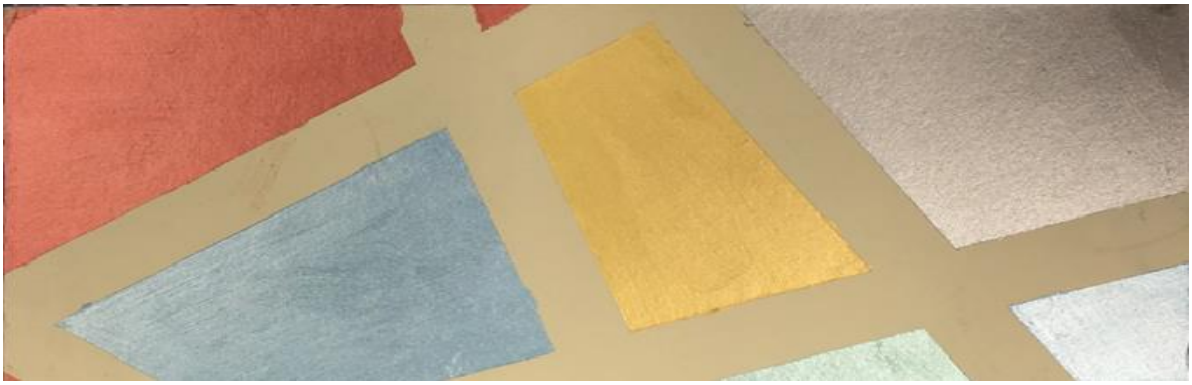
MENTAL CAPACITY REPORT: PRACTICE AND PROCEDURE

November 2019 | Issue 99



Welcome to the November 2019 Mental Capacity Report. Highlights this month include:

(1) In the Health, Welfare and Deprivation of Liberty Report: two deprivation of liberty cases making clear what should (and should not) happen before the court; two important cases about reproductive rights and capacity, and capacity under stress in different contexts;

(2) In the Property and Affairs Report: welcome clarity as to how to make foreign powers of representation effective; and capacity and the financial implications of marriage;

(3) In the Practice and Procedure Report: two important judgments from the Vice-President highlighting different aspects of case management and confirmation as to the procedural rules governing inherent jurisdiction applications in relation to adults;

(4) In the Wider Context Report: news from the National Mental Capacity Forum (and a survey they need completing); an important case about the intersection of capacity, the inherent jurisdiction and the Mental Health Act 1983 in the context of force-feeding; and when you can rely upon your own incapacity to your benefit.

(5) In the Scotland Report: four important publications from the Mental Welfare Commission.

You can find all our past issues, our case summaries, and more on our dedicated sub-site here. If you want more information on the Convention on the Rights of Persons with Disabilities, which we frequently refer to in this Report, we suggest you go to the Small Places website run by Lucy Series of Cardiff University, where you can also find clear guidance as to the (non) place of mental capacity in relation to voting, ahead of the deadline for registration in the General Election of 26 November.

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The picture at the top, "*Colourful*," is by Geoffrey Files, a young man with autism. We are very grateful to him and his family for permission to use his artwork.

Contents

Court of Protection User Group

The minutes of the most recent meeting, held on 15 October, have now been published and can be found here. One quite striking issue raised relates to community deprivation of liberty applications. The total number of such applications awaiting determination is presently 2,015 with the oldest being 8 months old. Additional judicial resources have been secured, and the minutes record Senior Judge Hilder's hope that the backlog will be cleared before the LPS scheme is implemented

Case management and expert evidence

London Borough of Southwark v NP & Ors [2019] EWCOP 48 (Hayden J)

Practice and procedure – case management

Summary[1]

This case, concerned with the welfare of a 17 year with cerebral palsy and atypical anorexia, is of interest on the facts for the way in which the court had to consider the complexity of a relationship between a mother and daughter and the influence of the latter upon the former. It is of broader significance for the observations made by the Vice-President, Hayden J, about case management.

