	Hugh James Solicitors
Charlotte Fletcher	Hugh James Solicitors
Eirian Hitchmough	Hugh James Solicitors
Liz Hughes	Hugh Jones Solicitors
Elena Hall	IBB Law
Eliza Fleming	Irwin Mitchell LLP
Joanne McNally	Jackson Lees Group Ltd
Alexandra Edwards	JE Bennett Law
Megan Christie-Copeland	JMW Solicitors LLP
Laura Donnelly	JMW Solicitors LLP
Melanie Sleaf	Kent County Council
Kevin O'Neill	Knowsley MBC
Charlotte Alderson	Lancashire County Council
Mort, Jennifer	Lancashire County Council
Annette Roberts	Lancashire County Council
Joanna Rushton	Lancashire County Council
Toni Reeves	Landon Bowdler LLP
Lucy Speed	Landon Bowdler LLP

Sophie Forsyth	Lawson West Solicitors Ltd
Jack Thornton	Leeds City Council
Kishan Shah	Leigh Day
Meenu Sharma	Liberata
Karen Noulton	London Borough of Bexley
Elizabeth Mouricette	London Borough of Camden
Sabina Jonuzaj	London Borough of Enfield
Joe Okelue	London Borough of Hackney
Neil Micklewright	London Borough of Islington
Nikki Lyons	Manchester City Council
Clare English	Martin Searle Solicitors
Ellie Knight	Michelmores
Michelle Wheeler	Middlesborough Council
Maria Azram	Mills & Reeve LLP
Sophie Ball	Mills & Reeve LLP
Holly Chantler (HC)	Morr & Co LLP
Samantha Hamilton	Mullis & Peake LLP
Kate Morgan	Neath Port Talbot County Borough Council
Chelle Farnan	NHS England
Natalie Hider	NHS Humber and North Yorkshire ICB
Linda Putland	NHS Suffolk and North East Essex ICB
Sarah Clarke	Norfolk County Council
Mahfuza Khanum	North Lincolnshire Council
Amy Tarpy	North Lincolnshire Council
Jane Warren	North Somerset Council
Chas Taylor	Nottinghamshire County Council
Gemma Thorpe-Richards	Nottinghamshire County Council
Rebecca Daniels	OM&M Law
Elizabeth Perry	On behalf of the COPPA National Committee
Peter Slaney	Osborne Morris and Morgan Solicitors
Ciara Panayiotou	Pathfinder Legal Services Ltd

Grace Serwanga	Penningtons Manches Cooper LLP
Sushanthi Shah	Plianz
Andy McGovern	Portsmouth City Council
Faye Howlett	R Costings Ltd
Leanne Gibson	Ramsdens Solicitors LLP
Alison Palmer	Ramsdens Solicitors LLP
Lindsey Marks	Reading Borough Council
Alison Lamont	Reading Borough Council
Prasanna Thogiti	Reading Borough Council
Elaine Verney	Reading Borough Council
Emily Gray	Red Kite Law LLP
Harriet Marwood	Redcar and Cleveland Borough Council
Sarah O'Sullivan	Renaissance Legal
Peter Hollebon	Retired Solicitor
Dipti Patel	Richmond and Wandsworth
Lyndsey Hudson	Rothera Bray
Shola Oshinuga	Rotherham MBC
Rebecca Gillott	Rotherham Metropolitan Borough Council
Venetia Thomas	Rothley Law
Jess Edkins	RWK Goodman LLP
Samantha Evans	Sandwell Borough Council
Andrea Godfrey	Setfords Solicitors
Daniel Marshall	Sheffield City Council
Megan Whyke	Sheffield City Council
Tom Williams	Shropshire Council
Amanda Piper	SME Solicitors LLP
Antoinette Simms	Solihull MBC
Pamela Clarke	South London Legal Partnership
Christine Bibby	South Tyneside Council
Hasfa Weheliye	Southampton City Council
Charlotte Hargreaves	Southerns Solicitors
Emily Deane	STEP

