



**Court of Protection
Court User Group Meeting
(P&A)
Wednesday, 9 July 2025 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:14:02

Attendees

HHJ Hilder (HHJH)	Senior Judge of the Court of Protection
HHJ Beckley (HHJB)	Resident Judge - Court of Protection
DJ Clarke (DJLC)	Resident Judge - Court of Protection
DJ Ellington (DJSE)	Resident Judge - Court of Protection
DJ Grosse (DJLG)	Resident Judge - Court of Protection
HHJ Owens (HHJO)	SE Regional Lead Judge
HHJ Miranda Robertshaw	SW Regional Lead Judge
Mala Nair (MN)	HMCTS Court of Protection - Operations Manager
Kamila Czmil (KC)	HMCTS Court of Protection- Delivery Manager
Maureen Mohammed	HMCTS Court of Protection- Delivery Manager
Anthony Tang	HMCTS Court of Protection- Delivery Manager
Amrit Panesar	Senior Operations Manager - HMCTS
Lorna Green	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
Joe Payne	HMCTS Court of Protection - ACO
Jalaja Sabu	HMCTS Court of Protection - ACO
Laura Walters	HMCTS Court of Protection - ACO
Natalie Cheesewright	HMCTS Court of Protection
Scott Soley	HMCTS Court of Protection
Yashdeep Bhandari	HMCTS Court of Protection
Malcolm Leith	HMCTS Court of Protection

Joan Goulbourn (JG)	MOJ Mental Capacity Policy Team
Katrina London	Office of the Public Guardian
Forhad Alam	Office of the Public Guardian
Christopher McGowan (CMG)	Office of the Public Guardian
Sophie Forsyth	Official Solicitor & Public Trustee
Victoria Newey	Official Solicitor & Public Trustee
Christine Leggett	HMCTS Senior Courts Costs Office
Hannah Rodgers (HR)	Stonegate Legal
Ben Slater (BS)	Nellie Supports
Jim Smith (JS)	Westmorland & Furness Council
Claire Rouse (CR)	North Yorkshire Council
Jane Warren (JW)	North Somerset Council
Neil Cawthorn (NC)	The PDS Trust Corporation (Chairman)
Louise Hadley-Niblett (LHN)	Worcestershire County Council
Humera Qureshi (HQ)	Islington Council
John Holdsworth (JH)	Coodes LLP
Chas Taylor (CT)	Nottinghamshire County Council
Martin Terrell (MT)	Warners Law LLP
Donna Golden (DG)	Middlesborough Council
Dianne Fossey (DF)	Richmond and Wandsworth (DOLS Lead Network)
Sam Ware (SW)	Hampshire County Council
Deborah Pardoe (DP)	Allied Services Trust
Samantha Hamilton (SH)	Mullis & Peake LLP
Prasanna Thogiti (PT)	Reading Borough Council
Yvonne Mitchell (YM)	London Borough of Ealing/APAD
Sheree Green (SG)	Greenchurch Legal Services Ltd
Hayley Doyle (HD)	Torbay and South Devon NHS Foundation Trust
Zeenat Pasha (ZP)	Bolton Council
Dipti Patel (DPL)	Richmond and Wandsworth
Katie Morris	Affinity Law
Asha Beswtherick	Apricity Law
Melek Tezcan	Barr Ellison Law
Karen Royall	Bath & North East Somerset Council
Annemarie Strong	Bath & North East Somerset Council
Darren Barwell	BCP Council
Barbara Walton	Bedford Borough Council
Emma McIntosh	Birmingham City Council

