

Witness statement

Statement given by (name of witness)

e.g. Mrs Sally Mary Jones

Statement

 1st 2nd 3rd Other _____

Filed on behalf of (name of party)

e.g. West Farm Local Authority

Date statement was made

e.g. 06.06.2016

Case no.

12345678 (if known)

Full name of person to whom the application relates
(this is the person who lacks, or is alleged to lack capacity)

Mr Peter Francis Frederick Blythe

Please read first

- If you are filing written evidence with the court then it should be included in or attached to this form.
- If the court requires that evidence be given by affidavit then you need to use the COP25 affidavit form.
- You must initial any alterations to the witness statement.
- A document referred to in a witness statement and provided to the court is known as an exhibit. Each exhibit must be identified in some way (e.g. 'Exhibit A'). The first page of the exhibit must contain all of the information provided in the box in the top-right corner of this page.
- Practice Direction A accompanying Part 14 of the Court of Protection Rules 2007 sets out more detailed requirements in relation to witness statements.
- Please continue on a separate sheet of paper if you need more space to provide your witness statement. Please mark each separate sheet with all of the information provided in the box in the top-right corner of this page.
- For assistance in completing the form please see guidance notes and website: www.gov.uk/court-of-protection
- Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

Witness statement

1 Enter your full name

I, **1** Mrs Sally Mary Jones

2 Enter your occupation or description

2 Social Worker

3 Enter your full address including postcode or, if making the statement in your professional, business or other occupational capacity, the position you hold, the name of your firm or employer and the address at which you work

of **3** West Farm
Main Offices
Town Square
B2 B22

am a party to the proceedings

am employed by a party to the proceedings

and state that:

4 Set out in numbered paragraphs indicating:

- which of the statements are from your own knowledge and which are matters of information or belief, and
- the source for any matters of information or belief.

Where you refer to an exhibit, you should state the identifier you have used. For example, 'I refer to the (description of document) marked Exhibit A...'

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1. My Role:

1.1 I am a social worker employed by West Farm. I am submitting this evidence on behalf of the Local Authority, as their authorised representative. I have been employed in my current role for 3 years and 9 months, having qualified 4 years ago.

2. The involvement of the Local Authority:

2.1 The Local Authority has known P for the last 5 years, when he first moved into the area with his family. During this time several assessments have been carried out and the Local Authority currently provides P with a care package totalling 35 hours each week.

2.2 The Local Authority carries out statutory reviews of the support provided and, in my role as P's social worker I maintain regular wellbeing visits at a frequency of 2 per month.

3. The reasons behind the application:

3.1 P has a diagnosed learning disability and some mental health issues. His capacity to make major decisions fluctuates but he is normally able to make most day to day choices with some support from others.

3.2 P currently lives with his family in their home. They have been finding it more and more challenging to support P as, due to their old age they are now experiencing many health issues in their own right.

3.3 P can no longer stay in the family home and a mental capacity assessment has deemed him unable to make his own decision about where to live (Exhibit A).

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3.4 P's family have strong views that he should be supported in a care home. The Local Authority has identified 2 available options. One of these is a care home and the other is a supported living scheme. The Local Authority is of the view that it would be in P's Best Interests to live in the supported living scheme, but his family are unwilling to consider this. P is indicating from his behaviour that his preferred option is also the supported living scheme.

3.5 This application is therefore being made because;

- a) There is disparity between the wishes and feelings of P and his family;
- b) There is disagreement between what is in P's Best Interests; and
- c) Despite the Local Authority taking reasonable steps to resolve the disagreement this has not been possible.

4. The order or direction being sought

4.1 The application is seeking a determination that;

- a) P lacks capacity to make a decision about where to live; and
- b) That it is in P's Best Interests to live in the supported living scheme.

4.2 The application is seeking an order that;

- a) P should move from his parent's address to the proposed supported living scheme.

5. The benefit to P

5.1 If the order is made, P will benefit because;

- a) He will have more control over his everyday decisions;
- b) He will have opportunities to learn new skills;
- c) He will develop his social skills from being in regular contact with others;
- d) He will have an improved relationship with his parents.

6. Whether or not the benefits can be achieved another way

6.1 The Local Authority does not believe that the benefits can be achieved any other way than through the order it is seeking. P's family continue to express strong views and decline to explore other options, despite the Local Authority taking reasonable steps to support them to do so. This has included listening to their concerns, trying to explore the benefits and risks of both options equally and appointing an advocate to represent P.

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Statement of truth

The statement of truth is to be signed by the witness.

I believe that the facts stated in this witness statement are true.

Signed

Name

Date

Please return the completed witness statement to the Court of Protection

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