

Litigation Portfolio Template – LEH13

Provide a concise description of the case	Date instructed:	24/06/2024
I work in the mental health and Court of Protection Department at xxx Solicitors. This is a team of two and we represent vulnerable clients who are deprived of their liberty either under the legal framework of the Mental Health Act 1983 or a Deprivation of Liberty Safeguard, so an Urgent or Standard Authorisation where those clients are challenging (or objecting) to that legal framework. I am the only one in the firm who deals with representation before First-Tier Mental Health Tribunals and both myself and my colleague, represent P in Health and Welfare proceedings before the Court of Protection. My immediate supervisor is a solicitor who oversees the running of the case and has overall responsibility for the conduct of the case. We have regular discussions at key stages of the case and agree the strategy to progress and steps that can be delegated for me to complete. This case involves EL, an 82-year-old woman with a diagnosis of Alzheimer's dementia and a long history of cognitive decline. I first became involved after concerns were raised about her safety at home and the breakdown of several care arrangements. By the time I was instructed, it was clear that EL had been through a series of escalating crises: a significant fall resulting in a broken arm, repeated wandering at night while confused, increasing self-neglect, and the eventual collapse of both residential and live-in care packages. EL's first full-time placement in 2023 failed because she became increasingly distressed and aggressive. When the family tried again with a live-in carer, things initially stabilised. But during a planned period of leave, the replacement carer was not recognised by EL, triggering a severe deterioration in her behaviour. On the carer's return, EL's agitation escalated further. She began withholding access to essential facilities such as food, heating and the bathroom, and the carer eventually had to lock herself in her room for safety. Family members vague and unclear when explaining about how the care package had been arranged and how involved EL had been in choosing those providing her care. Due to the seriousness of the situation and the inability to keep her safe at home, EL was moved to MM Care Home on 4 April 2024. From the outset she consistently and clearly expressed her wish to go home. She attempted to leave the care home on several occasions, which led to the issuing of an urgent DoLS authorisation followed by a standard authorisation due to the level of supervision required and the risks she posed to herself. A key point in the case is that EL was placed in a care home outside her home county, several hundred miles away. Although she was geographically closer to some family members, she was unable to access the surroundings she knew well, something she repeatedly raised when I met with her. She was adamant that she wanted the chance to return home. Eventually, during the proceedings, a trial at home was agreed as a less restrictive alternative. Unfortunately, the trial quickly broke down. EL refused to engage with visiting		

carers, became increasingly distressed, and at one point threw hot tea over a carer. Given the risks and her inability to safely manage at home even with support, the placement had to be terminated and she was returned to the care home and we concluded that the care home remained the safest and least restrictive realistic option, despite her strong and consistent objections.

Throughout, my role involved working closely with my supervising solicitor, liaising with professionals, ensuring EL's wishes and feelings were heard, and keeping the case strategy aligned with the Mental Capacity Act principles, especially in relation to best interests, proportionality, and participation. This case required a careful balance between respecting EL's autonomy and managing the significant risks she faced, and those around her faced, when alternative arrangements were tried as well as balance any negative input from family members who were not agreeable to the trial and were very vocal and active in the case.

Provide a description of law arising in the case and its application to the facts

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This case sits firmly within the Mental Capacity Act 2005 framework, particularly the parts that deal with capacity assessments, best-interests decision-making, and the safeguards that apply when a person is deprived of their liberty. The starting point was always the MCA's core principles, the presumption of capacity, the duty to support decision-making, and the requirement to consider EL's wishes and feelings even where she was assessed as lacking capacity. Her case engaged both the diagnostic and functional elements of the two-stage test in sections 2 and 3 MCA, because every professional assessment concluded that her cognitive impairment affected her ability to understand, retain, and weigh information about where she should live.

Alongside this is Schedule A1 to the MCA, which governs the Deprivation of Liberty Safeguards. Given EL's repeated attempts to leave the care home, the level of supervision she required, and the secure setting she was placed in, the managing authority followed the DoLS process and issued an urgent authorisation before xx Council later granted a standard authorisation. That authorisation provided the legal framework permitting her deprivation of liberty, but it also triggered the right, and in her case, the clear need, to challenge it under section 21A MCA. When the trial at home commenced, the proceedings were regraded to s15/16 proceedings and then reverted to s21A when the urgent authorisation was put in place following EL's return to the care home.

Article 5 of the European Convention on Human Rights is also central to this case. Article 5 requires that any deprivation of liberty must be lawful, necessary, and proportionate, and that less-restrictive alternatives must be genuinely explored. In EL's case, these questions were live from the outset. Although it was largely agreed that she lacked capacity to decide where to live, she consistently and strongly objected to being in the care home and repeatedly expressed her wish to return home. Her objections meant the court had to scrutinise whether her current placement remained the least restrictive option despite her distress, important as there was a risk that this placement and future placements would break down if this distress continued.

To properly apply the law to the facts, the court needed to look closely at three key issues: EL's capacity at the relevant times, whether the ongoing deprivation of liberty in the care home was proportionate, and whether a viable less-restrictive option existed. A home trial was authorised to test whether her wish to return home could safely be supported.

Unfortunately, the trial broke down quickly due to escalating risks, she refused to engage with carers, her behaviour became increasingly distressed and unpredictable, and she

ultimately threw hot tea over a carer. This provided clear evidence that, despite everyone's efforts, her safety could not be maintained at home even with support.

When considering my advice to the litigation friend, consideration had to be given to the need to balance EL's strong objections against the significant risks and the professional evidence provided by the social worker during the trial, as well as the DoLS assessments. I also met with EL to obtain her wishes and feelings. Case law on fluctuating capacity, objection, and proportionality also informed the analysis, particularly where EL appeared to have moments of insight mixed with significant confusion. Ultimately, when applying the legal framework to her circumstances, the least-restrictive realistic option was agreed to be a continued placement in the care home, supported by the failed home trial and the consistent professional concerns.

Describe the procedural and process issues, including the Court and, where relevant, the track to which the case was allocated

This matter progressed through the Court of Protection, which operates under its own rules rather than the civil track system, so the focus throughout was on careful compliance with the Court of Protection Rules 2017 and the directions made at each stage. Procedurally, the case became quite complex due to the volume of evidence, the need for repeated rounds of disclosure, and the number of hearings required as the situation evolved. Managing these this was a significant aspect of the litigation.

From the outset, a full set of Court of Protection forms was engaged. The COPDLA application initiated the deprivation of liberty proceedings, followed by a COP22 confirming the suitability of the paid relevant person's representative as Litigation Friend. I also dealt and reviewed multiple COP24 witness statements from the family, social workers and family. COP9 applications became necessary as issues arose, including one application prompted by TS's (family member and LPA) attempt to obtain party status. The court later made an order for a section 49 report when questions were raised about whether EL's capacity had fluctuated or improved, which meant the timetable had to be amended more than once while waiting for that independent assessment.

A judicial meeting with EL was arranged to ensure her wishes and feelings were heard directly. This required careful preparation, liaison with the judge's clerk, a risk assessment, and correspondence with the care home to ensure EL's comfort and safety. One of the most significant procedural challenges involved managing the family's involvement, particularly TS, who frequently presented last-minute requests, attempted to introduce independent expert evidence without permission, and made repeated applications to be joined as a party. His proposed expert instruction raised immediate procedural and fairness issues under Part 15 COPR, and I had to draft urgent advice, liaise with the Litigation Friend, and consider whether injunctive relief might be necessary to prevent an unauthorised report being obtained.

Round Table Meetings (RTMs) also contributed to the complexity. They were arranged, adjourned, rescheduled, and reformulated several times as the evidential picture shifted. Each time, I had to re-circulate updated bundles, clarify the agenda with the local authority, and manage the family's expectations, particularly when additional relatives asked to attend or raised objections outside the formal timetable. Ensuring procedural integrity meant keeping all parties within the agreed process, escalating concerns to the judge where needed, and making sure every step remained consistent with the overriding objective.

Formal instructions throughout were provided by the Official Solicitor acting as EL's Litigation Friend, who is highly experienced in COP work. My role included advising them on procedural requirements, drafting the necessary applications and orders, coordinating disclosure, and ensuring that all steps complied with both the Rules and the specific directions of the court.

Overall, the procedural management of this case required continuous oversight, clear communication, and meticulous attention to the evolving evidential landscape. The combination of multiple parties, fluctuating family positions, expert evidence issues, and rescheduled hearings meant that running the case effectively depended on strong, proactive case management and consistent adherence to the Court of Protection's procedural framework.

Explain the evidential issues arising in the case and how they were dealt with

This case generated a substantial and constantly developing evidential picture, and a key part of my role was managing that evidence so the court always had a clear and reliable understanding of EL's circumstances. I was dealing with a wide range of material: DoLS Forms 1, 3 and 4; historic GP and mental health records; psychiatric assessments; care plans; safeguarding history; OT assessments; care-home risk documentation; and extensive COP24 statements from family members and professionals. Bringing these strands together in a coherent way required close analysis and regular updating of the bundle.

One of the biggest evidential challenges was the inconsistency between different professional assessments. Earlier capacity assessments were broadly aligned, but a later social work assessment suggested EL might have regained, or was fluctuating in, her capacity regarding residence. That assessment did not sit comfortably alongside the psychiatric evidence or the DoLS documentation. As capacity is decision and time specific, and because inconsistent evidence of this nature can materially affect the court's approach, this conflict ultimately led to our request to the court, who ordered an independent section 49 report. Obtaining that report involved delays and amendments to the timetable, and I had to ensure the evidential position was kept under close review throughout.

Another significant issue arose when the family indicated they intended to commission their own expert capacity assessment. This immediately raised procedural concerns. Under Part 15 COPR, no party may unilaterally obtain expert evidence in the Court of Protection without permission. They were also intending to use EL's own funds which was a concern as the evidence was not likely to be accepted as evidence, no information had been received as to the basis of the instruction either. EL would also be exposed to another stranger and a further assessment. I prepared urgent written advice to the Litigation Friend, communicated clearly with the family, and explored whether injunctive relief might be needed. After sustained challenge and explanation, the family ultimately postponed their proposed instruction.

Managing disclosure also required ongoing attention. As new documentation emerged regularly including, updated wishes-and-feelings reports, additional OT assessments, revised care-home notes, fresh DoLS documents. I updated the court bundle repeatedly with approval from my supervising solicitor and ensured that every party received the material promptly. Password-protected documents from the NHS required direct liaison with the relevant professionals to secure complete access. I also worked carefully to ensure that newly joined parties, including family members with evolving roles in the case,

were included in all disclosures from the moment they became entitled to them and that disclosure was not made until the appropriate authorisations were in place.

Given the volume of material and the number of people involved, it was essential to maintain a clear chain of evidential integrity. I prepared attendance notes, preparation notes, and file-keeping records that documented the steps taken to obtain, disclose, and analyse each piece of evidence. This ensured that at every hearing, and at each Round Table Meeting.

Overall, the evidential issues in this case required active management, frequent clarification, and careful attention to procedural fairness. The combination of inconsistent capacity assessments, attempted introduction of unauthorised expert evidence, and the sheer volume of documentation meant the evidential landscape was always moving. My role was to keep it coherent, complete, and reliable so the court could make properly informed decisions in EL's best interests.

Provide an overview of any ethical or conduct issues that arose in the case and how they were dealt with

A number of ethical and conduct issues arose during this case, most of them linked to the family dynamics, the use of EL's funds, and the need to maintain clear professional boundaries throughout the proceedings. One of the main challenges involved TS, who held a property and affairs LPA and was often the most vocal and interventionist family member. His proposals to commission independent expert evidence using EL's resources, without proper justification or permission, raised immediate concerns about both procedural fairness and the appropriate use of her assets. At several points, he also indicated a wish for EL's funds to be used to cover his own legal representation, which required careful scrutiny and firm professional boundaries.

Throughout the case, it was essential to ensure that I did not stray into giving legal advice to family members who were not my clients. The volume of correspondence, the competing family views, and the emotionally charged nature of the situation created a real risk of undue pressure being placed on the Litigation Friend and of blurred boundaries around who was entitled to receive advice from me. Managing these pressures required consistent communication, careful clarification of my role, and timely escalation to the court and the Litigation Friend whenever appropriate.

There were also wider ethical issues linked to EL's vulnerability and her experience of the proceedings. Her consistent distress, objections, and behavioural fluctuations meant that any interaction with her or with those around her had to be handled sensitively, with a clear focus on her rights, dignity, and participation. This included ensuring that her views were properly represented, that she was not exposed to unnecessary distress, and that professional obligations towards a highly vulnerable client were upheld at all times.

A transparency order was in place, which meant that careful attention had to be paid to anonymisation and the restricted circulation of documents. Ensuring compliance with that order was critical, particularly in light of the family's desire to share material more widely and to involve additional relatives in the process.

All ethical issues arising in the case were recorded contemporaneously and escalated where judicial oversight was required. Overall, maintaining professional boundaries,

safeguarding EL's rights, and ensuring the fair and proper use of her resources were central considerations throughout the conduct of the case.

Provide details of any funding issues arising in the case and how they were dealt with

[Click here to enter text.](#) This case raised several funding considerations, particularly because EL's circumstances changed over time and her legal position shifted as the proceedings developed. At the outset, her representation was funded through a Legal Aid Agency certificate. This began as an emergency certificate so that work could be undertaken immediately, and it was then converted into a substantive certificate as the case expanded. Because the matter became more complex, especially with multiple hearings, extensive disclosure, fluctuating capacity evidence, and the later need for a section 49 report, we needed repeated extensions to the cost limits. Applications at £7.5k, £12.5k, £15k and ultimately beyond £20k were submitted, each supported with detailed cost reviews, and were approved due to the exceptional demands of the litigation.

A significant funding shift occurred when EL undertook the trial at home. During that period she was no longer subject to a standard DoLS authorisation, meaning she no longer met the statutory criteria for non-means-tested Legal Aid in deprivation of liberty challenges. As a result, public funding ceased, and representation had to continue on a privately funded basis. To allow this, we sought and obtained a financial order from the Court of Protection authorising the use of EL's own funds to meet legal costs. We provided full cost estimates to the LPAs and updated these as the case progressed so that her resources were used transparently and appropriately, in line with professional obligations.

Another issue arose when TS sought to use EL's funds to pay for his own legal representation. As he held a property and affairs LPA, this raised concerns about a potential misuse of her assets and conflicts with his duties as an attorney. I requested further information from him, took instructions from the Litigation Friend, and placed the matter before the court for scrutiny. No such funding was authorised while those concerns remained unresolved.

Overall, managing the funding aspects required careful oversight to ensure that EL's rights to representation were protected, while also safeguarding her financial interests and maintaining compliance with both Legal Aid requirements and the Court of Protection's expectations around the use of vulnerable clients' funds.

