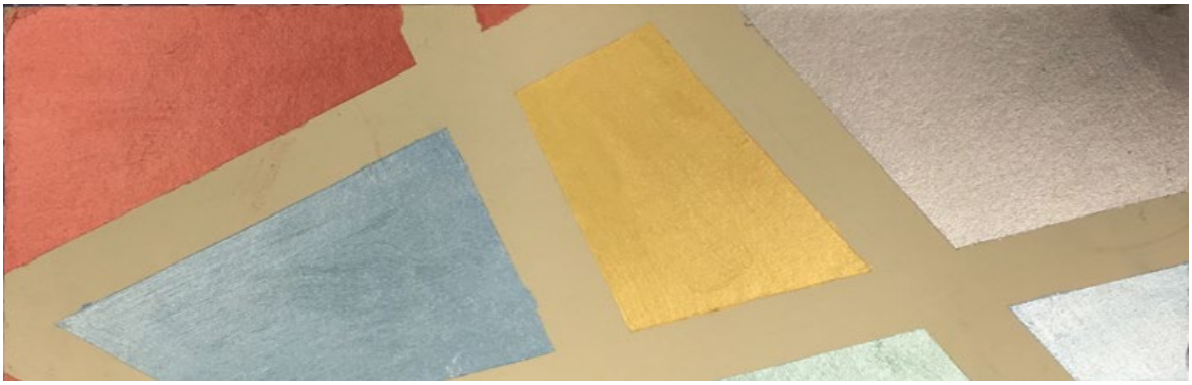
PROPERTY AND AFFAIRS
December 2025 | Issue 156



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

(1) In the Health, Welfare and Deprivation of Liberty Report: holding the risk in medical treatment cases; capacity to marry under the spotlight; and mental health conditions, cancer investigation and capacity;

(2) In the Property and Affairs Report: the general costs rule in property and affairs cases under pressure, and a guest post on appointeeship;

(3) In the Practice and Procedure Report: fact-finding in the Court of Protection and recommendations about mediation in medical treatment disputes;

(4) In the Mental Health Matters Report: progress of the Mental Health Bill, community mental health services under pressure and a new website with Nearest Relative resources;

(5) In the Children's Capacity Report: brain stem death testing and procedural fairness, and children in complex situations at risk of deprivation of liberty;

(6) The Wider Context: suicide prevention and assisted dying / assisted suicide;

(7) In the Scotland Report: questionable attorneyship.

We have also updated our unofficial update to the MCA / DoLS Codes of Practice, available here.

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.

We will be taking our usual break for the January report, but will be back in February; any urgent things requiring dissemination will be available via Alex's website. In the meantime, for a gentle provocation, you may care to watch this 'in conversation with' between Alex and Professor John Coggon as to whether mental capacity law is, in fact, law.

Editors
Alex Ruck Keene KC (Hon)
Victoria Butler-Cole KC
Neil Allen
Nicola Kohn
Katie Scott
Arianna Kelly
Nyasha Weinberg

Scottish Contributors
Adrian Ward
Jill Stavert

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.

Contents

Natural justice and costs in the Court of Protection

Riddle v NA [2025] EWCOP 39 (T3) (Harris J)

CoP jurisdiction and powers – costs

Summary

This case raises questions about the fitness for purpose of a key plank of the costs provisions contained in the Court of Protection Rules.

The case took the form of an appeal against a decision of a District Judge refusing the costs incurred by Andrew Riddle, who had sought to be appointed the professional deputy for a man, NA, but whose application had not been successful because it was ultimately shown that NA had the relevant capacity.

