



Relevant Person's Representative: An Information Booklet



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Introduction

This workbook is designed to provide guidance in your appointed role as a **Relevant Person's Representative (RPR)**.

As an RPR, you have been appointed to support a person who is deprived of their liberty under the **Mental Capacity Act 2005 Deprivation of Liberty Safeguards (DoLS)**. The information given in this booklet is to help you understand the process in order to best support the person being deprived of liberty.

As an unpaid RPR, you are entitled to support from an **Independent Mental Capacity Advocate (IMCA)** to help you through this process. You can access this support by contacting the Gloucestershire DoLS Service and requesting a referral to advocacy. Contact information for the DoLS service can be found at the back of this booklet.

What does that mean?

There are some terms used in this booklet that may need some clarity. These terms will be highlighted in **Bold** and you can find explanations of these words over the next few pages of this booklet.

What does that mean?

Authorisation / Standard Authorisation

The decision that says that a person can be deprived of their liberty.

Best Interests Assessor

The person who assesses the relevant person and tells the supervisory body if a Deprivation of Liberty Safeguards Authorisation is needed.

Capacity

The ability to make a certain decision. Capacity is determined dependent on the decision to be made. For example, a person may have capacity to choose suitable clothing for the day but may not have capacity to choose a suitable place to live.

Conditions

These are additional rules added to the authorisation that intend to limit any restrictive measures needing to be used. The managing authority must make sure the conditions of the DoLS are met.

Court of Protection

This is a special court that acts to protect the interests of those who do not have the mental capacity to make decisions for themselves.

What does that mean?

Deprivation of Liberty Safeguards (DoLS)

These are measures taken to protect people who lack capacity from harm.

Independent Mental Capacity Advocate (IMCA)

An advocate who can support people who lack the capacity to make decisions about their care. An IMCA can also support people who are supporting somebody who lacks capacity.

Managing Authority

The people who are in charge of the care or treatment of someone who is lacking capacity. This is usually a Care Home or Hospital.

Mental Capacity Act

A law about making decisions and what to do when people cannot make some decisions for themselves

Relevant Person

The person who is being deprived of their liberty.

Relevant Person's Representative

The family member or friend representing the relevant person.

What does that mean?

Restrictions

The measures put in place to keep the relevant person safe.

Review

A check to make sure that a person in a hospital or a care home is being treated in the right way

Supervisory Body

The people who decide if someone needs Deprivation of Liberty Safeguards. This will be the Local Authority (county or city council) if the Relevant Person is in a care home. In Gloucestershire, this would be Gloucestershire County Council.

Deprivation of Liberty Safeguards

When a person has been assessed to be lacking the mental capacity to make decisions about their care or treatment, and are considered to be at risk if that care is not provided, it is sometimes in their best interests to put certain restrictions in place to prevent them from harm.

In these circumstances, the **managing authority** (where the person is residing) must apply to the **supervisory body** (local authority) for a **Deprivation of Liberty Safeguards (DoLS)** authorisation, this is part of the **Mental Capacity Act (MCA)**.