Hayden J was concerned that the young woman's treating psychiatrist who was giving, in effect, expert evidence was doing so on the basis of incomplete information and incomplete information-sharing. At paragraph 30, Hayden J noted that he had:

> *enquired of the very experienced counsel in this case whether in Court of Protection proceedings, they have ever had experience of an Expert's Meeting being conducted. 1Only Ms Paterson had and then only on two occasions. For my part, I do not remember a document reflecting such a meeting being filed in any proceedings that I have heard. In a court arena where conflicts of expert*

[1] Note, Katie having been involved in this case, she has not contributed to this report.

> *evidence arise regularly and in which such evidence is commonplace this is, to my mind, very unusual. Additionally, I note that I am rarely called on to make Disclosure Orders and have frequently been concerned by blockages in channels of communication which ought otherwise to have been regarded as integral to informed decision taking. […] What requires to be considered, to my mind, is whether the Court and the lawyers can improve case management more generally. I am convinced that we can.*

Accordingly, Hayden J set down a set of "general principles" at paragraph 31 concerning both case management generally and expert evidence in particular:

> *i. Though the avoidance of delay is not prescribed by the Mental Capacity Act 2005, the precept should be read in to the proceedings as a facet of Article 6 ECHR (see: Imperial College Healthcare An NHS Trust v MB & Ors [2019] EWCOP 29). Any avoidable delay is likely to be inimical to P's best interests;*
>
> *ii. Effective case management is intrinsic to the avoidance of delay. Though the Court of Protection, particularly at Tier 3, will frequently be addressing complex issues in circumstances of urgency, thought should always be given to whether, when and if so in what circumstances, the case should return to court. This will require evaluation of the evidence the Court is likely to need and when the case should be heard. This should be driven by an unswerving focus both on P's best interests and the ongoing obligation to promote a return to capacity where that is potentially achievable.*
>
> *iii. Where, at any hearing and due to the circumstances of the case, it is not possible prospectively to anticipate what future evidence may be required, the parties and particularly the Applicant and the Official Solicitor (where instructed) should regard it as an ongoing obligation vigilantly to monitor the development of the case and to return to the Court for a Directions Hearing when it appears that further evidence is required which necessitates case management;*
>
> *iv. Practice Direction 15A, Court of Protection Rules 2017 is intended to limit the use of expert evidence to that which is necessary to assist the court to resolve the issues in the proceedings;*
>
> *v. The Practice Direction sets out the general duties of the expert, the key elements of which require to be emphasised:*
>
> > *1.It is the duty of an expert to help the court on matters within the expert's own expertise.*
> >
> > *2.Expert evidence should be the independent product of the expert uninfluenced by the pressures of the proceedings.*
> >
> > *3.An expert should assist the court by providing objective, unbiased opinion on matters within the expert's expertise, and should not assume the role of an advocate.*
> >
> > *4.An expert should consider all material facts, including those which might detract from the expert's opinion.*

5.An expert should make it clear—(a) when a question or issue falls outside the expert's expertise; and(b) when the expert is not able to reach a definite opinion, for example because the expert has insufficient information.

6.If, after producing a report, an expert changes his or her view on any material matter, such change of view should be communicated to all the parties without delay, and when appropriate to the court.

vi. In Court of Protection proceedings, the Court will frequently be asked to take evidence from treating clinicians. Invariably, (again especially at Tier 3) these will be individuals of experience and expertise who in other cases might easily find themselves instructed independently as experts. Treating clinicians have precisely the same obligations and duties upon them, when preparing reports and giving evidence as those independently instructed. Further, it is the obligation of the lawyers to ensure that these witnesses are furnished with all relevant material which is likely to have an impact on their views, conclusions and recommendations. (see: Re C Interim Judgment: Expert Evidence) [2018] EWFC B9). This should not merely be regarded as good litigation practice but as indivisible from the effective protection of P's welfare and autonomy;

