Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	**Learning outcome**
Element 1: Interviewing, advising and communicating	Interviewing

Redacted evidence provided and page numbers

Click here to enter text.

- Initial enquiry note 20/08/25 – pg A1
- Email from trainee solicitor to client 20/08/25 – pg A2
- Attendance note of initial meeting 02/09/25 – pg A3 – A6

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrated an ability to conduct an initial meeting with the client, identify the issues relevant to the matter at hand and the ways I could assist her with the issues she was having regarding access to her aunt's finances**
- **Identified areas of overlap between non-contentious and contentious Court of Protection work and clearly set out to the client the parameters of my instructions and where matters would be dealt with by a different department**
- **Extracted the information required to enable me to prepare the necessary draft Court application paperwork**
- **Maintained a sensitivity to the issues at hand, in particular, how distressed and emotional the client was about her brother's conduct**

In order to prepare for the interview, I reviewed the initial enquiry prepared by my trainee solicitor. I identified the client was enquiring about a potential property and financial affairs Deputyship application for her aunt. I noted a social worker had encouraged the client to apply for Deputyship for her aunt, as her aunt had been assessed as lacking the necessary mental capacity to make decisions for herself regarding her finances.

As an experienced Court of Protection lawyer, I was satisfied I would be able to assist the client and instructed my trainee to provide a quote for the work and offer her an appointment at one of our offices. It is important to be clear with clients regarding the potential costs and so I was

clear to provide this information in advance of the appointment. In addition, I offered to meet the client at one of our branch offices, as I am aware it is important to be sensitive to clients' needs and if I am able to travel to an office closer to them, I will.

When I met the client, I immediately introduced myself to ensure she was aware who I was and how I was able to help. I set out to the client that I am a specialist in Court of Protection work, in particular, non-contentious applications. I was aware from my initial review of the client's enquiry that the matter could become contested due to the ongoing tensions between my client and her brother. I explained to the client that if her brother contested the application then the matter would become contentious and I would need to pass the matter to my firm's litigation team. I understand it is important to clearly set out to clients the parameters of my instructions so they understand when their matter will be passed to another lawyer with the requisite skills to assist.

The client was quite emotional throughout the meeting so I made sure to give her plenty of time to explain her problems, and made sure to strike a balance between offering her sympathy whilst maintaining professional boundaries. I obtained the necessary information from the client to enable me to open a file and begin preparation of the Court forms. I established with the client that she would be the sole applicant, and obtained clear information regarding the family set up so I could identify the relevant people to be notified of the application. I made sure to check the spellings of names and addresses with the client as I understand it is important to provide the Court with accurate information.

I also identified the COP3 capacity assessment had already been carried out so I did not need to identify a capacity assessor with the client. I requested details of the key worker who had completed the assessment so I could contact her myself to obtain a copy of the COP3 for our application.

I explained the entire Deputyship application process to the client so she clearly understood the next steps. Throughout the meeting, I made sure I paused and checked the client was happy with everything we discussed and frequently asked the client whether she had any questions.

After I met with the client, I dictated my attendance note as I understand Rule 2.2 SRA Code of Conduct 2.2 and Rule 8.1 CILEX Code of Conduct require me to keep contemporaneous notes of all conversations with clients.

Opportunities for further development (if any identified)

n/a

Date completed: 02/09/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	10/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 1: Interviewing, advising and communicating	Advising and communicating

Redacted evidence provided and page numbers

Click here to enter text.

- Initial attendance note 03/01/24 – pg A7 – A8
- Court of Protection Guidance Note 3 – pg A9 – A10
- Practice Direction 19B – pg A11 – A17
- Letter of advice to client 08/01/24 – pg A18 – A19
- Client care letter 08/01/24 – pg A20 – A23

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Gave oral advice to the client, presenting the options to her and allowing her to have all the information, including the advantages and disadvantages of each option, to make an informed decision**
- **Demonstrated sensitivity to the client, bearing in mind she was extremely stressed about the situation, by allowing her time to ask questions and air her worries about her mother's situation**
- **Provided follow up advice in writing, set out in a clear, concise manner free of legal jargon to ensure the client understood the next steps. I reiterated the client's options and set out her instructions together with guidance regarding the next steps**

In this matter I met with a client who I had already assisted to obtain a Deputyship Order to enable her to make property and financial affairs decisions for her mother. It is now standard practice for the Court not to provide blanket authority for Deputies to sell property, requiring a separate application to be submitted for permission to sell. The client therefore had returned to see me as her mother had moved into permanent residential care. My client was deciding between selling the property or entering into a Deferred Payment Agreement ("DPA") with the Local Authority to secure a charge against the property in respect of her mother's care fees.

Both options would require an application to the Court of Protection for the necessary authority to proceed.

As I had met the client previously, I was aware she found the legal process stressful so I ensured I had plenty of time allowed for the appointment so she was not rushed and could ask me as many questions as she wanted. In addition, I knew my client would need her options broken down clearly so she could understand and make an informed decision.

At the meeting, I set out the drawbacks of entering into a DPA, namely, that at the end of the DPA period, the amount owed to the Local Authority becomes payable after 90 days. After the 90 days has expired the Local Authority has the power to call in the day and apply interest. The alternative was for my client to sell the property, and we discussed the pros and cons of her retaining the property.

Both options would require permission from the Court of Protection by way of an application using its streamlined process. As my client was already Deputy for her mother, she could use the pathway available for existing Deputies set out in COPGN3 (Guidance Note – Applications by existing Deputies). I have made numerous applications for Orders for Sale during my career, so I had existing knowledge of what evidence the Court would require sight of in support of my client's application for permission to sell. I had most of the information available to my on my previous file, so I simply asked for contact details for her mother's care home so I could request sight of her Deprivation of Liberty Safeguards ("DOLs").

I also verbally set out the costs to my client so she was aware. Costs in the Court of Protection are governed by section 8 Practice Direction 19B which supplements Part 19 of the Court of Protection Rules 2017. At the time, solicitors costs for preparing applications on behalf of existing Deputies had to be limited to £500 plus VAT. I have enclosed a copy of Practice Direction 19B although please note the fees permitted have increased to £633 plus VAT since my meeting, together with the Court application fee. The fees I quoted my client were correct at the time of the meeting.

I then followed up the meeting with a letter reiterating our discussion and confirming the client's instructions. I felt it was important the client had a written note of our discussion, including an outline of the options she had considered at our meeting, together with the pros and cons, so my client could refer back to it if she needed to. I reiterated the next steps to my client, together with the information I required from her to begin preparing the application.

In addition, I provided my client with a Client Care Letter which again set out the fees. In my letter, I set out I would be charging a fixed fee, but reserved the right to have my costs assessed by the Senior Courts Costs Office in the event my costs exceeded the fixed fee and were not agreed by the client. I highlighted the anticipated disbursements to my client and advised that, as Deputy, she would be entitled to reimburse herself the cost of the application from her mother's funds.

Opportunities for further development (if any identified)

N/A

Date completed: 03/01/24 – 08/01/24			
I confirm that the information contained on this form is accurate to be best of my knowledge and belief.			
Signed: [redacted]		**Date:**	11/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 2: Costs and Funding	Costs

Redacted evidence provided and page numbers

Click here to enter text.

- Court of Protection Rules 2017 Section 19.2 – pg B24 – B25
- Court of Protection Rules 2017 Section 19.6 – pg B26
- Civil Procedure Rules 1998 Part 47.19 – pg B27
- [redacted] Client Care Pack 10/09/25 – pg B28 – B41

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates understanding and practical application of the Court of Protection Rules 2017 and accompanying Practice Direction 19B**
- **Providing clear and accurate advice to the client regarding the anticipated costs of her Deputyship application**
- **Demonstrates an awareness of the scope of my instructions and clearly setting out to the client when her matter will be referred to another team to provide a separate quote for contested work**

My client had instructed me to prepare a property and financial affairs Deputyship application to the Court of Protection to be appointed Deputy for her aunt. The statutory instrument which governs work in the Court of Protection is The Court of Protection Rules 2017 ("COP Rules"). Section 19.2 COP Rules states that costs in respect of property and financial affairs applications shall be paid by P or charged to P's estate. The COP Rules are supplemented by Practice Directions and PD19B determines that fixed costs permissible in the Court of Protection for Deputyship applications are £1,204 plus VAT.

