

## **THE COURT OF PROTECTION BAR ASSOCIATION + ADVOCATE PROTOCOL for SOURCING FREE ADVICE OR REPRESENTATION FROM A BARRISTER for UNREPRESENTED PEOPLE at URGENT COP HEALTH/WELFARE HEARINGS**

Sometimes, there is a disagreement between professionals and the family or partner of a person age 16 + who is said to lack mental capacity to make their own decisions, about that person's health and welfare. The disputes can be about, for example, where someone lives, who they live or have contact with, who cares or supports them, their use of the internet, and sex/contraception, their medical treatment, or deprivation of liberty.

Sometimes, these disputes need to be heard in court very quickly. That need for speed can lead to people who care about the person who lacks capacity, and should be involved in decision making, having very little notice of a court date and needing legal advice or representation at short notice.

This Protocol sets out the process for sourcing a Court of Protection Bar Association volunteer barrister to help with urgent advice or representation.

Urgent means that there is a hearing in the next 14 days.

The organisation Advocate helps in two ways: by helping find a barrister and helping with direct public to barrister access.

The Protocol can be used by: judges, judges' clerks, court staff, lawyers, and people who are a party in the case, or want, or think they need, to be a party in the case.

For non-urgent hearings, the person needing free legal advice or representation can send an application to Advocate at this address: [\*\*https://weareadvocate.org.uk/apply-for-help.html\*\*](https://weareadvocate.org.uk/apply-for-help.html)

Requests for a CPBA barrister who can provide free **urgent COP advice or representation** should be sent to:

**[courtofprotection@weareadvocate.org.uk](mailto:courtofprotection@weareadvocate.org.uk)**

Advocate and the volunteer barrister will be helped by having as much of the following **helpful information** as possible:

- Case name and number
- Name of unrepresented party
- Contact details for the unrepresented person
- Names of representatives of other parties (solicitors and counsel), and their contact details, where known
- Date and time of the hearing, hearing time estimate, the judge's name
- Hearing type (eg, case management or final hearing)
- Whether the volunteer can attend remotely (that will greatly increase the chances of securing very short notice representation)
- An outline of what the case is about and the main issues
- How those issues relate to the unrepresented party
- Particular documents to consider