



DEPRIVATION OF LIBERTY SAFEGUARDS

Guide for Representatives

Relevant Persons Representative (RPR)

CITY OF
WOLVERHAMPTON
COUNCIL

What is a Relevant Persons Representative (RPR)?

A Relevant Persons Representative is an appointed friend or relative of a person who is subject to a Deprivation of Liberty Safeguards (DoLS) authorisation. The subject of a DoLS authorisation is referred to as the 'relevant person', the role of the representative is to act on behalf of the deprived person, in their best interests.

The role of the Relevant Persons Representative (RPR) is to:

- Provide support and representation for the relevant person, acting on that person's behalf, in their best interests, independent of the care commissioners and service providers;
- Maintain regular contact with the relevant person in order to monitor their situation; *and*
- Support the relevant person in all matters relating to the authorisation, including (where appropriate) requesting a review of the authorisation, submitting complaints on behalf of the relevant person, or making application to the Court of Protection.

Who can be the RPR?

The appointment of a representative is subject to a set of restrictions in order to maintain an unbiased representation in the best interests of the relevant person; where no person can be found who meets these requirements a Paid Persons Representative (PPR) is sourced from a third party organisation.

An RPR must be:

- ✓ 18 years of age, or older;
- ✓ Able to maintain regular, face-to-face contact with the relevant person; *and*
- ✓ Willing to be appointed in this capacity.

An RPR must **not** be:

- ✗ Financially interested in the hospital or care home where the person is being deprived, or a relative of a person with a financial interest;
- ✗ Employed by, or providing services to, the care home in which the relevant person is residing;
- ✗ Employed by the hospital in which the relevant person is residing in a role which is, or could be, related to their treatment or care;
- ✗ Employed to work in the supervisory body (Local Authority granting authorisation) in a role which is, or could be, related to the relevant person's case.

Representing the relevant person

As a representative you may be required to make decisions and act on behalf of the relevant person, where they are unable to do so, ensuring that these decisions are in their best interests. As far as possible the relevant person must be involved in any decision made on their behalf; the Mental Capacity Act (2005) gives a list of the sort of things which you must consider when making decisions on behalf of the relevant person:

- The wishes and feelings of the relevant person, including any views which they may have expressed in the past, should be used to help understand what their wishes and feelings might be in the current situation; this might include things they have written down or said to others, or examples of how they have behaved in similar circumstances in the past.
- Any beliefs or values held by the relevant person which may influence their decision-making, including religious beliefs, moral views, or cultural influences.
- Any additional factors which the relevant person would be likely to consider were they able to do so.
- Is there a chance that the relevant person may regain capacity and be able to make the decision themselves at a future time? If so, can the decision be delayed?

Care staff and persons providing care for the relevant person are obliged to consult with you, as well as with any donee of lasting power of attorney, or deputy appointed by the Court of Protection, before key decisions are made on behalf of the relevant person. You should consult with carers and anyone who has an interest in the welfare of the relevant person to ensure all such decisions are made in their best interests.

As representative you may apply to the supervisory body to request a review of the authorisation where you believe there has been a change of circumstances and a section of the authorisation is no longer relevant; you may also apply to the Court of Protection on behalf of the relevant person in order to challenge the authorisation (non means-tested legal aid is available for this).

Both the representative and the relevant person have the right to be supported by an Independent Mental Capacity Advocate (IMCA), an IMCA is an independent professional from a third-party organisation who can support the representative by ensuring they are able to understand and carry out their role effectively, or guide a representative in making a Court of Protection request.

The appointment of a representative lasts for the length of the given authorisation (12 months maximum), and is terminated at the end of this period; where an authorisation is renewed the appointment will be reviewed and may be extended.

If a representative becomes unable to carry out their duties the supervisory body should be notified, and a review carried out to appoint a new representative.

Your rights in brief

As representative you have the following rights to receive information:

- Copies of the standard authorisation and assessment documents from the supervisory body;
- Copies of any written information given to the relevant person about the effect of a standard authorisation by the managing authority, as soon as reasonably possible after it is given to the relevant person;
- Notice from the supervisory body that a standard authorisation has ceased to be in force, or has been suspended; *and*
- Notice from the supervisory body that a review is to be conducted, and notice of the outcome of any review;

You also have the following rights in conducting the role of representative:

- Right to request support from an Independent Mental Capacity Advocate for yourself or the relevant person;
- Right to request a review of the standard authorisation;
- Right to make application to the Court of Protection without requirement for permission;
- Right to make submission to the supervisory body about the use of an existing assessment as an 'equivalent' best interests assessment;
- Right to give information, or make submission, to an assessor;
- Right to be consulted by a section 39A IMCA before the IMCA exercises any power of challenge to the Court of Protection.

For further information or advice please contact the DoLS team for the supervisory body managing the authorisation.

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