I understand rules regarding costs in the Court of Protection are impacted by the Civil Procedure Rules 1998 ("CPR"). Section 19.6 COP Rules sets out where the CPR is to be applied

to costs in the Court of Protection, namely, 19.6(3) that costs in the Court of Protection can be subject to detailed assessment in the Supreme Courts Costs Office ("SCCO"). This is determined in Part 47.19 CPR, namely, the detailed assessment procedure where costs are payable out of a fund other than community legal service fund. As costs in property and financial affairs Court of Protection proceedings are paid by P's estate, this is the relevant section. If my firm were applying to be appointed Deputy, costs would be determined by PD19B and, if the matter become protracted and my costs exceeded the fixed costs permitted, I understand I would need to apply to the SCCO for detailed assessment.

As my client is a private client, in the first instance she is entering into a contract with my firm to pay my costs in accordance with my terms and conditions of business. I therefore sent my client my firm's client care letter, terms and conditions of business and schedule of instructions. I specifically tailored the schedule of instructions so it applied to my client's matter. In the first instance, I confirmed to my client the fixed fee permitted under the PD19B of £1,204 plus VAT. I advised my client that, in the event my costs exceeded this fixed fee, she would have the ability to agree my costs if she were appointed Deputy. In the event my client did not agree my costs, I set out to her that I reserved the right to apply to the SCCO for detailed assessment.

I clearly set out to my client the work included in my quote, and set out the work that would not be included. I understand it is critical to be transparent with clients about the costs involved in the work I am being instructed to carry out, and clearly set out what work is included in the quote and what work is excluded. This is particularly important in Court of Protection work where the application can start out as non-contentious but can move into contentious work should the matter become contested.

In this instance, my client had informed me at her initial meeting that she anticipated some members of her family may contest the application. I therefore made sure to include within my schedule of instructions a note to the client that if her matter did become contested then I would need to pass the matter to my colleagues in my firm's contentious Court of Protection team. I checked with my colleagues what figure they would like me to include within my schedule of instructions to provide my client with an approximate cost of contentious Court of Protection proceedings. I made sure to emphasise to my client that the figure was very much an estimate and that my colleagues would provide her with a more accurate figure if a referral had to be made.

Finally, I set out to the client that she would be able to reimburse herself for my costs should she be successfully appointed in accordance with Section 19.2 COP Rules. I also felt it was important to be clear with my client that as she was entering into a contract with my firm, she would be personally responsible for my fees should her application be unsuccessful.

Opportunities for further development (if any identified)

N/A

Date completed: 10/09/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 2: Costs and Funding	Funding

Redacted evidence provided and page numbers

Click here to enter text.

- Court of Protection Rules 19.3 – pg B42
- Court of Protection Rules 19.5 – pg B43
- Email to Local Authority – social care fees 20/08/25 – pg B44
- Email to Local Authority – direct payments 17/01/25 – pg B45
- Letter to NHS Continuing Healthcare Funding Appeals team 11/10/24 – pg B46 – B48
- Letter to client enclosing COP44A fee remission 28/10/25 – pg B49 – B50

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- Awareness of 19.2 + 19.3 Court of Protection Rules 2017. I understand property and financial affairs applications can be paid for using P's funds, whereas health and welfare applications must be paid for by the Applicant
- I understand Rule 19.5 provides limited scope to depart from the general Rules at 19.2 + 19.3
- If P (property and financial affairs applications) or the Applicant (health and welfare applications) are in receipt of qualifying benefits, they may be eligible for a fee remission in respect of the Court of Protection application fee
- Practical application of the Care Act 2014 in respect of paying for and funding care fees

There are limited funding options available to applicants and protected parties in the Court of Protection. I specialise in non-contentious applications to the Court of Protection which are limited to Deputyship applications, applications under the Trustee Act 1925 and applications by existing Deputies for specific authority under the Mental Capacity Act 2005. I therefore

cannot demonstrate examples from my caseload of matters where clients have been in receipt of funding by way of insurance, conditional fee agreements or third party funding.

In matters where I act for Court appointed Deputies in the management of P's affairs, I am aware, as prescribed by the Care Act 2014 when a person's capital falls below £23,500 they will be eligible for state funded support with their care fees. In addition, I manage direct payments on behalf of Deputies which specifically relate to public funds to be used towards P's care fees or other fees identified within their personal budgets set by the Local Authority or NHS. I have therefore provided examples of the following:-

- Email to the Local Authority where I requested an increase of my client's social care budget
- Email to the Local Authority regarding direct payments and the scope of the Deputy's authority to manage these
- Letter appealing an NHS Funding decision

In respect of applications to the Court of Protection, there is limited scope for funding as 19.2 COP Rules sets out costs are to be paid from P's estate in respect of property and financial affairs application. 19.3 COP Rules confirms costs relating to health and welfare applications should be paid for by the Applicants. I am aware 19.5 provides limited scope to depart from the general Rules provided at 19.2 and 19.3 but I have not required this in any of my applications to date.

Those in receipt of certain qualifying benefits are potentially entitled to a fee remission in respect of the Court application fee. The Court of Protection fees are set out in Guidance Note 44 and, currently, the application fee is £421. I was recently instructed to prepare a property and financial affairs Deputyship application where P was a minor. I therefore believed P may be entitled to a fee remission as she was only in receipt of Personal Independence Payments from the DWP. I therefore sent my client the necessary COP44a fee remission form for her to complete and return to me for submission with the application. As part of the application process for property and financial affairs Deputies, I need to provide the Court with an overview of P's income and state benefits. I therefore always make sure I am mindful of P's income in case they are eligible for a fee remission and provide my clients with the necessary COP44A form to complete. If I am instructed to prepare a health and welfare Deputyship application, then I am aware I need to consider the Applicant's financial position, rather than P's, when considering potential eligibility for a fee remission.

Opportunities for further development (if any identified)

N/A

Date completed: 11/10/24 – 28/10/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief

Signed:	[redacted]	**Date:**	11/10/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 2: Costs and Funding	Documentation

Redacted evidence provided and page numbers

Click here to enter text.

- Deputyship Order dated 20/01/15 – pg B51 – B54
- N258B Request for Detailed Assessment 05/01/23 – B55
- Letter to SCCO 05/01/23 – pg B56
- Letter to SCCO 14/02/23 – pg B57
- LO SCCO request for reassessment 22/03/24 – pg B58 – B74
- Completed Bill Summary – pg B75 – B76
- Final tallied Bill of Costs – pg B77 – B120
- Final Costs Certificate 15/08/24 – pg B121

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **See Element 2 learning outcome "costs" for evidence of Client Care Letter**
- **Demonstrates understanding and application of the full process of requesting detailed assessment with the Senior Courts Costs Office ("SCCO") to include an appeal hearing**

Please note due to lengthy delays with the SCCO, my evidence starts from January 2023 when I submitted my request for detailed assessment and ends with submission of the Final Costs Certificate in August 2024.

[redacted] of my firm is appointed Deputy by the Court of Protection for P. [redacted] instructed me to deal with the day to day management of P's affairs on his behalf as Deputy. Under paragraph 5 of the Deputyship Order, the Deputy is entitled to receive fixed costs for the general management of P's affairs as prescribed by Practice Direction 19B. If the Deputy would prefer the costs to be assessed, the Deputyship Order provides the necessary authority to the SCCO to carry out detailed assessment.

At the end of the Deputy reporting period, I review the WIP on the matter and ascertained the general management costs for the year exceeded the fixed costs by a significant amount (this is common with Deputyship management matters due to the limited fixed costs permitted). I therefore took the Deputy's instructions and advised him the best course of action would be to request detailed assessment of our costs.

I therefore instructed a costs lawyer to prepare the Bill of Costs and, once this was received, submitted the bill together with the necessary N258B Request for Detailed Assessment form to the SCCO via its e-filing portal. At the time of submission, it was the SCCO's procedure to request we wait 28 days before sending the bundle of papers. I therefore diarised to review the matter and sent the file of papers to the SCCO after the 28 days had expired.

On receipt of the tallied Bill of Costs from Senior Costs Judge [redacted] I reviewed the reductions to the bill in full and discussed the matter with the Deputy. I felt that the reductions had been unreasonably harsh, in particular, the Senior Judge had reduced my hourly rate based on my year of qualification, rather than considering my extensive experience in Court of Protection work. Deputyship files are charged in line with the Guideline Hourly Rates prescribed by the Court. At the time, I was charging at a Grade C fee earner rate as a "...solicitor or legal executive and fee earner of equivalent experience..." however the Senior Judge had reduced my rate to Grade D.

