

research
in practice
for adults

What is...

***a Relevant Person's
Representative?***



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a Relevant Person's Representative?



People have the right to make their own decisions. But sometimes people cannot make decisions about the care or treatment they need, due to a problem in their mind or brain. If they are not free to leave the place where they are being cared for, and are also under complete supervision and control by staff, they are deprived of their liberty.

For people in this situation in care homes or hospitals, the Deprivation of Liberty Safeguards (DoLS) protect their rights, and ensure they are not restricted more than is needed to keep them safe.

Every person who is deprived of their liberty has someone called a Relevant Person's Representative (RPR), to support and represent them.

The most important part of the RPR's responsibility is to help the person to challenge their deprivation of liberty, or to challenge it on their behalf.

How does ... *it work?*



If someone has the mental capacity, they can choose their own RPR. If they cannot make this decision for themselves, but someone else has powers to make health and welfare decisions under a Lasting Power of Attorney (LPA), that person can choose someone.

Otherwise, the DoLS Best Interests Assessor (BIA) will talk with the person's relatives or friends, to select someone to support the person as their RPR. If nobody can be found, the local authority must appoint someone, often an advocate. This kind of RPR is paid, in contrast with relatives or friends, who are not paid for being an RPR.

What is ... *the role of the RPR?*



The RPR must keep in touch with the person, and visit, to check whether the care home or hospital is giving the person as much freedom as they can, and keeping to any conditions that are part of the authorisation to deprive the person of their liberty.

The RPR speaks up for the person, and helps them to exercise their rights. These include asking the local authority to review any part of the authorisation, or appealing against it in the Court of Protection. The unpaid RPR and the person, separately if needed, have a right to support from an Independent Mental Capacity Advocate (IMCA), to help them understand the authorisation, and also to challenge any aspect of the deprivation of liberty.



Sometimes, the RPR thinks it is right to deprive the person of their liberty, to give them the care or treatment they need and keep them safe.

However, if the person insists they really want to live somewhere else, or shows by their behaviour that they are very unhappy where they are, the RPR must be willing to ask the Court of Protection to decide whether this authorisation is justifiable in light of the person's opposition to it.

How do ...

I know if things are working well?

The care home or hospital knows who the RPR is, keeps records of how often they visit and consults them about anything relating to the DoLS authorisation.

The RPR knows how to ask the local council to review the authorisation to see if it should be ended or any conditions changed. They do this if they, or the person they represent, have concerns about the authorisation.

The RPR, and the person as far as they are able, understand how long the authorisation has been granted for, and what it means for the person.

The RPR wholeheartedly supports the person in a challenge, review request or complaint. If they feel they cannot do this, they tell the local authority, which appoints an RPR who can fulfil the role.

The RPR knows how to get help from an IMCA to challenge the deprivation of liberty in the Court of Protection.

Practical advice



The care home or hospital must tell the local authority's DoLS team if an RPR does not visit or keep in touch with the person, or refuses to help them to challenge their authorisation.

An RPR has the right, and the duty, to support the person to request a review or apply to the Court of Protection.

For more about who can be an RPR, and what their responsibilities are, see:
www.scie.org.uk/mca-directory/dols.asp

DoLS are part of the *Mental Capacity Act 2005*. To understand more about capacity, best interests and restraint, see:
www.gov.uk/government/uploads/system/uploads/attachment_data/file/497253/Mental-capacity-act-code-of-practice.pdf

An unpaid RPR has the right at any time to be helped by an Independent Mental Capacity Advocate (IMCA), through the local authority, to ask the Court of Protection to decide whether the authorisation is really in the person's best interests.

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Every person who is deprived of their liberty has someone called a Relevant Person's Representative (RPR), to support and represent them. This guide explains how the role of the RPR works, and how you can be sure it is helping the person to challenge their deprivation of liberty.

The guide has been produced by Research in Practice for Adults. We are a charity that uses evidence from research and people's experience to help understand adult social care and to improve how it works.

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