Desi Petrova Dudley	Birmingham City Council
Joseph Wing	Birmingham City Council
Jeanette Carle	Bison Solicitors Ltd
Rizwana Adam	Blackburn with Darwen Borough Council
Shelby Gordon	Blanchards Bailey LLP
Vicki Silvester	Bolton Council
Sue Bowler	Boyes Turner LLP
Ruth Meyer	Boyes Turner LLP
Anne Pearson	Boyes Turner LLP
Dani Pini	Boyes Turner LLP
Olta Ponxha	Brent Council
Farducy Yeahia	Brent Council
Sharon Mercelsanca	Bridgend County Borough Council
Sian Paddick	Bridgend County Borough Council
Simon Rowley	Bromley Council
Anjun Noreen	Bromleys Solicitors LLP
Kennedy Smith	Burnetts Solicitors
Nicholas Gardner	CFG Law
Amanda Peters	Cheshire East Council
Matthew Edwards	Cheshire West and Chester Council
Imran Zamir	City of Bradford Metropolitan District Council
Vicki Walkaden	City of Stoke-on-Trent
Harriet Marwood	City of York Council
Rhona McLachlan	City of York Council
Molly Taylor	CL Medilaw
Teresa Pender-Stratford	Coole Bevis LLP
Amanda Hill	Court observer
Rebecca De Winter	Culver Law Ltd
Sue Chappell	Cumberland Council
Gemma Sayer	Cumberland Council
Beverley Wakefield	Cumberland Council
Kerry Oldfield	Cumbria County Council
Lisa Pattle	Cumbria County Council
Emily Ham	Davies & Partners Solicitors
Lynn Annis	Davies Blunden & Evans
Nicola Ellis-Jones	Denbighshire County Council
David Soley	Denbighshire County Council

Helen Georgiou	Devon County Council
Linda Jewell	Devon County Council
Liz Dalgetty	Downs Solicitors LLP
Philippa Barton	Duncan Lewis Solicitors
Mariam Bhamjee	East Sussex County Council
Lucy Owens	East Sussex County Council
Gem Selvarajah	East Sussex County Council
Eilish Ferry-Kennington	EMG Solicitors Ltd
Greg Phillips	EMG Solicitors Ltd
Peter Slaney	EMG Solicitors Ltd
Hazel Downey	Enfield Council
Jordan Goonjur	Enfield Council
Rosalind Wing	Enfield Council
Gemma Miller	Essex County Council
Jack Woollorton	Essex County Council
Rachel Woollorton	Essex County Council
Rachel Waller	Excello Law
Joanne McNally	Fletchers Solicitors Ltd
Kayleigh Smith	Fletchers Solicitors Ltd
Paige Gouldthorpe	Fosters Solicitors LLP
Jessica Latimer	Freeths LLP
Alison Meacher	Gatehouse Chambers
Deb Johnson	Gateshead Council
Christian Richardson	Gateshead Council
Sean McKeown	Hampshire and Isle of Wight ICB
Margaret Bajda	Herefordshire Council
Lydia Owen	Herefordshire Council
Helen Sebbage	Herefordshire Council
Richard Shaw	Herefordshire Council
Claraine Walker	Higgs LLP
Claire Whittall	Higgs LLP
Amelia Clarke	Holmes & Hills
Hannah Lewis	Hoople Group
Michelle Weaver	Horwich Cohen Coghlan Solicitors
Amanda Shergold	Howden Insurance Brokers
Eve Carter	Hudgell Solicitors
Gemma Buxton	Hugh James Solicitors

Laura Hassett	Hugh Jones Solicitors
Liz Hughes	Hugh Jones Solicitors
Sarah Ransome	Independent Living Solutions Ltd
Gemma Eason	Irwin Mitchell
Katie Strong	Irwin Mitchell LLP
Abigail Price	JCP Solicitors
Jac Staddon	JCP Solicitors
Alexandra Gunn	JE Bennett Law
Ian Macara	JE Bennett Law
Megan Christie-Copeland	JMW Solicitors LLP
Rachael Gibb	JMW Solicitors LLP
Tracy Brooks	Kent County Council
Sarah Hover	Kent County Council
Catherine Scurr	Kent County Council
Melanie Sleaf	Kent County Council
Stephanie Walker	Kent County Council
Zena Bolwig	Keystone Law/Professional Deputies Forum committee
Kiran Vasudeva	Kingsley Napley
Du'A Aziz	Knights plc
Kevin O'Neill	Knowsley MBC
Charlotte Alderson	Lancashire County Council
Annette Roberts	Lancashire County Council
Emily Moulard	Lanyon Bowdler LLP
Toni Reeves	Lanyon Bowdler LLP
Chris Mdee	Leeds City Council
Vicky Sowah	Leicester City Council
Kishan Shah	Leigh Day
Philippa Davies	Lester Aldridge LLP
Meenu Sharma	Liberata
Elizabeth Mouricette	London Borough of Camden
Kerry Runham	London Borough of Havering
Neil Micklewright	London Borough of Islington
Michelle Mwangi	London Borough of Islington
Natia Agba	London Borough of Redbridge
Androulla Hadjisimou	London Borough of Tower Hamlets
Emma Hill	London Borough of Tower Hamlets
Anjie Khalique	London Borough of Tower Hamlets