The Deputy agreed with my assessment and I therefore drafted the necessary letter of appeal. I consulted with the costs lawyer who had prepared the Bill of Costs and he reviewed the appeal letter before it was sent.

The Senior Judge listed the matter for an in person hearing, rather than dealing with the matter on paper as I had requested. I therefore attended the appeal hearing with the costs lawyer representing the Deputy. The costs lawyer had requested my presence as he felt I was best placed to discuss the file's complexities with the Senior Judge and argue my case for charging at Grade C. The Senior Judge agreed to award me a composite rate, between Grades C and D.

I then recalculated the tallied Bill of Costs to apply the composite hourly rate awarded by the Senior Judge, and applied the various agreed reductions. Once I had recalculated the Bill of Costs, I arranged for the Deputy to review and approve the amendments before preparing the required Bill Summary and Final Costs Certificate. I then uploaded the documents to the Court's e-filing system, which concluded the detailed assessment process.

Opportunities for further development (if any identified)

n/a

Date completed: 05/01/23 – 15/08/24

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	**Learning outcome**
Element 3: Conduct & Ethics	Conduct and Ethics Professional Obligations

Redacted evidence provided and page numbers

Click here to enter text.

- Internal email to line manager 23/04/25 – pg C122
- Letter to clients 25/04/25 – pg C123 – C125

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Understanding of my duty to the Court, in particular, my duties under Principle 1 CILEX Code of Conduct and paragraph 1 SRA Code of Conduct – duty not to mislead the Court**
- **I identified my clients' prospects of success in their case was decreasing to the point where I needed to advise them to consider abandoning their application**
- **I understood as my clients' application was being funded by third party trustees, I had a professional obligation to notify them of the decreased prospects of success but had to balance this with my overriding duty of confidentiality to my clients. I therefore raised this with my clients to obtain their consent to raise this with the third parties**

My clients had instructed me to prepare a health and welfare Deputyship application to the Court of Protection on behalf of their cousin. One of my clients was extremely elderly herself, and my other client lived overseas. I advised my clients at the outset that, in my experience, health and welfare matters are extremely difficult to obtain as the Court is reluctant to order blanket authority, preferring parties to agree matters between them.

Unfortunately, my clients repeatedly failed to provide instructions and return documents in a timely manner, despite my chasing. I had therefore instructed my trainee solicitor to meet with

the clients on teams to attempt to take a witness statement from each of the clients in support of the application. During the meeting, the clients failed to provide any examples of issues they were experiencing in respect of P's care, why they wanted to be appointed or why they felt a Deputy would be better placed to make a decision rather than the Court itself.

In addition, P is the beneficiary of a trust, and my clients were funding their application through the release of trust monies. Ordinarily, the cost of personal welfare applications should be funded by the applicants, however my clients had requested the trustees exercise their discretion to release funds as the application would ultimately benefit P.

I understand I have a duty under both the SRA and CILEX Codes of Conduct to act with honesty and integrity. I was therefore becoming concerned about continuing to ask the trustees to exercise their discretion to fund the application when the prospects of success had dropped so low. I was also aware I have a duty not to mislead the Court, and I felt reluctant to put my clients' application in when I did not feel they had the ability to comply with any Directions of the Court in a timely manner, since they were repeatedly unable to provide me with instructions to progress their matter.

I therefore discussed the matter with my line manager and drafted a letter to the clients advising them of their decreased prospects of success. When the clients had first instructed me, they had recent examples of issues they had experienced with social services which I felt could form the basis of their application. The clients had, however, taken so long to provide identification documents and approve the draft Court forms, that I felt we could no longer rely on the examples as too much time had elapsed since the incidents. In addition, my clients could provide no current examples of issues they were experiencing in relation to P's care.

I therefore set out in detail the challenges I felt my clients had with proceeding and reminded them how difficult health and welfare applications are to successfully run. I understand my clients are not obliged to accept my professional advice, and they could still have instructed me to proceed with the application. I therefore raised the issue of funding with my clients and explained that if they did wish to proceed, I felt I would need to alert the trustees to the reduced prospects of success so they could make an informed decision as to whether they felt it would still benefit P to have her trust funds contribute towards the cost of the application.

Opportunities for further development (if any identified)

N/A

Date completed: 23/04/25 + 25/04/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 3: Conduct & ethics	Conflicts

Redacted evidence provided and page numbers

Click here to enter text.

- Email to supervisor + complaints Partner 11/07/25 – pg C126 – C128
- OPG Guidance for Attorneys – pg C129 – C139

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- Demonstrated an understanding of the fiduciary duty an Attorney owes to the Donor of a Lasting Power of Attorney
- Effectively managed the potential conflict by escalating the issue to my firm's COLP and COFA, and making a report to the Compliance Officer and implementing the guidance

My supervisor, [redacted], is appointed Attorney for my client under a Lasting Power of Attorney. [redacted] has instructed me to deal with the day to day management of the Donor's affairs on his behalf.

I was made aware of an error made by a colleague on the file, which had the potential to result in financial loss to the client. I therefore immediately reported it to my supervisor, who is also the firm's COFA. We both agreed the matter needed to be raised with the firm's COLP due to the potential conflict of interest between the firm and the Donor.

The Donor of the LPA is my firm's client. [redacted] is the client's Attorney under the LPA and, as such, owes a fiduciary duty to the Donor. An Attorney must avoid conflicts of interest and cannot make a decision on behalf of the Donor that would result in personal gain. As a firm, we

had devised a strategy to rectify the issue, which involved attempting to have the transaction reversed and requesting the Local Authority disregard the sum which had been received in error from the client's assessable capital.

I recognised the potential conflict this would cause between the firm and the client. The client lacked the mental capacity to consent to the proposed course of action, and was relying on the Attorney to make the decision for him. By preventing any loss of state funding to the client, the Attorney was both benefiting the client and the firm as the firm would ultimately be responsible for any loss suffered to the client as a result of the error.

I understand both the duties imposed on Attorneys by the Office of the Public Guardian, and the duties imposed on lawyers by both 6.2 – 6.2 SRA Code of Conduct and Principle 7 CILEX Code of Conduct. I was aware that there was a potential conflict, so I discussed the matter with the firm's COFA drafted a report to the firm's Compliance Officer. I appreciate there are circumstances where I should not make a decision on my own, and I have received training from both my firm and CILEX in recognising when to escalate matters to my supervisor or my firm's COFA / COLP. In the circumstances, the Compliance Officer advised I could continue to act as long as I clearly documented in the file all the steps taken to rectify the matter for the client.

Please note I have redacted a significant portion of the evidence as it relates to an error made by a colleague and I do not feel it is appropriate for this to be disclosed. I have therefore limited the evidence to the section where I have specifically raised the conflict of interest issue with my supervisor and the complaints Partner.

Opportunities for further development (if any identified)

n/a

Date completed: 11/07/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 3: Conduct & Ethics	Withdrawal from a case

Redacted evidence provided and page numbers

Click here to enter text.

- Email to trainee solicitor 26/09/25 – pg C140 – C141
- Email to paralegal 08/10/25 – pg C142
- Email to Local Authority 16/10/25 – pg C143
- Signed LPA005 Disclaimer form 03/10/25 – pg C144 – C147

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates an awareness of the ongoing viability of a professional Attorney appointment and the impact on the client's finances**
- **Notified the parties, including the Local Authority to advise they have become decision-maker for the client who lacks mental capacity, clearly setting out the reasons for disclaiming**
- **Completed the necessary forms to formalise the disclaiming with the Office of the Public Guardian**

In this matter, I was instructed by the Attorney, [redacted], of my firm to deal with the day to day management of the Donor's affairs on his behalf. The client lacked capacity to make decisions regarding her finances, but maintained her long-held wish to remain living in her home. The matter was proving extremely costly for the client – her property was in poor condition and in constant need of repair. Her outgoings significantly exceeded her income as they included costly utility bills, property maintenance, care fees and my firm's fees for acting as professional Attorney.

My client's funds had dropped below the £23,250 upper limit and I had therefore triggered a financial assessment by the Local Authority, with a view to the Local Authority beginning to contribute towards my client's care fees. The Local Authority did not action the financial assessment, nor did it agree to fund on a without prejudice basis pending a full financial assessment. Although the delay was entirely the fault of the Local Authority, the impact on my client's funds meant the decision had to fall to the Attorney as to whether or not to continue to act.

