Dear Local Authority FOI Officer,

I am writing to request some information under the Freedom of Information Act 2000 about your local authority’s use of the Court of Protection. The information is for a research project examining the impact of the Mental Capacity Act 2005 and the deprivation of liberty safeguards on public authorities, including the impact on local authorities of *P v Cheshire West and Chester Council and another* and *Re X*.  We want to gather evidence on how often local authorities use the Court of Protection, how much it costs them and how long it takes. We conducted a similar study for the year 2013-14, and you can read our findings online at:

<http://sites.cardiff.ac.uk/wccop/local-authorities-in-the-court-of-protection-new-research/>

I would like to know about welfare cases for the year **April 1st 2014 – March 31 2015**. By ‘welfare’ cases, I mean any cases before the Court of Protection which are *not* about a person’s property and affairs (or a property and affairs deputyship on its own), but which could include matters about where a person lives, who they have contact with, any possible deprivation of liberty, medical treatments, welfare deputyship applications[[1]](#footnote-1), and other welfare matters.

I have put together a list of questions. If it is possible within the resource limit of this request, I would appreciate it if you could answer these questions *for each case in the Court of Protection for the year 2014-15*.  I have put this in table form at the bottom of this letter to make it easier to answer the questions that way and to make it easier to understand the kind of information I am asking for.

**It may not be possible to answer all of these questions within the resource limit, in which case, they are given in order of priority. Please could you answer them in that order, stopping when you reach the resource limit.**

If you have any questions about this request for information, please do not hesitate to contact me. I would like to thank you in advance for your assistance in responding to our request for information.

**Please give answers only for cases which were commenced or ongoing during 1st April 2014 - 31st March 2015 where you were a party to the proceedings.**

**It may not be possible to answer all of these questions within the resource limit, in which case, they are given in order of priority and please could you answer them in that order.**

1. How many welfare cases in the Court of Protection was your local authority a party to during 2014-15?

Total 7

1. Of those cases, how many were of the following kinds:
   1. An application to authorise a deprivation of liberty in a setting not covered by the MCA DoLS, using the *Re X* streamlineprocedure described in *X & Ors (Deprivation of Liberty)* [2014] EWCOP 25 and *Re X and others (Deprivation of Liberty) (Number 2)*[2014] EWCOP 37

Total 2

* 1. An application to the Court of Protection to seek a review of a deprivation of liberty that was authorised by the local authority in its capacity as supervisory body (either under s21A MCA or for declarations/orders under s15 and s16 MCA)

Total 2

* 1. An application relating to another welfare matter about a person who is deprived of their liberty

Total 3

* 1. An application relating to another welfare matter that was not connected with any deprivation of liberty

Total 0

* 1. Other welfare cases not falling into the above categories

Total 0

1. If it is possible to do so within the available resources, please could you tell us for each Court of Protection case you were involved in during 2014-15 the following information. We recognise that some of this information may be too resource-intensive to provide, so we have listed the questions in order of priority.

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
|  | Case 1 | Case 2 | Case 3 | Case 4 | Case 5 | Case 6 | Case 7 |
| 1. Which category (of those listed in Q2 above) did the case fall into? (e.g. *Re X*, DoLS review, other welfare and deprivation of liberty matter, other welfare matter not involving deprivation of liberty, other) | Other welfare and DOL | Other welfare and DOL | Other welfare and DOL | Other Welfare and DOL | Other Welfare and DOL | DOL review | DOL review |
| 1. Who made the initial application to the Court of Protection? (e.g. The local authority, an NHS body, 'P', a family member of P, a friend of P, an IMCA, another kind of advocate, or some other person) | LA – Local Authority | Family | LA | LA | LA | LA | LA |
| 1. Is the case ongoing (yes/no)? | Y, court review | N | Y, court review | Y, court review | Y, court review | Y, court review | Y, court review |
| 1. How long, in total, has the case lasted for to date? (to the nearest year/month) | 11 month | 2 years | 6 years, 9 months | 1 year | 4 years, 10 months | 7 years, 10 months | 3 years, 2 months |
| 1. Please estimate the overall cost to the local authority of this case (to date). (If you are able to share with us more detail about the nature of those costs – e.g. time of in-house legal and social care staff, expert reports, instructing counsel, application fee, payments to IMCAs acting at litigation friends, etc – then we would be very interested in this as it would provide useful data on the costs of Court of Protection litigation. However, we recognise that this information would likely take us beyond the resource limits of the request) | Unable to estimate | Unable to estimate | Unable to estimate | Unable to estimate | Unable to estimate | Unable to estimate | Unable to estimate |

1. Or ‘hybrid’ deputyship applications, but not property and affairs deputyship applications on their own. [↑](#footnote-ref-1)