Tabitha Rooks	Lyons Davison Solicitors
Nikki Lyons	Manchester City Council
Michelle Wheeler	Middlesborough Council
Maria Azram	Mills & Reeve LLP
Holly Chantler	Morr & Co LLP
Kate Morgan	Neath Port Talbot County Borough Council
Morgan Harvey	Newcastle Council
Carly Prendergast	Newcastle Council
Chelle Farnan	NHS England
Sarah Wright	NHS Norfolk and Waveney ICS
Linda Putland	NHS Suffolk and North East Essex ICB
Sarah Clarke	Norfolk County Council
Sophie Lowe	Norfolk County Council
Kim Hanner	North Somerset Council
Tom Tully	North Tyneside Council
Julie Thompson	North Yorkshire Council
Krishna Fatania	OM&M Law
Ruby Junday	OM&M Law
Sheena Shah	OM&M Law
Sean McCullough	Owl Guardian Services Ltd
Andrew Bradfield-Barnes	Oxfordshire County Council
Sian Evans	Pembrokeshire County Council
Rhiannon Tucker	Pembrokeshire County Council
Grace Serwanga	Penningtons Manches Cooper LLP
Michele Battershill	Plymouth City Council
Ruth Branagh	Plymouth City Council
Jacqueline Burch	Plymouth City Council
Charlie Dunn	Plymouth City Council
Andy McGovern	Portsmouth City Council
Cameron Restall	Portsmouth City Council
Leanne Gibson	Ramsdens Solicitors LLP
Alison Palmer	Ramsdens Solicitors LLP
Lindsey Marks	Reading Borough Council
Ursula Barlow	Reading Borough Council
Helen Baxtrem	Redcar and Cleveland Borough Council
Grace Osborn	Redcar and Cleveland Borough Council
Katie Richardson	Redcar and Cleveland Borough Council

Sarah O'Sullivan	Renaissance Legal
Philip Warford	Renaissance Legal
Peter Hollebon	Retired Solicitor
Emily Gordon	Rotheras Solicitors
Venetia Thomas	Rothley Law
Julie Akorley	Royal Free London NHA Foundation Trust
Elizabeth Young	Roythornes Limited
Lauren Gratrix	Russell & Russell Solicitors
Nadine Chattaway	RWK Goodman LLP
Jess Edkins	RWK Goodman LLP
Cameron Findley-Smith	RWK Goodman LLP
Louise Nettle	RWK Goodman LLP
Matilda Pillonel	RWK Goodman LLP
Samantha Evans	Sandwell Borough Council
Mandy Timms	Sandwell Borough Council
Genevieve Powrie	CoPPA
Hayley Mason-Seager	SEN Legal
Jamahl Peterkin	Sheffield City Council
Tom Williams	Shropshire Council
Amanda Piper	SME Solicitors LLP
Ruth Forrest	South London Legal Partnership
Christine Bibby	South Tyneside Council
Hasfa Weheliye	Southampton City Council
Nicola Fitzhugh	Southerns Solicitors
Julie Stevenson	Staffordshire County Council
Kishan Rana	STEP
Lois Carroll	Stephensons Solicitors LLP
Jodee Mayer	Stewarts Law LLP
Chloe Sherry	Stockon-on Tees Borough Council
Stuart Erskine	Stockport Council
Amy Urmston	Stockport Council
Rachel Crowe	Suffolk County Council
Annette Lawton	Suffolk County Council
Vanessa Roper	Suffolk County Council
Sharon Thompson	Suffolk County Council
Helen Lucas	Surrey County Council
Gemma Trinder	Surrey County Council

