

# Court of Protection

Thursday, 8 November 2018

9.00am - 3.40pm

Dartington Hall, Devon

**St John's Court of Protection team, Wolferstans Solicitors and sponsors, St James's Place Wealth Management and Flagstone welcome you to their 'Court of Protection' conference hosted at Dartington Hall.**

This one day conference is designed for all private client and COP lawyers, together with any case managers, charities, local authorities and anyone interested in this area of work, including personal injury and clinical negligence lawyers who have any involvement with the Court of Protection. The legal climate and environment for vulnerable adults is rapidly evolving, and this conference will look at the changing face of incapacity and litigation, and what it means for those of us working in this area, including where we act as Deputies, Trustees and Attorneys.



**ST. JAMES'S PLACE**  
WEALTH MANAGEMENT

**FLAGSTONE**  
THE SMARTER CASH PLATFORM

# Programme

**9.00 - 9.25am Registration and refreshments**

**9.25 - 9.30am Welcome and introduction**

*Samantha Buckthought, Panel Deputy, Wolferstans*

**9.30 - 10.15am Update on regionalisation and practice, including recent developments in practice**

*District Judge Louise O'Neill*

*Nominated Judge for Court of Protection since 2016*

*1989 to 2016 Barrister. Practice in Court of Protection matters*

**10.15 - 11.00am Dementia and the capacity to marry**

*Abigail Bond, Barrister, St John's Chambers*

**11.00 - 11.15pm Refreshment Break**

**11.15 - 12.00pm Participation starts with P: Using research to enhance practice**

*Professor Penny Cooper, Barrister, PhD*

Psychological research and resources: How to improve communication with P

- Case management: Guidance, planning and ground rules hearings
- Special/ extra special measures: A handy guide to the pros and cons

**12.00 - 1.00pm Lunch**

**1.00 - 1.30pm Proportionality in the Court of Protection**

*Workshop Session*

*Andrew McAulay, Partner, Clarion Solicitors*

Andrew will consider the revised test of proportionality which was introduced in 2013, how that test is now starting to have an impact on Deputyships costs and share practical ways for Deputies to protect their claims for costs from the revised test.

**1.30 - 2.00pm Paying for care and local authority disputes**

*Workshop Session*

*Chloe Scarr, Associate Solicitor, Martin Searle Solicitors*

What the private client lawyer needs to know about local authority care funding issues under the Care Act 2014. Chloe will discuss common issues in dispute such as challenging personal budgets and financial assessments, top ups, property disregards, NHS funding sources and s117 aftercare.

**2.00 - 2.15pm Refreshments**

# Programme

**2.00 - 2.15pm**

**Refreshments**

**2.15 - 2.45pm**

*Workshop Session*

**Challenges of welfare reform for Deputies and Appointees**

*Lorraine Podmore, Richardson Laine*

An overview of the responsibilities placed on Deputies regarding managing welfare benefit entitlement, and some of the challenges and common problem areas for Deputies and Appointees, brought by the Welfare Reform Act 2012, specifically relating to sickness and disability benefits. Risk, limiting loss, and maximising income for claimants.

**2.45 - 3.15pm**

*Workshop Session*

**Mediation of Court of Protection cases**

*Alex Troup, Barrister, St John's Chamber's*

Alex will lead a discussion on mediation as a tool for resolving Court of Protection cases, taking into account the proposal for a Court of Protection mediation scheme.

**3.15 - 3.25pm**

**Flagstone, an introduction**

**3.25 - 3.40pm**

**Q&A Session**

**3.40 pm**

**Drinks & Networking Reception**

## Presenters



**Alex Troup, Barrister**  
(Call 1998)  
**St John's Chambers**

Alex has been described by peers as an exceptional chancery barrister who is adept at handling Court of Protection work. He has been instructed in a wide variety of Court of Protection cases, for the most part involving property and affairs disputes, including in particular contested LPA and deputyship applications, applications for authorisation of inter vivos gifts, statutory wills, and cases involving allegations of financial abuse. Alex is also an experienced mediator with particular experience of dealing with cases involving mental capacity issues and the Court of Protection.

*"Alex's calm but authoritative manner make him ideal for managing difficult situations effectively. 'He adeptly navigates the very tricky waters in family relationships.' "*

**CHAMBERS UK, 2018**  
COURT OF PROTECTION



**Abigail Bond, Barrister**  
(Call 1999)  
**St John's Chambers**

Abigail specialises in Children Law, with a particular emphasis on care and placement proceedings where she represents parents, children and local authorities in a wide range of cases including those involving allegations of inflicted injury and serious sexual abuse. The Legal 500 describe her as *"very experienced in multi-handed public law cases"*

**LEGAL 500 2017**  
FAMILY & CHILDREN LAW

She is often instructed in cases involving vulnerable parties and those raising issues of litigation capacity and/or witness competence. In addition, she handles Court of Protection work. Her latest article, 'Dementia and the Capacity to Marry' has just been published at [2018] Fam Law 435.



**Professor Penny Cooper**  
**Barrister (Call 1990)**  
**PhD**

Called to the Bar in 1990, a professor since 2009, Penny is described as having "revolutionised the way in which courts approach vulnerable people". Penny is widely known for devising the English witness intermediary model, The Advocate's Gateway and Ground Rules Hearings. At 39 Essex Chambers, she advises on participation of those with complex needs and on appeals in cases where participation was not effective. Penny teaches judges and lawyers around the world. She has two sons, one of whom has ASD.

## Presenters



**Chloe Scarr**  
**Martin Searle Solicitors**

Chloe is an experienced Community Care Law Associate Solicitor at Martin Searle Solicitors and leads the firm's Services for Professional Deputies and Attorneys. Chloe speaks at conferences for both legal and financial professionals and is a guest lecturer for various professional learning & development providers including MBL and SFE.

Chloe has particular expertise in:

- Services for Professional Deputies
- Mental Capacity Law, DoLS & Best Interests
- Planning & Paying for Care



**Andrew McAulay, Partner**  
**Clarion Solicitors**

Andrew is the highly respected and professional leader of the Clarion costs and litigation funding team. Andrew created the team in 2011 and has successfully grown it to be a nationally recognised service. The team now consists of 15 people and acts for 150 law firms across the UK. It is the biggest in-house legal costs team (with an external offering) in the UK. The team have a specialist Court of Protection division which prepares circa. 2,000 Court of Protection bills each year and acts for 50% of the Court approved Panel Deputies.

Andrew is a qualified costs lawyer and mediator and is a member of the Association of Costs Lawyers (ACL).



**Lorraine Podmore, Director/  
Welfare Benefits Consultant**  
**Richardson Laine Limited**

Lorraine provides specialist welfare benefits services and has experience of delivering, developing and managing services across the private, charitable, and public sectors which spans two decades. She provides specialist welfare benefits services to vulnerable individuals and their families in a variety of life changing circumstances, often due to accidents, injuries, or other health problems, supporting them through the benefits system, and dealing with issues from basic benefit entitlement to more complex benefit challenges and appeals.

She has experience of working with people affected by cancer and has undergone specialist training in working with individuals with neurological conditions.

Lorraine currently works with a wide variety of professionals including Court of Protection Appointed Deputies and Personal Injury and Clinical Negligence Solicitors.