Provide details of any research undertaken in the case, relating to law or procedure

This case required targeted and ongoing research into several areas of Court of Protection law and procedure. A central research task involved revisiting the rules around expert evidence under Part 15 COPR, especially the limitations on when expert evidence can be sought, the need for permission, and the proper procedure if a party wishes to rely on an independent professional opinion. When the family indicated they intended to commission their own expert without authority this prompted me to review the relevant procedural safeguards and prepare advice accordingly.

I also needed to research the limits of an attorney's powers under a property and affairs LPA, particularly around the use of EL's funds for expert instruction or legal fees. This included reviewing case-law and guidance on when such spending may amount to an

improper use of the donor's assets or create conflicts of interest. Alongside this, I researched the circumstances in which a family member may be joined as a party in CoP proceedings, and the threshold for doing so, given the repeated applications made during this case.

Substantively, I returned to key authorities on fluctuating capacity, objection, and proportionality—cases such as *Re RD* and *AJ v A Local Authority*—to inform our approach to EL's objections and to ensure that her strongly expressed wishes were properly weighed. I also reviewed authorities and commentary on Article 5 ECHR and the requirements for scrutinising whether the current arrangements truly represent the least restrictive option.

Further research focused on the interface between section 21A challenges and wider care-planning responsibilities, particularly how the courts approach trial-at-home proposals and the evidential threshold for demonstrating whether an alternative community-based option is realistically safe. This included reviewing practical guidance on how best interests and proportionality assessments should be structured when a person expresses consistent objections to their placement which was necessary due to the resistance from the family and reassurance required by the Litigation Friend.

Provide an outline of the decision making in the case and any advice taken on strategic issues in the case

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The strategic decisions in this case evolved as the evidence developed and as the family's position shifted. A central part of my role was assessing when to seek earlier judicial intervention, when to pause for further evidence, and how to manage the competing pressures of EL's strongly expressed wishes, the professional assessments, and the practical risks.

From the outset, it was clear that capacity, risk, and proportionality were live issues. I therefore took a staged approach to decision-making: first ensuring that EL's wishes and feelings were understood directly, then reviewing whether the existing evidence was sufficient for the court to make final decisions.

One of the early strategic questions was whether to challenge the family's requests or support them. For example, when TS sought to obtain his own expert report, we had to balance his desire to contribute with the procedural risks under Part 15 COPR. My advice was to resist the unilateral instruction, as an unauthorised report would undermine fairness and potentially contaminate the evidential picture. I provided written advice to the Litigation Friend setting out the procedural risks and the legal basis for resisting the instruction, and this ultimately prevented an improper report from entering the proceedings, the use of EL's funds and any potential distress caused to EL by having to go through the assessment.

Another major strategic element involved the question of whether a trial at home was viable. Although EL consistently expressed her wish to return home, her previous care arrangements had broken down repeatedly, and there were significant concerns about safety. Working collaboratively with the Litigation Friend, I explored whether a trial could be supported, and how to structure it in a way that respected her autonomy but managed the risks. Once the trial broke down it became clear that a home placement was no longer a safe or realistic option. I met with EL at home during the trial to get a better personal perspective of her presentation and her wishes, having already met with her at the care

home. This shifted the strategic focus to evidencing why the care home placement was, at that stage, the least restrictive realistic option.

There were also strategic decisions about when to seek judicial involvement. When the capacity evidence became inconsistent, it was necessary to consider whether to request earlier court determination or await the section 49 report. After discussing the options with the Litigation Friend, we agreed that an independent section 49 assessment was needed before any final determination could safely be made. This allowed the court to base its decisions on an updated, neutral assessment rather than an inconsistent evidential picture.

Throughout, I recorded each strategic decision in detailed attendance notes and correspondence so that the Litigation Friend had a clear picture of the advice given and the reasoning behind it. We adopted a strategy that prioritised EL's participation, balanced her wishes with risk, and kept the court focused on the central question: whether the deprivation of liberty remained lawful, proportionate, and truly the least restrictive option available.

Detail any advice given in the case and how it was recorded

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Throughout the case I provided ongoing written advice to the Litigation Friend on a wide range of issues, including capacity, best-interests analysis, the prospects of a home trial, managing family disputes, and responding to unexpected developments such as last-minute applications or attempts to introduce new evidence. My advice also covered the procedural steps required for party applications, the drafting of directions, and how to respond to escalating family-driven issues as they arose.

Most of this advice was given through detailed correspondence, usually by email or letter and supported by comprehensive attendance notes, telephone notes, preparation notes and drafts of applications or orders. Record-keeping is an essential part of the litigation process, ensuring that each piece of advice could be clearly traced, explained, and justified. This level of documentation was especially important because the file is subject to audit by the Legal Aid Agency, Lexcel, the Law Society, the Ombudsmen, and internal compliance processes.

By recording the advice contemporaneously and in a structured way, the Litigation Friend always had a clear understanding of the reasons behind each recommended step. This also ensured that every decision made on EL's behalf was transparent, well-informed, and demonstrably grounded in law, procedure, and the evolving evidence.

Provide information on any training or development needs identified arising from the case

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The case provided many opportunities for professional development, including the management of multiple LPAs with conflicting views, best practice for funding and considerations but in law and practice around the trial at home and the need to be creative when considering options for P.

Additionally, the case reinforced the importance of keeping up-to-date with evolving case law.

Please identify and provide the knowledge and understanding of the learning outcomes you have met through this portfolio

This case highlighted several areas for professional development. Managing multiple LPAs with conflicting views strengthened my skills in maintaining clear boundaries and navigating complex family dynamics. The shifts between Legal Aid funding and privately funded representation also reinforced the importance of staying current with funding rules and the court's expectations around the use of a vulnerable client's resources.

This case improved my confidence in planning and evaluating trial-at-home options, considering less-restrictive alternatives creatively, and assessing risk in real time. It also emphasised the need to keep up-to-date with case law on fluctuating capacity, objection, and proportionality.

Overall, the case enhanced my understanding of complex case management in the Court of Protection and reinforced the value of reflective practice, particularly when balancing EL's autonomy, safety, and rights within an emotionally charged family environment.

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

Signed:

[Redacted Signature]

Date:

08/02/2026



Litigation Portfolio Template

Provide a concise description of the case	Date instructed:	22/01/2025
I work in the mental health and Court of Protection Department at xxx Solicitors. This is a team of two and we represent vulnerable clients who are deprived of their liberty either under the legal framework of the Mental Health Act 1983 or a Deprivation of Liberty Safeguard, so an Urgent or Standard Authorisation where those clients are challenging (or objecting) to that legal framework. I am the only one in the firm who deals with representation before First-Tier Mental Health Tribunals and both myself and my colleague, represent P in Health and Welfare proceedings before the Court of Protection. My immediate supervisor is a solicitor who oversees the running of the case and has overall responsibility for the conduct of the case. We have regular discussions at key stages of the case and agree the strategy to progress and steps that can be delegated for me to complete. -to-day circumstances. Over time, as evidence developed and the parties' positions converged, it became clear that a consensual final order—rather than a contested hearing—would best serve P's interests. This culminated in an agreed final order approved by the court following an advocates' meeting. In this case, I was instructed initially by KC's Paid Relevant Person's Representative, appointed under r1.2 of the Court of Protection Rules 2017 to represent KC in s21A proceeding which had been filed by the local authority to review the lawfulness of KC's deprivation of liberty at EL care home and the appropriateness of her care and residence arrangements. The RPR was appointed as Litigation Friend and provided me with instructions based on KC's est interests throughout. KC had been assessed to lack the capacity to make decisions about her residence and care. KC was a 93 woman who had been discharged from hospital back to EL care home following a fall. KC was not openly objecting to that placement but her daughter's was concerned about restricted visits and were seeking an alternative placement, there were concern about future falls also. From the outset, my focus was on ensuring that KC's voice, wishes and feelings were properly represented and that the proceedings were managed proportionately keeping in perspective KC's best interests and the balance of risks associated with moving an older person with other risks such as falls, against her wishes and ultimately her best interest, which may not always align. The case involved close engagement with the Local Authority (LA), Litigation Friend (LF), KC's daughters, and external providers such as the care home, from whom I sought targeted disclosure to clarify KC's day-to-day circumstances. Over time, as evidence developed and the parties' positions converged, it became clear that a consensual final		

order, rather than a contested hearing, would best serve P's interests. This culminated in an agreed final order approved by the court following an advocates' meeting.

Provide a description of law arising in the case and its application to the facts

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The central law governing these proceedings is the Mental Capacity Act 2005 (MCA), which sets out how decisions should be made for adults who lack the capacity to make specific decisions for themselves. The MCA requires that any action or decision taken on behalf of someone lacking capacity must be in their best interests and must use the least restrictive option available.

In this case, the question was whether it was lawful and appropriate for KC to be deprived of her liberty in a care home setting, if so, under what safeguards and whether EL care home was the appropriate setting to keep her safe. Given the objection of KC's daughters it was appropriate for the local authority to bring the application under s21A MCA.

When a person is deprived of their liberty in a care home and cannot consent due to lack of capacity, the Deprivation of Liberty Safeguards (DoLS) apply. These safeguards require the local authority to authorise the deprivation after a series of assessments. If there is any dispute or objection, the local authority must apply to the Court of Protection for authorisation. This ensures that the person's rights are protected and that the arrangements are lawful, necessary, and proportionate.

The Human Rights Act 1998, specifically Article 5 of the European Convention on Human Rights, also plays a crucial role. It guarantees the right to liberty and security, meaning that any deprivation of liberty must follow a clear legal process and be subject to regular review. The local authority, as the supervisory body, is responsible for making the application to the Court of Protection when required, particularly where there is family disagreement or the person objects to the arrangements.

Other relevant legal provisions include the Court of Protection Rules 2017, which set out the procedures for applications and the appointment of representatives to safeguard the person's interests during proceedings. Case law, such as the Supreme Court's decision in *Cheshire West*, has clarified the definition of deprivation of liberty and reinforced the duty of local authorities to act promptly to secure proper authorisation.

These laws work together to ensure that any deprivation of liberty is carefully scrutinised, that the person's best interests and rights are at the forefront, and that the local authority fulfils its legal duties to protect vulnerable adults.

Describe the procedural and process issues, including the Court and, where relevant, the track to which the case was allocated

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The case proceeded in the Court of Protection, which operates without a track based system but relies heavily on cooperative case management. These proceedings were subject to a Transparency Order to protect KC's privacy and anonymity.

Upon receiving instructions on 22 January 2025, I began by reviewing KC's placement at EL care home and meeting with the KC, the care home manager and KC's daughters to understand their concerns and wishes.

Early procedural priorities included regularising the representation through filing the COP30 (Notice of Change) to confirm that KC was not no longer acting in person but had appointed our firm, and COP22 (Certificate of Suitability) ensuring the RPR was formally recognised as P's litigation friend. These are both court templates.

I gathered and analysed all relevant documents, including care home records, social work statements, and medical evidence, to ensure a comprehensive understanding of KC's circumstances.

I maintained regular communication with the local authority, the care home, and the family, keeping all parties informed and involved at each stage.

I also drafted and agreed directions with the Local authority, including applications for third party disclosure orders (TPDOs), which were later approved by the court to progress the court timetable and management of the case and specific evidence.

To facilitate resolution, I arranged and participated in a round table meeting in April 2025, which allowed all interested parties to discuss KC's care arrangements and address any outstanding issues. This was successful in narrowing issues and agreeing to conclude the proceedings.

Following this, I negotiated and drafted the final order with the local authority, ensuring that it accurately reflected the consensus reached and protected KC's best interests. Once the agreed order was finalised, I filed it, with approval from my supervisor, with the court and, upon receipt of the sealed final order in May 2025, I drafted and sent closing correspondence to all parties and KC's family, confirming the outcome and next steps.

After the proceedings concluded, I completed the necessary administrative steps, including preparing and submitting the costs documentation and arranging for the discharge of the legal aid certificate.

Explain the evidential issues arising in the case and how they were dealt with

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A key challenge in this case was managing the volume and sensitivity of evidence. The care home records alone required a detailed review lasting several hours, which I summarised into structured preparation notes identifying the key issues which required further exploration, consideration as the proceedings progressed, in particular KC's recorded wishes and feelings or any objections either verbalised or actions which would indicate her objection.

I undertook an analysis of the social worker's statement and the local authority's social care records and other disclosure. I also considered the litigation friend's report setting out KC's wishes and feelings following her own meeting with her.

To ensure evidence was both proportionate and useful, I used TPDOs carefully, requesting only the specific documentation necessary for the s21A analysis. This evidence clarified capacity, risk, and the necessity of KC's restrictive care arrangements.

I also reviewed the capacity evidence and concluded, along with my personal knowledge of KC, that on the balance of probabilities, she did lack the capacity to make decisions regarding her residence and care and concluded that no further capacity evidence was required and the Judge could make a final declaration as to her capacity within the final order.

Upon review of the evidence above, it was clear that KC was not objecting to her placement and information obtained was used to inform discussion with KC's daughter's to provide reassurance as to the care she is receiving and her safety at EL care home. IF P is no longer objecting to their placement or the arrangements authorising their deprivation of liberty, the legal basis for concluding s21A proceedings is grounded in the Mental Capacity Act 2005, particularly section 21A, and relevant case law, such as *Re RD & Ors* (Duties and powers of RPRs and s.39D IMCAs) [2016] EWCOP 49 (Baker J). In this case, the Court of Protection considered five test cases involving elderly people with dementia, some of whom had previously objected to their placements but later became ambivalent or ceased to object. The judgment provides detailed guidance on when an application under s21A of the Mental Capacity Act 2005 should be made and how proceedings should be managed when P is no longer objecting.

Key points from *Re RD & Ors*:

The court emphasised that s21A proceedings are intended to ensure that the lawfulness of a deprivation of liberty is kept under review, but that not every case where P is no longer objecting needs to proceed to a full hearing.

Where P is no longer objecting, and all parties agree that the arrangements are in P's best interests, the court may conclude the proceedings by confirming or varying the authorisation, or by making a final order reflecting the consensus.

The judgment encourages resolution of issues without unnecessary litigation and highlights the importance of regular, proactive review of P's wishes and circumstances

It was this evidence that supported my advice that it was appropriate to conclude proceedings on this basis.

Provide an overview of any ethical or conduct issues that arose in the case and how they were dealt with

Click here to enter text.

The key issue in this case was to review whether the conditions for a standard authorisation under the Deprivation of Liberty Safeguards (DoLS) continue to be met, and whether the authorisation remained in KC's best interests, is necessary, and is the least restrictive option.

Reflecting on the case, the most important ethical considerations involved KC's participation and privacy. I had to ensure that KC's rights were upheld at every stage, even though KC was not able to conduct litigation personally and her daughters were strongly seeking her move to another care home setting which was a clear contrast to KC's wishes and feelings.

