

Adult Social Care

Guide to Rule 1.2 Representatives



Coventry City Council

● What is a Rule 1.2 Representative?

A Rule 1.2 Representative speaks up for a person who lacks capacity to consent to restrictions on their freedom, when they are or may be deprived of their liberty in a community or domestic setting and a Court of Protection Deprivation of Liberty (COPDoL) authorisation is being applied for.

● What is a COPDoL authorisation?

A Court of Protection Deprivation of Liberty (COPDoL) authorisation is permission to deprive someone of their liberty.

Each COPDoL authorisation:

- Allows deprivation of liberty in a specific way for a specific period of time (normally one year before it needs to be reviewed again by the Court)
- Is unique to the individual
- Identifies restrictions that are in place

The authorisation may say that carers can, when necessary:

- Prevent a person from leaving the place where they are being given the care they need
- Keep a person under continuous supervision and control in their best interests, to protect them from harm

● What does a Rule 1.2 Representative do?

The Rule 1.2 Representative writes a statement to explain whether they think that it is in the person's best interests to have a package of care and support that would include depriving them of their liberty. This includes:

- 1 Weighing the pros and cons of the persons care and support package and comparing it with other available options
- 2 Considering whether any of the restrictions are unnecessary, inappropriate or should be changed
- 3 Informing the court about what the person has said, and their attitude towards the care and support package

In short, the court is asking the representative, as someone who knows the persons position and will be in their corner, to consider whether from the perspective of the persons best interests they agree or do not agree that the Court should authorise the package of care and support.

The Court of Protection reads the statement to help them decide whether to authorise the deprivation of liberty.

Who can be a Rule 1.2 Representative?

- A friend or family member, who does the role unpaid
- A professional, such as an advocate, who is paid

A paid professional may be needed if there are no friends or family members suitable to do the role.

As part of the authorisation process, the allocated worker from Coventry City Council, will identify who should take on the role of the Rule 1.2 Representative.

If the Court of Protection authorises the deprivation of liberty, the Rule 1.2 Representative must:

- Visit the person regularly to ask their views and wishes and see that they are being cared for well
- Check that the treatment and care provided is the least restrictive of their basic rights and freedom
- As far as possible, help the person to understand their authorisation and how it affects them
- Support them to exercise their rights if they want to do that
- Notify the Court if the Local Authority does not make a review application in good time This important part of the role is included in the final order of the Court. The reason being to alert everyone involved in the case to the need for review if the circumstances of the Community DoL changes, for example the individual passes away or changes residence or the nature of the restrictions change



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