The background facts were crisply summarised by Harris J thus:

> *6. NA is 56 years old. In 2003, he sustained frontal lobe damage as a result of an assault. The injury has a mild impact on his executive functioning, compounded by excessive alcohol use.*
>
> *7. On 6th October 2022, Mr Riddle made a COP1 application seeking his appointment as a professional deputy for NA's property and financial affairs. NA's case was referred to him by CYC which had previously referred the matter to a firm of solicitors who had failed to progress the application. Mr Riddle is not legally qualified but has considerable experience acting as a professional deputy.*
>
> *8. CYC made the referral to Mr Riddle on the basis that they believed NA lacked capacity to manage his affairs and was therefore in need of a Deputy to prevent further escalation into debt and to prevent the potential loss of all his assets. He was living in a state of neglect. CYC did not consider it appropriate for them to make the application because of the complexities of NA's property and affairs and the existence of a potential conflict of interest given the most significant debt NA owed was council tax - a debt CYC were actively seeking to recover. They therefore referred the matter to a professional deputy to progress.*
>
> *9. The COP1 application made by Mr Riddle was supported by a COP 3 capacity assessment completed by NA's social worker, Lesley Stavridis dated 15th August 2022. That assessment concluded NA lacked capacity. NA filed a COP 5 opposing the application. In March 2023, NA entered alcohol rehabilitation treatment which was successful. Supported by Ms James* [from the mental health charity "Mainstay"] *he began addressing the various issues relating to his property and finances. The first hearing on Mr Riddle's application came before District Judge Boorman in August 2023 when directions were made for the filing of further evidence. There followed three further Dispute Resolution Hearings.*

> *10. In May 2024, the court ordered a s49 report to address NA's capacity to make decisions about his property and affairs. In his report dated 24th June 2024, Dr Ormrod concluded:*
>
> > *In my opinion, at the time of my assessment, on the balance of probabilities, NA had the capacity to manage his property and affairs. I note that such a conclusion may be at odds with earlier assessments. However, in my opinion it is likely that there have been changes in NA's levels of functioning as a result of his decision to stop drinking and the support he has received in the last year.*
>
> *Mr Riddle accepted the conclusion of Dr Ormrod. On 13th September 2024, his application to be appointed as Deputy was dismissed.*

Mr Riddle, however, sought the costs he had incurred. At first instance, his application was refused, with District Judge MacCuish holding that there should be no order for costs. Mr Riddle appealed.

His first ground of appeal was, whilst the District Judge had recognised that he had a wide discretion on costs, he failed to apply rule 19.2 (or indeed any of the rules under Part 19 of the Court of Protection Rules 2017) correctly or at all. He was successful on this ground of appeal, but it was a Pyrrhic victory, as Harris J went on to consider the question of costs for herself.

Harris J identified that the application fell within CoPR 19.2:

> *21. The Court is satisfied that an application for deputyship over "P's" property and affairs, includes an application in which "P's" capacity is disputed. "P" is defined within Rule 2.1 as including a person who is alleged to lack capacity. This application therefore falls within the general rule provided for by Rule 19.2.*

That meant, therefore, was that the starting point was that the costs of proceedings should be paid for by NA.

Mr Riddle argued that:

> *22.* […] *Rule 19.2 serves a clear public interest in ensuring matters concerning vulnerable adults and the management of their property and affairs are brought before the court. If an application is successful, the order appointing the Deputy will typically provide for the costs of the application to be paid by P, either under the fixed costs regime (£1,204 + VAT) or, particularly if the application is contested, following a detailed assessment of costs. The public interest in ensuring matters of this nature are brought before the court underpins the reasoning of Lindley LJ in Re Cathcart [1892] 1 Ch 549, in which he awarded costs to P's husband, although P was found to have capacity:*
>
> > *An inquiry into a person's state of mind is not like an ordinary litigation, and whilst, on the one hand to obtain and prosecute such an inquiry is to inflict a grievous wrong, if there is no justification for it; yet, on the other hand, it may not only be justifiable but right to institute and prosecute such an inquiry, even though the result should be to establish the sanity of the person whose state of mind has been investigated. This view has long been acted upon by the tribunals of this country, and is sanctioned by Legislature.*

> *This approach to costs in matters of property and financial affairs, even if the application is ultimately unsuccessful, ensures people are not deterred from making applications in good faith by being penalised in costs.*

Harris J acknowledged the starting point and the rationale that might underpin it.