To do this I made efforts to meet with KC in person so that I could see how she presented, rather than just relying on documentation and engaged in discussions with KC's daughters

to better understand their views but provide appropriate and proportionate explanations to their questions.

Provide details of any funding issues arising in the case and how they were dealt with

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As KC was subject to a Standard Authorisation and there was a disagreement as to KC's placement, she was eligible for non means tested legal aid funding. -limit uplift to £7,500 on -2025 delayed cost submissions; I maintained the claim in a state ready for submission and proceeded as soon as the system was restored in

After preparing the emergency certificate under delegated functions to ensure I could start work on the case urgently, I progressed the matter to a substantive certificate and later applied for appropriate extensions to the cost limit to ensure i had access to sufficient public funds to progress the case to conclusion.

Managing this process required me to monitor costs carefully, especially as large volumes of evidence were reviewed. Towards the end of the case, an unexpected LAA portal outage in mid2025 delayed cost submissions; I maintained the claim in a state ready for submission and proceeded as soon as the system was restored in December 2025. This experience reinforced the importance of anticipating administrative delays and maintaining clear internal records so that claims could be submitted promptly when systems allowed.

Provide details of any research undertaken in the case, relating to law or procedure

Click here to enter text.

During the case, I undertook targeted research on several points of law and procedure, including the evolving case law on s21A applications where P does not actively object as set out above. This research directly strengthened my confidence in recommending an agreed rather than contested disposal.

Provide an outline of the decision making in the case and any advice taken on strategic issues in the case

Click here to enter text.

My strategic approach evolved as the evidence developed. Initially, I advised the litigation friend that the case may require testing in court if the evidence raised a clear objection or ongoing dispute by either KC or her daughter's. However, following meeting with KC, and on receipt and review of the feelings evidence, social worker's statement, and third party disclosure, a clear picture emerged that KC was not objecting and that the placement was appropriate, could meet her needs and there were no management or other issues which put the placement at risk of breakdown. At this point, I reached the conclusion that a round table meeting would allow us to have an open discussion with the care home manager, KC's daughters, social worker, litigation friend and lawyers and seek to narrow issues, at the very least. The meeting facilitated consensus on all issues. This decision avoided unnecessary litigation and ensured KC's situation was resolved promptly.-party disclosure

were analysed, a clear picture emerged that P was not objecting and that the placement was appropriate. At this point, I advised that an advocates' meeting would allow us to crystallise areas of agreement, and indeed on

Detail any advice given in the case and how it was recorded

Click here to enter text.

Throughout the case I provided written advice to the litigation friend regarding capacity, best interests, management of family disputes and appropriate case management actions. The litigation friend in this case was extremely experienced with knowledge of the law and practice and required an analysis of the key issues and evidence but was competent to express her own views as to K's best interest.

This advice was primarily recorded by way of correspondence, including emails and letters and supplemented by detailed attendance notes, telephone notes, preparation notes and the draft documentation.

Comprehensive and contemporaneous record keeping is essential as the file is liable to review and audit by, but not limited to, the Legal Aid Agency, Lexcel, the Law Society, the Ombudsmen and internally.

Provide information on any training or development needs identified arising from the case

Click here to enter text.

I did not identify any additional training or development needs given the straight forward nature of these proceedings.

Please identify and provide the knowledge and understanding of the learning outcomes you have met through this portfolio

Click here to enter text.

I am experienced in applications brought under of s21A MCA proceeding however this case developed further my confidence and skills in collaboratively with multiple professionals while retaining independent judgment and deepened my skills in ensuring that P's rights, wishes, and best interests remained at the forefront of every decision, which I recognise as central to ethical and effective Court of Protection practice.

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

Signed:

Date:

Litigation Portfolio Template - HOL1184

Provide a concise description of the case	Date instructed:	09/07/2024
I work in the mental health and Court of Protection Department at xxx Solicitors. This is a team of two and we represent vulnerable clients who are deprived of their liberty either under the legal framework of the Mental Health Act 1983 or a Deprivation of Liberty Safeguard, so an Urgent or Standard Authorisation where those clients are challenging (or objecting) to that legal framework. I am the only one in the firm who deals with representation before First-Tier Mental Health Tribunals and both myself and my colleague, represent P in Health and Welfare proceedings before the Court of Protection. My immediate supervisor is a solicitor who oversees the running of the case and has overall responsibility for the conduct of the case. We have regular discussions at key stages of the case and agree the strategy to progress and steps that can be delegated for me to complete. In this matter, I was instructed to act for PH, a 76 year old woman, who had been living in a residential care home since 2022 following progressive cognitive decline associated with vascular dementia and the residual effects of a stroke in 2019. Her daughter, acting as Relevant Person's Representative (RPR), contacted me in June 2024 because PH was frequently expressing a wish to leave the care home and appeared unhappy with the restrictions placed on her. I reviewed the existing DoLS documentation—including the F3 Best Interests Assessment, the F4 mental capacity and mental health assessments, and the F5 standard authorisation. It was immediately apparent that PH objected to her residence and in particular to the locked-door restrictions. Having confirmed that the qualifying requirements under the MCA 2005 were in dispute, I issued a s.21A application to challenge the lawfulness of the deprivation of liberty and filed a compliant Court of Protection bundle in October 2024, together with draft preliminary and transparency orders. The key legal issues in the case centred on whether PH's DoLS authorisation remained lawful and necessary in light of her clear objections to the locked-door regime, whether she continued to lack capacity to decide where she should live, and whether the existing placement satisfied the <i>Cheshire West</i> acid test and the statutory best-interests and proportionality framework. The Official Solicitor (OS) was invited to act as litigation friend for PH, and once the renewed standard authorisation was granted, the OS formally accepted the appointment in December 2024. From that point, I managed the case on a day-to-day basis, liaising with the OS, local authority, care provider, and the RPR; reviewing evidence; and coordinating the procedural steps required to progress matters proportionately.		

Throughout the case I reviewed updating disclosures and evidence, met with PH and her daughter, convened several Round Table Meetings (RTMs) to narrow issues and to ensure PH's wishes and feelings remained central.

In March 2025, a significant incident occurred when PH climbed out of a window. This triggered a lessons-learned review and intensified concerns about her safety if she remained in the existing environment. As a result, the local authority began exploring alternative placements more urgently. By late May 2025, a vacancy was identified at another home considered safer and more appropriate for PH's needs. I worked collaboratively with the OS, RPR, local authority, and the proposed placement to design a structured transition plan. With everyone's agreement, I submitted a COP9 application seeking authorisation for the move, which the court approved. PH was transferred successfully in early June 2025.

Following the move, PH settled well. Updated authorisation documents, social-work evidence, and care-home records confirmed that the new placement met her needs in a way that was both necessary and proportionate while also better reflecting her long-expressed wish to live somewhere less restrictive. By late summer 2025, all parties agreed that the proceedings could conclude by consent. I drafted the final agreed order, which the court then approved and sealed. I notified PH's family, completed the necessary closure steps, and discharged the legal aid certificate.

Much of the litigation focused on whether a less-restrictive arrangement could safely meet her needs, particularly after the significant window-exit incident heightened safeguarding concerns, alongside ensuring the evidence was complete and reliable, that disclosure and procedural fairness were maintained throughout and that PH's rights were protected.

Provide a description of law arising in the case and its application to the facts

This case sits firmly within the Mental Capacity Act 2005 framework, particularly the parts that deal with capacity assessments, best-interests decision-making, and the safeguards that apply when a person is deprived of their liberty. It proceeded as an application under s.21A MCA 2005, which empowers the Court of Protection to review the lawfulness of a person's DoLS authorisation and determine whether the qualifying requirements continue to be met. In PH's case, the court was required to consider, on the basis of updated evidence, whether she continued to lack capacity to decide where she should live and what care she required; whether her mental-health presentation met the statutory criteria; whether the arrangements amounted to a deprivation of liberty under the *Cheshire West* acid test; and whether the care plan was necessary, proportionate, and in her best interests, or whether a less-restrictive option could safely meet her needs.

At the outset, I analysed the contemporaneous F3 Best Interests Assessment, F4 capacity and mental-health assessments, and F5 standard authorisation, which all indicated that PH objected to the restrictions and lacked capacity to consent to her residence. Applying the acid test to her circumstances was straightforward: she was subject to continuous supervision and was not free to leave. The more complex questions related to necessity and proportionality, particularly given PH's consistent wish to leave the placement..

The best-interests analysis under s.4 MCA 2005 required careful balancing of PH's stated wishes with the safeguarding concerns emerging from disclosure. This became especially significant after the March 2025 window-exit incident, which materially changed the risk profile. The legal focus then shifted to whether an alternative, less-restrictive placement existed that could manage the heightened risks while better respecting PH's autonomy.

When the local authority identified a safer alternative placement in late May 2025, the legal analysis moved to whether a structured transition to that placement would satisfy the least-restrictive-option principle. Working closely with the Official Solicitor, RPR, and local authority, I contributed to preparation of a transition plan and then sought authorisation via COP9 to vary authorise the move. This reflected the court's ongoing s.21A duty to determine whether the deprivation of liberty remained lawful as circumstances evolved.

Ultimately, the legal issues were addressed through PH's Article 5 rights, ensuring that any deprivation of liberty was lawful, necessary, and proportionate, and that PH had effective representation. The involvement of the Official Solicitor, combined with RTMs and proactive case management, ensured that PH's participation and rights remained central throughout the proceedings.

Describe the procedural and process issues, including the Court and, where relevant, the track to which the case was allocated

The proceedings were issued in the Court of Protection, using the formal court forms, accompanied by a compliant bundle and draft preliminary and transparency orders to regularise the position from the outset. Case management unfolded pragmatically. Agreement was sought for the court to vacate an early hearing to allow time for disclosure to be completed and for the Official Solicitor to confirm their appointment as litigation friend. Once the renewed standard authorisation was in place and the OS had formally accepted, the court set directions that required updated DoLS paperwork, local-authority disclosure, care-home records, and refreshed social-work evidence. The court also encouraged the use of Round Table Meetings, which became an effective mechanism throughout the matter to refine issues and avoid unnecessary hearings.

As the evidence developed and PH's circumstances changed, particularly following the window-exit incident and the later identification of an alternative placement, it became necessary to adjust the timetable. Rather than seeking repeated attended hearings, I managed those developments through COP9 applications supported by agreed draft orders. This ensured that each procedural step, whether varying directions, obtaining approval for the person-centred transition plan, or ultimately seeking permission to conclude the case by consent, was taken proportionately and in a way that minimised delay and avoided unnecessary intrusion into PH's life. The use of agreed orders allowed the court to respond promptly when required while maintaining an efficient and streamlined process.

Overall, the procedural management of this case reflected the Court of Protection's emphasis on proportionality, collaboration, and responsiveness to changing circumstances. Through careful coordination with the OS, the local authority, the RPR, and care providers, the proceedings progressed smoothly and remained focused on PH's safety, rights, and best interests.

Explain the evidential issues arising in the case and how they were dealt with

The evidential issues in this case centred on understanding PH's capacity for residence and care decisions, determining whether the arrangements on the ground amounted to a deprivation of liberty, assessing the quality and completeness of the care-home and local-authority records, and ensuring that PH's wishes and feelings were accurately

reflected and properly weighed. To achieve this, I obtained and reviewed multiple iterations of the F3, F4, and F5 DoLS materials alongside extensive social-work statements, their supporting exhibits, and a substantial volume of care-home documentation. As the disclosure developed, gaps emerged in the chronology of incidents and the circumstances surrounding key safeguarding events, which required active follow-up. I sought further disclosure whenever records appeared incomplete or inconsistent and used RTMs as a forum to test the evidence collaboratively with all parties. The contemporaneous notes from the RPR played an important role, capturing PH's clear and repeated objections to locked doors and her persistent desire to leave. The incident when PH climbed out of a window, became a pivotal evidential moment: the seriousness of the event prompted review and significantly informed both the risk analysis and the proportionality of considering a move to an alternative placement.

Throughout the proceedings, my approach was to stabilise the evidential base so that the court could assess PH's situation using accurate, up-to-date material that reflected both her expressed wishes and the practical realities of her care environment.

Provide an overview of any ethical or conduct issues that arose in the case and how they were dealt with

Two key ethical currents arose during the progression of this case. The first related to ensuring that PH's own voice remained central to the proceedings. Although her presentation fluctuated and safeguarding concerns were significant it was essential to continue advancing her clearly expressed wish to leave while balancing this with the need to protect her welfare. Preserving this balance required sensitive handling of her expressed objections, thoughtful presentation of her wishes within RTMs and correspondence, and consistent reflection on whether each procedural step genuinely represented her perspective as far as possible.

The second ethical dimension concerned maintaining professional independence and confidentiality within a multi-party environment involving family members, the Official Solicitor, the local authority, and the care providers. The transparency order provided a framework for the appropriate sharing and handling of information, but it was equally important to manage the practical reality of differing family views and the potential pressure points that arose from sibling dynamics. I approached these issues by using RTMs and structured correspondence to surface concerns early and to de-escalate tension before it could affect the progress of the case. By keeping the process person-centred and rooted in my professional obligations, I ensured that PH's rights, dignity and autonomy remained the guiding principles throughout the litigation.

Provide details of any funding issues arising in the case and how they were dealt with

This matter was funded throughout by legal aid. At the outset I assessed PH's eligibility for legal aid and secured an emergency certificate so that representation could begin without delay, and this was followed by a substantive certificate that confirmed ongoing funding for the proceedings. As the case developed and the evidential demands increased, I obtained staged increases to ensure that the funding accurately reflected the scope and complexity of the work being carried out. I also arranged a Payment on Account to cover the court fee at the appropriate stage. Once the proceedings concluded and the final sealed order had been issued, I completed all necessary closure steps on the funding portal and discharged

the certificate, ensuring that the case was properly and transparently finalised from a public-funding perspective.

Provide details of any research undertaken in the case, relating to law or procedure

I reviewed the procedural expectations around disposal by consent. When the possibility of an alternative placement arose, I familiarised myself with publicly available inspection information to understand the suitability of that environment before contributing to the transition planning. I also explored whether a s.49 report would be appropriate in the circumstances, but after making enquiries and establishing that there was no active involvement from the services that would typically contribute to such a report, I concluded that it would not add value at that stage. This combined procedural and factual research ensured that each step taken in the proceedings was both legally sound and informed by the realities of PH's care, needs, and risks.

Provide an outline of the decision making in the case and any advice taken on strategic issues in the case

Strategic decision-making in this case developed organically as the evidence evolved and PH's circumstances changed. From the outset, my focus was on stabilising the evidential base so that all parties, including the Official Solicitor, could work from current and reliable material when assessing PH's capacity, her wishes and feelings, and the proportionality of the existing arrangements. As disclosure expanded and gaps emerged, I used RTMs as a practical forum for narrowing issues, clarifying evidence, and maintaining collaboration between the parties without the need for repeated attended hearings. This approach allowed concerns to be identified and addressed promptly, supporting proportionate case progression.