vii. Evidence of clinicians, experts, social workers, care specialists etc is always to be regarded as individual features of a broader forensic landscape in to which must be factored the lay evidence. One expert or clinician is unlikely ever to provide the entire answer to the case (see: Re T [2004] 2 FLR 838). It follows that Experts meetings or Professionals meetings should always be considered as a useful tool to share information and to identify areas of agreement and / or disagreement;

viii. When evaluating the significance of expert evidence and particularly when the issues being considered are, as has regularly been the case in the Court of Protection, at the parameters or frontier of medical or expert knowledge, this should be properly identified and acknowledged. In considering the evidence, it is always helpful to reflect that yesterday's orthodoxies may become today's heresies. (see: R v Harris and Others [2005] EWCA Crim 1980);

ix. Witnesses from whatever disciplines may be susceptible to 'confirmation bias'. This is to say they may reach for evidence that supports their proffered conclusion without properly engaging with the evidence that may weaken it. ((see: Cleveland Report (report of the enquiry in to Child Abuse in Cleveland 1987 Cm 412 London: HMSO 010/1041225));

x. Consideration must always be given to relevant, proportionate written questions to an independently instructed expert.

Comment

The Vice-President's observations about case management sit alongside and amplify the obligations already imposed upon the parties (and, it should be added, the court) by both Part 1 of the Court of Protection Rules 2017 and the Case Pathways Practice Direction (PD 3B), both of which can be most easily accessed via the Court of Protection Handbook website here.

Short note: urgent applications (and DNA testing)

In *Bagguley v E* [2019] EWCOP 49, Hayden J confirmed that the Court of Protection can authorise (by the making of a decision under s.16 MCA 2005) the taking of a DNA sample to establish paternity. In this, he departed from the previously understood position (from *LG v DK* [2011] EWHC 2453 (COP)) that such testing was governed by the terms of Family Law Act 1969. Hayden J also confirmed that such an order would constitute appropriate consent for purposes of s.3(6) Human Tissue Act 2004 in the event that the person has died prior to the point of the sample being taken, or after the sample has been taken but before testing has take place.

Hayden J also took the opportunity to make observations as to the obligations upon parties in the case of urgent applications, which merit reproduction in full. Although, in fact, the case did not require the urgent decision that it appeared it did at first sight:

> *43. […] Had the facts been as presented, it would have created a challenge in securing representation for E. This same dilemma can occur when an urgent application e.g. relating to urgent medical procedure, is made to the out of hours emergency judge. In those circumstances there may not be time to contact the Official Solicitor. Certainly, she will not have the opportunity to conduct independent investigations. Thus, she will not be able to contribute to the decision anything that is not already available to a judge. Nonetheless, the experience, the unique professional obligations to P and the accumulated welfare and legal knowledge of the Official Solicitor may provide an important contribution even where the OS has no greater, possibly even a lesser factual knowledge of the available evidence. The problem has not arisen here, nor do I think I should go further than to say that in situations which are a true emergency it will have to be a matter of judicial discretion as to whether it is necessary or whether time is available to contact the Official Solicitor. It is quite impossible to be prescriptive.*
>
> *44. What does, however, require to be signalled, in clear and entirely unambiguous terms, is that where an application is brought before the Court of Protection, on what is said to be 'an urgent basis', evidence of urgency must be presented which is both clear and cogent. This is to be regarded as a professional obligation on all the professionals involved but most particularly on the lawyers who bring the application. To this I would add the obvious and related point, an application which becomes urgent in consequence of professional delay in decision making is, equally, a professional failure which always militates against the interests of the protected person. An urgent hearing puts everybody concerned under very great pressure. Where such hearings are capable of being listed in circumstances which enable the parties to be appropriately represented and permit all involved the opportunity to consider and reflect upon the issues, they must be. This I emphasise is a facet of the Article 6 Rights of all involved but most particularly P's rights.*
>
> *45. There is no absolute requirement that P should be joined as a party in every case. Indeed, the imposition of such a requirement would be unworkable. It is a fact, for example, that P will not be made*

a party in the vast majority of Property and Affairs applications. Even where the Court is considering a deprivation of liberty it may not be possible to join P as a party where a crisis situation has developed. This is notwithstanding the obiter dicta comments in Re: X (Court of Protection Practice) [2015] EWCA Civ 599. In an emergency the judge will have to evaluate the proportionality of the arrangements in the context of the crisis and, if an order is made, it is likely to be tightly time limited with an expeditious return to Court.