In order to mitigate costs for my client, my team were more heavily involved in the day to day contact with third parties. I was conscious of the impact disclaiming would have on my client, and I wanted to give the Local Authority as much opportunity as possible to rectify the position by commencing funding. I therefore provided my trainee solicitor with the relevant legal issues and instructed him to liaise with the Local Authority. When the Local Authority still did not assist, I instructed my paralegal to notify them of the Attorney's intention to disclaim should the matter not progress significantly.

As the Local Authority made no attempts to resolve my client's funding issues, I arranged for the Attorney to sign the disclaimer and provided notice to the Local Authority that it had become decision-maker for my client as the Attorney had disclaimed. I am aware there are formalities which are required to properly disclaim an Attorney, and I therefore arranged for the necessary LPA005 disclaimer form to be completed and signed by the Attorney. The form was sent to the Office of the Public Guardian together with the original Lasting Power of Attorney for the register to be updated.

Opportunities for further development (if any identified)

n/a

Date completed: 26/09/25 – 03/10/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 3: Conduct & Ethics	Undertakings

Redacted evidence provided and page numbers

Click here to enter text.

- COP4 Deputy Declaration 02/12/25 – pg C148 – C155
- S1 + s20 Mental Capacity Act 2005 – pg C156 – C160

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrating an awareness of the implications of providing the undertaking to the Court of Protection in the COP4 Deputy's declaration, to include understanding the principles of the Mental Capacity Act 2005 ("MCA"), the duties imposed on property and financial affairs Deputies, the restrictions on Deputies' authority and the power of the Court to remove a Deputy in the event of non-compliance**

I am applying in my professional capacity to be appointed property and financial affairs Deputy for one of my clients. As part of completing the necessary application paperwork, a COP4 Deputy's Declaration is required to be completed and signed by me. The COP4 contains several undertakings to the Court to ensure Deputies are always acting in P's best interests and adhering to the principles of the Mental Capacity Act 2005 and the accompanying Professional Deputy Standards provided by the Office of the Public Guardian.

As Head of Court of Protection, I represent the firm where it is appointed professional Deputy and Attorney for many clients; and, as such, am familiar with the duties imposed by the Court. I have drafted the firm's Professional Deputy policy and policy relating to the management of client's own bank accounts. In addition, as Head of the firm's Court of Protection department, I have been responsible for the creation and implementation of procedures, precedents and

workflows to ensure the files are run in accordance with the duties imposed by the Court and statute.

I was therefore content to sign the COP4 and provide the necessary undertakings to the Court contained therein. I understand s1 MCA 2005 sets out the core principles which must be followed when making decisions for a person who lacks capacity and was content to confirm to the Court I will embody these principles in my decision-making for P if I am appointed Deputy.

S20 MCA sets out the extent of a Deputy's authority. I understand if I am appointed Deputy, I must not act outside the scope of my authority and, if I feel I require further authority, I must make an application to the Court of Protection to obtain this. I further understand if I do not follow the undertakings I have provided to the Court, it has the power under s16 MCA to remove me as Deputy. Additionally, if the Office of the Public Guardian is not satisfied I am acting in P's best interests (and therefore in accordance with the undertakings I have provided in my COP4) it also has the power to apply to the Court of Protection to have be removed as Deputy.

Opportunities for further development (if any identified)

Click here to enter text.
Whilst I have significant experience representing the firm when its Partners are appointed professional Deputy, this matter is the first where I am applying to be appointed. I am familiar with all of the processes, procedures and legal obligations, but this is a new opportunity for me to be appointed in my own professional capacity.

Date completed: 02/12/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 3: Conduct and Ethics	Confidentiality and privilege

Redacted evidence provided and page numbers

Click here to enter text.

- Internal email regarding Will release 20/08/25 – pg C161

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Awareness of 6.3-6.5 SRA Code of Conduct + Principle 5 CILEX Code of Conduct regarding my duty to maintain clients' confidentiality unless disclosure is permitted by law or the client consents**
- **Understanding of how the Mental Capacity Act 2005 interacts with documents held on behalf of people who may lack capacity to consent to their release**
- **Understanding of the scope of authority conferred on Attorneys under Lasting Powers of Attorney**

As I am not involved in contested proceedings within the Court of Protection, I do not have personal experience of litigation privilege.

In respect of confidentiality, I understand both the SRA and CILEX Codes of Conduct impose a duty on my to maintain my clients' confidentiality. When a person is appointed Power of Attorney for another under a Lasting Power of Attorney, the Attorney becomes the "data handler" for the Donor of the LPA. As such, the Attorneys are entitled to request and receive a copy of the Donor's Will, as it may assist them with the management of the Donor's property. The Law Society and the SRA have both published guidance which confirms, in the absence of contrary instructions in the Will and provided there are no concerns, lawyers are permitted to release copy Wills to Attorneys.

However, s1 Mental Capacity Act 2005 provides the presumption of capacity, namely, that a person must be assumed to have mental capacity unless it has been proven that they lack

capacity. In addition s2 MCA establishes a lack of capacity cannot be established merely by reference to –

a. *"a person's age or appearance; or*
b. *A condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity"*

I had an enquiry from a member of the team as an Attorney had been in contact requesting a copy of their mother's Will. The mother was a client of the firm and I immediately recognised we have a duty of confidentiality to her as a previous client. The Attorney had confirmed the mother had a dementia diagnosis, but I applied the MCA 2005 to explain to my colleague that this diagnosis alone did not mean our client lacked capacity to consent to her Will being released to her Attorney. I understand if clients consent, we are able to share the information we hold.

I therefore advised my colleagues to attempt to obtain our client's consent to a copy of her Will being released to her Attorney. I am aware under the MCA that capacity is decision-specific, and that our client may have lacked mental capacity to make some decisions, but retain capacity to make other decisions. I pointed out to my colleagues that the bar to consent to information being shared was low.

If the client did in fact lack capacity to consent, then I advised my colleagues that with the relevant proof, together with proper identification of the Attorney, they would still be able to release a copy of the Will to the Attorney. If all the proper processes were followed, I was content to allow release of the Will but encouraged my colleagues to revert back to me if they had any questions.

Opportunities for further development (if any identified)

N/A

Date completed: 20/08/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 3: Conduct & ethics	Complaints & negligence

Redacted evidence provided and page numbers

Click here to enter text.

- [redacted] complaints procedure – pg C162 – C163
- Final response to client's complaint 04/07/25 – pg C164 – C166

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Understanding + implementation of the firm's complaints handling procedure and the role of the Legal Ombudsman**
- **Principle 5 CILEX Code of Conduct – duty to make clients fully aware of the firm's complaints procedure and not to charge the client for the cost of handling a complaint**
- **8.2 – 8.5 SRA Code of Conduct – sets out complaints handling, informing clients of the complaints handling procedures and the client's right to complain to the Legal Ombudsman if they remain unsatisfied**

I am one of the firm's complaints handlers and, as such, have considerable experience in handling complaints made by clients. I understand that both the SRA and CILEX Codes of Conduct impose duties on firms to inform clients in writing of their right to complain and to provide a copy of the firm's complaints procedure on request. My firm's complaints procedure is available for clients to download via our website, and I am familiar with its contents and application.

The complaints partner referred a complaint to me to handle and, as per my firm's complaints procedure, the client's complaint was acknowledged, I was introduced as the complaints handler and we confirmed the timeline for the process would be 8 weeks as per my firm's complaints procedure and the SRA guidance.

In my experience, the main causes of client complaints are poor service (namely, delays or lack of communication) and costs. Lawyers can mitigate complaints on their files by providing clear costs estimates at the outset, and keeping clients regularly informed about their matter and the costs involved. If it is becoming clear the initial quote is not sufficient, lawyers should inform clients and provide a revised quote for the client to consider and accept (5.7 CILEX Code of Conduct).

In the rare circumstances where a client is complaining about potential negligence due to an error or incorrect legal advice / application, I understand the firm's insurer may need to be notified. Lawyers can mitigate the risk of negligence by ensuring their work is regularly checked by a supervisor, and they have the necessary skills and experience to take on a matter. If not, lawyers should not accept instructions and refer the matter to another person with the requisite skills and knowledge to handle the matter (5.1, 5.2 + 5.3 CILEX Code of Conduct).

