

UPDATE ON THE COURT OF PROTECTION AND OFFICE OF THE PUBLIC GUARDIAN

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Senior Judge of the Court of Protection

COURT STATISTICS

Here are the Court of Protection's statistics for the last six calendar years:

	2009	2010	2011	2012	2013	2014
Applications under the MCA 2005	19,903	20,459	23,538	24,877	24,923	26,272
Property and affairs deputies appointed	9,982	9,437	12,042	12,563	14,209	14,130
Health and welfare applications issued	1,531	1,283	1,060	1,285	1,230	1,710
Health and welfare orders issued	182	218	589	835	961	1,152
Health and welfare deputies appointed	112	106	136	101	205	186
London hearings	473	472	502	909	819	715
Regional hearings	783	757	575	643	641	1,037
EPA objections	483	298	225	185	137	146
LPA objections	81	98	107	77	106	80
LPA severance applications	213	112	412	1,200	927	936
New trustee applications	294	412	657	800	930	1,046
Statutory wills and gift applications	593	517	550	589	644	598

These statistics reveal that:

1. The overwhelming majority (93%) of Court of Protection applications

involve property and affairs matters.

2. Roughly the same percentage - 92.85% - of applications to the court are uncontroversial and can be dealt with on the papers alone. Only 7.15% of cases require an attended hearing.
3. Only 1.3% of deputies are health and welfare deputies. There is generally no need for such an appointment because of the provisions of section 5 of the Mental Capacity Act 2005, which broadly is a general authority to act reasonably, and the fact that most health and welfare decisions are a collaborative process between family members and care staff or health professionals. As Mr Justice Jonathan Baker observed in *G v E* [2010] COPLR Con Vol 470, at paragraph 57:

“The Act and Code are, therefore, constructed on the basis that the vast majority of decisions concerning incapacitated adults are taken informally and collaboratively by individuals or groups of people consulting and working together. It is emphatically not part of the scheme underpinning the Act that there should be one individual who as a matter of course is given a special legal status to make decisions about incapacitated persons. Experience has shown that working together is the best policy to ensure that incapacitated adults such as E receive the highest quality of care. This case is an example of what can go wrong when people do not work together.”

OFFICE OF THE PUBLIC GUARDIAN (OPG) STATISTICS

The *Office of the Public Guardian Annual Report & Accounts 2013-2014* was published on 10 July 2014. Page 10 gives the following figures for the registration of powers of attorney:

Received	2012/13	2013/14	% Growth
LPA	242,000	295,000	22%
EPA	18,000	16,000	-11%
Total	260,000	311,000	20%

The number of cases in which the OPG is required to supervise the deputy increased from 45,000 to 49,000 in the financial year 2013/14; an increase of 9% (see below)

The OPG administers the panel of deputies, on which the Court of Protection draws in cases where no suitable person is willing or able to act as deputy. 726 deputyship appointments were made from the panel in 2013/14.

Court of Protection Visitors completed 10,589 visits during the year.

The Investigations and Safeguarding Unit received a total of 2,200 new safeguarding referrals. Following risk assessment, 628 cases were accepted for full investigation, and 229 applications were made to the Court of