46. Court of Protection Rules 2017 rule 1.2 and Practice Direction 1A place a duty on the Court to consider the participation of P and as to whether or not to join P as a party to the proceedings. In doing so the Court is directed to have regard to a number of matters including the nature and extent of the information before the Court; the issues raised by the case; whether a matter is contentious; and whether P has been notified. Where P is joined as a party, the joinder will only have effect once a litigation friend has been appointed (r1.2(4)). Where the Official Solicitor is appointed to act as litigation friend for P it is her usual practice to ensure that her criteria for accepting appointment are met and that arrangements are in place to meet her costs before she will act.

47. I am aware that the OS is investigating the possibility of providing an out of hours service in the kind of circumstances I have highlighted. This has not been available in the past or at least not for the last decade. If it does become possible it will require to be used sparingly and probably regarded as 'exceptional'. That, in any event, is for the future.

Short note: ruling out options and the power of permission

In *A North East Local Authority v AC & Anor* [2018] EWCOP 34, Cobb J applied case-law from proceedings concerning children to hold that it was legitimate for the court to rule out a possible outcome or option before reaching a firm conclusion on best interests. In eliminating one significant option for the future care of the person before him, AC, he noted that he had:

> *followed the essential reasoning of Black J in North Yorkshire CC v B* [[2008] 1 FLR 1645] *and Sir James Munby P in Re R* [[2014] EWCA Civ 1625]. *I have followed the guidance of the Court of Appeal in Re B-S [*[2013] EWCA Civ 1146*] in focussing on the realistic options for AC: given that, on the evidence, placement with BC is not a realistic option, then I am entitled to that conclusion and rule her out. In short, I have been driven to the conclusion that rehabilitation would not be a realistic option for AC now or in the relevant future.*

It should be noted that this approach would apply in addition to the ruling out of options which are not, in fact, available, as per *N v ACCG* [2017] UKSC 22.

In a subsequent case relating to the same person, *A North East Local Authority v AC & Anor* [2019] EWCOP 44, Cobb J emphasised the importance of the permission requirement in s.50 MCA 2005 in the context of ongoing proceedings involving a litigant in person whom it was clear was coming close to being a vexatious litigant noting that this section "*provides, as we discussed at the hearing, that any new applications on a subject other than previous*

orders will require the court's permission to be issued. That is a provision which will now be strictly monitored and enforced going forward."

Contempt, committal and legal aid

North Yorkshire County Council v George Elliot [2019] EWFC 37 (HHJ Anderson)

CoP jurisdiction and powers – contempt of court

Summary

Mr Elliott was the subject of a sexual harm prevention order preventing him from having contact with children under 16. In circumstances that are not described in the judgment, he had come into contact with a young woman who had been declared to lack capacity to make decisions about contact with others on the basis that she did not understand the risk posed by people with whom she might come into contact and lacked the ability to weigh up the pros and cons of having contact with them.

An injunction was made against him in Court of Protection proceedings preventing him from contacting or attempting to contact the young woman, whether directly, face-to-face or indirectly by any means whatsoever including telephone, texting or messaging, email, Skype, FaceTime or through any social media platform including, but not limited to, WhatsApp, Twitter, Instagram or Snapchat.

The injunction was subsequently amended to make it clear to Mr Elliot that the injunction included a prohibition on any communications with P, even if initiated by P. This was done by substituting the word "contacting" with the word "communicating".

Mr Elliot admitted three deliberate breaches of the injunction within hours of the injunction having being made to the court and having been explained to him by the judge.

In proceedings brought for contempt against Mr Elliott, the court took into account in mitigation the fact that Mr Elliot had blocked P from Facebook and all the other ways of communication available to them through social media.