> *23.* […] *However, in determining whether the Court should depart from the general rule in Rule 19.2, and in considering all the circumstances of the case, the Court is not persuaded, as argued by Mr Riddle, that where an application is made in good faith and accompanied by supportive capacity evidence, the circumstances would have to be "truly exceptional" to justify departure from the general rule. Such a highly restrictive approach to Rule 19.5 and the Court's overarching discretion in matters of costs is to place an unhelpful gloss on the rules.*
>
> *24. In the Court's judgment, the matters of public interest which underpin Rule 19.2 and give weight to the starting point that the applicant's costs should be met by P, whilst important, should not be regarded as almost determinative. It was urged upon the Court that the COP's jurisdiction is not adversarial; it is about finding the right outcome for P. The same principles apply to welfare applications - where the court very clearly undertakes an inquisitorial, welfare focused enquiry - but the usual rule under Rule 19.3 is for there to be no order as to costs. Mr Riddle has not faced any application by NA for his costs to be met, an order which would arguably penalise Mr Riddle for bringing the application. However, for Mr Riddle to seek an inter partes order against P goes beyond what is deemed as necessary in welfare matters to ensure applications are properly placed before the court.*

Another line of argument was put forward by Mr Riddle:

> *25. It was also urged upon the court that professional deputies such as Mr Riddle play a vital role in ensuring these applications are made, particularly where P has no family to safeguard their financial interests. It was suggested that a failure to award professional deputies such as Mr Riddle their costs will lead to real gaps and difficulties in the system. The court was told that a process has developed whereby local authorities - due to a lack of expertise, resources or a conflict of interest - will refer these applications out to professional deputies who will make the necessary COP1 application. If those deputies are at risk of not recovering their costs, it is suggested they are likely to decline making the applications, placing the burden back on already over-stretched local authorities. The result of that will be delays for P and a risk that P will be left unprotected from exploitation whilst the local authority progresses an application.*

This fell on equally stony ground:

> *26. The Court is again unpersuaded by that argument. The evidence before the Court is that upon such a referral being made by a local authority, the proposed professional Deputy will triage the application, reviewing all the information provided by the local authority or charity, and consider whether they are satisfied the application should be made. The proposed Deputy is under no obligation to make the application. If the proposed Deputy is satisfied on the information provided that the application does have merit, they will make the necessary COP1 application. They will however do so knowing that in accordance with the rules they are taking a calculated risk as to whether the Court will disapply the*

> *usual rule in 19.2. The Court does not have the benefit of any system-wide data on this issue. However, although there are a number of reasons why an application for Deputyship may not result in the applicant's appointment, the evidence before the Court is that such an event will be relatively rare.*
>
> *27. Mr Riddle tells the Court that this is the first time he has found himself in the position that an application for Deputyship has failed and he has not been awarded his costs. CYC similarly tell the court that it is rare for them to make a referral out to a Deputy, and that they have never experienced a case where the application for Deputyship has failed. The risk - whilst it undoubtedly exists - is therefore, on the limited evidence before me, very small, and one which any professional Deputy can perhaps reasonably be expected to mitigate against within the overall structure of their business. The Court is not persuaded that without what would amount, in effect, to a solid assurance that applicants in the position of Mr Riddle who have acted in good faith will recover their costs of even unsuccessful applications, there is a risk of systemic collapse.*

Perhaps most importantly, Harris J identified:

> *28. In any event, if the risk of failing to recover their costs were to lead to professional Deputies refusing to make such applications, the Court is not persuaded the answer to such a systemic problem is that the vulnerable adult, P, should bear the burden of those costs, as opposed to alternative solutions being found. Local authorities pursuant to their safeguarding duties and responsibilities would need to assume the burden of bringing such applications before the court, ensuring P would not fall through a safeguarding gap. Alternatively, the public authority could choose to enter into contractual arrangements to underwrite the costs of professional deputies such as Mr Riddle to bring the applications on their behalf. That may seem a fairer solution than imposing the costs burden on vulnerable adults such as NA.*

