

## Key Terms

### Managing Authority

The care setting where the person is placed

### Supervisory Authority

The local authority or local health board that is responsible for appointing an RPR

### DoLS

Deprivation of Liberty Safeguards

### MCA

Mental Capacity Act (the law protecting people who lack capacity)

### RPR

Relevant persons representative

### IMCA

Independent Mental Capacity Advocate

# Rethink

Advocacy

If you would like to talk to someone about our service call us on

**0300 7900 559**

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## The role of the Relevant Persons Representative

In relation to the Deprivation of Liberty Safeguard (DoLS)

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## What is a Deprivation of Liberty Safeguard?

People have the right to make their own decisions, but sometimes they cannot make decisions about the care or treatment they need, due to a health condition like a brain injury or dementia. For people in this situation who are also:

- not free to leave the place where they are being cared for,
- are under complete supervision and control of staff

then the law says they are deprived of their liberty. For people in this situation (often in care homes or hospitals), the Deprivation of Liberty Safeguards (DoLS) protects their rights, and ensures they are not restricted more than is needed to keep them safe. The care setting must apply for a DoLS authorisation to get permission from the Supervisory Body before they can deprive someone of their liberty.

### A DoLS authorisation:

- allows a deprivation of liberty in a specific way for a period of time
- is unique to the individual
- may have conditions attached

A DoLS authorisation may say that when necessary the care home may:

- stop the person from leaving the place where they are being given the care they need
- keep a person under continuous supervision and control in their best interests, to protect them from harm

## What is a Relevant Person Representative?

Anyone deprived of their liberty under a DoLS is entitled to a Relevant Persons Representative this is someone who will protect that person's interests and rights while they are deprived of their liberty. The role of the RPR is an important role ensuring the person under the DoLS has representation and support that is independent of the commissioners and providers of the services they are receiving.

### Who can be an RPR?

The RPR could be a family member or a friend but if there is no one suitable it could be a Paid Representative also known as a Relevant Persons Paid Representative (RPPR).

There are certain guidelines about who can be an RPR, they must:

- be 18 years of age or over
- be able to have regular face to face contact with the person, and
- be willing to be appointed as RPR.

### What does an RPR do?

- An RPR must act in the best interests of the person they represent. This means that anything done to, or on behalf of, someone who is unable to make decisions for themselves must be in their best interests as set out in the MCA Code of Practice.

- The RPR needs to understand the requirements of the role set out in the Code of Practice so they can help the person to understand their DoLS and how it affects them.
- The RPR may, if appropriate, trigger a review of the DoLS challenging the deprivation or the placement on behalf of the person by requesting a review of the authorisation by the Supervisory Body or a direct referral to the Court of Protection.
- The RPR may need to make decisions and act on behalf of that person. For example: the person must be involved, as much as possible, in any decision being made on their behalf. If there is any chance the person may regain capacity and be able to make the decision for themselves then the RPR can ask if making the decision can be delayed.
- The RPR must ensure that the wishes and feelings of the person, including any views they have expressed in the past, are used to help make any decisions on their behalf now. As part of this process the RPR should consult with carers and anyone else who has an interest in the relevant person's welfare. They may have written things down or told other people what they wanted to happen in similar circumstances. Any known beliefs or values should also be considered as they may influence the decisions being made. These could include religious or cultural beliefs or moral views.
- Ensure any conditions attached to the authorisation are met, referring any concerns to the Supervisory Body if required.
- People who are providing care for the relevant person should always keep the RPR informed of any changes to the conditions of a DoLS authorisation.
- The hospital or care home where the person is should allow the RPR to visit them at reasonable times.
- The RPR's name should be recorded in the person's health and social care records.
- The RPR could withdraw from the role if they felt the role was too much, or change their mind.
- A friend or family member can also request to act as RPR where there was previously a paid RPR.

## Support for unpaid RPRs

A person subject to a DoLS authorisation, or their unpaid RPR can also ask for support from a 39d DoLS IMCA in order to help them understand paperwork, call a review or mount an appeal. A request should be made through the supervisory body.

The supervisory body can also make a request to an advocacy service for an IMCA 39d where they think either or both parties will benefit from the assistance of a 39d IMCA.

(39D - refers to the section of the MCA which covers this requirement)