The court sentenced Mr Elliot to imprisonment for twenty eight days in respect of the first breach suspended for one year, for a period of imprisonment of twenty-eight days in relation to breach number 2, again suspended for one year, and twenty-eight days' imprisonment in relation to breach number 3, again suspended for one year, with the sentences to be concurrent.

Comment

Whilst the precise nature of the relationship between Mr Elliott and the woman in this case is not clear from the judgment, this case is a reminder that, despite the treatment to which they are subject, it is often the case that a person in a relationship with a sex abuser is keen (at times) to continue the relationship. Thus where injunctions are made against the offender contacting P, the court also has to have in mind that it will often be P who initiates the contact. It is therefore interesting to see how this was dealt with in the Court of Protection proceedings by the use of the word 'communicating' rather than 'contacting'.

The case also gives an opportunity to highlight that the Court of Appeal in *Re O (Committal: Legal Representation)* [2019] EWCA Civ 1721 has – again – had to make clear that a person who is

the subject of a committal application, including an appeal against a committal order, is entitled to publicly-funded representation. Legal aid for committal proceedings is not means tested, and is available as of right, i.e. whether it is in the interests of justice for representation to be provided.

The inherent jurisdiction and vulnerable adults – confirmation as to governing procedural rules

Redcar & Cleveland Borough Council v PR (No 2) [2019] EWHC 2800 (Fam) (High Court (Cobb J))

CoP jurisdiction and powers – Interface with inherent jurisdiction

Summary

This is the costs judgment arising from the substantive judgment in *Redcar & Cleveland Borough Council v PR & Ors* [2019] EWHC 2305, concerned with a 32 year old woman (PR) who had been affected by mental health problems which had resulted in admission to hospital as a voluntary patient. During her admission she made allegations against one of her parents and was extremely anxious about returning to live with them (to the point of threatening to take her own life).

When she was ready to be discharged, the local authority considered that it was required to safeguard her by applying to the High Court for orders under the inherent jurisdiction preventing PR from returning to live with her parents.

Interim orders were granted, initially without notice, and were kept in place for around 4 weeks. Ultimately, PR decided she did not want to return to live with her parents, and they in turn agreed to have limited contact with her and not to try to persuade her to return home, and the inherent jurisdiction orders were discharged.

PRs parents sought their costs of the proceedings from the local authority. They argued that the proceedings were unnecessary and expensive and the local authority should have canvassed with them the possibility of either an undertaking or entering into a written agreement as a pre-action step before launching the application.

The first question was as to the rules governing costs. Cobb J held that:

1. As proceedings under the inherent jurisdiction concerning an adult are not family proceedings within the definition set out at s.32 Matrimonial and Family Proceedings Act 1984, the rules that are to be applied by the court are the Civil Procedure Rules (CPR).

2. Accordingly the rule to be applied by the court when determining the application is CPR 44.1 and 44.2 which gives the court a discretion as to whether costs are payable by one party to another, and if so, the amount of those costs. Cobb J also noted the general rule that the unsuccessful party will be ordered to pay the costs of the successful party, although the court may of course "make a different order" (rule 44.2).

3. CPR 44.2(4)/(5)) requires the court to have regard to all the circumstances, including (but not limited to) the conduct of all the parties and whether a party has succeeded on part of its case, even if that party has not been wholly successful.

Turning to the substance of the application, Cobb J reminded himself that at the time of the application in March 2019:

1. PR had recently disclosed aspects of her home life with her parents which gave the professional safeguarding and care agencies considerable concern about her future well-being should she return there;
2. There was a suggestion in the documents that parental influence over her was disabling her from making true choices. At that time, PR was threatening to end her life if she did not receive protection;
3. PR appeared to be a vulnerable person because of her range of mental health difficulties, and she was believed to be susceptible to coercive or controlling influence at home;
4. There was sufficient evidence that PR was confused in her thinking about her immediate future and/or was possibly being coerced and thus unable to make a decision of her own free-will; she was also suffering from a possible mental disorder;
5. After a period of time however the proceedings became "counter-productive" as PR has started to withdraw her co-operation from the programs and therapies designed to assist her, as she was worried that information she shared confidentially in the sessions and programs would ultimately be disclosed to the court;
6. It was PR's case that the Local Authority should have used *other* (statutory) remedies against her parents (instead of using the inherent jurisdiction); it was not her case that proceedings should not have been brought to regulate the behaviour of her parents.