Rebecca Cochrane	Swansea Bay University Health Board
Sian Rowlands	Swansea Council
Will Forsdike	Taylor Emmet Solicitors
Sara Parsons	The British Association of Social Workers
Charlene Hughes	Thomson Snell & Passmore LLP
Tom Evans	Tom Evans Law
Bethany Simpson	Torbay and South Devon NHS Foundation Trust
Jasnaam Kaur	Walsall Council
David Plant	Walsall Council
Lorna Buckwell	Warners Law LLP
Maria Henderson	West Sussex County Council
Choelette Graham	Westmorland & Furness Council
Julie Richardson	Westmorland & Furness Council
Zoe Connolly	Wigan Council
Kate Cowling	Wilkin Champan LLP
Janine Guthrie	Willans LLP Solicitors
James Batey	Wilson Browne Solicitors
Clare Edwards	Wilson Browne Solicitors
Vikki Hawkins	Wilson Browne Solicitors
Rachel Hayes	Wilson Browne Solicitors
Taylor David	Wilson Browne Solicitors
Gemma White	Wilson Browne Solicitors
Alison Lamont	Wiltshire Council
Matthew Cardoza	Wiltshire Council
Catherine Alsen	Wokingham Borough Council
Tracey Gell	Wokingham Borough Council
Karen Russell	Wokingham Borough Council
Joanna Shields	Wokingham Borough Council
Katie Beauchamp	Wolferstans Solicitors
Edward Lee	Wollens
Katrina Vollentine	Wollens
Kate Evans	Worcestershire County Council
Owen Brown	Wrigleys Solicitors LLP
Unknown x 3	

1. Apologies

- Sade Assibey (Giles Wilson Law Ltd)
- Josephine Brook (OM&M Law)

- Pamela Clarke (South London Legal Partnership)
- Damian Cullen (Official Solicitor & Public Trustee)
- Emma Garrigan (Sefton Council)
- Andrea Godfrey (Setfords Solicitors)
- John Holdsworth (Coodes LLP)
- Elizabeth Jeary (MOJ HQ Court Funds Office)
- Suzette Jervier (Jervier Solicitors)
- Karen McCulloch (Bedfordshire, Luton and Milton Keynes ICB)
- Alice Tomlin (Withers LLP)
- Sam Ware (Hampshire County Council)

2. Minutes and action points from previous meeting 22 January 2025
Agreed and adopted.

Updates HHJH

1. Slip Rule Notice

Guidance circulated to CUG distribution list.

2. Scoping exercise Q&A

Due to the large amount of interest received there will be two 'town hall' type meetings scheduled.

10 September 2025 at 2pm – Welfare

24 September 2025 at 2pm – P&A

Further details on the format of these meetings to follow.

3. Operations/Delivery Manager's Report – **COP Senior Management Team**. Kamila Czymiel (KC)

Court Manager's Report

Stats: The statistics were shared with users on 3 July and I hope you had the time to review them.

Resources: The Court continues to rely heavily on agency staff to fill our outstanding vacancies. The latest business case for five Admin Officers is currently in progress, and we are working closely with the agency to recruit candidates as soon as possible.

I am pleased to inform you that we have a new ACO, Jalaja Sabu, who joined us in April, and another ACO will be joining shortly in August.

The CTSC team is still supporting us in issuing new digital property and affairs applications providing excellent assistance in uploading these applications on CRIS and help with clearing our backlogs.

Additionally, cross-department training among our staff is currently being implemented enabling us to move resources more freely and avoid backlogs in issuing applications and orders.

Figures and recovery: In respect of the digital applications, we acknowledge them within 10 days. For paper applications, we are acknowledging them in 8 days. The final property and affairs orders are issued on day 18 for paper, and on day 16 for digital.

In July and August this year, we plan to move more resources to the Orders Team to bring the issuing of final orders down to 10 days.

It has been exactly one year since the court introduced the new IT system, CRIS. We familiarise ourselves with the system and work to resolve minor technical glitches and we are now fully utilising CRIS with all its functionalities. The new improved IT system has demonstrated how storing orders and correspondence digitally can significantly enhance customer service providing more accurate and timely responses to the public queries.

Also, we are closely monitoring the trends in complaints to ensure that valuable lessons are learned from past court failures.

No questions raised.

HHJH clarified the following average statistics.

Acknowledgment of receipt of application

8 days paper applications

10 days digital applications

Final orders (date order made to issue date)

18 days paper applications

16 days digital applications

Receipt of P&A application to issue of final order.

32.6 weeks paper applications

25.6 weeks digital applications

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

Sarah Sackman MP met with the President of the Family Division on

16/06/25, a meeting at the COP is to be scheduled.

Terminal Illness Bill – assisting in terms of advising that this is not a COP related issue.