The significant change in circumstances following the window-exit incident required a strategic shift. The incident had a clear impact on the risk profile and prompted all parties to revisit whether the existing placement could safely meet PH's needs. I reported to the OS and provided advice to ensure this change was clearly and swiftly considered. Once an alternative, safer placement became available, the strategy moved towards facilitating a structured transition that could honour PH's expressed wish to leave while ensuring her safety. I reviewed and amended the proposed transition and care plan, took instructions from the OS, and then used a COP9 application supported by an agreed order to authorise the move and vary the timetable. This avoided unnecessary delay or the need for a contested hearing and ensured that resources were directed towards PH's best interests. As the move settled well and updated evidence confirmed the appropriateness of the new placement, the strategic focus shifted again, this time towards concluding proceedings by consent.

Detail any advice given in the case and how it was recorded

Throughout the life of the case, I provided clear, timely and structured advice at each significant stage to ensure that PH's position was properly understood by the OS but it is important to know that the Official Solicitor case workers have significant knowledge and experience in these proceedings and require less detailed advice and explanation as a result. They still require an analysis of the evidence and options to be presented but they do not require the level of detail that a family member would acting in the same role.

Before issuing proceedings, I advised on funding, prospects, and the merits of challenging the standard authorisation, setting out why a s.21A application was necessary in light of PH's objections and the identified issues within the existing DoLS paperwork. Once disclosure began to develop, I gave further advice on the evidential strengths and risks emerging from the records, including the inconsistencies within the incident chronology and the impact these had on the proportionality analysis. A [REDACTED] of each RTM, I prepared advice that identified the negotiation points, the areas requiring clarification, and the documentation needed to progress discussions productively.

After the window-exit incident, my advice focused on the implications of the event for PH's safety and welfare, the updated risk profile, and the options available to address those concerns. This included discussing whether the existing placement could continue to meet PH's needs and how alternative arrangements might be evaluated. When an alternative placement was later identified, I provided detailed advice on the mechanics of the transition, the supporting evidence required, and the steps needed to vary the timetable. Throughout, I ensured that all advice was recorded comprehensively in correspondence with the Official Solicitor and the local authority, with appropriate sharing to the RPR and family where necessary, and in attendance notes of calls, meetings and RTMs. This maintained transparency, supported collaborative working, and ensured a clear evidential record of the decision-making process.

Provide information on any training or development needs identified arising from the case

This case was reasonably straight forward and no particularly training or development needs were identified.

Please identify and provide the knowledge and understanding of the learning outcomes you have met through this portfolio

Through this case I demonstrated a strong command of the Mental Capacity Act 2005 and the DoLS framework, applying the *Cheshire West* acid test and the statutory best-interests principles to a set of facts that evolved significantly over time. The proceedings required me to interpret and respond to shifting evidential material, ensuring that capacity assessments, best-interests analysis, and proportionality considerations remained accurate and current. I also showed procedural competence in the way I managed the progression of the case: drafting and negotiating orders, preparing COP9 applications to keep the timetable responsive to PH's changing circumstances, liaising effectively with the Official Solicitor, and using RTMs to maintain proportionate, collaborative case management and avoid unnecessary hearings.

My approach to evidence demonstrated careful judgement, particularly in analysing the DoLS assessments alongside local-authority disclosure, care-home records, and contemporaneous notes capturing PH's wishes and feelings. This ensured the court could rely on a secure evidential base. Ethical practice was central throughout, as I balanced PH's clearly expressed wishes with safeguarding concerns and maintained independence and professionalism in a multi-party environment involving the OS, family members, the local authority, and care providers.

I also displayed effective management of public-funding requirements by securing appropriate levels of legal aid at each stage and concluding funding matters properly once

the proceedings came to an end. The final agreed order approving PH's transition and the smooth conclusion of the litigation reflected the combined impact of these learning outcomes, demonstrating my ability to move a complex s.21A case from issue to resolution with a consistent focus on rights, proportionality, and person-centred outcomes.

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

Signed:

[REDACTED]

Date:

08/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
1 – Interviewing, advising and communicating	ADVISED AND COMMUNICATION
Redacted evidence provided and page numbers	
Click here to enter text. Handwritten meeting notes dated 24/01/2025 – pgs 25 - 31	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. The evidence reflects a structured and purposeful approach to communication, showing that I prepared thoroughly and adapted my interviewing style to ensure P could engage meaningfully despite significant communication barriers. Before meeting P, I reviewed the RPR paperwork and identified that she was hard of hearing and often misplaced her hearing aid. Recognising that these factors would make telephone or remote communication ineffective, I arranged an in-person meeting, ensured her known advocate could attend to support her, and brought pen and paper so I could write questions clearly for her to read. This demonstrates a proactive, needs-led strategy to remove barriers and create the conditions for a fair and accessible interview. During the meeting, I gathered the full factual background needed to understand P's situation, exploring her wishes, daily functioning, contact with others, preferred activities, support needs, and her views on returning home. My questions were structured, paced carefully, and shaped to ensure she could understand them—speaking slowly, repeating as required, and allowing her to read my lips where possible. I maintained a calm, friendly manner to help her settle, but also preserved professional boundaries by ensuring I asked permission before moving closer or showing her the notebook. This reflects an approach that is both sensitive and grounded in good professional practice. As the interview progressed, P became emotionally distressed at points. I acknowledged her feelings, allowed her time to process questions, and continued to guide the discussion in a way that supported her autonomy. I also provided clear and practical advice about the capacity assessment, the circumstances in which the court may need to become involved, and the types of steps that could be taken to improve her circumstances if she wished to leave the placement. This ensured she had a realistic understanding of the available options and the implications of each. I kept a full and accurate written record of her responses—documenting her verbal answers, the themes that mattered most to her, and the points she found difficult. At the close of the	

interview, I summarised next steps so she understood how her views would be used and what would happen next in the proceedings.

Overall, the evidence demonstrates a thoughtful, well-reasoned, and client-focused approach consistent with the learning outcome and aligned with the analytical style used in my case preparation work.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None – all steps taken

Date completed: 2026-02-05

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

Signed:

[REDACTED]

Date:

05/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
1 – Interviewing, advising and communicating	ADVISING AND COMMUNICATING
Redacted evidence provided and page numbers	
Click here to enter text. Telephone attendance note dated 6/10/25 pgs 34 - 37 Email to client dated 7/10/25 pgs 38 - 40	
Explain how the redacted evidence meets the learning outcome	
The evidence demonstrates that I conducted the interview in a structured, analytical, and purpose driven way, ensuring that I obtained a complete and accurate factual background while supporting a highly distressed client through a complex and emotionally charged situation. During the telephone discussion, I explored all relevant aspects of the case, including the handling of medication and its disposal, the status of the Motability Scheme, finances, and the ongoing payments to the care home. I also clarified the client's position on the RPR's letter to the court. This questioning allowed me to identify the client's primary objectives when she was unable to directly express them due to the emotional nature of the situation. Throughout the call, I provided clear, practical, and strategic advice. I explained the role and purpose of the forthcoming round table meeting and hearing, the limited time available, and how the court date could be used constructively to progress the client's goals. I outlined the implications of the safeguarding and police investigations, including the evidential gap around the missing medication, and explained when a finding of fact hearing might be sought by the Local Authority. This advice was delivered in plain, accessible language and at a pace that reflected the client's emotional state, allowing her to follow the information despite her distress. My written follow up email further evidences my ability to communicate clearly and comprehensively. It summarised the discussion, breaking this down into the issues we discussed, confirmed the client's instructions, set out the options available at the hearing, and documented the Local Authority's expectations for any home contact, particularly the need for carers to manage and supervise medication. By providing a detailed written record, I ensured that the client had a stable reference point after a highly emotional conversation.	

Across the evidence, I addressed all relevant matters arising in the case. I explained the risks associated with the Local Authority's concerns, the limits imposed by the ongoing safeguarding enquiries, and the procedural choices available to the court depending on the parties' positions. I identified each option with its associated advantages and disadvantages, including the strategic considerations around raising issues before the Judge or seeking a finding of fact hearing.

The evidence shows that my advice enabled the client to make informed decisions. She confirmed her wish to propose carer-supervised home visits, agreed to raise the issue at the hearing if discussions were unsuccessful, and instructed me to engage counsel for the contested final hearing. I also explained the purpose and role of counsel and provided appropriate costs advice, enabling her to understand both the practical and financial implications of that choice.

Throughout the discussion, I sought and clarified instructions where needed, requesting financial records, confirmation of Motability updates, and clarification regarding payments to the care home. I also set out the procedural steps a [REDACTED] so the client understood what the round-table meeting would involve and what orders might follow at the upcoming hearing.

Crucially, the evidence shows that I managed a vulnerable and emotionally distressed client sensitively, recognising the significant fear, frustration, and despair she expressed. I maintained a calm and reassuring tone while ensuring the conversation remained grounded and focused on the decisions that needed to be made. This demonstrates that I handled vulnerability and emotional distress with professional sensitivity while still progressing the case effectively.

Overall, the evidence reflects a thorough, structured, and client-centred interviewing approach, grounded in clear communication, sound analysis, and a well-managed balance between emotional support and legal strategy, consistent with the learning outcome and aligned with my approach to case preparation more broadly.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I could benefit from further developing my skills in managing highly distressed clients, particularly by using more structured techniques to support emotional regulation while maintaining focus on key issues.

Date completed: 2026-02-05

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

Signed:

[REDACTED]

Date:

05/02/2026

Skills Logbook Sheet

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

Skills element	Learning outcome
2 Costs and funding	COSTS
Redacted evidence provided and page numbers Click here to enter text. Letter to P (via her litigation friend dated 29/04/2024 pgs 43-44 Letter to an LPA/family member dated 30/04/2024 pgs 45-48 Cost Schedule dated 01/05/2024 pgs 49-50 Email to an LPA/family member dated 13/05/2024 pgs 51-55	
Explain how the redacted evidence meets the learning outcome Click here to enter text. I approached the funding issues in the same way I approach all my cases: by grounding every step in the practical realities of the proceedings, the shifting legal aid position, and the need to protect both P's interests and the integrity of the LAA. I identified the relevant funding options available as the case evolved. I explained clearly to the litigation friend that P qualified for non-means-tested legal aid while the Standard Authorisation remained in force, but that this eligibility would automatically end when the trial at home took place as there would be no SA in force. I made sure he understood that legal aid cannot operate retrospectively, meaning any work undertaken after the expiry of the authorisation would need to be privately funded unless and until eligibility was reinstated. This helped manage expectations early and avoided the risk of unfunded or incorrectly funded work being carried out, ensuring also that I would be paid for the work undertaken and the case generated funds for the business. As P's circumstances changed, I reviewed each possible funding route and advised on its suitability. When it became apparent that P's assets were likely to exceed the strict limits for means-tested legal aid, I explained why private funding under the Financial Order was the appropriate option, and I set out what this would involve. I balanced this with clear guidance on the risks and benefits of each funding method, including the certainty and immediacy of coverage under non-means-tested legal aid compared with the financial impact of private representation on P's estate. I also addressed the statutory charge, explaining its function, when it applies, and why, on the facts of this case, I did not anticipate it arising. Ensuring the litigation friend understood these distinctions meant they could make informed decisions without jeopardising P's position. As P's funds would need to be paid from her estate, I kept both the litigation friend and her LPA updated on all significant developments. For example, in my letter of 30 April 2024, I	

provided copies of the approved Case Management Order and Financial Order, broke down the six-week trial at home, and set out the deadlines and evidence expected from the Local Authority. I highlighted how these steps affected P's funding status and what actions needed to be taken promptly to maintain proper representation. When I required urgent confirmation of P's financial position to assess legal aid eligibility, I explained why this information was essential and how delay risked leaving P without appropriate funding, but also potentially without legal representation.

I also had to manage the potential conflict between P's best interests and the LPA's understandable concern about expenditure from P's estate. This required a careful balance. When the deputy expressed strong reluctance to continue funding the litigation privately, I explained why representation remained necessary within the ongoing s21A proceedings, why the court rather than social services would be determining P's long-term arrangements, and how refusing to comply with the Financial Order risked procedural delay, increased costs, and harm to P's access to justice. In doing so, I ensured the focus remained on P's rights while supporting the deputy to understand his responsibilities. Alongside the funding advice, I prepared clear and realistic costs information. My 1 May 2024 cost schedule set out hourly rates, the anticipated overall range of costs, VAT and likely disbursements, including counsel's fees and travel expenses. I explained that monthly interim billing would be used to maintain transparency and that the court had power to assess costs at the conclusion of proceedings, offering an independent safeguard. In my 13 May 2024 email, I reminded the deputy of the payment on account required under the Financial Order and the consequences of delay, emphasising that without funds on account I could not undertake further work and would have to raise the issue with the court. This ensured that funding arrangements kept pace with the procedural progress of the case and that P remained properly represented at all stages. Overall, the evidence demonstrates that I approached the funding issues with the same structured, reflective and practical mindset that guides my wider casework. I identified all available funding options, advised clearly on their suitability, explained the financial and procedural risks, managed developing conflicts sensitively, kept the litigation friend updated on all significant developments, and prepared detailed and accurate costs estimates. Throughout, my priority was ensuring that P's representation remained lawful, appropriately funded, and aligned with her best interests as the matter unfolded.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-05

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

Signed:

[REDACTED]

Date:

05/02/2026

Skills Logbook Sheet

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

Skills element	Learning outcome
2 Costs and funding	FUNDING
Redacted evidence provided and page numbers Click here to enter text. Letter to P (via her litigation friend dated 29/04/2024 pgs 59-60 Letter to an LPA/family member dated 30/04/2024 pgs 61-64 Cost Schedule dated 01/05/2024 pgs 65-66 Email to an LPA/family member dated 13/05/2024 pgs 67-71	
Explain how the redacted evidence meets the learning outcome Click here to enter text. The attached redacted correspondence and costs schedule show that I consistently applied the funding and costs competencies throughout this s21A DoLS matter. In this cases, P is entitled to non means tested legal aid funding where they are subject to a standard authorisation and there is an objection or need to review elements of their care or residence. This is the standard situation for most cases I deal with. If P is not subject to such an authorisation, such as someone who is subject to a community DoLS and living at home, then they are eligible for means tested legal aid funding. In most cases I deal with, P will have a property so assets or savings which exceed the finding limits set by the Legal Aid Agency and in those circumstances, I obtain a financial order from the court which provide authorisation for legal fees to be paid from P's estate. There is usually a change in funding options where P is moved from their own home to a care home or vise versa. In this case, P had a trial return home which was successful and so her eligibility for legal aid funding changed as she moved from the care home. Although P is my client in law, P lacks capacity to conduct litigation. Accordingly, the litigation friend is the proper instructing party. All funding advice, cost authorisation, and decision-making was therefore directed to the litigation friend. This is distinct from the role of any LPA for property and affairs: an attorney under an LPA does not hold litigation authority, and while they may be kept informed about costs for transparency, as I have done in this case, the LPA being P's son, they do not give litigation instructions or decide funding arrangements.	