In respect of this particular complaint, the client was mainly concerned about alleged poor service and unexpected costs. I reviewed the clients' complaints in full and carried out an in depth review of the file. I also discussed the matter with the fee earner in question so she could answer some of my questions regarding the facts of the matter. I then drafted my response to the clients and ensured this was sent to them within the 8 week deadline. As I did not consider any negligence to have taken place, I did not need to notify the firm's insurer.

When considering whether the client should receive compensation from the firm, I considered whether the client had in fact received poor service and whether she had suffered financial loss as a result. Whilst I did not feel the client had suffered financial loss, I did acknowledge there had been a couple of errors in her matter which had caused her frustration. I noted the fee earner had already offered a reduction in her final bill and, in the circumstances, I felt this reduction was reasonable and therefore repeated the offer to the client. I acknowledged the client had received some elements of service which were not in line with our usual standards, and offered her an apology for this. When handling complaints, I understand it is acceptable for me to offer an apology on behalf of the firm and this can, on occasion, reassure clients that their concerns have been listened to.

In order to comply with 8.2 – 8.5 SRA Code of Conduct, my response letter included contact details for the Legal Ombudsman. In addition, I considered my offer to have been reasonable in the circumstances. I understand the Legal Ombudsman expects firms to make reasonable offers and if a client proceeds with a complaint to the Ombudsman despite a reasonable offer having been made, the Ombudsman is more likely to strike the complaint out.

In the circumstances, the client accepted the offer and a reduced bill was sent.

Opportunities for further development (if any identified)

N/A

Date completed: 04/07/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 4: managing litigation work	File handling

Redacted evidence provided and page numbers

Click here to enter text.

Example 1:

- Attendance note with client, discussing initial strategy 05/06/25 – pg D167 – D171
- Completed risk assessments 05/06/25 – pg D172 – D173
- Table of Court of Protection files (note this document is produced by my secretary so I have retrospectively removed my team member's names to refer to their titles) – pg D174 – D175
- Screenshot of Court of Protection Key Dates calendar – pg D176 – D177
- Screenshot of recurring file review meeting slot – pg D178
- Telephone attendance note with client 17/10/25 – pg D179 – D180
- Email to authorised person 28/10/25 – pg D181
- Deputyship application strategy document – pg D182

Example 2:

- Interim Directions Order 13/12/24 – pg D183 – D185
- Email to client with costs update 16/12/24 – pg D186

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates ability to manage own workload effectively including progressing individual files + complying with Court deadlines**

<u>Example 1: all experience criteria met save for budgeting + financial transactions</u>

In this matter, I met with my client to discuss a potential Deputyship application for her daughter who was suffering from a rare, life-threatening condition. There were multiple issues for my client, in particular, her daughter's ill health and concerns regarding the family's housing

situation. Throughout our discussion, I was able to ascertain the client's priorities, namely, that she had the necessary legal authority to make decisions for her daughter when she turned 18 at the end of the year. My client was particularly concerned about her daughter's transition into adult services, and wanted the legal authority to have a say over where her daughter lived and, more importantly, where her daughter died. My client did not want her daughter passing away in hospital, but wanted the ability to ensure her daughter died at home.

I advised my client that the ability to decide where someone lives falls under the health and welfare Deputyship authority. I advised the client that, in my experience, health and welfare Deputyships are extremely difficult to obtain and take a long time (in excess of a year) to progress through the Court of Protection. I was conscious of P's limited life expectancy and the fact she likely would not survive the health and welfare application process.

I weighed up the options with my client and, based on the information she had provided at the meeting, advised her the best course of action would be to apply for property and financial affairs Deputyship. I advised my client this route is much quicker (sometimes as little as 4 months) and this would grant my client legal authority to make decisions regarding her daughter's property and financial affairs. I felt this would effectively give my client a seat around the table when decisions were being made about her daughter by social services. A property and financial affairs Deputy must be included in discussions regarding P's housing and care, as this inevitably impacts P's finances. In addition, I advised my client that being appointed property and finances Deputy meant she would not need to apply for permission from the Court to make a welfare application, as existing Deputies already have this authority. This seemed the most sensible course of action, given the uncertainties regarding P's health and life expectancy. I also advised my client she would have the ability to make an urgent application to the Court of Protection partway through the process, should the need arise.

My client instructed me to proceed and I instructed my team to open a file and prepare the necessary onboarding paperwork. I carried out a risk assessment on the client and the matter, and determined both were in line with my firm's risk policies and that I was able to proceed. I had agreed to charge a fixed fee for the work, in accordance with Practice Direction 19B which the client was happy with. Even though the matter is being carried out under a fixed fee basis, all of my team record their time on the files to ensure we can track how much time is being spent. I instructed my trainee solicitor to draft the forms, on the understanding he would take longer to draft the paperwork. As Head of Department, I have the authority to decide how much work in progress is charged on my files, and I was content to limit all time to the fixed fee, even if my trainee's time exceeded this as he is learning.

Part of my file management is for my secretary to keep a table of all my Court files, which we review on a weekly basis to ensure the matters are progressing. I have attached a copy of my diary which shows the weekly recurring "non-management meetings" where these file reviews take place. (Please note "non-management" refers to all of my work outside of management of affairs work e.g. Court applications and Lasting Power of Attorney work.) In addition, there is a "Court of Protection Key Dates" calendar, where Court deadlines are input by my team. I review the key dates calendar every Monday morning with my team to ensure we are aware of all deadlines and progressing matters effectively. In my absence, an experienced member of the team reviews the key dates calendar and raises any important deadlines with my supervisor.

Over the next few months, whilst the Court paperwork had been drafted by my team and approved by me, the client was unable to find time to review the documentation herself as her daughter became very unwell. I made sure to be mindful of the stress this was causing my

client, and took steps to make adjustments for her. I telephoned the client to take her updated instructions and offered for a member of my team to attend her property to help her sign the forms without the need for her to travel to the office.

During this time, the *Mazur* judgment was handed down. I therefore consulted with my supervisor to ascertain whether he was happy to take over responsibility of the matter as an authorised person. I discussed the strategy I had established on the file to date and created a strategy document to be placed on the file. My supervisor confirmed he was happy with the steps I had taken and we both completed the strategy document. In addition, my supervisor confirmed he would be happy to take responsibility for the issue of the application once it reached that stage. This matter is ongoing.

Example 2: budgeting and financial transactions

In this matter, my clients had instructed me to prepare a health and welfare Deputyship application. I had provided my quote for the work at the outset, but the Court of Protection made an interim Directions Order, requiring all three of my clients to submit witness statements expanding on their application and their reasons for being appointed Deputies for P.

I therefore immediately notified my clients of the Directions Order and reallocated work from my trainee solicitor so he had capacity to assist with complying with the Order. Whilst writing to my clients, I provided them with a costs update and a quote for the additional work which would be required to draft the witness statements and comply with the rest of the Directions Order. I understood that, despite the urgency, it is important not to proceed with work where clients have not been made fully aware of the potential costs implications. In this case, my clients were paying on a time spent basis, so I knew it was important to give them an estimate as to the anticipated additional time. In to mitigate costs for my clients, I delegated some of the work to be carried out by my trainee solicitor. I understand I am still responsible for work which I have delegated, and I therefore made sure I clearly provided instructions to my trainee, and carefully reviewed his work before it was sent to the clients.

Opportunities for further development (if any identified)

N/A

Date completed: 13/12/24 – 28/10/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 4: Managing litigation work	Case analysis & preparation

Redacted evidence provided and page numbers

Example 1:

- Email to supervisor with draft email to client 10/06/25 – pg D187 – D188

Example 2:

- Email to clients recommending Deputyship 24/01/25 – pg D189
- Letter to clients re case strategy 18/02/25 – pg D190 – D191
- Initial attendance note 26/03/25 – pg D192 – D193
- Letter to clients enclosing draft COP3 09/04/25 – pg D194 – D195
- Internal email to trainee approving drafts 08/04/25 – pg D196
- Letter to clients enclosing draft Court forms 15/05/25 – pg D197 – D198
- Internal email to trainee with feedback on drafts 17/06/25 – pg D199
- Letter to clients with Court forms for signing 24/06/25 – pg D200 – D201
- Email to clients re notifying P 27/06/25 – pg D202
- Email Local Authority re concerns 14/07/25 – pg D203
- Telephone attendance note with clients 14/07/25- pg D204
- Internal email to trainee with amendments to email 28/08/25 – pg D205
- Email to authorised person with case strategy 28/10/25 – pg D206
- Letter to clients re application submitted 31/10/25 – pg D207
- Email from Court of Protection re issue of proceedings 21/11/25 – pg D208
- Deputyship application strategy document – pg D209

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates ability to plan appropriate case strategy based on the "strengths" and "weaknesses" and adapt the strategy as the matter progresses and new issues come to light**

- **Examples of advice provided to clients tailored to their specific scenario and in line with their objectives**
- **Strategy discussed with clients, presented pros and cons of various courses of action and plan devised in accordance with clients instructions**
- **Documents drafted in accordance with precedents were created by me as Head of Court of Protection**

Example 1: email to supervisor

As previously set out, I am Head of my firm's Court of Protection department and, as such, am the most senior lawyer in the firm in respect of non-contentious Court of Protection work. I am also part of the Private Client department senior management team which comprises myself, the Head of Estate Planning, Head of Probate and Head of Private Client. As a management team we oversee approximately 55 members of staff and I personally am responsible for the management of the Court of Protection team which currently has 7 members of staff including myself. For a continuous period over the past 2 years, I have been responsible for the training and development of 4 trainee solicitors, 1 trainee CILEX lawyer and 1 CILEX paralegal. The majority of meetings with clients are therefore attended by both myself and my trainees, with a view to the trainees drafting the documentation and Court forms, under my supervision.