Modernising Lasting Powers of Attorney – continuing work with OPG on the operational side.

Code of Practice – discussions with department of health. A potential review of DOLS/LPS was advised by Minister Kinnock, this relates to the operational side rather than legislation.

Banking issues. Work ongoing between UK finance and Treasury, and a meeting to be scheduled with the firms and interested parties around 21-23 July 2025

Motability – issues arising from the DWP and Motability treating deputies and attorneys as appointees, and the difficulty caused to insurance agreements and professional indemnities. A further order has been made by HHJH with position statements to be filed ahead of a hearing listed before the President on 18 July 2025 to move this forward.

Deborah Pardoe (DP) to liaise with JG outside of the CUG forum on Motability issues.

5. Hannah Rodgers (HR) Stonegate Law

We have recently been informed by a member of court staff in response to an emailed filing of a COP1A that only urgent matters can be dealt with by email. The emailed filing of the COP1A was rejected and we were invited to re-file by post. Is it correct that COP1As can no longer be filed by email? What does the court envisage would qualify as an urgent matter which can be filed by email?

HHJH explained that the court is in a transitional period from paper to digital processes. Any document should be filed by the method appropriate for that type of application at present. P&A deputyship applications should now be made digitally, and any subsequent documents filed in the same way. If an application has been made on paper, further documents should also be filed in this way. The court does not have the resources to print or store documents filed incorrectly.

HR clarified the context being where a COP1A has been requested (to set security) following appointment as deputy, and the initial application not seen, therefore it is unknown how this was made.

HHJ Beckley (HHJB) enquired whether this related to PG applications? **HR** confirmed yes.

HHJH advised that PG applications are dealt with electronically, so the COP1A should be filed electronically. If you are received conflicting information from the court, please raise directly with **Mala Nair (MN)**

Samantha Hamilton (SH) Mullis & Peake LLP raised in the meeting an issue in respect of a PG application where a COP1A had been requested to be filed electronically, but when actioned the court then advises that the matter is with a regional court and documents should be filed there.

HHJH noted that the PG applications usually remain at FAH. Where matters are transferred to a regional court, documents should thereafter be sent to the regional hub. FAH staff will forward documents on to the region if necessary but that causes delay.

Martin Terrell (MT) Warners Law LLP asked whether older matters made in papers process should follow in paper process.

HHJH confirmed yes.

Hayley Doyle (HD) Torbay and South Devon NHS Foundation Trust raised via the **CHAT** [I made an app and was appointed for property and affairs online, i now need to make a separate application to request authorisation to sell Ps house. As i understand we do a COP 1, 1E and 24 via the post, is that correct?](#)

HHJH confirmed yes by post.

HHJH returned to the urgent aspect of **HR**'s question. There is no definitive list of what counts as urgent because it is always fact specific. The reason of urgency should be made clear on the application. It is acknowledged that every case is pressingly important to the persons involved but the court has to operate relative urgency across its full workload, otherwise effectively nothing would be treated as urgent. If an application really requires urgent judicial consideration, it will be referred to the daily Urgent Business Judge. Otherwise, it will take its place in the queue.

6. Ben Slater (BS) Nellie Supports

The issue we are having is that COP3 assessments are being rejected on the basis that no formal diagnosis of an impairment of the mind or brain is given. In each instance we have sent a COP9 referring to observations of MacDonald J and the information from the COP3 form, that a formal diagnosis is not required. Each time the new order requiring a new capability assessment "by a suitably qualified medical practitioner" has been set aside. Please can there be clarification on this.

HHJH referred the group to **paragraphs 44, 47 & 48** of MacDonald J's judgment in *North Bristol NHS Trust v. R* [2023] EWCOP 5
<https://www.bailii.org/ew/cases/EWCOP/2023/5.html>

HHJH explained that internally she has regular 'supervision' meetings with the Authorised Court Officers (ACO's), and this judgment has been discussed so she is confident that there is full and proper awareness of it. The issue is whether the COP3 submitted satisfies the decision-maker that there is a causative link between functional incapacity and mental impairment/disturbance. Without commenting on any individual case, there are circumstances where evidence submitted makes it entirely appropriate for a decision maker to query this. **HHJH** noted that BS is clearly aware of the correct procedural route to raise any concern about an order made on the papers (COP9 application for reconsideration), so the system seems to be working.

