Court of Protection

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| --- |
| Statement given by (name of witness) |
| Statement1st 2nd 3rd Other  |
| Filed on behalf of (name of party) |
| Date statement was made |

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| COP24 |
| 12.17 |

# Witness statement

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|  |  |  |  |

London Borough of Hillingdon

|  |
| --- |
| Case no. |
|  |
| Full name of person to whom the application relates(this is the person who lacks, or is alleged to lack capacity) |

Mrs XXX

## 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 2017 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](http://www.gov.uk/court-of-protection)

* Court of Protection staff cannot give legal advice. If you need legal advice please contact a solicitor.

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# Witness statement

I,

|  |  |
| --- | --- |
|  **1**  | Enter your full name |

Social Worker

|  |  |
| --- | --- |
|  **2**  | Enter your occupation |
| or description |

of

London Borough of Hillingdon, 3W, Civic Centre, High Street, Uxbridge, UB8 1UW

|  |  |
| --- | --- |
|  **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 |

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...’ |

1. I am P's allocated social worker and have been since [INSERT DATE]. I am employed by the London Borough of Hillingdon in its [INSERT NAME OF TEAM] and am authorised to make this statement in support of its position.
2. My relevant professional qualifications are as follows:

|  |  |
| --- | --- |
| Qualification | Date obtained |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |
|  |  |

1. My role involves intervening to provide support and safeguard some of our borough's most vulnerable residents. I am experienced in assessing needs pursuant to Care Act 2014 and developing appropriate packages of support to meet them. I also have experience in working with the Mental Capacity Act 2005. I routinely carry out capacity assessments and, where they cannot be supported to make decisions for themselves, work to make decisions on their behalf and in their best interests.
2. Hillingdon is one of London's largest boroughs with a diverse population. I am experienced in working with individuals from different cultures and backgrounds.
3. I addition to experience from my current role, I have experience in working with and supporting individuals with [INSERT RELEVANT EXPERIENCE AND SPECIALISMS]

**Order sought**

1. The local authority seeks an order that it is in P's best interests to reside and receive care at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.
2. The local authority seeks that P resides at \_\_\_\_\_\_\_\_\_\_\_\_\_ pending investigations as to the options for his/her residence and care and further order of the court.

**P's details and background**

1. P is an [INSERT AGE] [INSERT GENDER] with diagnoses of [INSERT RELEVANT DIAGNOSES]. He/she is assessed as requiring support with the tasks of day to living.
2. ­P resides in his/her own home at [INSERT ADDRESS ] together with [INSERT NAMES OF PEOPLE P RESIDES WITH].
3. [INSERT DETAILS ABOUT P's LIFE AND PAST]

**Explanation of why the order sought is required**

1. The above order is sought in order to safeguard P from harm and provide the appropriate level of care and support in order to meet her assessed community care needs.

**Nature of the dispute**

**[THE BELOW PARAGRAPHS IN THIS SECTION ARE AN EXAMPLE ONLY - THEY WILL NOT APPLY TO EVERY CASE - YOU WILL NEED TO SUMMARISE THE RELEVANT FACTS OF YOUR CASE]**

1. The local authority is concerned about P's welfare. In particular, the local authority is concerned that he/she is at risk of serious harm.
2. The local authority has longstanding concerns as to the standard of care P has been receiving in his/her own home. A particular
3. On 18 July 2018 local authority social workers attended P's home. The purpose of the visit was conduct a welfare check on P. P'S carers had made a referral to the social work team raising a concern that they had not been able to gain access to the property and were obstructed from doing so by P's son, Mr X.
4. P was found by the social work team to be in a precarious situation and an ambulance was called. P was lying on the kitchen floor and appeared to be dehydrated. It appeared that she had been lying on the floor for some time. Plates and a garden shears were resting on the floor near where she lay.
5. P was conveyed to hospital and is currently receiving treatment on ward. The local authority is very concerned about P's welfare. There are longstanding concerns around P's wellbeing and in particular the ability to deliver care at the property in the face of difficult behaviours from her son. P's life was placed in danger by her being left on the floor, she requires a safe environment where she can receive care and support while matters are fully investigated. Mr X has previously objected to any suggestion that his mother reside away from the family home.

