



ROLE OF RULE 1.2 REPRESENTATIVE IN COMMUNITY DEPRIVATION OF LIBERTY (DOL)

This leaflet outlines the Role of the Rule 1.2 representative when a person is subject to a Community DoL authorisation.



What is a Rule 1.2 Representative?

Everyone who is subject to a Community DoL has the right to someone to support them throughout the authorisation.

- A Rule 1.2 Representative is a name given by the Court of Protection to someone who 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 the community.
- They are able to exercise their legal rights which come with the authorisation.

Who can be a Rule 1.2 Representative?

The role does not require specialist training or knowledge. But they must be:

- 18 years old or over.
- Actively involved with the person and have detailed knowledge of them.
- Able to act in the person's best interest.

There are several ways in which the Rule 1.2 can be chosen.

- If the person has made a Lasting Power of Attorney (LPA) for Health and Welfare, then the attorney can choose the Rule 1.2 Representative including choosing themselves. The social worker who has assessed the person will discuss with them and their carer or other family members if they are able and willing to take on this role unpaid.
- If there are no family or carers who can be a Rule 1.2 Representative, then the social worker will appoint an Independent Advocate known as a 'Paid Professional' to undertake the role.
- A Lasting Power of Attorney for Property and Affairs does not have the same authority to choose a Rule 1.2 Representative.

What are the responsibilities of a Rule 1.2 Representative?

When the Court of Protection authorises the deprivation of liberty including the appointment of the Rule 1.2 Representative, they will:

- Visit the person regularly throughout the duration of the authorisation to ask the person's views and wishes and see that the person is being cared for well.
- Check that the treatment and care provided is the least restrictive to promote the person's 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.

- Request a review of the authorisation from the funding authority or make an application to the Court of Protection to get the authorisation reviewed, changed, or ended. For example, this may be necessary if the person's needs change, or the authorisation is not being followed properly.
- Look out for any form of objection by the person to any part or all of their care, and raise with the relevant funding authority.
- Provide feedback in a final COP24 Form prior to the end of authorisation

Which forms does a Rule 1.2 Representative complete?

There are two forms to complete. The forms will be provided by the social worker completing the process and if required, support with completing the forms:

- An Annex C which forms part of the COPDOL11. This is where the Rule 1.2 representative will have a discussion with the person to get their views and wishes about being deprived of their liberty.
- A COP24 which is a Witness Statement to explain whether the Rule 1.2 representative agrees that it is in the person's best interests to have an informal or formal package of care and support that would include depriving the person of their liberty in the person's best interests.

Termination of Rule 1.2 Representative Role

There are several ways the role can end:

- If the Rule 1.2 representative's circumstances change and they cannot continue in the role, then the relevant funding authority should be informed.
- If the person has moved from the accommodation.
- If the person is no longer deprived of their liberty.
- If the person dies, the Court Order for deprivation of liberty will cease and the role will end.



How to obtain documents for a Rule 1.2 Representative.

If you wish to request copies of the documents relating to the Community DoL authorisation, you may wish to initially discuss this with the social worker involved in the process or speak with the relevant funding authority.

Court of Protection contact details

If you have any queries about the Rule 1.2 representative you can contact The Court of Protection Customer Services

Telephone: **03004 564600**

Email: **courtofprotectionenquiries@justice.gov.uk**

Alternatively, you can contact our Adult Social Care team, you will find the contact details on the back page.



Further information



For further information complete our online enquiry form www.richmond.gov.uk/make_an_adult_social_care_enquiry

Visit our web pages www.richmond.gov.uk/adultsocialcare

Our contact details Monday to Friday from 9am to 5pm.

Telephone: **(020) 8891 7971**

SMS Phone: **07860 034792**

Email: adultsocialservices@richmond.gov.uk

Write to us at: Richmond Council Adult Social Care and Public Health Civic Centre, 44 York Street Twickenham, TW1 3BZ

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