HHJH advised of an additional question raised directly to an ACO outside the meeting : 'we understand that virtual capacity assessments were acceptable during covid, is this still ok now, as we are finding that more GP's, social workers and psychiatrists are refusing to carry these out?'

HHJH responded that accommodations for this were made during the pandemic and although these are still possible where circumstances require it, remote assessment is not the optimal way for P to be seen. If a virtual assessment is undertaken, an explanation must be provided as to why and as to what support measures were provided to P. An explanation based simply on 'stretched resources' is unlikely to be persuasive.

7. Jim Smith (JS) Westmorland & Furness Council

We have found conflicting advice from the court when we have submitted applications for permission to sign and/ or end tenancies. We have been told for non urgent applications we are able to submit them via e-mail, but for urgent applications they need to be submitted by post.

However, when I have submitted a non urgent application following this advice, I have been told it also must be submitted via post.

Can you please confirm what the process of application is for both urgent and non-urgent applications, so we are following the correct process in future?

It would also be helpful if you could explain why urgent applications need to be posted, as to me this feels like the slower of the options listed above.

HHJH emphasised that the court staff cannot give advice. The type of application, rather than the urgency, would determine how an application should be filed. For 'a free-standing tenancy application', the application should presently be made on paper.

8. Claire Rouse (CR) North Yorkshire Council

An update on process times of applications and if backlogs are improving would be helpful.

See management update at 3.

HHJH noted that backlogs remain static. Work on the COP dashboard is ongoing, and it is hoped that more detailed statistic can be taken from this in the future.

DJC reminded that the stats are average figure, which take into account applications not made correctly. So, it is relatively easy to achieve turnaround times quicker than average if the application is correctly made in the first place.

HHJH noted that that the major fail point on deputyship applications is still notification. It was hoped that the amendment which have been to S5 of the application documents would reduce this 'failure rate' but so far that seems not to be the case. Please check the PD carefully to help you meet the requirements when making your application.

Prasana Thogit (PT) Reading Borough Council raised in the meeting that when making an application to end tenancy they have been advised to use forms COP20a and COP20b, rather that the new forms COP14,COP15. Is there guidance of what forms to use?

HHJH confirmed that COP20A and B are in use for any matter that does not require pre-issue notification use. So, for p&a deputyship applications, they should not be necessary if the applicant fills in section 5 of the application document correctly and provides the newer COP14/15PADep forms as required by the PD. Where the decision-maker has not been satisfied of notification, the directions order may require use of COP20A and B as a straightforward way of making good the perceived omission.

Court forms have guidance notes which can be referred to for assistance. There are published rules on the gov.uk website. Link to gov.uk page:

[Apply to make decisions on someone's behalf as a deputy: Form COP1 - GOV.UK](https://www.gov.uk/guidance/apply-to-make-decisions-on-someone-s-behalf-as-a-deputy-form-cop1-gov-uk)

<https://www.judiciary.uk/guidance-and-resources/court-of-protection-practice-directions/>

DJ Ellington (DJSE) referred users to the procedural guides in COP Blue book.

HHJH also suggested attending the town hall meetings (dates above).

9. Jane Warren (JW) North Somerset Council

Can the CoP provide guidance on the acceptance of the use of electronic signatures in COP forms, as providing handwritten signatures is becoming increasingly problematic [and causing delays] for many users, especially professionals such as social workers and Rule 1 Reps.

JW clarified that this question was specific to community DOLS renewals.

HHJH confirmed that there are rules in place with regards to signing forms - please see PD5B para 6C.

10. Neil Cawthorn (NC) The PDS Trust Corporation (Chairman)

Where a client who lacks capacity has an appointed Attorney who wishes to resign, is it appropriate to seek an order from the Court stating that 'Upon the Attorney to P disclaiming his/her position, the PDS is appointed.....'

The difficulty we have encountered is the Court requiring the Attorney to disclaim, without making an order of appointment. This leaves an interregnum where no-one has control of P's assets.

HHJH confirmed that such application would not be appropriate because of MCA S20(4). Adopting the proposed approach would create a situation where it would be impossible for a third party to know whether or not the deputyship appointment was effective because they could not know if the disclaimer had taken place. It is accepted that this means there is a gap, but this can be managed/mitigated by making preparations in advance and clearly explaining the situation in the application.

