

Application notice

For office use only
Date received
Date issued

Case no.

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



Please read first

- This form can be used in a variety of circumstances and must be used for applications within proceedings. For further guidance on when this form is to be used please see the Court of Protection Rules 2007 and the Practice Directions accompanying the Rules or contact Customer Services at the number below.
- If you wish to apply to start proceedings please complete the COP1 application form.
- If you wish to apply to be joined as a party to the proceedings please complete the COP10 application notice for applications to be joined as a party.
- You may have to pay a fee when you make an application. Refer to the leaflet COP44 Court of Protection – Fees for details.
- You may need to pay for any costs you incur during the proceedings. If the court considers that you have acted unreasonably you can be ordered to pay the costs incurred by other parties.
- Please continue on a separate sheet of paper if you need more space to answer a question. Write the case number, your name, the name of the person to whom the application relates, and number of the question you are answering on each separate sheet.
- For assistance in completing this 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.

Section 1 - Your details

1.1 Your details Mr. Mrs. Miss Ms. Other _____

First name

XXXXXXXXXXXX

Middle name(s)

XXXXXXXXXXXX

Last name

XXXXXXXXXXXX

1.2 Address
(including
postcode)

XXXXXXXXXXXX

Telephone no.

Daytime

Evening

Mobile

XXXXXXXXXXXX

E-mail address

XXXXXXXXXXXX

1.3 Is a solicitor representing you?

Yes

No

If Yes, please give the solicitor's details.

Name

Address
(including
postcode)

Jackson Osborne Solicitors
20 Little Britain
London EC1A 7DH

Telephone no.

Fax no.

DX no.

E-mail address

1.4 Which address should official documentation be sent to?

Your address

Solicitor's address

Other address (please provide details)

1.5 What is your role in the proceedings?

- Applicant (the person who filed the COP1 application form)
- Person to whom the application relates
- Other party to the proceedings
- Other (please give details)

Section 2 - Your application

2.1 What order or direction are you seeking from the court?

1. A declaration that the 24 June 2024 sedation and vaccination, and the failed attempted sedation and vaccination on 17 June 2024, were conducted outside the Court's Order of 06 November 2023, which was for vaccination in accordance with the relevant pertaining guidance at the time.
2. That the time estimate for the final listing, currently listed for 14 November, be extended to 1 day.
3. The hearing be held with parties in attendance by person.

2.2 Please set out the grounds on which you are seeking the order or direction?

1. In summary, the pertaining Guidance, Green Book, Chpt 14a, was issued at 24 April 2024 where AD's group was removed from those for whom vaccination was recommended. AC relies on the grounds set out in her Written Submissions and the evidence referred therein. (The ICB has replied by its submissions of 30 Aug 2024.)

It is further noted [page G19 of the bundle last before the Court] that after the 17 June failure, the Care Provider's Registered Manager sought a change of sedative and further attempt, emailing "I would request this is done urgently as the close off day is next week and I am conscious of the availability of our clinical partners." The 'close off day' was end of the Spring vaccination programme on 30 June 2024. The reference must have been to vaccination within the terms of the programme and Guidance, no urgency arising if 'regard' had been had to the Guidance but a decision made to treat outside it. No correction or alternative view was provided in reply.

2+3. Review of whether action was within/outside the Guidance is vital to consideration of where responsibilities are allocated and to approval of any care plan. The Guidance will necessarily be considered carefully at the next hearing in any event and it would be efficient to deal with the application for declaration while all parties are before the Court (in person).

2.3 Any evidence in support of your application must be filed with this application notice. If you are attaching any written evidence please use the COP24 witness statement form.

Evidence attached

If the court requires that evidence be given by affidavit then you need to use the COP25 affidavit form.

2.4 Please provide the details of any person who you reasonably believe has an interest which means they ought to be heard by the court in relation to this application notice and who is not already a party to the proceedings.

Full name including title	Full address including postcode	Connection to the person to whom the proceedings relate
XXXXXXXXXX 'The Acute Trust'	XXXXXXXXXX represented by:	XXXXXXXXXX
	Capsticks LLP 1 Temple Row, Birmingham B2 5LG	

Section 3 – Statement of truth

The statement of truth is to be signed by you, your solicitor or your litigation friend.

~~(I believe)~~ (The applicant believes) that the facts stated in this application notice are true.

Signed

*Applicant ~~(solicitor)~~ (litigation friend) (solicitor)

Name

Date

Name of firm

Position or office held

* Please delete the options in brackets that do not apply.

Now read note 1 about what you need to do next.

Guidance notes

Note 1

What you need to do next

The court requires two copies (i.e. the original plus one copy) of each form and document you file.

Please return the original completed form and copies to the Court of Protection, along with any fee. For details on where to send your application check the website: www.gov.uk/court-of-protection

Note 2

What happens next?

The court will notify you when your application notice has been issued. The court will return a sealed copy of the application notice. You may need to serve copies on:

- every other party to the proceedings;
- anyone who is named as a respondent in the application notice; and
- any other person as the court may direct.