

The Court of Protection - a glossary

Here are some of the acronyms, words and phrases you may come across in the Court of Protection. Comments on it and suggestions for further things to include are very welcome via the [contact page](#).

ALR	Accredited Legal Representative	A specialist lawyer who the Court can appoint to act for P if P does not have capacity to conduct the case themselves (see COPR 2017 Rule 1.2).
	Advocate	In this context, an advocate is likely to be an IMCA. They may also be an advocate who has been appointed as an advocate for the person under the Care Act, the Social Services and Well-Being (Wales) Act or the Mental Health Act. An advocate is not a lawyer, and their main job is to talk to the person, get to know them, and to tell people what the person wants.
	Advocates Meeting	A meeting should take place at least five days before the Final Management Hearing between advocates and, so far as practicable, any unrepresented parties, with the purpose of resolving or narrowing the issues to be determined at the Final Management Hearing, addressing each of the matters required by Practice Direction 4B and preparing a draft order.
ACO	Authorised Court Officer	Certain types of straightforward decisions about P's property and affairs can be taken by an Authorised Court Officer. They are specialist civil servants who work under the supervision of the judges at the Court of Protection.
	Closed hearing	As set out in this guidance , a 'closed hearing' is a hearing from which (1) a party; and (2) (where the party is represented) the party's

		representative is excluded by order of the court. This is different to a “private hearing,” which is a hearing at which all the parties are present (or represented), but from which members of the public and the press are excluded.
	Closed material	As set out in this guidance , ‘closed material’ is material which the court has determined should not be seen by the party (and/or their representative).
CPBA	Court of Protection Bar Association	Professional organisation of barristers who specialise in cases in the Court of Protection.
DoLS	Deprivation of Liberty Safeguards	Part of the Mental Capacity Act 2005 The Deprivation of Liberty Safeguards are part of the Mental Capacity Act. A person can be deprived of their liberty in a hospital or care home under an urgent or a standard DOLS authorisation. There are special protections in place for the person, including support by a Relevant Person’s Representative. More details about the DoLS can be found in the DoLS Code of Practice .
	Deputy	A Deputy is a person who the court chooses to make decisions on behalf of P. This could be about their health and welfare, their property and affairs, or both.
DRH	Dispute Resolution Hearing	A hearing arranged in cases involving disputes about property and affairs. This is a chance to see whether the case can be resolved and avoid unnecessary litigation. The hearing is therefore held entirely in private, and before a different judge who would then hear the case if the

		dispute cannot be resolved.
EPA	Enduring Power of Attorney	A document created by someone who has capacity who decides in advance who they would like to make decisions for them, if they later lose capacity. The person can appoint an attorney (or more than one attorney) to make decisions on their behalf about their about property and affairs. EPAs can no longer be created, the replacement since the MCA 2005 came into force being LPAs (Lasting Powers of Attorney).
FMH	Final Management Hearing	Before the final hearing, the Court will have one last hearing to make sure that it has all the evidence it needs to answer the questions before it.
IMCA	Independent Mental Capacity Advocate	An IMCA is an advocate. An IMCA's job is to talk to P and get to know them, and to tell people what P wants to happen. They are not normally involved directly in proceedings, but have often been involved at the pre-proceedings stage in health and welfare matters.
IMHA	Independent Mental Health Advocate	An advocate appointed under the Mental Health Act.
ISW	Independent Social Worker	A court-appointed expert, most often reporting upon best interests (but often will have important observations to make about capacity)
LF	Litigation friend	A litigation friend is someone who takes P's place in the proceedings, if P lacks capacity to conduct the proceedings himself. For example, the litigation friend could instruct