This therefore meant that the starting point remained that Mr Riddle should recover the costs of his application. However, that was only the starting point:

> *29.* [….] *in considering all the circumstances of the case and whether it should depart from the general rule in 19.2, the balance should not be unduly and disproportionately weighted against P. In London Borough of Hillingdon v Neary [2011] EWHC 3522, Jackson J held that when considering whether to depart from the general rule on costs, "each application must be considered on its own merit or lack of merit with the clear appreciation that there must be good reason before the court will contemplate departure from the general rule. Beyond that, as MCA s 55(3) makes plain, the court has "full power" to make the appropriate order.*

The first sub-set of considerations provided for in COPR r.19.5 in deciding whether there should be a departure from the general rule concerned conduct:

> *31. Conduct: The court is satisfied that Mr Riddle acted in good faith in making the application. A number of capacity assessments were carried out by CYC prior to the application being made, which save for one, concluded NA lacked capacity to manage his property and affairs. Although the issue of NA's capacity was not entirely straight forward, the application was supported by a detailed COP 3 assessment conducted by his allocated social worker. It was, on the basis of the*

evidence available at the time, entirely reasonable for the application to be made. The local authority regarded the application as necessary given their safeguarding concerns for NA - albeit they could have brought the application themselves and it was not necessary for it to be made by Mr Riddle.

32. It is furthermore urged upon the Court that the application was motivated only by NA's best interests and for no personal motive or gain. In this regard, whilst the Court is satisfied the application was made in good faith, Mr Riddle is not carrying out a charitable public service. He acts in the course of his business for profit. Ultimately, he seeks appointment as a professional deputy to further that business. The Court expresses some concern regarding the adversarial tone and hostile nature of some of the comments made by Mr Riddle towards NA in his witness statements of 9th February 2024, 6th March 2024 and 14th May 2024. They do not sit easily with the claim that Mr Riddle acted only in NA's best interests or the fiduciary nature of the Deputy role to which Mr Riddle was seeking appointment. However, the Court is not satisfied that Mr Riddle's somewhat adversarial approach amounted to conduct that crossed a line, such that it should have a material bearing on costs.

33. Turning to NA's conduct. NA opposed the application throughout. Whilst Mr Riddle makes some criticism of the way in which NA conducted the proceedings and the delay that resulted, it is not suggested it constitutes the kind of litigation misconduct that might sound in costs. NA remains a vulnerable adult who has acted as a litigant in person throughout. That is despite it being the applicant's position that NA lacked capacity to conduct his property and financial affairs. Nevertheless, with the support of Ms James he has engaged fully in these proceedings. The late submission of evidence by NA resulted in two hearings being adjourned and re-listed. Whilst that caused delay it did not result in costs being wasted.

34. Having considered the various orders made over the last two years of litigation, the Court is satisfied the delay and protracted nature of these proceedings resulted from case management decisions intended to gather further information regarding NA's progress, and consequently the late direction to obtain a s 49 report on the question of capacity.

Ultimately, therefore, conduct was not a relevant consideration. Harris J then turned to 'success':

36. Success: Mr Riddle failed in his application to be appointed Deputy. Given the nuances in NA's cognitive presentation and the fact NA made clear from the outset that the application would be opposed, Mr Riddle must always have been aware there was a risk the application would fail. NA was entitled to the presumption of capacity. The burden did not rest on him to prove capacity. No interim declaration that NA lacked capacity was made. Within that context, Mr Riddle chose to take the risk of making and continuing to pursue the application. Mr Riddle carries out his business as a professional deputy for profit. That is not to criticise his business, but he is not in any way obliged to make such applications. He has to take some responsibility for any litigation risks he chooses to assume.