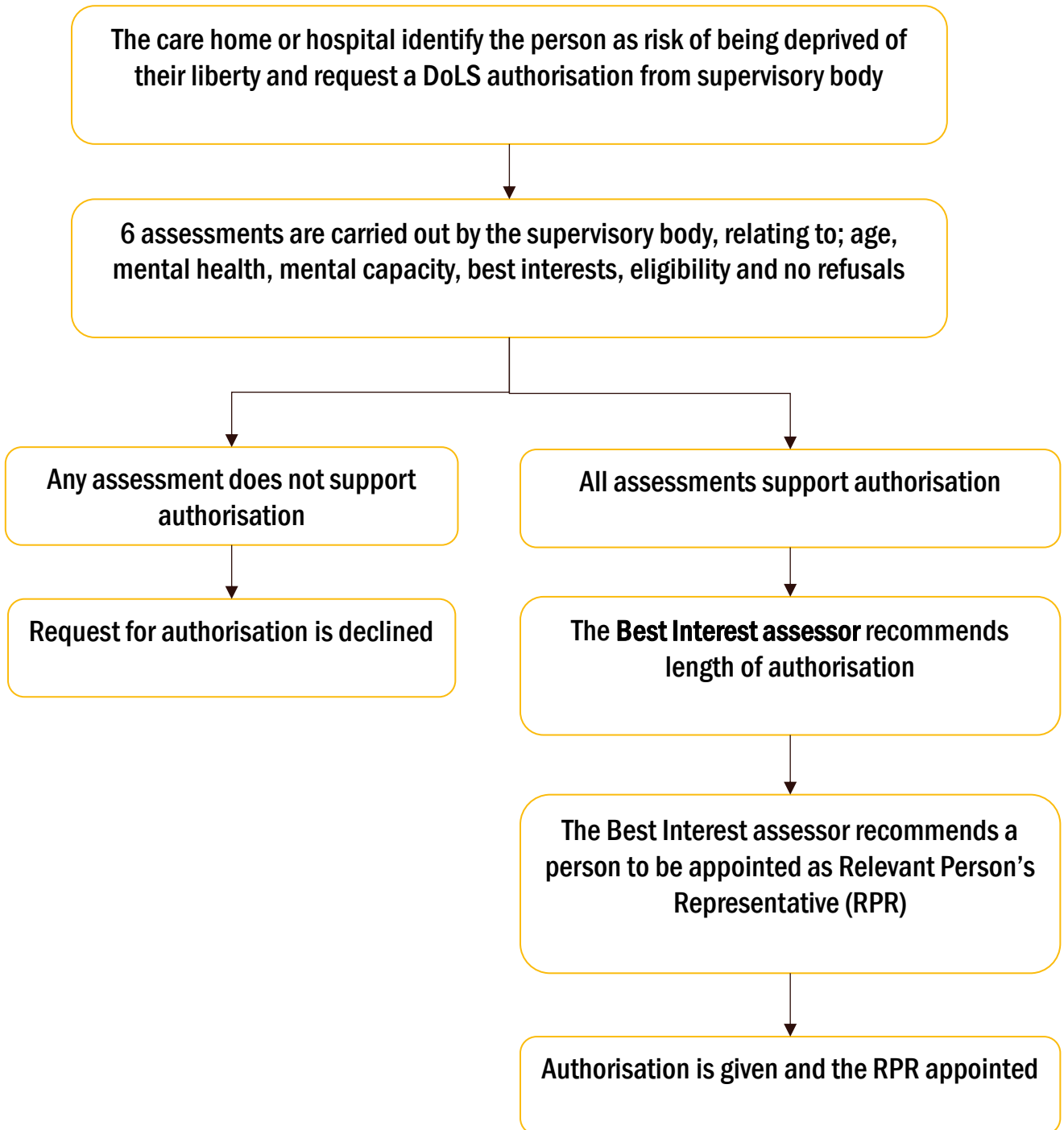
The ‘acid test’ for determining if a person is being deprived of their liberty is if they are subject to continuous supervision and control, and, they are not free to leave their residence.

There are rules about who can be placed under a DoLS and for how long. There are also measures taken to ensure that the person’s rights are upheld and that the DoLS is in place for good reason.

One of the measures taken to protect the person deprived of their liberties under the terms of the MCA, known in this process as the **Relevant Person**, is that they must be appointed someone to represent their interests; a **Relevant Person’s Representative**.

DoLS Authorisation Process

Before a DoLS is authorised and an RPR appointed, the managing authority and supervisory body must follow this process:



Who can be an RPR?

A RPR is usually a friend or family member.

To be appointed as RPR, you ***must*** be:

- 18 years of age or over
- able to keep in regular contact with the person
- willing to be appointed

You ***must not*** be:

- financially interested in the care home or hospital (**managing authority**) or related to someone who is
- employed by or providing services to the care home (where the managing authority is a care home)
- employed by the hospital in a role related to their care (where the managing authority is a hospital)
- employed by the **supervisory** body (local authority) in a role that is, or could be, related to the relevant person's case.

If you think that you may not be eligible to act as the RPR for any reason, please contact the Supervisory Body.

In cases where no friend or family member is willing or eligible, a referral will be made by the Local Authority to appoint a **Relevant Person's Paid Representative (RPPR)**.

The Role of RPR

In your role as the RPR, you will need to:

- maintain regular contact with the relevant person. RPRs must have regular, face-to-face contact to ensure the person's rights are protected. This means that the hospital or care home where the person is residing should allow you to visit them at reasonable times.
- represent and support that person in all matters relating to their deprivation of liberties. This may include; requesting a review, making a complaint on the person's behalf or making an application to the **Court of Protection**. This may be necessary if the person is objecting to their residence in the care home or hospital or if you consider that this placement is not in their best interests. An explanation of what this involves is set out later in this booklet.
- provide support that is independent of the relevant person's managing authority and supervisory body

Restrictions and Conditions

When a person is 'deprived of their liberty' it means that certain restrictions have been, or can be, put in place to keep them safe from harm. Being deprived means they have limited rights.