Cobb J held that there had been no obviously 'successful' party. Thus, there was no easy application of the 'general rule' (i.e. "that the unsuccessful party will be ordered to pay the costs of the successful party"). He further held that on the information available to the local authority at the outset it was reasonable for them to conclude that if they notified PR's parents of the intention to apply for an order this could have exposed PR to undue or inappropriate pressure from them. He further noted that: (1) the situation developed quickly and was an emergency; (2) PR was so distressed she was at risk of suicide; (3) once the proceedings were underway the local authority reacted to the evolving evidence and modified their case. Accordingly, he concluded, it was not unreasonable for the Local Authority to approach the court for protective orders, rather than attempting to obtain voluntary agreements for the parents to the safeguarding regime which they wished to create for PR. Cobb J therefore made no order for costs.

Comment

Cobb J was undoubtedly right that the CPR applies in a case of this sort. This is to be compared with a case concerning a child where the court is being asked to exercise the inherent jurisdiction. Those cases are family proceedings to which the Family Procedure Rules apply, and the starting position is that there will be no order for costs. The same rule also applies in relation to welfare proceedings before the Court of Protection. Cobb J was also right to highlight that the CPR is not a comfortable fit costs-wise

for cases which, substantively, bear a strong resemblance to welfare proceedings before the Court of Protection. They are equally an uncomfortable fit in terms of the other aspects of these proceedings, the CPR being (at root) designed to address the resolution of adversarial civil proceedings, and the FPR/COPR being designed to enable the inquisitorial determination of the position of the subject matter child/adult. Even if it is not possible to introduce specific provisions within the CPR to address (e.g.) the evidential obligations upon parties in such inherent jurisdictional proceedings, it is to be hoped that if the recent explosion in the case-law in this area continues unabated that a Practice Direction can be issued to address such matters.

On the facts of the case, the judgment will no doubt be extremely welcome to public bodies considering approaching the court to invoke the inherent jurisdiction. Given that the large majority of the cases in which the court is being asked to exercise its powers pursuant to the inherent jurisdiction arise because someone is being unduly influenced or coerced, the scope for trying to come to agreements with the alleged perpetrator of the coercion/influence so as to avoid litigation without putting the subject matter of proceedings at risk, is likely to be limited.

Short note: covert recordings and medical practitioners

The case of *Mustard v Flower* [2019] EWHC 2623 (QB) addresses the question of the lawfulness (or otherwise) of covertly recording an assessment by a medical practitioner.

The Claimant in this case was a victim of a road traffic accident in which her stationary vehicle was rear-ended by the Defendant's Fiat Punto. Notwithstanding the nature of the crash, the Claimant claimed to have suffered a sub-arachnoid brain haemorrhage and a diffuse axonal brain injury, the combined effects of which were said to have left her with cognitive and other deficits. Significant differences between the Claimant and the Defendant (this being the Second Defendant as insurer to the First Defendant driver) as to the velocity and nature of the crash and resulting injuries led to expert evidence being permitted in eight different categories ranging from orthopaedics to engineering.

It was the Claimant's solicitor's usual practice to advise clients to record consultations with medical experts. In light of this, the Second Defendant invited the Claimant to record and share her examinations with her own medical experts: she did not. The Second Defendant also warned its experts that they were likely to be recorded.

While most of the recordings were done by consent, two were carried out covertly. Furthermore, one consultation with a defendant expert, specifically the one who considered the Claimant to be labouring under a 'factitious disorder', was recorded covertly by accident, the Claimant having agreed to record only half of the consultation but then having inadvertently failed to switch off her recording device.

