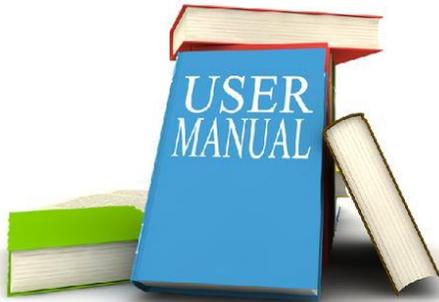


Deprivation of Liberty Safeguards

A guide for relevant person's representatives



As a relevant person's representative (RPR) you will have been appointed by Rotherham Council to support a person who is deprived of their liberty. This booklet is designed to help you understand and fulfil your role.

What are the Deprivation of Liberty Safeguards?



- The Deprivation of Liberty Safeguards provides legal protection for vulnerable adults who are, or may become deprived of their liberty.
- The safeguards exist to provide a proper legal process and suitable protection in circumstances where deprivation of liberty appears to be unavoidable, in a person's best interests.

When will the Deprivation of Liberty Safeguards be used?



- The Deprivation of Liberty Safeguards are for people who cannot make a decision about the way they are being treated or cared for in a care home or hospital and where other people are having to make this decision for them.
- The Deprivation of Liberty Safeguards are for people living in England or Wales, who are 18 years or older, who have a mental disorder such as dementia or a learning disability, and who are living in a care home or staying in hospital and lack the mental capacity to agree to be there.

Your responsibilities as an RPR



As a representative you must:

- ✓ Maintain contact with the person being deprived of their liberty (see page 5)
- ✓ Represent and support the person in all matters relating to Mental Capacity Act and Deprivation of Liberty Safeguards, including challenging the authorisation if necessary (see page 6)
- ✓ Provide support that is independent of the relevant person's commissioners and service providers

Maintaining regular contact with the person



- ✓ As an RPR you must have regular face to face contact (at least one hour per month) with the person being deprived of their liberty to ensure that their interests are being safeguarded
- ✓ You must represent and support them when decisions need to be made about their care and treatment
- ✗ If you do not visit the person on a regular basis they may not have the full opportunity to have their case reviewed or to appeal against their deprivation of liberty to the Court of Protection

Reviews/ Challenges to the DoLS Authorisation



- ✓ The Safeguards give the relevant person or their representative the right to request a review of the authorisation at any time if they feel that the situation has changed, or are not satisfied that the authorisation is appropriate.
- ✓ If there is a disagreement about the deprivation of liberty, the Safeguards also give the relevant person or their representative the right to challenge the authorisation in the Court of Protection. You must be willing to challenge on behalf of the person even if you believe the authorisation is appropriate and in their best interests.

Your rights as a RPR



When a standard authorisation is granted, the managing authority must make sure that both you and the relevant person understand:

- ✓ The effect of the authorisation
- ✓ Your right to support from an Independent Mental Capacity Advocate (IMCA – see page 8)
- ✓ Your right to request a review or make an application to the Court of Protection to seek variation or termination of the authorisation (see page 6)
- ✓ The formal and informal complaints procedures that are available to you both

The right to an Independent Mental Capacity Advocate



Both you and the person being deprived of their liberty have the right to an IMCA. You can request this through Rotherham Council (see page 13). An IMCA will support you and the person being deprived of their liberty with the following:

- Understanding why the person meets the criteria for an authorisation
- Any conditions to which the authorisation is subject
- Providing additional support if you need it to help through a review or Court of Protection process

Finishing your work as an RPR



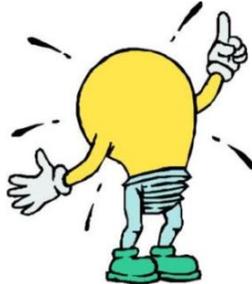
Your role as an RPR may come to an end for a number of reasons including:

- You do not wish to continue with your role
- The person being deprived of their liberty objects to you being their RPR
- The authorisation ends and a new authorisation is not granted

- An attorney or deputy object to you continuing your role (if they have the authority to do so)
- You are no longer able or eligible to continue with your role
- You are no longer keeping in contact with the person being deprived of their liberty
- You are not acting in the persons best interest
- You die whilst the authorisation is still in place

If your role as an RPR is terminated the supervisory body should inform you of the date your role will end and clearly state the reasons for this decision.

Useful details



Lawyers can help you, or the person supporting you, to get your case to a Judge.

You can get information from local branches of Citizens Advice Bureaux:

Citizens Advice Rotherham

The Rain Building, Eastwood Lane,
Rotherham S65 1EQ

Telephone: 0344 411 1444

or you can use Find a Solicitor online here
<http://solicitors.lawsociety.org.uk/> or here
<http://www.mhla.co.uk/find-a-lawyer/geographical-list/>

Or call them for help on 020 7320 5650
(Monday to Friday from 09:00 to 17:30)

You can also contact your local Council DoLS
Team - The Council will always try to listen to
your point of view and sort out any
disagreement informally if they can.

Rotherham Deprivation of Liberty Safeguards
team:

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