Throughout the case, I identified the relevant funding options and advised on their suitability as the circumstances evolved. I explained clearly that P qualified for non-means-tested legal aid while the Standard Authorisation remained in place, but that eligibility would automatically cease when the authorisation expired. I highlighted that legal aid can only operate prospectively, meaning that any work undertaken after eligibility ceased would need to be privately funded, unless and until a new authorisation reinstated P's eligibility. This ensured early and accurate understanding of P's position and protected both P and the LAA from inappropriate or retrospective claims.

I set out the risks and benefits of legal aid versus private funding, including the advantages of immediate, unrestricted coverage under non-means-tested legal aid, and the financial implications for P's estate when moving to private funding. I also addressed the statutory charge, explaining its purpose, how it operates, and confirming that on the facts of this matter it was not anticipated to apply. This ensured the litigation friend could make fully informed decisions about P's financial exposure.

I prepared and provided a comprehensive written estimate and an accompanying schedule of costs, setting out hourly rates, the anticipated overall range, VAT, and likely disbursements such as counsel's fees and travel. I requested a payment on account, in line with the Financial Order, and confirmed that monthly interim billing would be used to maintain transparency of P's costs throughout the proceedings. This approach supported effective cost management and allowed the litigation friend to raise queries promptly and make informed decisions as the case progressed.

I also ensured that the litigation friend was promptly notified of all significant developments, such as the approved Case Management Order, the Financial Order, updated directions, evidence deadlines, and the hearing. Each procedural update was accompanied by an explanation of the corresponding funding implications, ensuring that procedural developments and financial consequences were clearly understood together.

Although the enclosed evidence does not show a formal written conflicts-of-interest analysis, my handling of the matter reflects an awareness of the potential tension between P's best interests and the deputy's natural desire to minimise expenditure from P's estate. My approach ensured that representation remained focused on P's rights under s21A, while ensuring the deputy understood both the necessity of continued representation and the mechanisms for controlling costs.

While the documents do not include an LPA-specific update or refer expressly to the Senior Courts Costs Office (SCCO), my usual practice is to keep any attorneys informed of major funding decisions where appropriate and to advise deputies—whether professional or not—of their right to seek an SCCO detailed assessment of costs. In this case, the litigation friend was explicitly reminded that the court can assess costs at the conclusion of proceedings, providing an independent safeguard to ensure that any costs charged are reasonable and proportionate.

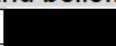
Opportunities for further development (if any identified)

[Click here to enter text.](#)

Non identified.

Date completed: 2026-02-06

I confirm that the information contained on this form is accurate to be best of my knowledge and belief.
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Signed:		Date:	06/02/2026
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Skills Logbook Sheet

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

Skills element	Learning outcome
2 Costs and funding	DOCUMENTATION
Redacted evidence provided and page numbers Click here to enter text. Cost schedules dated 04/03/2025 pgs 74-75 and 16/04/2025 pgs 76-78 Client care letters dated 07/05/2024 pgs 79-83 & 01/07/2024 pgs 84-88 Financial order dated 05/03/2025 pgs 89-91	
Explain how the redacted evidence meets the learning outcome Click here to enter text. In this matter, I applied a structured and evidence-led approach to funding and cost management under the s21A framework, ensuring at each stage that the correct funding route was identified, explained, and actioned as P's circumstances changed. The redacted documents demonstrate how I analysed P's living arrangements, legal status and financial position so that my advice to the litigation friend and, where appropriate, P's professional attorney, was accurate, timely and aligned with the requirements of the Legal Aid Agency. At the outset, I established that P qualified for non-means-tested legal aid because she was subject to a Standard Authorisation and there was an objection or a need to review elements of her care or residence. This is the most common funding arrangement in my caseload, and as shown in the client care letters, I set this out clearly, ensuring the litigation friend understood the basis of eligibility and the implications for costs and statutory charge, which I did not expect to arise. . Prior to P returning home under a community DoLS, I reassessed the funding position, which would need to be implemented once she left the care home as the standard authorisation ended. I explained why legal aid then became means-tested, and that, in most cases like this, P's ownership of a property or level of savings meant she exceeded the capital threshold. I ensured that the litigation friend understood that legal aid could not be backdated once the Standard Authorisation had lapsed. During this period, I secured a Financial Affairs Order, allowing legal fees to be met from P's estate and authorising the firm to obtain the relevant financial information from third parties. The client care documentation demonstrates how I communicated these changes transparently and in a way that enabled informed decision-making. As the case progressed and P was moved back into a care home, I again revisited the funding position and reinstated the legal aid certificate, explaining in writing how this reinstatement affected the statutory charge and what would be required to maintain	

compliance. Throughout these transitions, I completed all necessary Legal Aid Agency applications and notices, including exercising devolved powers where appropriate and preparing formal applications for amendments and reinstatements.

The cost schedules provide evidence of my proactive cost management. I gave detailed written estimates covering hourly rates, likely ranges, VAT and expected disbursements. Where complexity increased—for example, due to additional evidence requirements, risk incidents or escalating correspondence—I issued updated costs information, ensuring proportionality, transparency and readiness for SCCO assessment.

I also maintained effective liaison with P's professional property-and-affairs attorney, keeping them updated on funding arrangements and providing copies of the cost schedules to support their own financial oversight responsibilities.

Overall, the evidence demonstrates that I managed funding and costs in a way that was accurate, responsive and grounded in the regulatory requirements of both the Court of Protection and the Legal Aid Agency. I communicated all advice promptly and clearly, supporting lawful and proportionate expenditure from P's estate and ensuring that both the litigation friend and the professional attorney were able to understand and navigate the financial framework surrounding P's representation.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

Non identified.

Date completed: 2026-02-06

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

Signed:

[REDACTED]

Date:

06/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	CONDUCT AND ETHICS PROFESSIONAL OBLIGATIONS
Redacted evidence provided and page numbers	
CILEX CPD log 24/25 pgs 94-95 Brief to counsel dated 27/01/2026 pgs 96-111 Telephone attendance note dated 04/02/2026 pgs 112-116 Email to client dated 04/02/2026 pgs 117-118	
Explain how the redacted evidence meets the learning outcome	
In this s.21A Mental Capacity Act application, referred to in the correspondence and brief evidence, I applied my professional obligations consistently across each stage of the work, ensuring my approach aligned with paragraph 5 of the CILEX Code of Conduct and the broader requirements of competent, ethical practice. The redacted evidence demonstrates that I rooted my decision-making in current knowledge, supported through my CPD record, including Court of Protection practice development, so that my conduct remained compliant and proportionate in the context of complex deprivation of liberty proceedings. The attendance note and follow-up email from 04/02/2026 evidence how I discharged my duties to my client. I made sure she received advice that was accessible, accurate and firmly grounded in the evidential requirements of the case. I explained the steps needed to progress the matter, including disclosure issues, the role of the care package assessment, and the importance of obtaining formal confirmation from the provider. In doing so, I helped her understand the link between timely evidence, realistic outcomes, and the pressures created by the court's timetable. The documents also show how I managed an emotionally distressed client with sensitivity, maintaining clear communication while ensuring wishes and feelings evidence remained properly informed and reliable. These interactions demonstrate that I obtained full instructions, identified risks and options, and supported her to make informed decisions. My duties to the court are evidenced through my proactive identification of non-compliant disclosure and my management of the consequences. I recognised that a party had failed to comply with a clear order, chased the outstanding material, and advised my client on the procedural implications. I then structured a practical action plan covering her statement, liaison with the provider, and the evidence needed a [REDACTED] of the pre trial review. This approach ensured that information would be available in a form that assisted, rather than hindered, the court's ability to determine the issues. The accuracy and	

organisation of my notes reflect my commitment to supporting the administration of justice and progressing the case efficiently.

The brief to counsel dated 27/01/2026 demonstrates my obligations to other lawyers. I provided counsel with a balanced and well evidenced overview of the matter, including safeguarding history, clinical assessments, and the positions of each party. I also highlighted gaps and areas of disputed evidence, inviting counsel's advice on proportionality, strategy and risk. This reflects professional courtesy and ensures the case is advanced collaboratively, openly and with candour, with key expectations within professional obligations.

My duties to the public are evidenced in how I handled safeguarding concerns and the evaluation of potential home based options for P. I ensured allegations and inconsistencies in the Trust's account were properly identified rather than minimised, and I focused on the governance measures required for any least restrictive proposal, such as medication oversight, seizure-monitoring logs, and escalation plans. This reflects a right-based approach that protects P while also promoting public confidence in the integrity of the process.

The evidence shows how I addressed regulatory and AML obligations in preparing both emergency and substantive Legal Aid certificates, as well as dealing with appointeeship and financial management issues. I ensured authority was verified, funding information was accurate, and that any matters requiring additional checks were recognised. My CPD record reinforces that I maintain my competence in AML responsibilities and apply them diligently in practice.

Collectively, the redacted evidence demonstrates that I applied the full range of my professional obligations in a structured, proportionate and ethically-grounded way, ensuring the matter progressed effectively while safeguarding the interests of my client, the court, and the wider public.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-06

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

Signed:

[Redacted Signature]

Date:

06/02/2026

Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	CONFLICTS
Redacted evidence provided and page numbers	
Email exchange dated 13/05/2024 pgs 121-123	
Explain how the redacted evidence meets the learning outcome	
The evidence shows that I identified a developing conflict at an early stage and responded in a way that kept the matter legally on track, protected P's position, and ensured that the procedural requirements of the Court of Protection were followed. When MD, acting as P's financial LPA/deputy, refused to release funds for her ongoing representation, it created a direct tension between his stated wish to stop further legal costs and my duty to ensure P remained properly represented within active proceedings. His objections went beyond finance: he believed the proceedings should now cease, that P returning home was not in her best interests, and that decisions about her residence would be determined by reablement services or the local authority rather than by the court. This meant I needed to address both the practical issue of funding and the wider implications for P's access to justice. My response focused on clarifying the legal framework and bringing the discussion back to the requirements of the existing court order. I referred him to the order itself (which I attached), explained the interim basis on which my costs were to be paid from P's estate, and set out the correct mechanism for disputing or varying the order, namely, that he would need to apply formally to the court. This ensured that the conflict was managed in a way that upheld proper procedure and made clear that unilaterally refusing payment could place him in breach without overstepping into legal advice that may have caused a conflict. It also demonstrated that I was grounding my approach in the duties owed both to the court and to P as my client. I kept the correspondence proportionate and factual, setting out the practical consequences of withholding funds as well as the legal implications stated above. I highlighted that delays in payment could cause disruption to the timetable, risk hearings becoming ineffective or requiring relisting, and ultimately increase costs to P's estate, an outcome that ran counter to MD's concerns. I also explained that any delay in funding representation risked slowing the progress toward a best-interests decision about P's long-term care arrangements, reinforcing the significance for P herself. Throughout, I made sure my tone remained calm and non-confrontational, even though the underlying issue was contentious.	

To resolve the conflict constructively, I put forward a clear and workable funding proposal. I requested money on account, reassured him that costs would be billed monthly with transparent breakdowns, and reminded him that he could seek a court assessment of costs at the conclusion of proceedings. I also addressed the question of Legal Aid eligibility, confirming that P did not meet the criteria at this stage due to her assets but that I would reassess should her circumstances change. This demonstrated that I was actively considering all appropriate funding routes rather than simply insisting on one solution. Finally, to ensure transparency within the wider proceedings, I copied the local authority's legal representative into the correspondence. This ensured that all parties were aware of the developing issue and could anticipate any impact on case progression. Doing so reflected good case management and my responsibility to maintain clarity and momentum within the litigation.

Overall, the evidence demonstrates that I identified the conflict promptly, managed it in a structured and legally grounded way, and ensured that P's representation and the integrity of the proceedings were protected, consistent with the expectations of this learning outcome.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-06

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

Signed:

[Redacted Signature]

Date:

06/02/2026

Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	WITHDRAWAL FROM A CASE
Redacted evidence provided and page numbers	
Email exchange dated 24/01/2025 pgs 126-131	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In this matter, I assessed the evolving position carefully so that the approach remained proportionate, aligned with P's wishes, and consistent with the overarching purpose of the s21A proceedings. Through the email exchange, I identified that the continuation of the application no longer served a meaningful purpose because the local authority had already begun actively progressing P's return home, an outcome fully in line with his wishes and best interests. I recognised that pressing a [REDACTED] with litigation risk creating delay and could unnecessarily disrupt a plan that was already being implemented outside the court process. This reflects my ability to step back, evaluate the real impact of the proceedings, and consider whether withdrawal was the most appropriate and least restrictive course. I explained this analysis clearly to the litigation friend, setting out both the procedural and practical consequences of continuing. I highlighted that further progress would depend on appointing the Official Solicitor, which would introduce delay, and that there was unlikely to be sufficient evidence available to justify meaningful steps before P's planned move home. This demonstrates not only an understanding of the procedural framework but an ability to weigh what the court needs against what actually advances the client's position. I also set out a structured and transparent withdrawal plan, ensuring that the local authority's current arrangements and commitments would be recorded within the final order. I made sure the litigation friend understood that the existing documents could be disclosed in any future application if circumstances changed. This reflects a proportionate and forward-thinking approach, protecting P's position without burdening the court or the parties with unnecessary litigation. Throughout the exchanges, I showed awareness of the balance between duties owed to the client and those owed to the court. I recognised that continuing the application when the local authority was already acting appropriately (and without need for judicial oversight) would not only offer little benefit for P but would also use court resources ineffectively. My recommendation to withdraw stemmed from weighing these competing considerations and reaching an evidence-led, ethically grounded decision.	

I maintained clear and professional communication with the advocate throughout, ensuring they were fully informed and in agreement with the proposed course of action. I provided a concise breakdown of the risks and benefits of withdrawal, and I confirmed that a renewed application could be made if the return home did not proceed as planned. This ensured that P's safeguards remained intact while allowing the matter to conclude in a proportionate and constructive manner.

