

NEWS IN BRIEF

Best interests in the Court of Protection

Alan v David [2015] EWCOP 23 involved a dispute as to who should act as the patient's (P's) deputy. P's son-in-law, David, who had provided assistance to her for some years, requested that Croydon County Council be appointed deputy. This was supported by two of his children. However, one of his sons, Alan, and his wife, Donna, objected and applied to be appointed as P's personal welfare and property and affairs deputies.

The court held it would not be in P's best interests to appoint Alan and Donna on account of the hostilities that existed between them, the rest of the patient's family, and the care home staff. The court was also suspicious of Donna's motives, due to the inflammatory and hysterical nature of the submitted documents, accompanied by a high frequency of phone calls to the court. The council was appointed as the deputy for property and affairs.

The court also dismissed the application for a personal welfare deputyship on the basis that the application was neither necessary nor well founded. A health and welfare decision was a collaborative one between those with an interest in the welfare of the patient. Working together is the best policy to ensure incapacitated adults receive the highest quality of care. In this case, Alan and Donna had shown they had no intention of collaborating with family members, the care staff, or social services.

If you would like a free initial consultation then contact me Chris Berry at: BERRYS SOLICITORS specialising in PRIVATE CLIENT CARE.

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