Katie Mayren	Stephensons Solicitors LLP
Stuart Erskine	Stockport Council
Keely Gowrie	Stockport Council
Sarah Garside	Stockton-on-Tees Borough Council
Annette Lawton	Suffolk County Council
Laura Smith	Sunderland City Council
Rebecca Curtis	Surrey County Council
Nicole Kelly	The Law Society
Neil Cawthorn	The PDS Trust Corporation (Chairman)
Emma Carey	The PDS Trust Corporation (Client Manager)
Sarah Sneyd	The Royal Borough of Windsor and Maidenhead
Charlene Hughes	Thomson Snell & Passmore LLP
Tollers LLP	Tollers LLP
Tom Evans	Tom Evans Law
Hayley Doyle	Torbay and South Devon NHS Foundation Trust
Esha Kansal	Torbay Council
Nilufer Ozdemir	TV Edwards LLP
Vincent Oakley	Vincent Oakley Solicitors
Natia Agba	Walsall Council
Karon Walton	Warner Goodman LLP
Martin Terrell	Warners Law LLP
Lisa Flynn	West Berkshire Council
Annabel Munro	West Berkshire Council
Maria Henderson	West Sussex County Council
Keighan Lovett	Wilkin Chapman LLP
Clare Edwards	Wilson Browne Solicitors
Vikki Hawkins	Wilson Browne Solicitors
Rachel Hayes	Wilson Browne Solicitors
Tim Bennett	Wilsons Solicitors LLP
Matthew Cardoza	Wiltshire Council
Hannah Cullen	Wokingham Borough Council

Joanna Shields	Wokingham Borough Council
Leslie Tuck	Wokingham Borough Council
Clare King	Worth Legal Ltd
Amanda Dinnin	Wrigleys Solicitors LLP
Sana Javine	Wrigleys Solicitors LLP
ZP	ZP (Unverified)

1. Apologies
 - HHJ Owens (SE Regional Lead Judge)
 - DJ Batten
 - DJ Clarke
 - Neil Davies (Landon Bowdler LLP)
 - Sian Rowlands (Swansea Council)
 - Claire Barcham (Association of Directors Adult Social Services)
 - Amy Chater (Leigh Day)
 - Deborah Sotheran (Rotherham Metropolitan Borough Council)
 - Karen McCulloch (Bedfordshire, Luton and Milton Keynes ICB)
 - Owen Brown (Wrigleys Solicitors LLP)
 - Hannah Rodgers (Stonegate Legal)
 - Sarah Norman (NP Law)
 - Alison Kelly (Bolton Council)
 - Anne Pearson (Boyes Turner LLP)
 - Sam Ware (Hampshire County Council)
 - Jodee Mayer (Stewarts Law LLP)
 - Genevieve Powrie (SAS Daniels Solicitors)
 - Jackie Friel (Pembrokeshire County Council)
 - Kate Benn (R Costings Ltd)
 - Rachael Gibb (JMW Solicitors LLP)
 - David Rees KC (5 Stone Buildings)
 - Androulla Hadjisimou (Brent Council)

2. Minutes and action points from previous meeting 17 January 2024
Previous meeting minutes agreed. No action points.

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

Court Manager's Report shared by AT

Applications and Orders

The statistics have been shared and I hope you have had some time to review the figures.

Backlogs and recovery

We continue to carry backlogs in most areas of our work. From a recent FTC (Fixed Term Contract) campaign we were able to onboard additional staff, however, with other civil service departments offering better pay packages and hybrid working arrangements, staffing continues to be an issue within HMCTS. Training pressures remain high with the attrition rates.

We continue to monitor our staffing position and ensure we are backfilling vacancies with contract staff.

P&A digital applications

The digital uptake is now around 85% which is a 5% increase from when we last met.

The COP1A financial questions as part of the digital submission journey went live on 25th April 2024. The next step on the digital front is the replacement deputy submission form. This is in the initial drafting stage and once we receive approval, sign off will be held with the Judiciary and GOV.UK team with a 'go live' date to be confirmed in due course.

To encourage lay applicants use of the digital journey a 'Start' button for the P&A Deputyship order digital form now appears on the GOV.UK landing page and wording to note that legal professionals use the digital journey has been added. We will be monitoring the receipts and any further improvements going forward.

With the increased volume of applications we are receiving digitally, our focus continues to be on the resourcing and processes within this area of work, with an aim to improve the timeliness in due course.

Next steps and improvements

A new 8x8 telephony system has replaced our previous small and inadequate call handling system. This has proved to be successful by reducing waiting times and increasing efficiency. As a result, we are seeing a significant improvement in the number of complaints received.

We have just introduced our new case management system named CRIS. We went live on the 8th July and we are very excited about this upgrade. It will take staff a bit of time to get used to and familiarise, but we believe we will see the improved efficiency very shortly due to its increased flexibility and functions.

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.

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

New ministerial appointments

Lord Chancellor Shabana Mahmood

and

Alexandra Davies-Jones

Heidi Alexander

James Timpson -Minister of State (Minister for Prisons, Parole and Probation)

Lord Ponsonby

Awaiting confirmation on who will have responsibility for Mental Capacity,

Fixed costs PD19B

Revised version published on 01/04/24. To be review yearly going forward.