Overall, the evidence shows that I recognised when withdrawal was required, understood the proper process to achieve it, and ensured that P's interests remained central to every decision. This reflects the skills and judgement expected under this learning outcome and is consistent with how I approach conduct and ethics issues in my day-to-day practice.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-06

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

Signed:

[REDACTED]

Date:

06/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	UNDERTAKINGS
Redacted evidence provided and page numbers	
Click here to enter text. Letter to other side solicitors dated 21/08/2019 pgs 134	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In my role within the Mental Health and Court of Protection team, I routinely work with clients who are subject to significant legal restrictions on their liberty, either under the Mental Health Act 1983 or through Deprivation of Liberty Safeguards. Although undertakings arise infrequently in this area of practice, my experience has still required me to understand, apply and work within the professional principles that underpin them. The redacted evidence demonstrates how I have developed and maintained this competency, even in the absence of regularly having to give undertakings myself. While undertakings are not commonly used in Court of Protection proceedings, I have encountered them in earlier work in family law. The 2019 correspondence referenced in the evidence is an example where a professional undertaking was sought to prevent a husband from dissipating assets in financial proceedings. Although outside the permitted timeframe, it provides context for my understanding of when undertakings become necessary, the protective function they serve, and the risks they are designed to mitigate—particularly where a party has already attempted to frustrate proceedings. My current role requires me to operate with the same level of rigour, accountability, and professional judgment that attaches to a formal undertaking. Representing individuals before the First-tier Tribunal (Mental Health) and P in health and welfare proceedings demands precision in case management, reliability when coordinating evidence, and clarity when communicating procedural steps to parties and professionals. These responsibilities mirror the obligations that accompany an undertaking: ensuring information is accurate, timelines are realistic, and any commitments made—whether procedural or substantive—can genuinely be fulfilled. Although I have not yet been required to give an undertaking within the relevant timeframe, I have a clear and well-embedded understanding of the safeguards necessary before offering one. This includes confirming instructions, identifying any dependencies that could affect compliance, assessing whether the commitment is wholly within my control, and diarising all relevant deadlines. I also appreciate the regulatory and	

professional consequences of breaching an undertaking, and the duty to avoid offering commitments that risk becoming unmanageable or unclear.

The work I undertake in the Court of Protection demonstrates these competencies in practice. I frequently manage complex evidence from multiple agencies, anticipate procedural requirements, and map out realistic case trajectories. This requires the same discipline and foresight that underpin the giving of undertakings. The reliability with which I record, communicate and progress procedural steps ensures that parties and the court can depend on the information and commitments I provide, even where these do not take the form of a formal undertaking.

Overall, the evidence shows that I understand when undertakings are appropriate, the level of care and accuracy required when giving one, and the seriousness of any breach. My practice demonstrates the professional principles expected by this learning outcome, and I am well placed to give an undertaking should a situation arise in which it is appropriate and professionally justified.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

Should an undertaking be appropriate it would be prudent of me to ensure that I review all updating guidelines and requirements, including procedural practices and expectations in house and seeking support and approval from my supervising solicitor before making any professional and binding commitments.

Date completed: 2026-02-06

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

Signed:		Date:	06/02/2026
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Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	CONFIDENTIALITY AND PRIVILEGE
Redacted evidence provided and page numbers	
Click here to enter text. Email dated 23/07/2025 pg 137 Email dated 04/06/2025 pgs 138 Transparency order pgs 139-143 Internal email dated 05/02/2026 pg 144 Attendance note dated 06/02/2026 pgs 145-147	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. The evidence demonstrates that I am able to identify and correctly apply the different categories of confidentiality and privilege in real client situations, and that I exercise sound judgment when explaining these distinctions to clients and third parties. In my attendance note, I set out clearly which aspects of the information he provided, such as his personal history, drug use, trauma and broader concerns were protected as confidential client information. I explained that while I might need to disclose minimal identifying details to other professionals for practical purposes, the substance of what he shared would remain within the solicitor–client relationship. This reflects my understanding that his disclosures attracted legal advice privilege because they were made for the purpose of seeking legal advice, and that they also formed part of the wider duty of confidentiality. I communicated these protections to the client in a way that was accessible and reassuring, ensuring he understood both the limits and the safeguards. The email relating to the witness statement shows my understanding of litigation privilege in practice. I highlighted that the documents formed part of active proceedings, were covered by a transparency order, and must not be circulated outside the litigation context. In doing so, I demonstrated that I can distinguish between material that is confidential and material that is privileged for the dominant purpose of litigation, and that I can apply court-imposed restrictions effectively and proportionately. The email regarding the third-party enquiry about JM further evidences my ability to recognise and maintain the boundary between what is confidential and what is privileged. I declined to confirm even whether she was a client, recognising that a person's status as a client is itself confidential, and that any information relating to instructions or the content of	

advice is privileged unless the client authorises disclosure. This shows that I understand how to manage unsolicited enquiries and ensure that neither category of protected information is disclosed.

Across all the evidence, I apply the core principles consistently: identifying what can and cannot be shared, seeking consent where necessary, and giving clear explanations about the basis on which information is protected. I take into account legal advice privilege, litigation privilege and general confidentiality, and I apply each category appropriately to the scenario at hand. This demonstrates a well-developed and practical understanding of confidentiality and privilege and how these protections operate in day-to-day casework.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I recognise the need to be more explicit when identifying types of privilege, clearer in marking privileged content in my notes, and more proactive in checking clients' understanding. Developing confidence with borderline privilege scenarios will further strengthen my judgement and enhance client trust.

Date completed: 2026-02-07

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

Signed: R Moore

Date: 07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
3 Conduct and Ethics	COMPLAINTS AND NEGLIGENCE
Redacted evidence provided and page numbers	
Click here to enter text. Email to complaints team dated 15/09/2025 & 7/10/2025 pgs 150-154 Personal attendance note dated 17/10/2025 pgs 155-158 Data breach form dated 02/02/2026 pgs 159-160 Email to Court dated 02/02/2026 pg 161 Preparation note dated 02/02/2026 pgs – 162-163	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. The evidence shows that I was able to identify when mistakes and potential negligence issues had arisen, analyse what the risks were, and respond in a way that was proportionate, transparent and fully aligned with the CILEX Code of Conduct. The attendance note relating to the client complaint shows that I approached her concerns with honesty and clarity. I worked through the issues she raised, revisited the advice I had given, and explained how the evidence in her matter informed the position. Rather than becoming defensive or minimising her dissatisfaction, I focused on restoring trust by ensuring she fully understood the reasoning behind the advice and the practical implications for her case. This reflects Core Principle 3 (Outcomes 3.1–3.2) and Core Principle 5 (Outcome 5.8), as I provided clear, realistic guidance while ensuring the client was properly informed and supported. My emails to the complaints team demonstrate that I engaged meaningfully with the formal complaints process. I provided the information needed for the investigation, clarified factual points, and assisted with preparing the responses that would be issued. I ensured that the concerns raised were addressed directly and that the responses were accurate and proportionate. This evidences Outcome 5.9, showing that I understand how internal complaints procedures operate and how to ensure they are followed correctly. When the administrative error occurred, resulting in a data breach within ongoing proceedings, I broke the issue down so I could understand both the immediate risks and the regulatory implications. I acted promptly by notifying the relevant colleagues, asking the court to urgently delete the incorrect documents, and working with IT to understand	

how the error had occurred. I also completed the firm's reporting requirements. Taken together, these steps demonstrate that I recognised the seriousness of the breach, prioritised containment, and ensured the matter was handled openly and accurately. This reflects the expectations under **Core Principle 4 (Outcomes 4.1 and 4.4)** and **Core Principle 8 (Outcomes 8.1 and 8.6)**, as I maintained clear records, supported internal risk-management processes, and engaged constructively with the oversight mechanisms in place.

Across all documents I identified when an error had occurred or when a client's dissatisfaction indicated a potential concern; I analysed what was driving the issue; and I took steps that were practical, proportionate and aligned with regulatory requirements. I did not simply react to the problem, I worked through what needed to happen to put matters right, supported colleagues where appropriate, and ensured that both the client and the firm were protected from escalation or repeated issues.

Overall, the evidence shows that I understand how to manage mistakes, complaints and negligence risks within practice. It demonstrates that I am able to handle these situations constructively, uphold professional and ethical obligations, and contribute to improving processes, all of which meets the expectations of the Conduct and Ethics learning outcome.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

Going forward, I want to keep building on the way I work by tightening up my document-checking and bundle-review routines so that small administrative errors are less likely to slip through. I'd also like to get even more familiar with our data-protection requirements and internal risk-prevention processes, as this would help me spot potential issues much earlier. Another area I'm keen to develop is my approach to supervising and delegating tasks, making sure that the whole team is working consistently and accurately. Finally, keeping up regular reflection after any incident or challenge will help me stay aware of what could go wrong, learn from it, and continue improving how I manage risks day-to-day

Date completed: 2026-02-07

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

Date: 07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
4 Managing Litigation Work	FILE HANDLING
Redacted evidence provided and page numbers	
Click here to enter text. Screenshots of our case management system and task list pg 166 Email to supervising solicitor date 16/12/2025 pgs 167-170	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. The documents provided show how I manage my cases in a structured but practical way. Every Monday, I start by reviewing the key dates in my electronic case management system. Our case management is completely paperless, so everything sits within the system, and all deadlines and tasks link straight into Outlook. This means I get automatic reminders, can see task lists clearly, and can easily share or review upcoming work with colleagues when needed. When I look at the week ahead, I always prioritise anything with an imminent hearing and any case involving a vulnerable client, as they can be particularly affected if communication slows down or updates aren't given regularly. I then map out what needs doing first and check back in throughout the week as new directions or issues arise. The Key Dates list and Task List demonstrate how I keep on top of this in real time by logging deadlines, breaking work into manageable steps, and progressing actions promptly. Our firm also has internal policies that set expectations for responding to clients and managing active case files, including timeframes for replying to emails and calls. I follow these daily—making sure clients hear from me when they need to, and that the file is kept moving. Part of this means delegating tasks where appropriate. I regularly ask my assistant to handle administrative steps and routine actions, whether by email, verbal instructions, or dictation. This helps keep everything running smoothly and ensures I can stay focused on the more complex aspects of litigation. The documents also show how I actively progress matters, such as chasing late disclosure, coordinating assessments, preparing statements, and keeping everyone updated when things risk falling behind. The email chain shows a good example of this in practice: I summarised the issues in a complex case, set out a clear plan, and discussed early whether we needed to bring in counsel. Since the <i>Mazur</i> case, I take extra care to consider at an early stage whether a barrister should be instructed, particularly in more complex matters or where contested hearings and cross-examination are likely. Making that call early helps ensure the client gets the right support throughout.	

Day to day, I also make sure I'm complying with the relevant Court of Protection protocols, including the COP Rules and Practice Directions, the overriding objective, and the Mental Capacity Act principles around best-interests decision-making and capturing wishes and feelings. This means meeting directions on time, preparing bundles properly, arranging advocates' meetings, and gathering evidence when needed.

Finally, because we use a system called Katcher, I am able to regularly review full file lists and ensure that concluded cases are promptly costed and closed. Keeping files tight, up-to-date, and well-organised means anyone could pick up the case and immediately understand where things stand.

Overall, the evidence shows that I plan a [REDACTED], stay organised, prioritise effectively, communicate well, follow procedures, and keep my files in good order.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I can improve the way I record the reasoning behind my case strategy, not just the actions taken, so the decision-making process is clearer.

Date completed: 2026-02-07

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

Signed:

[REDACTED]

Date:

07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
4 Managing Litigation work	CASE ANALYSIS AND PREPARATION
Redacted evidence provided and page numbers	
Click here to enter text. Screenshot of case management system pg 173 Preparation note dated 12/08/2025 pgs 174-176 Personal attendance note dated 12/08/2025 pgs 177-181 Email exchange dated 22/08/2025 pgs 182-186 Draft order with edits pgs 187-192 Minutes of round table meeting dated 15/08/2025 pgs 193-2024 Email to supervising solicitor dated 16/12/2025 pgs 205-208	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In this case, I shaped a strategy that kept my client's main aim firmly in sight—making sure a supported return home stayed a real option, while still keeping everything workable within the Court of Protection process and the directions already in place. In my preparation notes and attendance notes, I broke the situation down so I could understand what actually helped her case and what made things more difficult. The positives were clear: BD has a very strong attachment to his mum, she visits consistently, and there are important Article 8 and least-restrictive-option arguments in play. There was also good evidence that, with a carer present, he copes well out in the community. But I also had to weigh that against the ongoing safeguarding enquiry, the mixed and sometimes disputed evidence around seizure activity and medication use, and concerns raised about his presentation in the placement, such as the early weight loss and signs of agitation. From all of this, I pinpointed the key gaps that would actually drive the decision-making: what the risks at home really were, how they could be managed, what medication oversight and observation levels would be needed, whether 24/7 support could realistically be provided, and how his EHCP and educational provision would fit into any plan. Once I'd mapped that out, I set out a phased and realistic plan. I advised my client that the best way forward was to cooperate fully with the ongoing assessments rather than push immediately for fact-finding, which risked unnecessary findings against her and increased costs. Instead, I explained that once the safeguarding work, options appraisal and clinical updates were complete, we would be in a better position to argue for a structured and time-limited home trial, if the evidence supported it and it remained in BD's best interests. I also made sure she understood the pros and cons of the different routes (litigation vs.	

agreement), and why taking things in an evidence-led sequence would actually protect her position and increase her chances of getting the outcome she wanted.

At the round table meeting, I made sure I contributed in a way that genuinely moved the case forward. I clarified that my client's concerns about BD napping were not an attempt to restrict him but a reflection of how unsettled he sometimes appeared. I also pressed for the professionals to set out a clear list of the concerns they wanted her to address, so she could respond properly rather than guess at what was being implied. I helped ensure the group agreed on concrete next steps—particularly timelines for evidence, updates on education, and what information would be coming from whom. This helped turn what could have been a circular discussion into something practical and reduced the risk of the next hearing being ineffective.

I followed this up in my drafting. I reviewed the draft order and marked my amendments in red so it genuinely reflected what was needed to progress the case, rather than including directions that were either unnecessary or overly burdensome. I made sure the sequencing of evidence from the local authority and the Trust was realistic, that the timetable accounted for professional availability, and that there was space for the ALR to provide meaningful wishes-and-feelings evidence. In my emails to the parties, I negotiated the removal or tightening of directions that would have placed unfair pressure on my client, for example, unnecessary repeat bank-statement disclosure, the immediate handover of the mobility vehicle (which would have limited her contact with BD), and instructions on how she should provide spending money. Instead, I suggested simple, workable alternatives that still achieved transparency.

