

HULL ADULT SOCIAL CARE RELEVANT PERSONS REPRESENTATIVE (RPR)

Under the **Human Rights Act**, everyone has the right to liberty. If someone in a hospital or care home can't leave or consent to their care, they are deprived of their liberty. This can also happen if they are constantly supervised or have their actions controlled. The **MCA DOLs** ensure that deprivation of liberty is only in the person's best interests.



This booklet is designed to help you understand and fulfil your 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 (MCA DoLS)**.

The **Best Interest Assessor (BIA)** will have consulted with you and explained why you have been appointed.

What are the MCA DoLS?

The MCA DoLS provide protection for vulnerable people who are accommodated in hospitals or care homes in circumstances that amount to a deprivation of their liberty, and who lack the capacity to consent to the care or treatment they need.

In such cases, MCA DoLS provide a lawful way to deprive the Relevant Person of their liberty, if this is in their best interests or is necessary to keep them from harm.

What happens once an MCA DoLS authorisation is granted?

If the Relevant Person complies with all six assessment criteria, an **MCA DoLS** Standard Authorisation will be granted and, as the RPR, you will be informed in writing.

The **Supervisory Body** (Hull City Council) will set the duration for the authorisation. It should be as short as possible (no longer than 12 months, or the period suggested by the **BIA**).

The law requires Supervisory Bodies to issue the Standard Authorisation in writing, including details such as the purpose of the DoLS and the period for which it is to be in place.



What does a Relevant Persons Representative (RPR) do?

- keeps regular in person contact with the Relevant Person.
- checks that the care being provided is not too restrictive for the Relevant Person.
- supports the Relevant Person to request a review of their care and any restrictions.
- checks the Relevant Person's care and support plans.
- ensures that any recommendations or conditions in the Standard Authorisation are adhered to.
- contact the Supervisory Body to request a review of the Standard Authorisation if:
 - the person no longer meets the age, no refusals, mental capacity, mental health or best interests requirements.
 - the person is receiving mental health treatment in hospital and they meet the criteria for an application for admission under section 2 or 3 of the Mental Health Act 1983.
 - there has been a change in the person's situation, and because of that change, it would be appropriate to amend or delete an existing condition of the authorisation or add a new condition.
 - the reasons why the person now meets the qualifying requirements are different from the reasons recorded at the time the authorisation was given.

Can an authorisation be challenged?

As **RPR** you can challenge authorisations on behalf of the **Relevant Person** you represent in the **Court of Protection**, although you should consider whether it is possible to resolve any concerns informally with the Managing Authority and/or Supervisory Body first. All unpaid RPR's and people being Deprived of their Liberty have a statutory right to be supported by an **Independent Mental Capacity Advocate** (IMCA 39d). To arrange the support of an IMCA39d or to be sign posted to local Solicitors who have experience of challenges in the Court of Protection contact the DoLS Team.

What happens when an authorisation comes to an end?

If an Authorisation expires or is terminated for any reason, the Supervisory Body should inform you in writing. The **Relevant Person** should cease to be deprived of their liberty immediately. This also applies if an authorisation is suspended, which is possible for a **maximum of 28 calendar days**.

Your appointment as an RPR will be terminated if:

- the Standard Authorisation comes to an end and a new Authorisation is not granted.
- the Relevant Person objects to you continuing in your role as the RPR and selects a different person to be their representative (providing that they have the capacity required to make this decision).
- an Attorney or Deputy objects to you continuing in the role of RPR (if they have the authority to do so).
- the Supervisory Body believes that you are no longer willing or eligible to continue in the role of RPR.
- the supervisory body becomes aware that you are not keeping in touch with the relevant person or that you are not acting in their best interests.
- you die while the MCA DOLS authorisation is still in place.


The Supervisory Body will contact you to clarify the position before deciding whether to terminate your appointment. If you are no longer eligible to be a person's RPR, the supervisory body may seek your advice on who would be an appropriate replacement.

What happens when there is no RPR available?

A person who is being deprived of their liberty will be in a particularly vulnerable position during any delays in the appointment of an RPR since there will be nobody to represent their interests or to apply for a review on their behalf. If there is nobody who can support and represent the person, the Managing Authority must notify the Supervisory Body, who must instruct an Independent Mental Capacity Advocate (IMCA 39a/39c) to represent the person until a new representative is appointed. The role of an IMCA instructed in these circumstances is essentially the same as that of an RPR. The IMCA's appointment ends when the new RPR is appointed or the Standard Authorisation ends.

For further information visit:

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Please leave the DoLS
Team feedback!