11. Louise Hadley-Niblett (LHN) Worcestershire County Council

If P has not got capacity to manage full finances so an Appointeeship is sought but they still may have capacity to make some decisions, can we do a simple MCA to assess capacity to make the decision to give authority to their pension to pay the occupational pension to their account with us and us pay for care, or to give authority to set up a direct debit with a utility, for example (if we assess to have capacity to make that decision could we draft the appropriate paper work for them or support workers support them to do so for themselves)?'

HHJH noted that DWP appointeeship is outside the scope of COP jurisdiction, and occupational pensions are outside appointeeship powers. Whilst a p&a deputy does not have authority over issues on which P retains capacity, cautioned against operating outside a proper legal authority for management of P's funds.

Yvonne Mitchell (YM) London Borough of Ealing/APAD stated that private pension companies do sometime accept appointeeship.

HHJH reaffirmed that private pensions do not fall within the authorities of appointeeship. **JG** endorsed this, advising that the social security legislation is clear that appointeeships are for social security benefits only. She will take up YM's observation with the policy officials at DWP directly.

YM accepted this, but noted where the pension company and LA accept the risk that this will be managed in P's best interests.

Julie Thomson (JT) North Yorkshire Council raised a case [where the Court returned an application for deputyship, where there was a pension provider, advising this should be an Appointeeship.](#)

HHJH confirmed that such would be a staff error that should be flagged to **MN**.

12. Humera Qureshi (HQ) Islington Council

[Delay in receiving the links to upload the bundles onto the court portal.](#)

HHJH confirmed that the standard way to file a bundle for COP proceedings is via the DUC, which requires a link to be sent by the Court. Sometimes, the court has not been able to respond to e-mail requests for the link as quickly as the hearing requires – please do ensure that your request for the link is sent in good time. Since this question was raised a new system has been implemented by the Listings Team to triage these requests daily. At FAH we do make a practical concession of accepting a bundle sent by email as long as it is within size limits for that way of delivery. The COP does not have access to Caselines software, so please do not try to use it.

13. John Holdsworth (Coodes LLP) – apologies sent.

[I would be grateful if the size limit for the COP3 on the online portal could be changed. Frequently, following the introduction of the new form, where the COP3 has been completed by hand and scanned, the size is too large for the 7MB limit. Most are around 12MB in size.](#)

HHJH referred to JG, who confirmed that this is being looked into.

DJC requested that printouts of COP3s contain all information. Sometimes, missing pages cause delay.

14. Chas Taylor (CT) Nottinghamshire County Council

[I have a property to sell, I have an old order \(pre online submission\). But now need one to sell the property – what process do I use? i.e. online or paper application. And what forms do I need to submit e.g. COP9, COP24 with DOLs or other.](#)

Already dealt with above

15. Martin Terrell (Warners Law LLP) from PDF

[It has been noted in the previous minutes and in recent practice that the decision to surrender a tenancy, may determine where P may live, or not live, and will require specific authority, which in turn may require further evidence, including of a DOLS authorisation.](#)

It may have been assumed that a deputy's usual powers to management and investment would extend to the granting and surrendering of leases. In practice, deputies may need to deal with cases where:

- P has been living in a long term rental property and has moved into a care home (remaining liable for rent until the tenancy is surrendered)
- P needs to enter into a tenancy, for instance where there is a damages award and there is an urgent need for more suitable accommodation
- P owns one or more investment properties which are rented out

In these cases, does a deputy need express authority to enter into or surrender a lease? And in which case, what is the best way of ensuring that the Court has sufficient evidence to make the right order without creating undue burdens at either end of the process (bearing in mind that many of these cases while involve quite modest estates)?

HHJH highlighted the difference in tenancies in respect of where P's lives and tenancies as investment property. The templates for appointment of a professional/solicitor deputy do not standardly include express provision in respect of tenancies that P live in; templates for LA deputies do. This is because of the different types of estates commonly handled by the different types of deputies. In respect of powers of management and investment, see *Re ACC* para 53.3. It is common practice for professional deputies to be given *explicit* authority to let or manage investment properties. Evidence in support of an application for such authorities should be filed on form COP24. If the issue relates to P's home, evidence of where P will live if a tenancy is terminated, and any deprivation of liberty authorisation should be provided.