37. Ultimately, NA was successful in defending the application on the basis he had capacity, and the Court therefore had no jurisdiction to appoint a Deputy. The principle embedded in the Civil Procedure Rules 1998 Rule 44.3 that

costs follow the event does not apply in the Court of Protection. However, as a matter of natural justice, it may appear perverse that NA should pay the costs of Mr Riddle - who is a complete stranger to him - for an application he did not invite, always opposed, had no choice but to respond to, and ultimately was successful in defending. Unlike Mr Riddle, NA did not choose this litigation. He is not at fault in any way. This has to be a weighty consideration in determining the issue of costs.

The final consideration provided for in COPR r.19.5 was:

38. The role of any public body in the proceedings: The court is grateful to CYC who attended the appeal and made representations to assist the court. They explained how the referral to Mr Riddle came about and their extensive involvement with NA prior to the application being made. It is clear they gave no consideration to the question of how Mr Riddle's costs should be met and whether, as the referring public authority, they should assume any responsibility for those costs should the application fail. In light of the issues raised in the appeal, they confirmed at the close of submissions that moving forwards they would take responsibility for making applications for the appointment of property and financial affairs deputies. The fact an application is made by the local authority does not prevent a professional deputy being appointed by the Court.

Overall, therefore:

39. Having considered all the circumstances of the case, the Court is satisfied that it is justified in departing from the general rule in the Court of Protection Rules 2017, Rule 19.2. Whilst it is acknowledged Mr Riddle acted in good faith and spent considerable time and resource trying to progress the application, the Court is satisfied that the application having failed there should be no order as to costs. NA, a vulnerable adult the Court of Protection is designed to protect, has gained little to no benefit or advantage from this application being brought. Any advantage is far outweighed by the costs application he now faces. In stark contrast to Mr Riddle, NA was not in a position whereby he could protect himself against any resulting exposure to costs. Mr Riddle chose to bring the application. He was able to assess the litigation risks. The responsibility to mitigate his exposure to costs should ultimately rest with him.

40. The fair and just order is that there be no order for costs.

Finally, Harris J noted an issue in relation to the assessment of costs in respect of litigants in person:

41. The court is told that Mr Riddle's costs are in the region of £10,000. No schedule has been produced to explain how those sums have been incurred. During the course of the appeal hearing, the Court raised with Ms Collinson how Mr Riddle as a non-legally qualified professional deputy, so essentially a litigant in person, could claim such a substantial sum. He is not a Deputy. There is no order authorising him to incur costs in the management of NA's affairs.

42. I am grateful to Ms Collinson who following the appeal hearing filed a further note dealing with how legal costs claimed by Mr Riddle as a litigant in person, if an inter partes costs order was made in his favour, could be quantified. There would appear to be no clear authority on the point. Neither s 1 of the Litigants in Person (Costs and

> *Expenses) Act 1975 or rule 46.5 of the Civil Procedure Rules apply. The limited case law on the point is conflicting. In London Borough of Hounslow v a Father [2018] EWCOP 23, District Judge Eldergill found that a LIP is entitled to recover their reasonable expenses but 'is not entitled to a fee or remuneration'. In JMH (by her litigation friend AB) v CFH [2020] EWCOP 63, HHJ Evans-Gordon declined to follow the decision of DJ Eldergill, holding that recoverable costs are those 'that any litigant in person could recover and those are the disbursements/court fees and any time costs recoverable on a detailed assessment'.*

However:

> *43. The Court is mindful that NA is not represented, and it has not therefore had the benefit of full legal argument on this potentially very significant point. The issue no longer arising on this appeal, the Court therefore expresses no view upon it.*

