

This judgment was delivered in private. The judge has given leave for this version of the judgment to be published on condition that (irrespective of what is contained in the judgment) in any published version of the judgment the anonymity of all parties must be strictly preserved. All persons, including representatives of the media, must ensure that this condition is strictly complied with. Failure to do so will be a contempt of court.

Neutral Citation Number: [2022] EWCOP 29

IN THE COURT OF PROTECTION Case No 13753262

AND IN THE MATTER OF THE MENTAL CAPACITY ACT 2005

BETWEEN

LONDON BOROUGH OF X

Applicant

-and-

(1)

MR

(by his litigation friend, the Official Solicitor)

(2)

PD

(3)

AB

Respondents

UPDATE POST-JUDGMENT

BEFORE District Judge Eldergill sitting at the Court of Protection at First Avenue House, 42-49 High Holborn, London, WC1V 6NP on 1 December 2021

JUDGMENT HANDED DOWN ON 13 January 2022

Mr Lindsay Johnson appeared on behalf of the Applicant local authority and Ms Leonie Hirst (instructed by Miles & Partners LLP) on behalf of the First Respondent. The Second and Third Respondents appeared in person.

1.

On 13 January 2022 I handed down judgment in a case involving MR: **London Borough of X v MR, PD and AB [2022] EWCOP1**. The issue was whether it was in MR's best interests to continue to reside in a secular care home or to move to a Jewish care home. I decided that it was in MR's best interests to move notwithstanding the risks arising from a transfer.

2.

I have been asked by several practitioners for news about how MR has fared. I am pleased to write that I have received a brief email saying that the move went smoothly, and he is doing very well in his new home:

“He is doing really well ... he now seems to be not as bad as he appeared to be in [the previous] care home.”

“[Z] takes him to synagogue weekly and he really enjoys that ... he gets better care and is now sitting upright. At the other home they had him permanently reclined so his view was mainly of the ceiling.”