Some examples of these restrictions are:

- Having restricted access or being restricted to certain parts of the building they live in.
- Close supervision within or outside the home
- The use of some medication, for example, to calm a person
- Restricting contact with certain persons, including friends, family and acquaintances, if it is considered they could be harmful to the person
- Physically stopping a person from doing something which could cause them harm
- Removing items from a person which could cause them harm
- Holding a person so that they can be given care, support or treatment
- Bedrails, wheelchair straps, restraints in a vehicle, and splints
- The person having to stay somewhere against their wishes or the wishes of a family member

Restrictions and Conditions

Some DoLS may also have **conditions** attached that the Managing Authority must uphold for the duration of the authorisation period. These conditions are put in place by the supervisory body. They are put in place to reduce the restrictions on the relevant person.

Some examples of conditions are:

- Care Home staff to try and engage relevant person in activities and keep records to evidence attempts and successes.
- Care Home to ensure relevant person has regular access to community
- Staff to make sure care plans are up to date
- Ensuring care home staff have up to date DoLS training
- Medications are kept under review
- A record of any requests to leave the care home is kept
- A record of whether personal care is accepted or refused is kept, and what support is offered to encourage with this

This is not an exhaustive list but these are some of the more common conditions.

Your Rights as a RPR

The RPR has the right to:

- Be informed of the **Standard Authorisation** and receive a copy of assessments
- Be informed about the complaints processes
- The **Managing Authority** must support contact (at reasonable times)
- Have access to **Independent Mental Capacity Advocate (IMCA)** support to help you understand and carry out your role, this is known as a '39D' IMCA.
- Request a review
- Be consulted as part of any further assessments carried out by the Local Authority.
- Make an application to the **Court of Protection**