Comment

There has for a long time been a rumbling feeling of dissatisfaction (certainly at this end) about COPR r.19.2, albeit often for another reason, namely that it allows familial disputes to be played out at P's expense. This case highlights another reason why it can be problematic. Had this been a case about whether NA had capacity to make decisions about relevant welfare matters, the starting point would have been no order as to costs, and it is not surprising that Harris J felt that this case was very much in that zone. It is perhaps not entirely surprising that the only authority Mr Riddle could find to support the proposition that he should be reimbursed from his costs dated from the 19th century, in a very different world. The reality is that in a situation such as this the costs of ensuring that NA's capacity was appropriately investigated and (if he lacked such capacity) appropriate steps taken in his best interests should be (as was) seen as an offshoot of the safeguarding obligations of the local authority, obligations which are not conventionally understood to be deployed at the financial expense of the person. It was unfortunate that the potential for the application to be refused had not been contemplated by either CYC or Mr Riddle, and that this then redounded upon Mr Riddle personally, but it is not surprising that Harris J was unimpressed with the suggestion that the solution should be that NA should pay for the privilege of the unsuccessful application.

Until and unless r.19.2 is amended, Harris J's refusal to place any gloss on the rule in the manner urged upon her by Mr Riddle was undoubtedly helpful in terms of the message that r.19.2 is a starting, but not an end point.

Separately, and whilst it is entirely understandable why Harris J declined to consider the question of costs for litigants in person, it is unfortunate that she was not in a position to do, as it is question which undoubtedly merits definitive resolution.

DWP Appointeeship: Emerging Issues for the Court of Protection

[*This is a guest post from Alex Cisneros, responding to an issue which gives rise to very regular questions for the Court of Protection team. If you have other questions that you'd like answering in a guest post, do please let us know!*]

The Department for Work and Pensions' Appointeeship system is a vital but often overlooked mechanism for supporting adults who cannot manage their state benefits. Unlike deputyship or attorneyship, it operates with minimal safeguards, limited oversight and little

interaction with the broader mental capacity framework.

The regulations

A person or body may apply to become an Appointee if the individual in question is "unable for the time being to act" (Reg. 33(1)(b)). DWP guidance expands on this by stating that the person must, "because of mental incapacity (or, exceptionally, severe physical disability), be incapable of managing their affairs." The guidance does not explain "mental incapacity" by reference to the Mental Capacity Act 2005, which is unhelpful. In practice, however, it would be logical to interpret the term consistently with the MCA's test.

DWP guidance explains that an Appointee may be either a suitable individual, typically a family member, friend or carer, or an organisation such as a local authority or care provider.

Once in post, an Appointee can exercise any of the rights and duties that the individual could in relation to their benefits. This would include:

- signing the benefit claim form
- telling the benefit office about any changes which affect how much the individual gets
- spending the benefit (which is paid directly to the Appointee) in the individual's best interests

Crucially, the Appointeeship regime imposes none of the duties that run through the MCA 2005. Appointees are not required to support a person to make their own decisions, to follow the section 1 principles, or to apply a statutory best-interests framework. Their only obligation is to manage the benefit income "on behalf of" the claimant.

In practice, this means there is no legal requirement to explore the person's wishes, involve them in decisions, or consider alternative, less-restrictive ways of meeting their needs.

For individuals with fluctuating or emerging capacity, this lack of statutory safeguards creates a significant gap: the Appointee may be making highly consequential financial decisions without any of the protective duties that would apply to an attorney or deputy under the MCA. This structural mismatch between the two systems is one of the core problems with the current Appointeeship framework.

An Appointee can retire or be removed at any time by the Secretary of State (Reg.33(2)(a)). Internal guidance suggests that reasons do not need to be given for this decision.

The DWP will not normally become aware of an Appointee's wrongdoing unless someone reports it to the benefit office responsible for the claim. Unlike the OPG's supervision of deputies and attorneys, the Appointeeship system has no routine reporting or monitoring requirements.

What can the CoP do?

Concerns about Appointees often emerge indirectly in Court of Protection proceedings, for example, through safeguarding evidence, unexplained shortfalls in a person's personal allowance or signs of coercive control. Although the Court of Protection has no direct jurisdiction over Appointees, it can make orders that scrutinise the situation and prompt the DWP to act.

This may include:

- Making declarations or findings that signal the need for review or removal of an Appointee, prompting the DWP Visiting Team to investigate.
- Authorising disclosure to the DWP, allowing parties to share relevant material from Court

of Protection proceedings. Targeted summaries or extracts are often more proportionate and effective than blanket disclosure.