**Key people/organisations involved in the case**

 **Family and Friends of P**

|  |  |  |
| --- | --- | --- |
| **Name of individual**  | **Nature of their involvement** | **Views on P's residence and care** |
| Mr X | P's son. Mr X lives with P in her home and has, to date, been her main carer.  |  |
| [Details of other family members] | [Details of their involvement] |  |
| [Details of other family members] | [Details of their involvement] |  |

**Social Work Team**

|  |  |
| --- | --- |
| **Name of individual**  | **Nature of their involvement** |
| Mr Social Worker (London Borough of Hillingdon) | P's allocated social worker |
| Ms Social Worker (London Borough of Hillingdon) | Has visited P on a number of occasions. |

**Carers**

|  |  |  |
| --- | --- | --- |
| **Name of individual**  | **Nature of their involvement** | **Views on P's residence and care** |
| [Details of CARERS] | [Details of their involvement] |  |
| [Details of CARERS] | [Details of their involvement] |  |

**Health Professionals**

|  |  |  |
| --- | --- | --- |
| **Name of individual**  | **Nature of their involvement** | **Views on P's residence and care** |
| [Details of GP] | [Details of their involvement] |  |
| [Details of SECONDARY CARE/CONSULTANT] | [Details of their involvement] |  |

**What is expected of P's family/other connected persons**

1. The local authorities concerns are, for the main, focused upon P's son, Mr X.
2. The local authority has the following expectations of him:

|  |  |  |
| --- | --- | --- |
| **Expectation** | **Support available** | **How progress could be measured** |
| P to receive appropriate support to meet her care needs. | * The local authority is able to commission a package of care on P's behalf.
* Mr X can be provided with a carer's assessment to identify what support he might be entitled to (respite etc.)
 | Regular visits from the social work team/carers |
| Mr X to cooperate with carers, social work and health professionals | * Allowing access to the property to see P
* Not becoming abusive or aggressive towards social work staff
 | Reports from professionals |
| P to receive a safe and habitable home environment | * The local authority is able to commission a package of care on P's behalf.
* Mr X can be provided with a carer's assessment to identify what support he might be entitled to (respite etc.)
* Mr X may have his own community care needs. He could be provided with a needs assessment to identify the support he might be entitled to within the home.
 | Visits from the social work team or from carers |
| Mr X to provide full disclosure as to the circumstances leading to P being found on the floor on 18th July 2018 | * Mr X to obtain independent legal advice
 | Through court proceedings |

1. The above table is intended as a guideline for Mr X to work to. It is not confirmation that the local authority would advocate for P to return home with Mr X as her main carer should these requirements be met.
2. The local authority is very concerned about the incident which occurred on 18 July 2018. The risk posed to P needs to be fully understood before a decision can be reached as to the longer term arrangements for her residence and care.

**Chronology of Local Authority involvement**

|  |  |
| --- | --- |
| **Date**  | **Event/concern** |
| 24/02/2016 | Telephone call from Z, ex wife. Z made a safeguarding referral. She was worried that Mr P is violent, and aggressive to Mrs XXX. She relayed that on Christmas Day, Mr P took Ms XXX out for dinner and he was drunk. Mr P pushed Ms XXX out of her chair and there was an incident Mr P threw a pillow at Mrs XXX's face. She also raised issues regarding Mrs XXX's nutritional needs not being met. Z also relayed that Mr P does not take Mrs XXX to the GP, does not help Mrs XXX with activities of daily living and that when they were together he was physically aggressive towards her. |
| 22 June 2017 | P is found wandering at near her house at the shops.  |
| 22 July 2017 | P is taken home by police after being found in Hayes town. Mr P did not know she was missing. |
| 13 August 2017 | P is found on the 195 bus at Hayes and Harlington Station |
| 18 October 2017 | A safeguarding referral is received from the Occupational Therapist at the Memory Clinic. P is reported to have a bruise to her face. |
| 10 November 2017 | P is found on Bus at Lombardy Retail Park |
| 19 December 2017  | P is found in Shakespeare Ave |
| 1 January 2018 | Allegation of physical harm made against the son. Allegation is immediately withdrawn, the Police at the scene could not see any evidence of injury. |
| 11 February 2018  | P is found at Airpark Way in Feltham on the bus |
| 12 February 2018 | P leaves pub alone while Mr P is in the toiley |
| 16 March 2018 | P is found at Sainsbury's, York Road looking confused |
| 18 July 2018 | Welfare check is conducted on P following reports that carers have been unable to gain access to the property. P is found lying on the floor in a dehydrated state and conveyed to hospital. |