Throughout the matter, I kept the case theory aligned with my client's expectations. I made sure she understood that a return home remained possible, but only if the risks could be properly managed and the professionals had confidence in the arrangements. I brought together the clinical developments, such as the reduced need for midazolam and the start of a medication-reduction plan, with her own first-hand observations of BD's agitation, noise sensitivity and how much he benefits from being out with her. This helped ensure the overall approach stayed grounded in evidence, not assumption. Overall, the work shows that I identified the strengths and weaknesses of the case, spotted the gaps in the evidence, built a clear and realistic case plan, and drafted documents and correspondence that helped push the matter in the right direction. I kept things proportionate and practical, focused on what the Court would actually need, and made sure the case progressed in a way that supported my client's objectives. This reflects the core requirements of Element 4 in a way that is consistent with how I approach my work day-to-day.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-05

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

Signed:

[REDACTED]

Date:

05/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
4 Managing Litigation Work	ASSEMBLY SKILLS
Redacted evidence provided and page numbers	
Click here to enter text. COPDLA Application form dated 10/07/2024 pgs 211-219 Statement of facts and grounds dated 10/07/2024 pgs 220-233	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. This evidence demonstrates my assembly skills because it shows the full process of pulling together the law, the facts, and the practical evidence into a coherent, litigation-ready application. In drafting the Statement of Facts and Grounds, I applied the core statutory framework under the Mental Capacity Act 2005 and integrated key authorities such as <i>LBX v K, L & M</i>, <i>Re M</i>, and <i>Westminster v Sykes</i>. The document shows how I translated these legal principles into a practical analysis of EL's situation, identifying the relevant tests for capacity, best interests, eligibility, and proportionality, and then mapping the factual evidence onto those tests. The statement also shows my ability to bring together information from multiple assessments, family views, past care arrangements, and professional reports. I summarised these sources in a way that clearly sets out the narrative of EL's care history, the breakdown of home arrangements, and the concerns around risks and wellbeing, all of which are necessary for the court to understand the issues at a glance. A further part of the skill demonstrated here is recognising where the evidence is incomplete. In the application, I set out exactly what further documents were needed, care plans, OT assessments, risk assessments, medical information, and best-interest records, and requested disclosure directions accordingly. I also identified areas where further expert input might be required, such as updated capacity assessments or specialist insight into EL's cognitive presentation. Overall, the evidence shows my ability to gather, organise, analyse, and present large volumes of material in a structured, legally grounded way that supports effective case management and assists the court in narrowing the issues.	

Opportunities for further development (if any identified)

[Click here to enter text.](#)

Noone identified

Date completed: 2026-02-08

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

Signed:

[REDACTED]

Date:

08/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
4 Managing Litigation	INSTRUCTING ADVOCATES
Redacted evidence provided and page numbers	
Click here to enter text. Email to supervising solicitor dated 16/12/2025 pgs 236-239 Approved Barrister's list pgs 240-241 Brief to counsel dated 27/01/2026 pgs 242-257	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In this matter, I approached the question of instructing a barrister in the same structured and evidence led way that I apply to my general case preparation, particularly taking into account the recent decision in the <i>Mazur</i> case. Before considering external options, I first reviewed our internal counsel list in line with firm procedure so that I could check whether any of our usual barristers had both the specialist experience and the availability required for this case. When it became clear that none were suitable for the level of complexity involved, I expanded my enquiries to our local chambers and then a little further afield to ensure I was identifying someone with the right profile. I wanted to make sure the advocate could deal confidently with the interplay between safeguarding, medical evidence, seizure management, the client's Article 8 arguments and the broader best-interests framework. Through these enquiries, and drawing on my existing knowledge of his previous work, I identified that mk had the right background and style of practice for this case, particularly given his experience in Court of Protection work and his ability to handle contested medical and capacity issues. Once I had confirmed suitability in principle, I discussed this with my manager and arranged for him to be booked for the PTR and final hearing. After identifying counsel, I prepared the detailed Brief, ensuring it captured everything he would need to understand the case properly. I set out the factual history, the chronology of the proceedings, the safeguarding background, the professional evidence, and the client's position, being careful to explain areas where the evidence was disputed or internally inconsistent. I also drew out the key issues on which we required advice, primarily the best-interests balance, the viability of a supported return home, the management of risk (particularly around seizures and medication), and the sequencing of evidence through to the final hearing. This allowed counsel to understand not just what had happened procedurally, but how each part of the evidence actually shaped the realistic options available to the client.	

I made sure that the instructions were focused on what would genuinely progress the case. This involved signposting the expert evidence that was likely to be challenged, identifying the parts of the Local Authority and Trust material that required clarification, and highlighting how the client's objectives fitted into the legal framework. As I had already analysed the strengths and weaknesses of the case in my earlier work, I was able to present counsel with a clear, balanced picture of what supported the client's position and what might be used against her. I also ensured that the instructions were timed sensibly so that counsel could feed into the strategy before the pre trial review.

Throughout the process, I dealt with counsel professionally and in a way that kept both the client and my supervising solicitor properly updated. I ensured that the information shared was accurate, relevant and accompanied by the necessary documents. I clarified what we needed from counsel at each stage, advice, attendance, drafting, and made sure that his involvement aligned with the overall litigation plan. At the same time, I was mindful of procedural and ethical obligations, ensuring that the advocate was supplied with all relevant evidence, including material that did not necessarily support our position.

Overall, the evidence demonstrates that I identified at the right stage that specialist advocacy was required, followed internal protocols by consulting the firm's counsel list first, approached the market in a structured way by making enquiries locally and beyond, selected an advocate based on a well-reasoned assessment of expertise (including my knowledge of MK and his experience), and provided full and properly prepared instructions. It also shows that I understood the substantive law relating to expert evidence, how such evidence may be challenged, and the importance of clear, professional communication when dealing with counsel. The work reflects my ability to manage the instruction of an advocate in a way that supports the client's objectives while keeping the litigation on a proportionate and well-organised footing.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I could better record my reasoning and enquiries with counsel and ultimate decision to include my thought process and individual considerations for each case.

Date completed: 2026-02-07

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

Signed:

[REDACTED]

Date:

07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
4 Managing Litigation Work	EXPERTS
Redacted evidence provided and page numbers	
Click here to enter text. Expert quote 31/08/2024 pgs 261 Email to NHS dated 05/02/2024 pg 262 Preparation note date 14/06/2024 pg 263 -266 Preparation note dated 02/09/2024 pgs 267-268 Letter of instruction dated 10/09/2024 pgs 269-295 Draft order pgs 296-298	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In both the JK and MR matters, I approached the expert aspects of the litigation in the same structured, practical way that I apply to case planning more generally, identifying what the case genuinely needed, weighing the strengths and gaps in the available information, and making sure the expert evidence I sought was proportionate, procedurally sound and aligned with each client's objectives. In JK, the issues centred on capacity for residence and care in the context of long-standing mental illness, multiple DoLS assessments and fluctuating presentation. My preparatory work involved reviewing the underlying documentation, mapping what was known about risks, history and current concerns, and identifying the limitations of existing assessments. From that, I formed a clear view that a s.49 assessment through the NHS was the most appropriate step. This route was cost effective, met the procedural expectations of the Court of Protection, and ensured the assessment would be carried out by someone with established psychiatric expertise. I translated this analysis into a clear set of directions, setting out the author, timing, scope and records the expert would need. This showed my ability to identify when an expert is required, the type of expertise needed, and how to frame instructions in a manner the court could rely upon. Alongside this, in the parallel s.49 enquiry I initiated with the NHS, I ensured a focused and professionally presented request, explaining the specific decisions requiring assessment and the clinical context so the Trust could identify an appropriate expert. This reflected an understanding of when court-appointed expertise, rather than independent instruction, is the right tool, particularly where proportionality and public funding are central considerations. It also required the same skill in dealing with experts professionally, being clear about scope, timescales and relevance of the material they were asked to consider.	

The MR matter required a different, more involved approach, as the litigation friend had expressed concerns about the adequacy of the existing s.49 conclusions. I therefore broadened the scope of expert selection, reviewing multiple psychiatric CVs, analysing their experience against MR's presentation—schizophrenia, complex social needs, potential cognitive effects of cancer treatment, and the possibility of fluctuating capacity. I compared availability, turnaround times and the nature of each expert's work, and identified Dr S as the most appropriate choice. This demonstrated not only awareness of the range of expertise relevant to family practice but also the ability to evaluate and select the most suitable expert in the circumstances.

Once the expert was selected, I turned to the costings. I evaluated the quote against LAA benchmark rates, broke down the proposed hours, considered whether prior authority was needed and ensured transparency with the other parties so agreement could be reached. My emails demonstrate the professional and collaborative way in which I navigated this. The obtained quote, with detailed hourly breakdowns and realistic timescales, enabled informed decision-making for all parties and reflected my ability to negotiate an appropriate fee.

The letter of instruction I drafted for Dr S shows my ability to instruct an expert thoroughly and in line with the required legal framework. It sets out the diagnostic and functional tests, the decision-specific questions, the need for a longitudinal approach, and the client's rights and circumstances. It also ensures the expert had access to all relevant documentation, could meet with MR directly and understood their remit clearly. This shows my ability to provide full, appropriate instructions and guidance, ensuring the expert's report would withstand scrutiny and support the court's decision-making.

Throughout the email exchanges with the local authority, ICB and other parties, I maintained a professional and constructive tone, working to find agreement on expert choice, timing, costs and logistics. I also demonstrated an understanding of how expert evidence might be challenged—identifying concerns about the earlier s.49 assessment and ensuring that any new report was framed in a way that addressed those shortcomings. Internally, I used and complied with our department's Experts List, which requires manager approval for additions and directs that staff consult it first when identifying suitable experts. This ensured that my selection process met both procedural governance and best practice expectations.

Taken as a whole, the evidence demonstrates that I can identify the need for expert input, understand the range of expertise relevant to family practice, select and instruct experts appropriately, negotiate fees transparently, comply with procedural rules, provide clear and complete instructions, and work collaboratively and professionally with experts and other parties throughout the process.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I will improve recording my thought processes and decision making as to what expert and why they are the most appropriate.

Date completed: 2026-02-07

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

Signed:

Date:

07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
5 Settlement v Litigation	CONCLUDING CASES
Redacted evidence provided and page numbers	
Click here to enter text. Draft directions order with edits pgs 302-304 Preparation note dated 02/08/2024 pgs 305-306 Email exchange re costs dated 02/09/2024 pgs 307-309 Email to LA dated 16/11/2026 pg 310 File closing letter dated 13/11/2026 pgs 311-312	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. Across the different matters I have concluded, I have approached the final stages of each case with the same structured, outcome-focused method that informs the rest of my practice. In the <i>JD</i> matter, for example, the draft Directions Order I prepared and amended shows how I drafted and checked an agreed order in a way that properly reflected what the parties intended and what was needed procedurally to progress the case. My amendments ensured that the directions were proportionate, realistic in terms of evidence timetabling, and aligned with the agreed position. In that sense, the work mirrors how I analyse and plan in earlier stages: ensuring that the order is not only legally accurate but also workable for all involved. In a separate matter relating to <i>RD</i>, my closing letter to the advocacy shows how I brought the case to a clear and structured conclusion. I explained the outcome, set out the effect of the final order, clarified the basis upon which the decision had been reached, and signposted the client's future rights should circumstances change. This approach is consistent across my caseload: I make sure clients understand what the outcome means in practical terms, including next steps and any ongoing responsibilities. The tone and structure of the closing letter demonstrate my ability to turn a technical and process heavy conclusion into accessible, accurate guidance. My work implementing final orders is also demonstrated clearly in the <i>RD</i> matter, where I wrote to the Local Authority to request updated standard authorisation paperwork reflecting the condition set by the court. This illustrates that I do not treat a final order as the endpoint but rather ensure that the necessary steps are taken to put the decision into effect. I approach this by identifying what the order requires, who needs to act, and how to ensure compliance without unnecessary delay.	

In the *MR* matter, the email exchange evidences how I deal with costs issues as a case moves toward resolution. My correspondence shows that I identify the cost implications of expert instruction and the need for clarity between the parties, ensuring that decisions are taken on an informed basis. This aligns with my broader practice of ensuring that all outstanding issues, including financial and procedural matters, are tied up before a case concludes. I approach costs with the same proportionality and transparency that underpins my wider litigation work.

Although none of my Court of Protection cases has proceeded to a fully contested final hearing or produced a judgment requiring detailed analysis, I have nonetheless demonstrated an understanding of appeal procedures through my work in a mental health tribunal matter. In that case, my preparation note reviewing the written decision shows that I am able to identify potential grounds of appeal, such as inadequate reasoning or failure to address submissions, and give clients clear, balanced advice on the options. I explained the distinction between a review and an appeal, the procedural stages, the time limit, funding considerations, and the realistic outcomes. Even where the prospects of success are limited, I ensure that clients understand both the legal test and the strategic implications, in the same way I would analyse options at any other stage of litigation.

Taken together, these separate pieces of evidence show that although the majority of my cases conclude by agreement rather than judgment, I consistently carry out the full range of steps required to conclude a matter properly. I draft and check orders, communicate outcomes clearly, ensure implementation of court decisions, address costs issues proactively, and understand the rules and pathways for appealing a decision where relevant. Across different cases, my approach mirrors the analytical and proportionate style evident in my Element 4 work: identifying what is needed to close the case effectively, ensuring accuracy and compliance, and providing clients with clear, practical guidance at the point of conclusion.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

As most of my cases conclude by agreement, I have not yet had the opportunity to review or advise on a final judgment from a contested hearing in the Court of Protection and gaining experience in analysing a court issued judgment would strengthen my skills in this area. I would also benefit from exposure to enforcement work, as my current evidence relates primarily to implementing final orders rather than pursuing compliance. Additional opportunities to review and check court-drafted final orders following contested hearings would help broaden my experience of concluding cases in more complex litigation scenarios.

Date completed: 2026-02-07

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

Signed:

[Redacted Signature]

Date:

07/02/2026

Skills Logbook Sheet

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

Skills element	Learning outcome
5 Settlement v Litigation	SETTLEMENT
Redacted evidence provided and page numbers	
Click here to enter text. Advocates meeting attendance note dated 14/11/2024 pgs 316-321 Email exchange dated 24/11/2024 pgs 322-324	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In this matter, I approached settlement in a way that kept P's best interests at the centre while ensuring that the case progressed proportionately and without unnecessary delay. The evidence, both in the email exchange with the RPR/LF and in the advocates' meeting attendance note, gave me a clear picture of P's current presentation, her wishes and feelings, and the professional consensus that was forming around her placement and support. From the outset, I recognised that a contested hearing was unlikely to add anything meaningful to the outcome and risked causing P emotional disruption, additional cost and procedural delay. My correspondence shows how I tested the available evidence carefully: I reviewed the updated reports, noted that P had settled well in her new environment, and considered whether any of the remaining concerns required judicial determination, while keeping in mind that the overriding objective directs the court to deal with matters justly, proportionately and without avoidable delay. As with all cases I work on, I broke the issues down so that I could understand what genuinely needed to be resolved and what could safely be agreed. I weighed the benefits of concluding proceedings against the outstanding matters that still required clarification, particularly the ongoing monitoring of P's emotional wellbeing, her opportunities for community engagement, and how to maintain appropriate contact with family. In doing so, I took account of the RPR/LF's perspective. In this case, as in most of my work, the litigation friend was a highly experienced professional advocate who already possessed a detailed understanding of COP welfare proceedings. This meant I did not need to provide a lengthy foundational overview of litigation versus settlement options; instead, my advice was targeted at the key best-interests factors, proportionality, fairness to P, and why settlement was plainly the most appropriate and least restrictive route. The usual financial-relief concept of "open offers" does not apply in COP welfare matters, and would in any event be unfair to P; however, I remain aware of the purpose of open offers in financial remedy proceedings and apply the same underlying principles of clarity, transparency and fairness when progressing settlement discussions in this jurisdiction.	