		<p>solicitors on behalf of P, or the litigation friend could speak to the judge directly on P's behalf. A litigation friend could be a family member, a friend, an advocate or the Official Solicitor.</p> <p>In some cases, a litigation friend might also be appointed to act for another party who does not have capacity to conduct the proceedings.</p>
MA	Managing authority	The care home or hospital where someone is deprived of their liberty under a DoLS authorisation.
OPG	Office of the Public Guardian	The statutory body with responsibility (amongst other matters) for registering LPAs and supervising deputies.
OS	Official Solicitor	The Official Solicitor is a civil servant and a lawyer who is appointed by the government, but is independent of them. The current Official Solicitor is Sarah Castle. If there is no one suitable to act as litigation friend (and if arrangements can be made to meet her legal costs) then she can be the litigation friend for the person. She has staff who work on different cases in the Court of Protection.
P	'Person' (not 'patient')	The person the proceedings are about.
PS	Position statement	A document setting out what the party wants to happen at a particular hearing.
PBS	Positive Behaviour Support	Positive behaviour support (PBS) is 'a person centred framework for providing long-term support to people with a learning disability, and/or autism, including those with mental health conditions, who have, or may be at risk of developing, behaviours that challenge.' For

		more, see the paper by Victoria Butler-Cole KC and Theresa Joyce available here .
LPA	Lasting Power of Attorney	A document created by someone who has capacity who decides in advance who they would like to make decisions for them, if they later lose capacity. The person can appoint an attorney (or more than one attorney) to make decisions on their behalf about their health and welfare, about property and affairs, or both. There are important rules that have to be complied with about how a power of attorney is created and how an attorney has to behave.
RPR	Relevant Person's Representative	A person appointed to support someone subject to a standard authorisation under the Deprivation of Liberty Safeguards. They can be unpaid (a family member or friend) or paid.
RTM	Round table meeting	A meeting during the course of a case to try to reach agreement. It will usually include the solicitors and/or barristers involved and, often, be chaired by the solicitor or barrister who is instructed on behalf of P if P is a party.
	Section 21A	Section 21A is the part of the Mental Capacity Act 2005 which allows the person (or someone on their behalf) to challenge a DoLS authorisation in the court.
	Section 49 report	A report that the judge asks to be provided to them. They are known as section 49 reports because that is the section of the Mental Capacity Act 2005 which gives the judge the power to ask for them. The judge can ask for a section 49 report from a Visitor who will visit P and give a report to the court. Sometimes they might require a local authority or an

		NHS body to provide particular information to the court in a section 49 report.
SJ	Senior Judge	The Senior Judge of the Court of Protection, in charge of the day-to-day running of the court. Currently Senior Judge Hilder
SLT (sometimes SALT)	Speech and Language Therapist	Their involvement can be crucial in cases involving complex communication needs.
SA	Standard authorisation	A standard authorisation is something that a local authority (or in Wales in some cases a Local Health Board) can put in place when P is deprived of his liberty in a care home or a hospital. If you think that P should not be in the care home or the hospital, you can apply to the court to stop the standard authorisation and to say that P should be allowed to live somewhere else.
	Statutory will	If a person does not have the capacity to make their own will, the Court of Protection can make one for them. It has to follow a specific procedure to do so.
SB	Supervisory body	The local authority (or sometimes in Wales, the Local Health Board) which is responsible for granting a DoLS authorisation where a person is deprived of their liberty in a care home or hospital.
	Tier 1/2/3 Judge	Tier 1 judges are District Judges Tier 2 Judges are Circuit Judges Tier 3 Judges are High Court judges (in each case, sitting as a nominated judge of the Court of Protection)
TO	Transparency Order	An order which the court makes if the hearing is in public explaining

		what can and cannot be said about the case (in particular about P).
UA	Urgent Authorisation	An urgent authorisation is something that a care home or hospital can put in place when they think that P is being deprived of his liberty. Urgent authorisations last for a week, but can be renewed once, so that they can last a maximum of two weeks. A standard authorisation should have been put in place by the time the urgent authorisation runs out.
VP	Vice-President	The Vice-President of the Court of Protection, currently Theis J.
	Visitor	A person appointed by the Court to visit P and report back on the things that the Court has asked them to. A Visitor could be a General Visitor, who may have a social work, advocacy, nursing or finance background, or a Special Visitor, who will be a psychiatrist.