

What is a Rule 1.2 Representative?



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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.

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

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

- 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, and support them to exercise their rights if they want to do that

If necessary, the Rule 1.2 Representative may request a review of the authorisation or make an application to the Court of Protection to get the authorisation changed or ended. For example, this may be necessary if the person's needs change, or the authorisation is not being followed properly.

Even when someone can't tell the Rule 1.2 Representative what they want, the Rule 1.2 Representative will use a range of approaches to establish their views and wishes as far as possible and secure their rights.

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
- 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're being given the care they need
- keep a person under continuous supervision and control in their best interests, to protect them from harm

Who can be a Rule 1.2 Representative?

The Rule 1.2 Representative can be:

- 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 social worker will identify who should take on the role of the Rule 1.2 Representative, whether paid or unpaid.

Contact us

If you have questions about the Rule 1.2 Representative role, contact us.

Freephone:

0300 303 1660

Email: helpline@voiceability.org

Website: voiceability.org

About VoiceAbility

We've been supporting people to have their say in decisions about their health, care and wellbeing for almost 40 years. We're an independent charity and one of the UK's largest providers of advocacy and involvement services.