Prior to the *Mazur* judgment being handed down, I had 1:1 meetings with my supervisor on a weekly basis, which provided me with an opportunity to discuss my ongoing matters with him and to run case strategy by him. In addition, we work in an open plan office and part of my firm's culture is to encourage open conversation with all lawyers so, throughout the course of the working day, we are always discussing matters with each other. Given my position in the firm, plus my knowledge of Court of Protection applications gained over the past decade, I have very few examples of my letter drafting etc being checked by my supervisor. Prior to *Mazur*, I mainly had him check matters where I wanted a "second pair of eyes" or where I wanted my tone checked to ensure I was conveying the right message to the client. I have therefore provided one such example of where I emailed my supervisor to check his views on a letter which I had drafted. Clearly, since *Mazur*, our working structures have changed regarding Court of Protection work and my second example will highlight this change.

For my second example regarding case analysis and case preparation, you will note the file involves my supervision of 3 trainee solicitors throughout their seats as they drafted the various letters and Court forms for me to check.

Example 2: Court of Protection application strategy

In this matter, I was already instructed by the clients in their capacity as trustees for P. During the course of the trust matter, it became apparent that P required tax returns prepared for him and, as trustees, my clients did not have the necessary legal authority to complete these on his behalf. I therefore emailed the clients and confirmed a Deputyship application would be required and offered to assist them with this process. The clients wrote to me and confirmed they wished to proceed.

I therefore wrote to the clients, enclosing my firm's client care letter and schedule of instructions which provided the necessary quotes and timescales. In my covering letter, I set out my proposed strategy for approaching the case progression. I suggested to the clients that we first obtain the necessary COP3 capacity assessment. This would provide the clients with confirmation that P lacked capacity to manage his affairs. On receipt of the COP3, I confirmed

to the clients I would then begin the process of drafting the Court forms. This is a process I have installed in all my Court of Protection application files since joining the firm. This ensures we do not proceed with matters until it has been confirmed P lacks capacity, ensuring unnecessary work is not carried out on clients' behalf. If it transpires P has mental capacity, then they need to be approached personally to ascertain whether they wish to provide instructions to prepare a Lasting Power of Attorney.

After my clients had accepted my retainer, I then met with them over teams to describe in detail the Deputyship application process and obtained further information from the clients to enable me to start drafting the paperwork. I also discussed with the clients the best approach to having the COP3 completed by the relevant professional. My clients did not live locally to P and, as such, we would need to instruct a third party to complete the capacity assessment. In the first instance, we agreed the clients would liaise with the care home themselves to try and obtain contact details for a capacity assessor. I then instructed my trainee solicitor to draft the attendance note of the meeting for my review and approval.

My trainee solicitor then drafted the COP3 capacity assessment at my direction, and generated the precedent letter to the clients enclosing the COP3. In my role as Head of Court of Protection, I personally drafted my firm's template letters for Court of Protection matters and I was therefore already aware it sufficiently contained all the required information. Nevertheless, I reviewed and approved both the letter and the COP3 and confirmed to my trainee I was happy for it to be sent to the clients.

As the matter progressed, my trainee drafted the Court forms and covering letter using precent templates created by me. Again, I reviewed her work and provided her with feedback where appropriate.

My clients then notified me that the care home were being prevented from communicating with both myself and my clients by social services. I therefore contacted the relevant adult access team to try and ascertain the nature of their concerns. I fully appreciate my overriding duty to the Court and I therefore sought to ascertain whether social services had reason to object to the application. If they had concerns, I would ensure they were formally notified of the application to give them an opportunity to object and be added as a Respondent. I discussed the matter in full with my clients and presented to them the courses of action available to them. I explained if social services wished to apply to be Deputy, I saw no reason why the clients could not simply stop their application and allow this to happen.

In the circumstances, despite chasing, social services did not respond to any of my requests for information and I therefore instructed my trainee to contact the clients to confirm my advice to proceed with the Deputyship application. I amended the draft email to the clients and provided feedback to my trainee regarding the minor amendments I had made so she understood.

At this stage, the Mazur judgment was handed down and, although my supervisor was already familiar with the matter through our informal discussions throughout the year, I formally provided him with the background and proposed strategy for him to review. My supervisor agreed to take responsibility for the application and approved the case strategy document which had been created for the file. My supervisor reviewed all of the draft Court forms and took responsibility for the application as it was submitted and subsequently issued.

Opportunities for further development (if any identified)			
N/A			
Date completed: 24/01/25 - ongoing			
I confirm that the information contained on this form is accurate to be best of my knowledge and belief.			
Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	**Learning outcome**
Element 4: Managing litigation work	Dealing with other professionals

Redacted evidence provided and page numbers

Click here to enter text.

- Internal email to litigation Partner 30/07/25 – pg D210
- Instructions to Counsel 15/08/25 – pg D211 – D216

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates awareness of need to prepare formal instructions to Counsel and understanding of level of seniority amongst barristers**
- **Complied with formalities of instructing Counsel to include liaising with Counsel's clerk in the firsts instance**
- **Provided full background to matter + identified relevant enclosures to ensure Counsel had all the necessary information to provide advice**

I have been working in law since 2007 and spent the first 5 years of my career in litigation. I have instructed Counsel many times during my career, and am fully aware of the etiquette involved in dealing with barristers. In the first instance, I understand barristers' clerks should be consulted to discuss the case and the seniority of Counsel required. Once Counsel is agreed, formal instructions need to be compiled which set out the full background of the matter, together with the queries Counsel is being consulted on. The instructions should be sent to the clerk who will provide a fee quote for acceptance before the instructions are passed to Counsel to review.

In this instance, Counsel had already provided advice, and I was consulting him regarding an issue with property ownership and the Declaration of Trust which had been prepared by a

previous firm. My supervisor had taken over as Deputy for P from the previous solicitors, and we had reviewed the Declaration of Trust together. Both of us felt the Declaration of Trust was no longer required now P had turned 18, but the trust instrument had created some practical issues in terms of P's family's occupation of the property. We felt the Declaration of Trust was poorly drafted and Counsel's opinion was required to help us decide the next steps.

Counsel's clerk felt, given the complexity of the matter, Silk was required to advise. I was aware such a senior barrister would charge a significant fee, and I therefore discussed this with the Deputy and we made a decision that it was in P's best interests to proceed with instructing the KC. Although the fee quoted was large, it was proportionate given the value of P's estate.

I therefore drafted the necessary instructions to Counsel with the support of my trainee solicitor. I provided full background to the matter including P's circumstances, her personal injury award and her family set up. I also provided Counsel with supporting documentation so he had a full picture of P's situation, the complexity of the matter and her significant personal injury award. I asked my trainee solicitor to contact one of the Partners in my firm's litigation department and ask her to review the instructions. Given that the matter was going before a KC, I wanted the instructions reviewed by another lawyer experienced in instructing Counsel to ensure I was using the appropriate language and respectful tone.

As he was preparing the advice, Counsel had some queries and left a message with my trainee requesting I call him on his mobile. I would not ordinarily request another professional's mobile number however I was content to take my lead from Counsel and, as he had offered it, I telephoned him to discuss the matter. We ascertained we were both working late that night and we therefore had a discussion out of hours. I understand it is important to respect other professionals' work parameters and would not presume to contact someone outside of working hours. In this case, I followed Counsel's lead entirely and we had a helpful discussion about the matter. Counsel wanted to know my views regarding the Declaration of Trust and I confirmed I felt I wanted to have it discharged and the property held in P's name as she was now 18. Counsel agreed and confirmed he would finalise his advice accordingly.