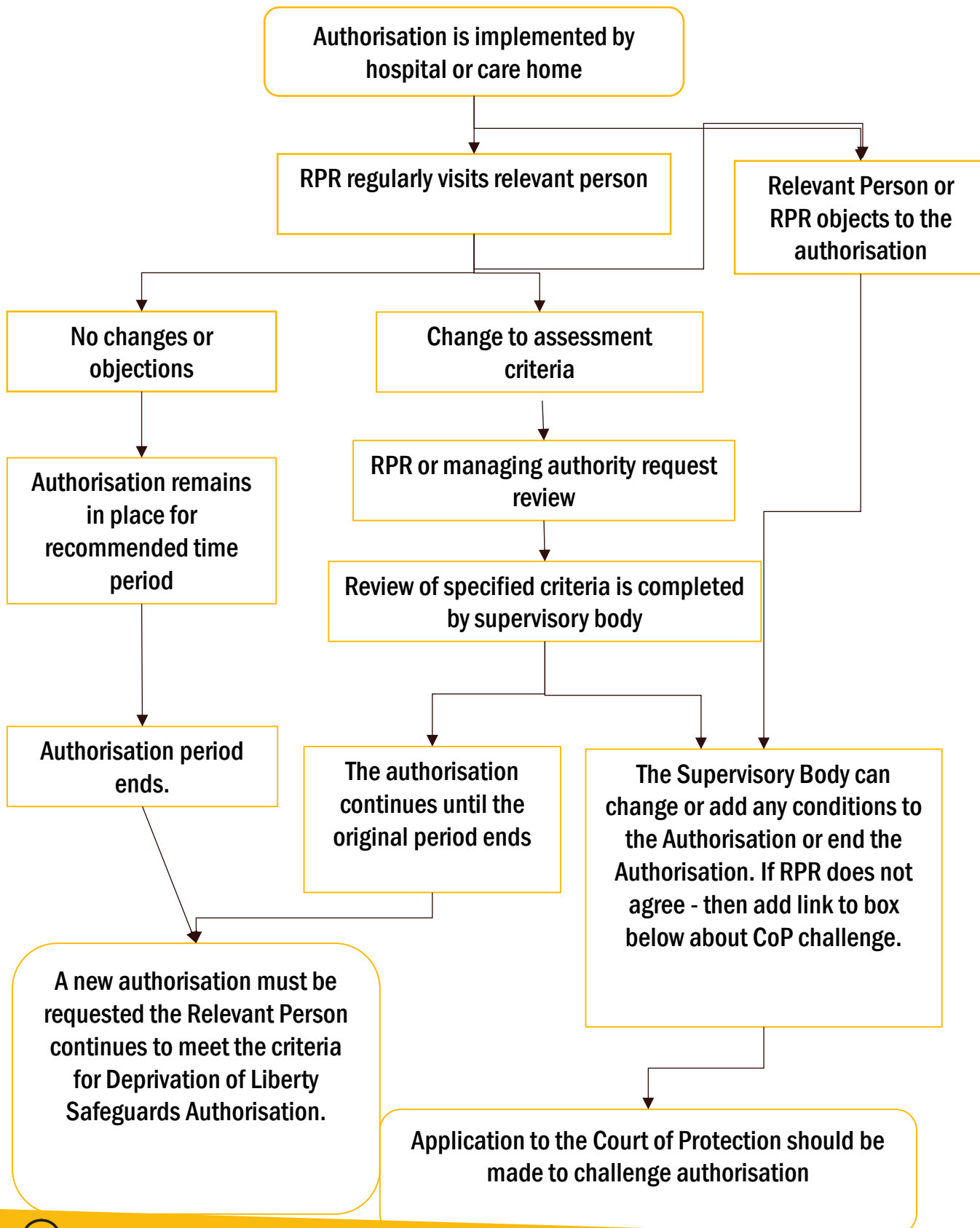
Reviews and Court of Protection

If you feel that there have been significant changes to either your Relevant Person's condition (such as regaining capacity) or their restrictions, you can request a **Review** of their **Authorisation**. When requesting a review, you will be asked to specify the change that has happened that you feel affects the Authorisation. Only the aspect of the assessment criteria that has been identified will be reviewed by the Supervisory Body. The Relevant Person, Managing Authority and Supervisory Body can also request a review. You can request a review by contacting your Local Authority DoLS Team.

If your Relevant Person is objecting to their placement, you can apply to the **Court of Protection** to have their Authorisation amended or lifted. You can also apply to the Court of Protection if it is felt that the relevant person has regained **capacity** or if it is felt that the authorisation was not properly issued.

An **IMCA** can help you through these processes.

RPR Process



Keeping in Contact

When an authorisation has been made, it is important to keep in regular contact with your relevant person in order to make sure their interests are being protected and their rights upheld.

When visiting your relevant person, there are some things you should consider:

- ✓ **Objections** – is the person happy in their placement or are they objecting to it?
- ✓ **Changes** – have there been any changes to the person's condition? Have there been any changes to the restrictions?
- ✓ **Conditions** – if there are any conditions on the DoLS authorisation, are these being met?

As the RPR, you can request to see your relevant persons care records to see what has been documented. Although this can be refused, most care providers should comply to support you in your role.

Contact Details

Use this space to write down the contact details of the Managing Authority (care home or hospital in where the relevant person will be deprived of their liberty) and the Supervisory Body (the Clinical Commissioning Group or Local Authority involved in the process, e.g. County Council)

Managing Authority:

Address:.....

.....

Contact name:

Job Title:

Phone Number:

Email Address:

Supervisory Body:

Contact name:

Job Title:

Phone Number:

Email Address:



Visit Notes

You can use this space to document your visits.

Date:

Staff spoken to:

Care records checked? Y / N



Visit Notes

You can use this space to document your visits.

Date:

Staff spoken to:

Care records checked? Y / N



Visit Notes

You can use this space to document your visits.

Date:

Staff spoken to:

Care records checked? Y / N



Visit Notes

You can use this space to document your visits.

Date:

Staff spoken to:

Care records checked? Y / N



Visit Notes

You can use this space to document your visits.

Date:

Staff spoken to:

Care records checked? Y / N



P0hWER Contact Information



P0hWER Gloucestershire's office is located just outside Gloucester city centre. Working hours are between 9am – 5pm, Monday to Friday.



Telephone 0300 003 1162 (charged at local rate)



Email glosadvocacy@pohwer.net



Skype pohwer.advocacy
Open 8am - 6pm Monday to Friday



Write to: P0hWER, PO Box 17943, Birmingham, B9 9PB



For more information visit our website at
www.pohwer.net/gloucestershire

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Gloucestershire DoLS Service Contact Information



Telephone: 01452 426005



For more information, visit:

<https://www.gloucestershire.gov.uk/gsab/i-am-a-friend-relative-or-carer/deprivation-of-liberty-safeguards-dols/>