Those experts who had been recorded covertly objected to the recordings being relied on as evidence on the basis that the practice of covert recording was "*wanting in honesty, transparency and common courtesy*." The Second Defendant

attempted to have them excluded on the basis that they were unlawful under the Data Protection Act 2018 and the General Data Protection Regulations 2016.

Master Davison rejected this submission in fairly short order, holding that the recording of an examination by a doctor would fall into Article 2(c) GDPR, ie that the Regulation does not apply to "*the processing of personal data by a natural person in the course of a purely personal… activity*."

Despite considering the process of recording covertly to have been 'reprehensible', Master Davison noted that the Claimant had acted on the advice of her solicitor and that her motives had been understandable. He held: 'while her actions lacked courtesy and transparency, covert recording has become a fact of professional life' (para 23). He noted that, once the evidence from the covert recordings had been considered, it was difficult 'to put this particular genie back in the bottle'. Going forward he suggested it would be sensible for an "industry-wide" agreed model on how meetings with expert evidence could be recorded.

This case concerned a personal injury claim, governed by the CPR. It is, however, of assistance by analogy in relation to the question of the acceptability – in principle – of covert recording of consultations and/or examinations with medical practitioners. It should be noted, however, that the Vice-President has previously expressed unease with the use of video recording by family members of P for purposes of investigating or assessing capacity or best interests, observing in *Abertawe Bro Morgannwg University Local Health Board v RY & Anor* [2017] EWCOP 2 that:

> *It is axiomatic that they are highly invasive of* [P's] *privacy and that he has no capacity to consent to them. They have been viewed by a variety of professionals.* […]*, I do not consider that video recordings should ever be regarded as a routine investigative tool. Both the videoing and their distribution will require strong and well-reasoned justification.*

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Nicola appears regularly in the Court of Protection in health and welfare matters. She is frequently instructed by the Official Solicitor as well as by local authorities, CCGs and care homes. She is a contributor to the 5th edition of the *Assessment of Mental Capacity: A Practical Guide for Doctors and Lawyers* (BMA/Law Society 2019). To view full CV click here.

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Katherine has a broad public law and human rights practice, with a particular interest in the fields of community care and health law, including mental capacity law. She appears regularly in the Court of Protection and has acted for the Official Solicitor, individuals, local authorities and NHS bodies. Her CV is available here: To view full CV click here.

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Simon has wide experience of private client work raising capacity issues, including *Day v Harris & Ors* [2013] 3 WLR 1560, centred on the question whether Sir Malcolm Arnold had given manuscripts of his compositions to his children when in a desperate state or later when he was a patient of the Court of Protection. He has also acted in many cases where deputies or attorneys have misused P's assets. To view full CV click here.

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Adrian is a recognised national and international expert in adult incapacity law. He has been continuously involved in law reform processes. His books include the current standard Scottish texts on the subject. His awards include an MBE for services to the mentally handicapped in Scotland; honorary membership of the Law Society of Scotland; national awards for legal journalism, legal charitable work and legal scholarship; and the lifetime achievement award at the 2014 Scottish Legal Awards.

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Conferences

Conferences at which editors/contributors are speaking

Mental Capacity Law Update

Neil is speaking along with Adam Fullwood at a joint seminar with Weightmans in Manchester on 18 November covering topics such as the Liberty Protection Safeguards, the inherent jurisdiction, and sexual relations. For more details, and to book, see here.

Advertising conferences and training events

If you would like your conference or training event to be included in this section in a subsequent issue, please contact one of the editors. Save for those conferences or training events that are run by non-profit bodies, we would invite a donation of £200 to be made to the dementia charity My Life Films in return for postings for English and Welsh events. For Scottish events, we are inviting donations to Alzheimer Scotland Action on Dementia.

Our next edition – the 100th – will be out in December. Please email us with any judgments or other news items which you think should be included. If you do not wish to receive this Report in the future please contact: marketing@39essex.com.

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