Opportunities for further development (if any identified)

n/a

Date completed: 15/08/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief

Signed:	[redacted]	**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	**Learning outcome**
Element 5: Settlement v Litigation	Settlement

Redacted evidence provided and page numbers

Click here to enter text.

- Email to Local Authority re Court proceedings 17/11/23 – pg E217
- Attendance note of round table meeting 07/12/23 – pg E218 – E220
- Court Order 18/04/24 – pg E221 – E223

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates awareness of client's financial needs, best interests + ability to consider professional / medical advice and views of MDT and apply this to my client's personal circumstances.**

I do not carry out contentious Court of Protection work. Therefore, in my area of specialism, there is no "Claimant" or "Defendant" and there is no "case" to settle. I therefore cannot provide examples of where have considered offers to settle my clients' case. The example I have provided below relates to a matter where I act on behalf of an incapacitated client who has appointed members of this firm as her Attorney. My client was contesting her DOLs and, as such, the Local Authority issued Court proceedings to determine where my client should live. I was approached to share my views on behalf of the Attorney and, ultimately, agree to the proposed Consent Order.

I was approached by the Local Authority for my views regarding my client's long term care and accommodation, particularly as it related to her finances. I understand my duty to apply the principles of the Mental Capacity Act 2005, in particular, s4 best interest decision making. My client had been assessed as lacking mental capacity to make decisions regarding her finances, and health and welfare. My firm were appointed to act in respect of my client's finances, but I also understand we have a duty to have a regard to my client's wellbeing and always act in her best interests where she is unable to make decisions for herself.

I therefore set out my views to the Local Authority. In particular, I agreed it was in my client's best interests to remain in permanent residential care. My client has a large estate of approximately £2 million. I therefore appreciated my client could afford to return home with a live-in carer. Historically, however, my client had rejected support in her own home and had a tenancy to violent and aggressive outbursts, culminating in her threatening a carer with a knife which had resulted in her admission to care. I therefore agreed with the MDT's views that it was not safe for my client to return home.

In trying to reach a resolution on my client's behalf, I made it clear to the Local Authority that any decision regarding my client's care should not be led by finances. Whilst the Local Authority has a duty under the Care Act 2014 to be guided by a person's needs, rather than their finances, in my experience this is often not the case and it is important to remind Local Authorities of their duties in this regard. I therefore emphasised to the Local Authority that my client could afford to live in her current care home which was a luxury care home, with fees far greater than the Local Authority would fund. I made it clear to the Local Authority that costs should not be a factor and my client could afford to reside in the best possible care home.

I subsequently attended the round table meeting with the MDT as the Local Authority were keen to try and settle the matter by way of a Consent Order, rather than contested Court proceedings. I had considered the views of the MDT and, in particular, had consulted my client's husband (who was co-Attorney with my firm) and my client's health and welfare Attorney. It was clear all the medical and social care advice indicated it was in my client's should remain in residential care. I therefore was in agreement to the matter being settled by way of a Consent Order.

I believe this example demonstrates how I am able to consider my client's needs and priorities when deciding how to apply their finances for their benefit. I routinely act for clients who completely lack mental capacity to make decisions for themselves, and I understand it is therefore my responsibility both under the MCA and the Office of the Public Guardian standards to act in my client's best interests manage their finances accordingly. In this instance, it was important my client's funds were used towards paying for the best possible care she could afford and I was clearly able to convey this to the MDT as we were making a decision regarding where my client lived.

Opportunities for further development (if any identified)

N/A

Date completed: 17/11/23 – 18/04/24

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:		**Date:**	11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 5: Settlement v Litigation	Negotiation

Redacted evidence provided and page numbers

Click here to enter text.

- Email chain with Local Authority 19/08/25 – 11/09/25 - pg E224 – E226
- Schedule of assets, liabilities and outgoings – pg E227 – E232

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates an ability to identify a client's needs, effectively negotiate the client's position with a third party and achieve an acceptable outcome for the client**

As I deal with non-contentious Court of Protection applications, I am unable to produce evidence of where I have negotiated a client's position prior to a hearing, nor am I able to provide evidence of negotiating with the other side, as I do not haven an "other side" on my matters. The example below refers to a matter where the firm is appointed Attorney for a client under a Lasting Power of Attorney. I believe the example demonstrates how I am able to advocate for my clients to ensure their needs are being met and to negotiate care fees contributions with the Local Authority.

In this matter, my client had been placed into permanent residential care by social services as she lacked the mental capacity to make decisions regarding her health and care, as well as where she lived. My firm is appointed Attorney in respect of the client's property and financial affairs. The Attorney, [redacted] has instructed me to deal with the day to day management of this matter on his behalf.

As part of my file management, I have a schedule of assets, income and outgoings on every matter where we are appointed Attorney / Deputy for clients to ensure we have a full picture of

a client's finances and are complying with our duty to maintain financial records. On my client's admission to the care home, I reviewed the schedule and could see she would not be able to afford to pay her care fees until her property sold. I was already aware my client only owned the lease to the property, and that the freeholder was a housing association.

The Local Authority, as decision-maker for my client in respect of her health and care, had already decided it was in my client's best interests to reside in residential care. As Attorney, our duty was to ensure she continued to pay her care fees and therefore ensure her placement was not compromised. I therefore understood I needed to approach the Local Authority to raise the matter with them and ascertain whether they would be prepared to fund my client's care fees until I was able to sell her property.

I therefore drafted an email to the financial assessment team at the Local Authority. As an experienced Court of Protection lawyer, with extensive dealings in community care law, I know it is difficult to communicate with the Local Authority by telephone. I believe the most appropriate way to communicate with the Local Authority is by email, to ensure they have a clear record of our proposals and that no misunderstandings can take place.

I therefore set out to the Local Authority my client's position, and requested they fund her ongoing care fees on a without prejudice basis. This would mean my client's placement in the care home was not jeopardised, and that I would be able to repay the money to the Local Authority once her property had sold. I proposed an alternative course of action i.e. that I would be prepared to enter into a deferred payment agreement pending sale of the property. I am however aware the Local Authority generally does not offer this where there is a co-owner. It is, however, at the Local Authority's discretion and I therefore felt it was important to confirm I would be willing to explore this option.

The Local Authority emailed me back to confirm it would be prepared to fund on a without prejudice basis and asked my client to continue to make her assessed contributions towards her care. I again reviewed my schedule and ascertained my client could not even afford her assessed contribution. I understand it is important to try and mitigate my client's debt with the Local Authority and for her to try and pay some contribution towards her care fees, however limited. I therefore decided my client could afford a weekly contribution of £100 towards her care fees, and instructed my assistant to put this counter proposal to the Local Authority which was accepted. My client's placement at the care home continues to be secured as the Local Authority are settling her care fees until such time as I am able to sell my client's property.

Opportunities for further development (if any identified)

N/A

Date completed: 19/08/25 – 11/09/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.

Signed:	[redacted]	**Date:**	~~11/12/25~~ 11/12/25.

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	Learning outcome
Element 5: Settlement v Litigation	ADR

Redacted evidence provided and page numbers

Click here to enter text.

- Initial attendance note 18/04/24 – pg E223 – E235
- Email to social worker 23/12/24 – pg E236
- Attendance note 20/02/25 – pg E237 – E238

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

As a Court of Protection practitioner, I specialise in non-contentious applications to the Court of Protection. I do not therefore have evidence of Alternative Dispute Resolution / formal mediation, as costs in the Court of Protection are generally borne from P's estate, rather than another party. I have therefore included an example below of a matter where I considered with a client the alternatives to a Court of Protection application to attempt to resolve the issues they were experiencing.

Any application to a Court comes with risks to the client. In the case of Court of Protection applications, whilst almost all applications start off as non-contentious, there is always a risk that either P or another party could object to the proceedings and the matter become contested. In addition, I always advise clients that when their matter is going before a Judge, it is down to the Judge to determine what authority they are prepared to grant, and there is always a risk my clients' applications may be rejected. In the circumstances of a rejected application, it is possible a Judge will Order that costs should not be paid by P, but that the Applicant is responsible for the costs of the application. (I have set out previously my firm's client care letters regarding costs, together with the fixed costs in the Court of Protection determined by Practice Direction 19B.)

