

South Gloucestershire Council's requirements for appointing a Paid Representative

When a DOLS is applied, and it has not been possible to identify a suitable representative, South Gloucestershire Council refer the person to whom the authorisation relates (the person deprived of liberty) to the appropriate IMCA service for paid representation.

A visit will take place to the person to whom the authorisation relates within a month of the date the referral is made, and possibly sooner if factors are in place that indicate an earlier visit is needed. For short authorisations, the paid representative should attempt to visit in the period of authorisation; this may entail only one visit.

The requirement following the first visit is:

- where there are no complicating factors (i.e. the person is in a settled placement, and/or is making no indication that they wish to leave and/or that they are distressed by the placement), and a 12 month authorisation has been granted, a further 5 contacts will take place during the following 5 months. At least 2 of these should be a face to face visit.
- Where the situation is more complex such as an objection from the person or there are complicating factors, a monthly face to face visit should be made.

It is preferable that the paid representative role is undertaken by a trained Independent Mental Capacity Advocate. The appointment requirements, in relation to a person appointed to act as an IMCA, are that—

- (a) he has appropriate experience or training or an appropriate combination of experience training;
- (b) he is a person of integrity and good character; and
- (c) he is able to act independently of any person who instructs him.

Monitoring requirements: the following is to be shared with the DOLS Team:

An initial report following the first visit, encompassing:

- when the person was visited
- what was witnessed or evidenced on the visit
- the paid representative's conclusion as to whether an appeal under Section 21 was required, and the evidence to support this appeal.

A summary report every 6 months following the initial report, for each person visited by the paid representative. If the authorisation ends before the 6 month period, a summary report should be shared reflecting the paid representative's work during this period. The 6 month report should follow the format for the initial report, and should include a summary of telephone calls when a face to face visit was not carried out.