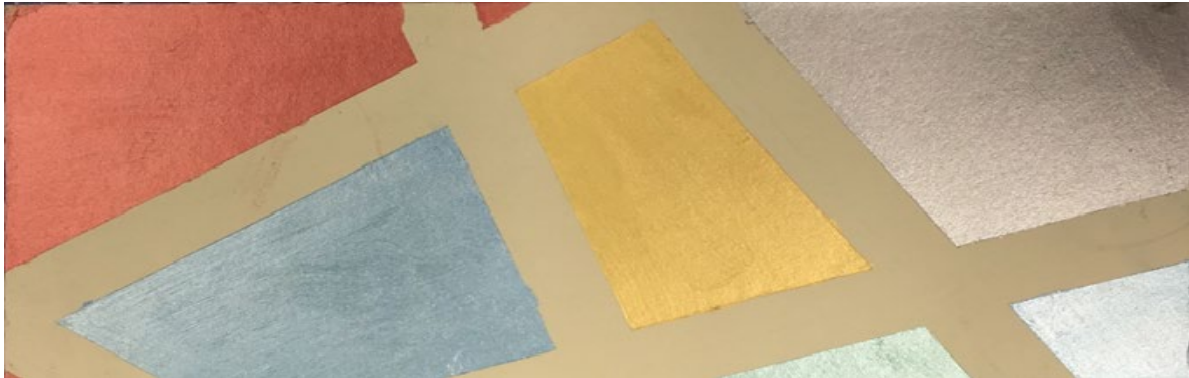




Welcome to the November 2025 Mental Capacity Report. Highlights this month include:

- (1) In the Health, Welfare and Deprivation of Liberty Report: *Cheshire West 2*, the return of LPS and where the buck stops with termination;
- (2) In the Property and Affairs Report: accessing Child Trust Funds and LPA fee increase;
- (3) In the Practice and Procedure Report: where (not if) brain stem death testing should take place;
- (4) In the Mental Health Matters Report: progress of the Mental Health Bill and the duties owed by AMHPs;
- (5) In the Children's Capacity Report: resources for children transitioning to adult in the palliative context.
- (6) The Wider Context: the Terminally Ill Adults (End of Life) Bill before the House of Lords, and CQC despairs at the state of care.
- (6) In the Scotland Report: an update on AWI reform.

You can find our past issues, our case summaries, and more on our dedicated sub-site [here](#), where you can also sign up to the [Mental Capacity Report](#).

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Nicola Kohn
Katie Scott
Arianna Kelly
Nyasha Weinberg

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The picture at the top, "Colourful," is by Geoffrey Files, a young autistic man. We are very grateful to him and his family for permission to use his artwork.

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Accessing trust funds for children upon adulthood

The Social Care Institute for Excellence has published [Accessing your child's trust fund when they reach adulthood](#), written by Caroline Bielanska. This sets out the options open to parents who want to manage the finances of their adult child where that adult child lacks the capacity to manage their own finances. It explains when a parent can become an attorney under a Lasting Powers of Attorney, and when they will need to apply to the Court of Protection for orders including for their appointment as their adult child's deputy. It makes it clear that where a parent wishes to manage their child's money and there is no LPA in place, an order from the Court of Protection will be required even if the adult child's only money other than income from DWP welfare benefits comes from their Child Trust Fund.

LPA fee increase

With effect from 17 November, the fee for registering an LPA and an enduring power of attorney is rising from £82 to £92 and the fee to resubmit an application to register a LPA from £41 to £46.

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Alex has been in cases involving the MCA 2005 at all levels up to and including the Supreme Court. He also writes extensively, has numerous academic affiliations, including as Visiting Professor at King's College London, and created the website www.mentalcapacitylawandpolicy.org.uk. To view full CV click [here](#).



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Adrian is a recognised national and international expert in adult incapacity law. He has been continuously involved in law reform processes. His books include the current standard Scottish texts on the subject. His awards include an MBE for services to the mentally handicapped in Scotland; honorary membership of the Law Society of Scotland; national awards for legal journalism, legal charitable work and legal scholarship; and the lifetime achievement award at the 2014 Scottish Legal Awards.



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Conferences

Members of the Court of Protection team regularly present at seminars and webinars arranged both by Chambers and by others.

Alex also does a regular series of 'shedinars,' including capacity fundamentals and 'in conversation with' those who can bring light to bear upon capacity in practice. They can be found on his [website](#).

Advertising conferences and training events

If you would like your conference or training event to be included in this section in a subsequent issue, please contact one of the editors. Save for those conferences or training events that are run by non-profit bodies, we would invite a donation of £200 to be made to the dementia charity [My Life Films](#) in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

Our next edition will be out in December. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Report in the future please contact: marketing@39essex.com.

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