- Appointing a deputy (s.16(1) MCA 2005) to manage a person's property and affairs. DWP guidance states that an Appointee is not appropriate where a "person of equal or higher authority" is already appointed, such as a court-appointed deputy. The making of a deputyship order, even on an interim basis, should therefore provide grounds for the DWP to end the Appointee's authority.
- Directing third-party disclosure from the DWP where information is required. The DWP's processes are not aligned with statutory safeguarding duties, and there is no requirement for the DWP to respond within a set timeframe. A court order may therefore be necessary to obtain timely information.

Motability scheme and Appointeeship

A good example of the misalignment between the Appointee system and the more structured deputyship and LPA frameworks is the way each role is treated under the Motability Scheme.

The Motability Scheme allows disabled people to use their Motability allowance to lease a vehicle. In July 2025, the Court of Protection confirmed that a property and affairs deputy acts only as P's agent for the purposes of Motability agreements; the deputy is not the contracting party.

However, the Motability Scheme website (updated May 2025) states that although an Appointee can also apply on someone's behalf, they, unlike a deputy, become the legally responsible party to the lease agreement. This guidance may not yet reflect the Court of Protection's July 2025 clarification regarding deputies and attorneys, but it does appear to place Appointees at a disadvantage and highlights the ongoing lack of clarity about their role.

The Need for Reform

Appointeeship remains a vital but outdated component of adult financial protection. It lacks oversight, clear standards and integration with the MCA or safeguarding frameworks. The recurring issues seen in CoP proceedings illustrate a system that works well when functioning smoothly, but provides limited protection when things go wrong. Structural reform is long overdue.

The case of *RH v SSWP (DLA)* [2018] UKUT 48 (AAC) illustrates the problem clearly. The case concerned a disability-benefit claimant with significant mental illness whose local authority had been appointed as his Appointee. The Upper Tribunal acknowledged that serious concerns had been raised about the fairness and human-rights compliance of the Appointeeship system. The Appointee had been appointed without any formal capacity assessment or procedural safeguards, yet the FTT treated the mere fact of an Appointee being in place as sufficient protection. It saw no need to explore the claimant's capacity or to consider appointing a litigation friend.

The judgment exposes the structural gap at the heart of the regime: an Appointee may exercise complete control over a person's benefit income without being subject to the MCA's duties to support decision-making, apply a best-interests framework or undergo any routine scrutiny.

As *RH v SSWP* shows, even senior courts have limited tools to address these deficiencies. Without legislative reform, Appointeeship will continue to operate as a low-safeguard, high-impact intervention.

Editors and Contributors

Alex Ruck Keene KC (Hon): alex.ruckkeene@39essex.com
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.

Victoria Butler-Cole KC: vb@39essex.com
Victoria regularly appears in the Court of Protection, instructed by the Official Solicitor, family members, and statutory bodies, in welfare, financial and medical cases. She is Vice-Chair of the Court of Protection Bar Association and a member of the Nuffield Council on Bioethics. To view full CV click here.

Neil Allen: neil.allen@39essex.com
Neil has particular interests in ECHR/CRPD human rights, mental health and incapacity law and mainly practises in the Court of Protection and Upper Tribunal. Also a Senior Lecturer at Manchester University and Clinical Lead of its Legal Advice Centre, he teaches students in these fields, and trains health, social care and legal professionals. When time permits, Neil publishes in academic books and journals and created the website www.lpslaw.co.uk. To view full CV click here.

Arianna Kelly: Arianna.kelly@39essex.com
Arianna practices in mental capacity, community care, mental health law and inquests. Arianna acts in a range of Court of Protection matters including welfare, property and affairs, serious medical treatment and in inherent jurisdiction matters. Arianna works extensively in the field of community care. She is a contributor to Court of Protection Practice (LexisNexis). To view a full CV, click here.

