🛑 Opening the backdoor to restraint

What you need to know about the 2026 Supreme Court Judgment

👋 Hello and welcome

This document is a summary of a report by **Alexis Quinn** from the Restraint Reduction Network (RRN).

It is written in **Plain English** to help everyone understand new laws about care and freedom.

🏛️ What is this about?

In **June 2026**, there was a very important court case in the UK Supreme Court. ⚖️

- **The old rule:**

  Before this, if someone could not officially sign legal papers or make big decisions, the law said they could not legally agree to where they lived or the care they got. Special rules kept them safe.

- **The new rule:**

  The new court judgment says that people aged 16 and over (even if they lack formal legal capacity) can still show they agree to their care through their **everyday wishes and feelings**. 👍

⚠️ Why is this worrying?

The court says that if someone is quiet, does not shout, and does not fight back, staff might think: **'They are happy and they agree!'** 😕

But experts are worried. Sometimes, being quiet does **not** mean happy. 😶

Two real examples:

- **Jenni 🛑:** Jenni spent years trying to do the things she wanted to do, but nobody listened. She eventually stopped trying. Her quietness was not a choice. She was quiet because she gave up.
- **Ammah 🤝:** Ammah smiled and nodded at every rule because he was scared of being left alone. He never felt like he was free to choose things. He gave up and did what everyone said because he felt he did not have choice.

When people stop fighting back, it might because they are very tired or because they are afraid. **It doesn't mean they agree**! 😢

🔒 What hidden restrictions might happen?

Because of this new law, care services might start doing restrictive things without checking if the law says they can or if it is fair:

- 🚪 **Locked doors:** Keeping doors locked because people don't physically push against them.
- 💊 **Medicine:** Using legal drugs to make people very sleepy when people don't complain out loud.
- 🛏️ **Strict rules:** making people follow rules that are not fair like having a bedtimes, or doing what staff want.
- 👀 Movement trackers and cameras watching people without proper checks.

Without someone checking, these rules can become normal, even when people don't like them. 📉

✨ What can we do to make things better?

Services and staff need to do better! Here are 6 ways to help people make the choices and live the way they want:

1. 🧠 Staff must learn that being quiet or doing what staff want is **not** the same as saying ‘Yes, I agree’. It might mean someone is exhausted or scared.
2. 👥 Make sure people have independent advocates, family, and friends to speak up for them. 🗣️
3. 🔍 Care services must regularly check if they are using hidden restrictions.
4. 📚 Staff must give clear, easy-to-read information to people and families about their human rights. 📄
5. 🤝 Support staff should help people make real choices and enjoy their communities.
6. 🛑 Get rid of rules like forced bedtimes or locked kitchens that are not fair.

💡 Final thoughts

Just because someone is quiet doesn't mean they are happy with their care. We need to make sure people's voices are heard and respected.

Created based on the RRN Commentary by Alexis Quinn.