

## A Guide to the Role of the Rule 1.2 Representative

*Mae'r ddogfen hon ar gael yn Gymraeg hefyd.*

A Community Deprivation of Liberty Order is part of the Mental Capacity Act 2005. This is the Law about what to do when people cannot make decisions for themselves.

### What is the Rule 1.2 Representative?

- People may need care and support where they live. If the person lacks capacity and because of this cannot make decisions for themselves, they will need extra protections and could be deprived of their liberty to help keep them safe.
- This extra protection is called a Community Deprivation of Liberty Order (CoPDoL).
- The law makes sure that if a CoPDoL Order is required that it is in the person's best interests and that the people involved in their care think very carefully about decisions they make for the person.
- If a person is deprived of their liberty, they must have a representative who can visit and check that their care is safe and necessary. They must act in the best interests of the person. For a CoPDoL Order this person is called a Rule 1.2 Representative.
- **Only one person can be appointed to act as a representative.**

### Who can be a Rule 1.2 Representative?

- This role can be undertaken by a family member, or friend, or by a paid representative.
- A representative must be:
  - 18 years of age and over
  - Able to keep in regular face to face contact with the relevant person
  - Be willing to be appointed as a representative
  - Be willing to challenge the deprivation of liberty if the person is objecting, regardless of your own views

### The Rule 1.2 Representative must...

- Provide continuing support, keep in contact, and regularly see the person in their home.
- Ensure that those providing care or treatment uphold the person's rights and act in their best interests at all times.
- Assist the person to voice their concerns and express their wishes (even if you disagree with them).
- Assist the person to make a complaint if they need to.
- Ask for a review of their care if the person is not happy with the deprivation.
- Make an application to the Court of Protection on the person's behalf if required. This may involve contacting a solicitor.

You **MUST** make an application to the Court of Protection if the person is objecting to their care and support arrangements, even if you think that they are right for them.

As a Rule 1.2 Representative you can request support from an Independent Mental Capacity Advocate (IMCA). The IMCA will give you extra support if you need it and will help you to make the best use of the review process and the Court of Protection.