MCA Code of Practice

Discussions will be ongoing with the DHSC and new administration.

Financial Institutions

Further to HHJ Hilder's note to interested persons in November 2022, discussions still ongoing re identification, which is linked into the Anti-Money Laundering regulations review.

MCA Raising Awareness

Liaison with DWP with regards to their database of 16yrs old upwards transferring to PIPs and to raise awareness of the MCA with them in particular with regards to the CTF issue. Efforts also being made to raise awareness amongst banks and building societies regarding the financial toolkit.

Modernising LPA's

Work continues with the OPG following the Powers of Attorney Act receiving Royal Assent, updates to follow as this develops.

5. Chantal Ul Haq-Weedon (CUHW) Wilkin Chapman – did not attend.

My understanding was that if a Deputyship Order had been made via the portal that future applications for changing deputies could also be made using the portal. Only original paper applications were supposed to be made by post.

HHJH confirmed this understanding as correct – if the current deputyship appointment was made digitally, any application to discharge that appointment and appoint someone else instead may also be made digitally.

6. Diane Fossey (DF) on behalf of the National MCA/DOLS group

Please can we have the Court's view on the use of equivalent Mental health and eligibility assessments. What alternative assessments could be used and legitimacy of assessments which are older than 12 months?

HHJH confirmed the starting point that a COP3 form should be used. Something other than this *may* be accepted in some circumstances, if it adequately addresses the same questions as a COP3 but an eligibility assessment is unlikely to be accepted. A COP3 assessment more than 12 months old *may* be accepted *if* there is also appropriate confirmation that the circumstances have remained the same.

DF clarified that her question referred to the S21a challenges and requested clarity on the timescales for new assessments.

HHJH referred users to caselaw in the public domain.

7. Ruth Tarr (RT) Rotheras Solicitors – did not attend.

The court has stopped quoting matter/reference numbers when taking PBA payments for the court fee. This didn't used to be an issue, but every time I submit an application now our accounts team have to track the payment down as our reference is never quoted.

HHJH apologised for this lapse and confirmed that staff have now been reminded to do this.

8. a). James Batey (JB) Wilson Browne Solicitors

Speedy bonds - with Howden having decided from 01/06/2024 they will no longer be issuing deputy surety bonds, and Security Bond Ltd not having entered the market, this leaves just one bond provider Marsh.

Will the court be looking to reintroduce "speedy bonds" for professional deputies?

b). Paige Wood (PW) Slater Heelis Solicitors -did not attend.

I just wanted to flag that Howdens are no longer offering Deputy bonds in accordance with their website and that the Court are still listing them as an available bond provider on their Bond letters prior to issuing the Court Order. Perhaps this can be added or put to the group for consideration as the only remaining COP and OPG approved provided is Marsh.

HHJH responded:

a) a request to re-introduce speedy bonds has been made to Marsh. This is being considered by them but they need time to adjust to the sudden increase of workload due to being the sole provider. MN is in ongoing discussion on this point.

b) amendments have now been made to all court documents/letters so this should no longer be an issue. (Receipt of appropriately updated documentation about bond providers was confirmed in the CHAT by Holly Chantler HC.)

9. Holly Mievil-Hawkins (HMH) Michelmores LLP

Are there any plans for a prescribed or approved list of professionals, professional qualifications or experience that would make a person

suitable to complete form COP3? The previous COP3 had some examples on it of who may be a suitable person to complete the form. There have been a few instances reported recently where an assessment by a social worker who is experienced in assessing mental capacity has been rejected and a medical assessment requested. An approved list for both internal and external users of the Court of Protection may prevent any confusion in this regard.

HHJH responded that the review of the COP3 by the Rules Committee which led to the current form of the COP3 specifically considered this question and determined that an exhaustive list was not possible, not least because the landscape of roles in this area is constantly changing. For example, "Physician Associates" are new. (So far, HHJH has not been persuaded that Physician Associates have sufficient expertise/experience to conduct capacity assessment.) Typically, the appropriateness of an assessor depends on both the expertise/experience of the assessor and the circumstances of the incapacitated person. The decision maker needs to be satisfied that the assessor is appropriately qualified in the circumstances required.

10. Donald Tiong (DT) Bison Solicitors – did not attend.

The court nominated the same ALR from another firm on 2 of our cases which may suggest that the process of fair nomination had not been followed by the HMCTS staff. In any event, our 3 ALRS have yet to be appointed since the start of the new nomination system. Grateful if the court could provide further clarity.