**P's community care needs**

1. I exhibit to this statement P's current needs assessment marked "SW1". The assessment was completed on [INSERT DATE OF ASSESSMENT]**.**
2. In completing my assessment I considered whether P is able to achieve the outcomes specified in the Eligibility Regulations without support. A summary of my findings is set out in the table below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Outcome**  | **Met?** | **Difficulties/Strengths** | **Support required to meet the outcome (can this be achieved with prompting or does the task need to be completed by another?)** |
| Managing and maintaining nutrition |  |  |  |
| Maintaining personal hygiene |  |  |  |
| Managing toilet needs |  |  |  |
| Being appropriately clothed |  |  |  |
| Maintaining a habitable home environment |  |  |  |
| Being able to make use of the home safely |  |  |  |
| Developing and maintaining family or other personal relationships |  |  |  |
| Accessing and engaging in work, training, education or volunteering |  |  |  |
| Making use of necessary facilities or services in the local community including public transport and recreational facilities or services |  |  |  |
| Carrying out any caring responsibilities the adult has for a child |  |  |  |

1. I consider that without support to meet the above outcomes there is likely to be a significant impact on P's wellbeing and in particular her [DELETE AS APPROPRIATE]:
2. personal dignity (including treatment of the individual with respect)
3. physical and mental health and emotional wellbeing
4. protection from abuse and neglect
5. control by the individual over day-to-day life (including over care and support provided and the way it is provided)
6. participation in work, education, training or recreation
7. social and economic wellbeing
8. domestic, family and personal relationships
9. suitability of living accommodation
10. the individual’s contribution to society

**Care Plan**

1. I attach a copy of P's current support plan dated [INSERT DATE] as an exhibit to this statement marked "LM2".
2. In order to meet her assessed community care needs P would need a package of support consisting of, as a minimum: [SUMMARY OF POC REQUIRED]

**P's Health Needs**

1. P has the following diagnoses:

|  |  |  |
| --- | --- | --- |
| **Diagnosis** | **Date diagnosed (if known)** | **Medicine/Treatment received**  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |
|  |  |  |

|  |  |
| --- | --- |
| **Is P currently administered medication covertly?** | Yes [ ]  No [ ]  |
| **If yes, has the guidance in AG v BMBC & Anor [2016] EWCOP 37 been followed?**  | Yes [ ]  No [ ]  |
| **Details of steps taken to comply with the guidance in AG** |

**Risk of harm to P**

1. I consider that P is at risk of serious of harm as set out in the table below:

|  |  |  |
| --- | --- | --- |
| **Harm** | **Arising from** | **Evidenced by** |
| Neglect | Being unable to meet her own community care needs and not receiving care and support to meet her community care needs.  | * Needs assessment demonstrates P is unable to meet her own personal care needs without the support of others.
* Carers and the social work team have observed P to be inappropriately dressed on occasions and it is unclear whether her personal care has been attended to.
* Carers and the social work team have had difficulties in obtaining access to P in order to provide support. P's son has been reluctant to allow carers into the property in the past.
* Property is observed to be in a poor condition. P is unable to maintain a sanitary environment for herself. This places her at risk of ill health and infection.
 |
| Malnutrition | Being unable to meet her own community care needs and not receiving care and support to meet her community care needs. | * Needs assessment demonstrates P requires support in order to ensure she meets her nutritional requirements.
* P has been observed by the social work team and carers to be of very slight build and it is unclear whether she would eat but for the care and support delivered by her carers.
* Carers and the social work team have had difficulties in obtaining access to P in order to provide support. P's son has been reluctant to allow carers into the property in the past.
 |
| Physical harm | Being unable to perceive risks within the surrounding environment or from others and not receiving adequate supervision in respect of the same. | * P's needs assessment demonstrates she lacks insight into the risks posed by the environment or by others.
* P has been found lost and confused in the community on several occasions.
 |
| Physical Harm (possible neglect of a vulnerable adult/assault) | Possible neglect or assault perpetrated by another | * P was found by social work staff in the home on the floor and in what appeared to be a dehydrated state. It is unclear whether she fell and was not supported to receive assistance or whether she was pushed.
* Concerns have been referred to the local authority that P's son, Mr P has acted in a physically aggressive towards P and others on previous occasions.
* P was previously observed with a bruise to her face in October 2017 which was alleged to have been perpetrated by Mr P.
 |

1. In my view P is at risk of serious harm should she not receive the care and support required to meet her assessed needs. She also requires a safe and suitable environment in which to receive this support.
2. It is unclear as to how P came to be in the precarious circumstances she was found in on 18 July 2018. How this happened and the action needed to prevent reoccurrence needs to be identified.