I have dealt with a case recently where I did have to weigh up with the client the prospects of success and, in particular, whether she should proceed with her application or desist, seeking an alternative route.

In this case, my client consulted me because she wanted to be appointed property and financial affairs Deputy for her daughter who had severe learning difficulties. During our meeting, it became apparent P did not have a significant level of assets and I therefore discussed appointeeship with my client. Appointeeship is sometimes a helpful alternative to Deputyship. The Mental Capacity Act 2005 places a duty on practitioners and the Court to find the least restrictive option for P. A Deputyship Order is often the most restrictive option, as it removes all ability from P to manage their own money. Appointeeship is obtained through the DWP and gives clients the ability to receive state benefits on behalf of another person and apply that money for their benefit.

I explored the option of my client applying to be P's appointee, however, my client felt strongly that P was vulnerable to exploitation and felt she wanted to have full Deputyship to properly protect her daughter. We therefore agreed to proceed with a property and financial affairs Deputyship application and I requested P's social worker carry out the necessary COP3 capacity assessment.

I received a message from the social worker confirming she had been to see P and P had indicated she did not want her mother appointed. In addition, the social worker she felt P had the capacity to say who she wanted appointed, even though she probably lacked the capacity to manage her finances herself. I understand under the MCA 2005 that mental capacity is decision specific, and that it is therefore entirely possible for a person to lack capacity to make one decision, but retain capacity to make a different decision. I therefore clarified a couple of points with the social worker, namely, to establish whether she felt P had capacity to give instructions regarding a Lasting Power of Attorney and whether she felt P would consent to her brother being appointed, rather than her mother.

I therefore had a meeting with my client to discuss the next steps and my client brought P to the appointment to meet me. During our meeting, I discussed the matter with P and felt, on balance, there was a chance P could be supported to make a Lasting Power of Attorney. I considered the test for mental capacity set out under the MCA 20005, namely, whether P could understand, retain, weigh and communicate her decision. I was unable to determine P's ability to retain information at one meeting, however I felt she had enough understanding of the decision i.e. that the matter related to her money and who she wanted to look after her money for her. A practical application of the MCA 2005 requires practitioners to support people to make capacitated decisions and I felt P needed specialist support regarding this decision.

In the circumstances, I advised both my client and P that they needed to consider the options and if P wanted to prepare Lasting Powers of Attorney, she could check with her school and see if one of her support workers was prepared to help. I explained I could prepare the documents for her but that I was not prepared to be certificate provider in the circumstances so a support worker would need to do this. I explained any future instructions would need to come from P regarding her Lasting Power of Attorney. I then wrote out to my client to confirm the Deputyship matter was not proceeding as per our meeting, and advised her of my costs to date.

This example highlights how I understand when clients approach me for Court applications, it is important to consider alternative courses of action in case these are more appropriate. In particular, in relation to the Court of Protection, it is important to practically apply the principles of s1(6)MCA 2005, in particular, the duty on the Court to find the option which is least restrictive on P.

Opportunities for further development (if any identified)			
N/A			
Date completed: 18/04/24 – 20/02/24			
I confirm that the information contained on this form is accurate to be best of my knowledge and belief.			
Signed:	[redacted]	**Date:**	11/12/25 .

Skills Logbook Sheet

Please complete 1 Skills Logbook Sheet per Learning Outcome in the Competence Framework

Skills element	**Learning outcome**
Element 6: Legal writing + drafting	Legal writing + drafting

Redacted evidence provided and page numbers

Click here to enter text.

- Letter to client 28/10/25 – pg F239 – F240
- Email to supervisor 13/06/25 – pg F241
- Court of Protection Guidance Note 3 – pg F242 – F243
- Witness statement 02/12/25 – pg F244 – F247

Explain how the redacted evidence meets the learning outcome

Click here to enter text.

- **Demonstrates an ability to draft letters to client ensuring my advice is free of legal jargon to ensure the client understands, provides a clear update and concise guidance regarding the next steps**
- **Able to tailor the style and language required when discussing matters with lay clients, as opposed to discussing the matter with my supervisor**
- **Demonstrates ability to draft documents for the Court's use, application of the Practice Directions to ensure correct forms are prepared in support of the application. Setting out the background to the matter for the Judge's benefit and clearly stating the authority I require from the Court**

<u>Example 1 – letter to client</u>

This example demonstrates how I am able to communicate with lay clients, ensuring that I am setting out my advice clearly and providing clients with guidance as to the next steps. When writing to clients on my Court of Protection files, I dictate instructions to my secretary to generate the relevant precedent letter. I was the person responsible for creating the precedents in my firm's Court of Protection files, so I already know they are accurate and in accordance with the latest Court guidance. The guidance which governs property and financial affairs Deputyship applications is Practice Direction 9H ("PD9H") which is supplemental to Part 9 of

the Court of Protection Rules 2017 ("COP Rules 2017"). PD9H introduced a new, up front, notification process for property and finances applications. The practice direction sets out the necessary forms required. My precedent letter enclosing final versions of Court forms for clients to sign has therefore been updated to incorporate this new process and refer to the new forms the Court introduced.

I understand it is important to not simply rely on precedent letters as each client is an individual who has their own unique set of circumstances and understanding of complex legal matters. In my dictation to my secretary, I therefore dictated additions to the precedent letter to ensure it related specifically to my client. As the client received a lot of information in the letter, I summarised her next steps with bullet points clearly setting out what I required from her. After my secretary finalised the letter, she left it in my post tray for me to review. At that stage, I checked the letter for any typographic or grammatical errors, and I reviewed to make sure my amendments to the precedent letter had been followed. I also checked the letter had been addressed to my client appropriately and that the correct formalities had been included. Once I was satisfied, I signed the letter and approved it to be sent to my client.

Evidence 2 – email to supervisor

In this matter, I had attended a webinar regarding the impact of the *Lumb v NHS Humber & North Yorkshire ICB [2024] EWCOP 57 (T2)*. The case had caused significant concern from Court of Protection practitioners regarding its impact on a professional Deputy's authority to be paid for managing a direct payment account on behalf of P. I am the firm's only Court of Protection specialist, so it is important I ensure my knowledge is up to date and that I am staying on top of developments in the law.

I emailed him to obtain his opinion on the case and how it impacted one of the files where he is appointed Deputy and has instructed me to deal with the day to day management on his behalf. I chose to email him as there was no need to waste paper on a memo. My supervisor is familiar with all areas of Court of Protection work, and I therefore did not need to provide him with the full names of the case law. In addition, I was able to use abbreviations used by us both as, again, he is already familiar with these. It is important to recognise when it is acceptable to use legal abbreviations, such as internal communications, and when definitions are required. The latter would be required when communicating with clients or perhaps colleagues who are not as familiar with my area of law.

Example 3 – witness statement

I understand the importance of communicating with the Court correctly when submitting applications. The correct procedure for Court of Protection applications is set out in the COP Rules 2017, supplemented by various Guidance Notes and Practice Directions. Whenever I submit an application to the Court of Protection, I check to ensure I am still following the correct procedure.

In this example, I provided the Court with supporting evidence of my application to be appointed Deputy on behalf of P. In particular, I am asking the Court for permission to sell P's property and, as such, am aware the Court will require additional information to properly consider whether the request is in P's best interests. The information is set out in Guidance Note 3. In addition, I am aware from my years' of experience as a Court of Protection Lawyer that the Court requires either sight of the DOLs (Deprivation of Liberty Safeguard), the application for the DOLs or confirmation P does not have a DOLs in place as they have the

necessary mental capacity to consent to living in a care home. I therefore drafted my witness statement to include the information, together with a brief background regarding my client's DOLs application.

I understand it is important to communicate with the Court correctly and adopt a respectful tone. In addition, supporting evidence should be in the form of a paginated bundle of documents clearly labelled to assist the Court in its review. I understand that failure to comply with the Court's requirements could prejudice my application and result in the Court rejecting it. This could cause unnecessary loss to P or delay their application, and I appreciate it is crucial in my role as lawyer to ensure applications to the Court are accurate, comply with the Court's formalities and represent my client's position to the best of my ability.

Opportunities for further development (if any identified)

N/A

Date completed: 13/06/25 – 02/12/25

I confirm that the information contained on this form is accurate to be best of my knowledge and belief

Signed:	[redacted]	**Date:**	11/12/25.