At the RTM, I contributed in a way that moved discussions towards consensus. I clarified the conditions required to maintain P's safety and wellbeing, monitoring any objections to the placement, supporting her access to community activities, ensuring regular reviews of her mood, and maintaining appropriate contact with her husband and wider family. These conditions were proportionate, achievable and responsive to the concerns raised. I ensured that all views were explored, including the care home's observations, the family's position, the RPR/LF's assessment, and P's own expressions of how she felt day-to-day. Although ADR mechanisms such as mediation or early neutral evaluation are rarely appropriate in COP welfare cases, I nonetheless remained aware of these processes and ensured that the collaborative, problem-solving approach usually seen at advocates' meetings served the same practical purpose of achieving agreement without court intervention.

My drafting work reflects the same careful, practical approach. When proposing the final order, I ensured it captured the safeguards discussed while avoiding unnecessary burdens on the care home or restrictions on P's day-to-day life. The approach I adopted, ensuring accuracy, proportionality and clarity, is consistent with how I routinely draft and check orders in welfare matters. I also remained mindful of the cost implications throughout, recognising that extending proceedings would not benefit P and risked generating unnecessary expense for all involved. While appeals were not relevant in this matter, I am fully aware of the test for permission and the procedural requirements should such issues arise. Likewise, although enforcement was not required, I understand the steps necessary to implement or enforce agreed outcomes should compliance issues arise.

Overall, the evidence demonstrates that I identified when settlement was in P's best interests, analysed the strengths and limitations of the case, facilitated constructive dialogue between all parties and took the practical steps needed to secure an agreed, proportionate outcome. I ensured all decisions remained grounded in P's wishes and feelings, the professional evidence, and the wider views of interested parties, and concluded the matter in a way that was least restrictive and fully aligned with P's welfare needs. This reflects my usual approach: pursuing agreement wherever possible, avoiding unnecessary litigation, and ensuring that the case is progressed in line with the overriding objective, proportionality, fairness and the need to prevent delay.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

I could create a simple example of written settlement advice, even though my litigation friends are usually experienced advocates.

If a future case involves an appeal or any enforcement steps, I'll make sure to record my reasoning so I have a clear example.

Date completed: 2026-02-07

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

Signed:

[REDACTED]

Date:

7/2/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
5 Settlement v Negotiation	NEGOTIATION
Redacted evidence provided and page numbers	
Click here to enter text. Preparation note dated 20/12/2024 pgs 328-366 Telephone note dated 07/01/2025 pg 377 Email exchange & review of evidence pgs 338-340 Draft agenda pgs 341-343 Round table meeting minutes dated 13/05/2025 pgs 344-350 Draft order with edits pgs 351-357	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. I approached the case in the same structured and evidence led way that I apply across my litigation work, ensuring that everything was proportionate and focused on what would genuinely move the matter forward. My preparation note enabled me to identify the key factual issues that would shape the negotiation: the individual's increasing care needs, the patterns around memory, mobility and night-time distress, the risks associated with any attempt to return home, the limited acceptance of carers historically, the impact of community connection on her well-being, and the practical limitations of her property. By breaking this down beforehand, I was able to identify where the evidence supported negotiation movement and where the risks required cautious handling. This preparatory work ensured that the negotiation was grounded in a realistic understanding of the options, not assumptions or preferences. I then prepared and circulated a structured agenda for the round-table meeting. This set out a clear sequence, confidentiality, capacity, current circumstances, wishes and feelings, available options and whether agreement could be reached without further litigation. In doing so, I made sure that the discussion remained proportionate and that each issue was dealt with systematically. The agenda allowed participants to understand the focus of the negotiation, and it helped me keep control of the meeting in a way that avoided unproductive exchanges and kept the momentum on the key decision points. During the negotiation, I explored the underlying interests and expectations of all parties. The care provider's contributions made clear that safety, stability and a predictable routine were essential. Family representatives emphasised their concerns about the emotional and physical consequences of a failed return home and highlighted long-standing patterns	

of changing positions and difficulty accepting unfamiliar carers. The individual herself expressed a strong wish for independence, a desire for community proximity and walking-distance amenities, and a recurring belief that she could manage with minimal support. Understanding these interests allowed me to move beyond positional statements and focus instead on what would genuinely support her well-being while respecting her autonomy.

I identified and set out the strengths and weaknesses of each option. Remaining in the current placement was supported by evidence of settled behaviour, rapport with staff and a structure that mitigated risks effectively, although it did not meet her wish for greater independence. A return home had clear emotional appeal but carried significant risks relating to mobility, night-time anxiety, capacity to retain support, environmental safety and the feasibility of providing consistent 1:1 or 2:1 care. An alternative placement closer to familiar community settings could balance independence and support but required further exploration of availability, suitability and long-term sustainability. By articulating these strengths and vulnerabilities throughout the negotiation, I ensured that all parties were evaluating the options realistically.

I also framed the most and least favourable outcomes for her. The best-case scenario would achieve a workable balance between autonomy and safety, likely a less-restrictive environment closer to her community, if suitable. The worst would be an unsafe and short-lived return home, causing distress, increased risk and another unavoidable move. Positioning the negotiation within these boundaries helped ensure that decisions were grounded in welfare rather than aspiration alone.

As part of preparing for the possibility of a contested hearing, I considered the likely outcome if the matter were litigated. Based on the professional evidence and the risks documented in the preparatory material, I recognised that the court might find a continued placement appropriate unless a credible, fully costed and workable alternative was identified. This informed my approach: rather than pushing prematurely for a home trial, I sought to secure further evidence and clarity about all viable options so that any future argument would be properly supported.

Finally, I translated the negotiation outcomes into my drafting. The negotiated directions order arising from the meeting shows the steps agreed, including evidence timetables, permissions, further exploration of home-based and alternative placements, arrangements for a further RTM and listing of the case for final determination. My drafting ensured that the sequence of work was realistic, proportionate and aligned with the issues identified in negotiation, securing orders that directly reflected the progress made in the discussions.

Overall, the evidence shows that I applied proportionality, prepared thoroughly, identified interests and positions, evaluated outcomes and risks, anticipated the litigation trajectory and drafted the negotiated directions. My approach remained measured, evidence-driven and focused on moving the case forward in a way that supported the individual's objectives while ensuring her safety and best interests.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

To gain fuller evidence of negotiation “during” a hearing, I would benefit from more opportunities to conduct real-time, on-the-day negotiations at court.

Future preparation could include a more explicit written analysis of the likely court outcome to support negotiation strategy.

Date completed: 2026-02-07

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

Date: 07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
5 Settlement v Litigation	ADR (ALTERNATIVE DISPUTE RESOLUTION)
Redacted evidence provided and page numbers	
N/A	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. In approaching this learning outcome, I reflected on my awareness and understanding of the different ADR processes, mediation, early neutral evaluation, conciliation and FDR appointments, and how these fit within my wider professional experience. Although ADR is not usually relevant in the types of health and welfare applications I now manage in the Court of Protection, such as ss.15/16 MCA decisions or s.21A challenges, I am still able to identify the circumstances in which ADR is appropriate and the benefits it can offer. My previous background as a family lawyer has been particularly helpful here. In family work, I routinely referred clients to mediation as an early step when dealing with disputes around finances or child arrangements. This wasn't just procedural, although MIAMs were often mandatory, but a practical tool to de-escalate conflict and help clients find constructive, child-focused or financially workable solutions. That experience helped me develop a strong understanding of how mediation functions in practice, including the value of having a neutral facilitator guide difficult conversations and the advantages of parties retaining control over the outcome. Through that work, I also gained familiarity with other forms of ADR. For example, I have experience advising on the purpose of FDR hearings in financial remedy proceedings, where judicial indication helps parties understand the likely outcome and encourages settlement. I also understand how Early Neutral Evaluation and conciliation operate—ENE providing a structured evaluation of the strengths and weaknesses of each side's case, and conciliation involving a more interventionist neutral who may suggest solutions. My past cases showed me how each method can support settlement depending on the nature of the dispute, the dynamics between the parties and what kind of guidance they need. By contrast, ADR is rarely appropriate in my current MCA work. Most Court of Protection matters involve questions requiring judicial declarations—capacity assessments, medical evidence, safeguarding concerns and best-interests decisions—rather than issues that can be “negotiated” between parties. In s.21A proceedings, urgent liberty and safeguarding issues often mean that ADR would not be suitable or safe, and the person (P) may not have the capacity to participate meaningfully in a process such as mediation. That said, I remain able to recognise where ADR <i>could</i> assist on the periphery of a case—	

for example, where there are parallel family disputes around finances, property or contact that sit outside the CoP's jurisdiction.

Drawing all of this together, I am able to clearly explain the nature, advantages and disadvantages of the different ADR options. I can identify when ADR might be appropriate; I can advise a client on what each process involves, the likely costs and timescales, and how to access accredited mediators or evaluators. Just as importantly, I can explain when ADR is not suitable and why, particularly in the context of my current Court of Protection practice. My previous experience in family law therefore complements my current work and ensures that I meet the learning outcome by demonstrating a well-rounded understanding of ADR processes and their appropriate application.

Opportunities for further development (if any identified)

[Click here to enter text.](#)

None identified

Date completed: 2026-02-07

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

Signed:

[REDACTED]

Date:

07/02/2026



Skills Logbook Sheet

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

Skills element	Learning outcome
6 Legal Writing and Drafting	LEGAL WRITING AND DRAFTING
Redacted evidence provided and page numbers	
Click here to enter text. Email dated 11/04/2025 pgs 363-364 Email dated 12/06/2025 pgs 365-367 Email dated 07/08/2025, application and draft order pgs 368-377 Email dated 11/08/2025 pgs 378-380 Email exchange with OS dated 06/08/2025 pgs 381-385	
Explain how the redacted evidence meets the learning outcome	
Click here to enter text. My written work consistently demonstrates that I can produce clear, structured and purposeful legal drafting that moves a case forward while keeping the client's objectives at the centre of the process. Across the correspondence with the Court of Protection, the local authority, the Official Solicitor and other professionals, I communicate in a way that is straightforward, accurate and well-organised, using appropriate professional language and ensuring that each document serves a specific purpose in progressing MB's case. My emails set out complex issues such as best-interests analysis, procedural requirements, and the implications of delayed or incomplete evidence in a way that is accessible to the reader but still rooted in the legal framework, particularly the Mental Capacity Act 2005 and the requirements under s21A proceedings. At the same time, I make sure that the drafting remains focused on the reality of MB's circumstances, her consistent wish to return home, the evidential gaps that had caused procedural drift, and the practical steps required to move the case back on track. Although the evidence here primarily consists of emails and drafted orders, I also routinely draft client-facing letters and internal memos in similar matters, including written advice notes that explain legal issues in plain language for clients with varying levels of insight; which demonstrate my ability to tailor communication beyond email correspondence, shown throughout this portfolio. A key part of my written work involved identifying and communicating the core issues that were preventing progress. For example, I set out where the social worker's analysis was incomplete or legally inaccurate, highlighted failures to comply with court directions, and explained the consequences of those omissions for the timetable and for MB's Article 8 rights. My drafting is used not just to highlight problems but to present workable solutions, such as requesting comprehensive and timely statements, proposing realistic timescales for assessments, and advising on the need for the local authority to undertake full best-interests analysis rather than shifting responsibility onto the LPAs. In practice, I also	

prepare standalone written summaries and briefings—such as case strategy notes to my supervising solicitor, instructions to counsel, and client facing written advice which form part of my regular drafting practice and demonstrate my ability to produce a self contained written document with clear structure, risk analysis and recommended next steps.

Where I drafted orders or marked amendments to proposed directions, I ensured that each document had a clear structure, reflected what had actually been agreed between the parties, and excluded unnecessary or disproportionate requirements. This included refining the order to ensure the sequencing of evidence was practical, that unnecessary burdens were removed, and that the directions aligned with what the Court would realistically need in order to make progress. In doing so, I tailored the drafting so that it advanced the matter sensibly while still protecting MB's position. Although this evidence does not include tracked-change versions of the draft orders, I routinely amend and adapt precedents, both court orders and internal templates, to suit the needs of individual cases, ensuring that template documents are not used in a generic or uncritical way but reshaped so that they reflect the facts, risks and priorities of the case at hand. The same approach is reflected in my COP9 application, where I set out the basis for the application, the factual concerns driving the need for judicial intervention, and the legal framework underpinning the request, all in a manner that was clear, coherent and directed to the Court's needs.

Throughout the evidence, my drafting shows that I can adapt the tone and level of detail depending on who I am writing to, whether it is a judge, a senior case manager at the Official Solicitor's office, a social worker, or local authority legal representatives. I use email appropriately as a medium, ensuring that longer or more complex issues are set out clearly and with supporting attachments, while shorter updates are concise but still complete. I also choose alternative formats where appropriate: for example, I send formal letters where a more structured or client facing communication is required. When communicating directly with clients, I routinely simplify the material further, ensuring that explanations of risks, options and procedural steps are tailored to their level of understanding, particularly in Court of Protection matters where cognitive or capacity issues may be relevant. My written work draws the matter back to evidence rather than assumption and consistently frames the issues in a way that helps others understand what is needed and why. For example, when summarising the care notes and witness statements, I extracted the key factual points relevant to capacity, risk and the feasibility of a home trial, presenting them in a way that supported best-interests reasoning and enabled the litigation friend to provide informed instructions.

Overall, the evidence shows a consistent ability to draft documents that are accurate, well-structured and purposeful, using modern and plain English while still addressing the legal and procedural issues with precision. My written work identifies the client's priorities, sets out the risks and practicalities clearly, and advances the matter in a structured, proportionate and strategically sound way. Taken together, both the included evidence and additional explanations demonstrate that I can apply the principles of good writing and drafting in a way that meaningfully supports case progression and protects the client's interests.

Opportunities for further development (if any identified)

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None identified

Date completed: 2026-02-07			
I confirm that the information contained on this form is accurate to be best of my knowledge and belief.			
Signed:		Date:	07/02/2026