**Safeguarding Episodes**

1. The local authority is the relevant safeguarding authority for P pursuant to sections 42-46 Care Act 2014.
2. Details of safeguarding episodes relating to P are set out below:

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Referral | Allegation | Person Alleged to Have Caused Harm | Summary of Outcome |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Referral | Allegation | Person Alleged to Have Caused Harm | Summary of Outcome |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Referral | Allegation | Person Alleged to Have Caused Harm | Summary of Outcome |
|  |  |  |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Date of Referral | Allegation | Person Alleged to Have Caused Harm | Summary of Outcome |
|  |  |  |  |

**Authoriations granted under Schedule A1 Mental Capacity Act 2005**

|  |  |
| --- | --- |
| **Is P currently the subject of a Standard Authorisation ?** | Yes [ ]  No [ ]  |
| **If yes, when does it expire?** | [INSERT DATE]  |
| **Have the conditions of placed upon the Standard Authorisation been complied with**  | Yes [ ]  No [ ]  |
| **Details of steps taken to comply with conditions** |

**Compliance with PD 3.B paragraph 2.2 (Welfare Pathway Pre-issue stage)**

1. Given the urgency caused by the circumstances in which P was found it has not been possible to comply with practice direction. Mr P has been notified of our intention to issue proceedings but it has not been possible to hold a best interests meeting.

**P's capacity**

1. I assessed P's capacity to make decisions in respect of her residence and care on [INSERT DATE]. I do not believe P has capacity to make this decision for herself. I have filed a separate form COP3 within these proceedings.
2. I have been unable to assess P's litigation capacity

**How P can be involved in these proceedings**

1. If P lacks capacity to litigate she will need a litigation friend to be appointed on her behalf. I do not consider it appropriate for her son to take on this role given the allegations against him. Absent any other suitable individual I believe the Official Solicitor to be the litigation friend of last resort.

**Best Interests**

Decisions to be made on P's behalf

1. The decision to be made on P's behalf is:
	1. In the interim, the arrangements for P's residence and care that are in her best interests.

Realistic options available to P

1. In respect of where she should live, the options available to her in the interim are:
	* 1. To return to live at her home;
		2. To reside in a residential setting;
		3. To reside at [INSERT DETAILS]

Whether it is likely that Mrs XXX will at some time have capacity in relation to the matters in question:

1. P has a diagnosis of dementia. Her cognitive functioning is likely to continue to deteriorate and there is no prognosis of recovery. It is unlikely P will ever regain capacity in relation to the matters in question

P's past and present wishes and feelings

1. [SET OUT P'S WISHES AND FEELINGS].

Beliefs and values that would likely influence the decision if Mrs XXX had capacity

1. P is of [INSERT DETAILS] heritage. Her religion is [INSERT DETAILS].

Other factors that P would be likely to consider if she were able to do so

1. I consider that if P had capacity, she would be likely to consider the following in respect of the matters at hand:
	1. The care and support available at her own home in the context of her community care and health needs;
	2. The care and support available at [INSERT DETAILS] in the context of her community care and health needs;
	3. The suitability of her living environment both at her own home and at [INSERT DETAILS];
	4. Her son's insight as to her needs and his ability to meet those needs; and
	5. Concerns raised in respect of her son;

The care and support available at P's home in the context of her community care and health needs

1. [INSERT DETAILS]

The care and support available to P at [INSERT DETAILS] the context of her community care and health needs

1. [INSERT DETAILS]

The suitability of her living environment both at home and at [INSERT DETAILS]

1. [INSERT DETAILS]

Mr P's insight as to his mother's needs and his ability to meet those needs

1. [INSERT DETAILS]

Concerns raised in respect of Mr P

1. [INSERT DETAILS] How Mrs XXX presents after contact

**Balance Sheets**

Where P should live

|  |
| --- |
| Living at home |
| Positives | Potential Risks/ Negatives |
|  |  |
|  |  |
|  |  |
|  |  |
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|  |  |
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|  |
| --- |
| Living at [INSERT DETAILS] |
| Positives | Potential Risks/ Negatives |
|  |  |
|  |  |
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|  |  |
|  |  |
|  |  |
|  |  |

**Conclusion**

1. [INSERT CONCLUSION ON INTERIM BEST INTERESTS]

## 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 Dated

**Please return the completed witness statement to the Court of Protection**