Sheree Green (SG) Greenchurch Legal Services Ltd via the chat often for panel appointments, we have folk in supported living with a tenancy. Is it possible to extend the clause included in the local authority deputyship orders to panel orders?

HHJH confirmed that yes that is possible. The request should be made clear in the application.

16.AOB

AOB1 Donna Golden (Middlesborough Council)

We are receiving a variation in the way applications for Deputy, to include authority to sell property and appoint trustees, are being processed. Please confirm the best application process to follow for these cases?

DG confirmed the procedure followed - application 1 P&A deputyship made online, and application 2 trustee made on paper, with both applications flagging the linked application. There has then been a variety of differing responses/orders received from the Court.

HHJH noted that the correct procedure had been followed, so any problems encountered appears to be a COP training issue. The two separate applications should be administratively linked by the court and considered

together. The end result would typically be a deputyship order without authorisation for sale, **and** a trustee order which is effectively the authority to sell – see

<https://www.bailii.org/ew/cases/EWCOP/2022/55.html>

which has been shared with the Land Registry. There have been no queries from the Land Registry raised with the court since.

AOB2 Dianne Fossey (DF) Richmond and Wandsworth Council

Question from the National DOLS leads meeting

There seems to be a rise in Respite being taken out of Com DOL orders or the respite element not being approved and that these should be address within DOLs. Please can we understand why this is the case and this going to be the practice of the Courts going forward.

HHJH noted that this is a welfare issue, so we will carry it over to the next welfare CUG meeting but there has not been any ‘policy’ change.

AOB3 Sam Ware (SW) Hampshire County Council – not in attendance

- 1) What is the current timescale for receiving an Order for Deputyship for Property & Affairs where an application has been submitted online
- 2) What is the current timescale for receiving an Order for additional authority, for example, to sell a property or end a tenancy agreement, where a paper application has been submitted. Please could the timescale be provided for both urgent and non-urgent applications. We have some urgent paper applications that were sent to the Court in January 2025 and so I need to establish whether we should have expected to receive an outcome by now.

HHJH responded.

1. Already dealt with above
2. Unable currently to provide these types of figures. If urgent or outside average timeframes, please refer to **MN**.

SH raised in the meeting a query with the regional court timescales with regards to the dates of orders being made and issued. An example was given of an order made in April that had only just received.

HHJH advised that all deputyship orders made in the regions must be sent FAH to issue with the embossed seal. There is a designated email inbox to deal with this and there is no current backlog in this area. Delay may occur if there are problems with the order made and it needs to be referred back to the regional judge to address. You can assist by ensuring that you are using the standard draft template orders (in blue book).

SH enquired where queries should be directed. **HHJH** confirmed that queries should be raised with the regional court who will still be case managing the matter.

Hayley Doyle (HD) Torbay and South Devon NHS Foundation Trust via the Chat a case specific query which was not dealt with

HR raised via the CHAT please may I clarify whether a professional deputy needs specific authority to sign an assured shorthold tenancy - is this considered outside the scope of the general authority where the property is intended to house P?

HHJH advised no further comment to that already provided at 15.

Zeenat Pasha (ZP) enquired via the CHAT can I ask how the LA can flag the conduct of a deputy that is either not acting properly or not acting at all? Would it be under a S16 application to remove the deputy?

HHJH confirmed that the OPG is the body with statutory supervisory functions in respect of deputyship. An application to Court made by either by OPG or by LA directly.

HHJB added that the OPG has statutory investigatory powers so may be better positioned to assist.

YM added that concerns can also be raised with ASC teams to assist and escalate to OPG.

Chis McGowan (CMG) Office of the Public Guardian requested that concerns are raised with the OPG. It can then be decided who is best placed to make an application if required.

Dipti Patel (DPL) Richmond and Wandsworth raised in the meeting a community DOLS issue where GPs are refusing to complete the template form.

HHJH responded that the court is aware of this issue. If you have this problem, you need to make it clear on the application and COP24 statement in support the steps which have been taken to secure the required evidence, and the responses received. Where appropriate, an order may be made and issued to a person refusing assistance to provide an explanation. So far, this has been sufficient to unblock a problem.

Meeting ended: 16:10

Next meeting
22 October 2025 at 2pm via MS Teams