HHJH confirmed that these concerns had been addressed outside the meeting. The ALR scheme is run by the Law Society in conjunction with HMCTS. Individual ALRs are responsible for keeping HMCTS informed of their relevant data (eg when they change firms.) The Law Society will be running a training course in the Autumn, and it is hoped that this will increase the ALR pool.

Janet Ilett (JI) Official Solicitor & Public Trustee reminded the meeting that ALR accreditation is for welfare matters only.

11. Do you have any specific questions around digital applications?

HHJ Hilder

No questions raised.

12. AOB

Bridie Sanderson (BS) Wrigleys Solicitors LLP via the CHAT

Is there any further guidance on how to proceed with post death costs? Following the guidance we are unsure as to how they can be recovered. How does this impact the bills of costs with the SCCO that have been awaiting assessment prior to the guidance being released in May? Will it apply retrospectively or only apply from the guidance date?

HHJH noted that the guidance referred to was from the SCCO, and these questions should be referred to the SCCO.

Emily Gordon (EG) Rotheras Solicitors via the CHAT

Will the Court accept a COP14 PA DEP form signed by the solicitor on behalf of an applicant? We have had some instances where the Court has accepted this and others where it has not, so we are unclear.

HHJH confirmed that the notification form should be signed by the person who gave notification.

Ashleigh Bryant-Fower (ABF) Kiteleys Solicitors via the CHAT

Is there an available list re type of applications that need to be on the portal/post?

HHJH confirmed the 2 types of p&a applications that should be made via the portal:

1. first P&A Deputyship Applications;
2. replacement P&A Deputyship Application where the original application was made online.

Work is ongoing to expand this list, but currently all other p&a applications should be made on paper, by post.

Kate Bibby (KB) Wigan Council via the CHAT

Re portal – a colleague has applied for FIO only via post – has been asked to file COP24 explaining why this has not been applied via portal

HHJH queried 'FIO' – understood to be referring to an 'investigate and report' order – and why an application would be limited to such an order. The expected process would be for an application for P&A deputyship to be made, within which the court may make an 'investigate and report' order if the information provided about P's estate is insufficient. A rule 13.4 application for reconsideration may be made if the order was made without a hearing.

Laura Hassett (LH) Hugh Jones Solicitors via the CHAT

Is the COP1A form online now?

HHJH confirmed that the information provide on paper by COP1A is now part of the 'digital journey', with a 'save and return' function available.

Where a court user was having difficulty accessing the COP1A, it may be a browser issuers. When asked if a COP1A needs to be uploaded, ticking 'NO' will lead into online completion of the COP1A information.

Michelle Mwangi (MW) London Borough of Islington via the CHAT

If you are in COP proceedings and you have to make a deputyship application, do you need to do it on the portal?

HHJH advised that it would be a matter for the case managing judge. HHJH is generally willing, where the need for p&a deputyship arises in

welfare proceedings, to dispensed with any requirement for a further COP1 and direct that a COP9, COP4 and COP1A be filed instead, with notification requirements provided for. It is for the judge to decide on whether this approach is suitable in a particular case.

HHJH enquired with JG on any updates re Section 5 of the COP1/digital application document. JG to look into this.

Rhona McLachlan (RM) City of York Council via the CHAT

Where we are existing Deputy for P and require new authority to terminate/sign a tenancy, is a new COP3 required in the subsequent application?

HHJH advised that this would be dependent on the scope of the existing COP3. The evidence needs to satisfy the decision-maker on the specific issue of capacity to enter into/terminate a tenancy.

Julie Stevenson (JS) Staffordshire County Council via the CHAT

Will the option still always be there to upload our COP1a form to the portal? Managers need to have oversight of the form to ensure it is correct before submission, therefore we need to continue to use the portal in this way.

HHJH advised that uploading the COP1A will not be an option in the digital application process indefinitely. The application document may be printed.

Sheree Green (SG) Greenchurch Legal Services Ltd via the CHAT

If the old COP3 is on the old form, will it still be acceptable if the content is appropriate.

HHJH advised that the 6-month window for using the old COP3 had now expired. If an old COP3 form is to be relied, there will need to be explicit confirmation that circumstances have not changed.

Gemma Eason (GE) Irwin Mitchell via the CHAT

If an order requires further authority to transfer property, is it intended that this will apply to situations where we are transferring property to sole name of P when they turn 18? (where property has been held by trustees?)

HHJH observed that the trustees would be making the transfer as trustees and not as deputies.

Meeting ended 15:24

Next meetings

16 October 2024 2pm MS Teams – General

22 January 2025 2pm MS Teams – P&A

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

Open Actions

Meeting Date	Action Point	Owner	Deadline	Status	Description of Status
17 January 2024					
	No action points				
10 July 2024					
	No action points				