Supporting your Relative/Friend in a Care Home in Nottingham and Nottinghamshire

We offer free, confidential and independent services to help people understand their rights, be treated as equals and be heard.
Has your relative had an assessment which has decided that they lack capacity to consent to their placement in a care home? (often due to a diagnosis of dementia, learning disability or acquired brain injury)

Are you concerned about their rights being upheld and decisions being made in their best interest?

The Mental Capacity Act 2005 (MCA) introduced a legal framework and right to appeal, to protect people who lack capacity to consent to being deprived of their liberty. Following assessment the Local Authority issues an ‘Authorisation’, which means they have decided it is lawful and in the persons best interests for them to be deprived of their liberty by being placed in the care home. Everyone who has an authorisation must have a representative to ensure any conditions are being met; inform the person of their rights and how to exercise those rights. This is a vital role in ensuring the person deprived of their liberty is safeguarded. A representative can be a family member or a friend.

As a Representative you must:
• Visit the person on a regular basis
• Assist the person to understand their Deprivation of Liberty Safeguarding (DoLS)
• Assist the person to exercise their rights, eg access complaints procedures
• Ensure any Conditions attached to the Authorisation are met
• Call for a Review of the Authorisation, challenge the Authorisation with the Local Authority where possible or ultimately refer the case to the Court of Protection

If there is no unpaid person who feels able to take on this role a Paid Representative employed by POhWER is appointed. Our Paid Representatives are qualified advocates who have specialist knowledge of the MCA and DoLS legislation.
Q. If I take on the role of Representative is there any support for me?

A. Yes, you can request an Independent Advocate from POhWER to support you to understand your role and, if necessary, to access the Court of Protection.

Q. If I don’t feel able to take the role of Representative at the moment will the Paid Representative keep me informed?

A. The Paid Representative works directly with the person deprived of their liberty and not usually the family, it is the responsibility of the care home and local authority to keep all parties informed.

Q. If I don’t feel able to take the role of Representative at the moment can I change my mind in the future?

A. Yes, just let the DoLS Team at the Local Authority know you would like to take on this role.

Q. What do I do if I have concerns about an aspect of care at the home?

A. If possible, raise your concerns with the Manager of the home and give them an opportunity to explain or to put things right. If you are not satisfied, ask for a copy of the care home’s Complaints procedure and follow the steps required. If the issue is not resolved, or you feel unable to speak directly with the home, you can raise the issue with the local authority or the Care Quality Commission (CQC), the organisation responsible for inspecting care homes.
How to contact us:

- telephone - 0300 020 0093 (charged at local rate)
- minicom - 0300 456 2364
- text - send the word ‘pohwer’ with your name and number to 81025
- email - yourvoiceyourchoice@pohwer.net
- Skype - pohwer.advocacy (8am to 6pm Monday to Friday)
- fax - 0300 4546 2365
- post - PO Box 14043, Birmingham, B6 9BL
- website - www.pohwer.net

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Access to information
- We provide leaflets and information in a variety of languages and formats, Easy Read, audio and DVDs
- We have access to translation and interpreting services
- We use communication toolkits, Makaton and other signing techniques