Nicola Kohn: nicola.kohn@39essex.com

Nicola appears regularly in the Court of Protection in health and welfare matters. She is frequently instructed by the Official Solicitor as well as by local authorities, CCGs and care homes. She is a contributor to the 5th edition of the *Assessment of Mental Capacity: A Practical Guide for Doctors and Lawyers* (BMA/Law Society 2022). To view full CV click here.

Katie Scott: katie.scott@39essex.com

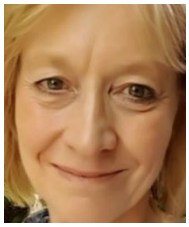
Katie advises and represents clients in all things health related, from personal injury and clinical negligence, to community care, mental health and healthcare regulation. The main focus of her practice however is in the Court of Protection where she has a particular interest in the health and welfare of incapacitated adults. She is also a qualified mediator, mediating legal and community disputes. To view full CV click here.

Nyasha Weinberg: Nyasha.Weinberg@39essex.com

Nyasha has a practice across public and private law, has appeared in the Court of Protection and has a particular interest in health and human rights issues. To view a full CV, click here

Adrian Ward: adrian@adward.co.uk

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.



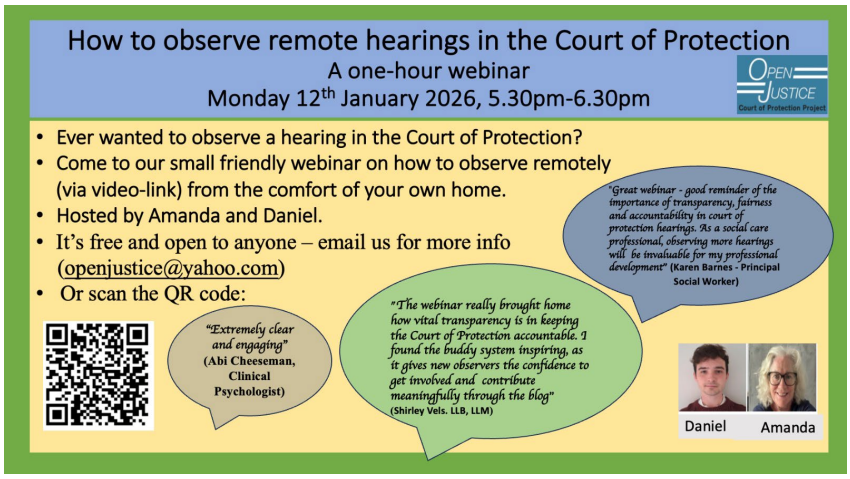
Jill Stavert: j.stavert@napier.ac.uk

Jill Stavert is Professor of Law, Director of the Centre for Mental Health and Capacity Law and Director of Research, The Business School, Edinburgh Napier University. Jill is also a member of the Law Society for Scotland's Mental Health and Disability Sub-Committee. She has undertaken work for the Mental Welfare Commission for Scotland (including its 2015 updated guidance on Deprivation of Liberty). To view full CV click here.

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 January. 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.

Sheraton Doyle
Director of Clerking
sheraton.doyle@39essex.com

Peter Campbell
Director of Clerking
peter.campbell@39essex.com

Chambers UK Bar
Court of Protection:
Health & Welfare
Leading Set

The Legal 500 UK
Court of Protection and
Community Care
Top Tier Set

clerks@39essex.com • DX: London/Chancery Lane 298 • 39essex.com

LONDON
81 Chancery Lane,
London WC2A 1DD
Tel: +44 (0)20 7832 1111
Fax: +44 (0)20 7353 3978

MANCHESTER
82 King Street,
Manchester M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE
Maxwell Chambers,
#02-16 32, Maxwell Road
Singapore 069115
Tel: +(65) 6634 1336

KUALA LUMPUR
#02-9, Bangunan Sulaiman,
Jalan Sultan Hishamuddin
50000 Kuala Lumpur,
Malaysia: +(60)32 271 1085