



Daniel Doswell

Family Executive

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Daniel Doswell graduated with a first-class honours degree from the University of Law in 2013, having completed his studies whilst working full-time.

Daniel lived and worked in southern China for several years where he developed and implemented an education programme for young people in the Guangxi province.

Since returning to the UK in 2018, Daniel has specialised in Mental Capacity, Deprivation of Liberty and Health and Welfare matters. Daniel is dedicated to supporting vulnerable people and ensuring that their rights are protected. Daniel strives to maximise the involvement of individuals in decisions which are being made on their behalf, to challenge the lawfulness of those decisions and ensure that, where it is necessary and appropriate for a decision to be made, that it is made in the person's best interests, interested persons are included and it is the least restrictive.

Daniel has a particular interest in matters that concern a person's mental capacity and their Article 5 and 8 rights to liberty and a family life.

Expertise

Mental Health and Mental Capacity

Daniel is experienced in bringing and responding to applications to challenge an individual's deprivation of liberty (under the Deprivation of Liberty Safeguards (DoLS)) and for Health and Welfare decisions in the Court of Protection.

Daniel regularly acts on behalf of individuals who lack capacity and is regularly instructed by both professional advocates, and family members in cases involving their loved ones.

Notable Mental Health and Mental Capacity cases

Deprivation of Liberty Challenges

Daniel successfully brought a complex application to the Court of Protection to challenge the client's deprivation of liberty in a care home. The judge agreed that the care home and the restrictions were not the least restrictive option for the client and were not in her best interests. The Local Authority was directed to find a suitable alternative placement. The client moved to an alternative placement in accordance with her wishes and those of her family. The restrictions were

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significantly reduced, and the client's mental health and wellbeing improved dramatically as a result.

In another case, Daniel is in the process of challenging the deprivation of liberty in a hospital of an individual with complex mental health and care needs and who, at times, exhibits challenging behaviours. Daniel is instructed by a professional advocate on the client's behalf and is working with their family, the Local Authority, the Hospital Trust and the local Integrated Care Board in seeking a suitable resolution for him which is in accordance with his wishes.

Welfare Application to the Court of Protection

Daniel is representing a young lady with a learning disability and several complex mental health diagnoses. Proceedings are in the Court of Protection issued by the Local Authority for orders about where she should live, the care she should receive and with whom she should have contact.

A recent fact-finding hearing determined that, sadly the client has been the victim of harmful, consistent and sustained abuse by a family member, over a prolonged period of many years. The perpetrator is now enjoined from having any contact with them.

The background to the proceedings is harrowing, however, they are now happy and thriving in their current placement, the outcome of the recent hearing and the injunctive orders are in accordance with her wishes and the local authority and the client's advocate are optimistic that she will continue to make progress and develop her life skills and independence.

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