

## GENERAL GUIDELINES FOR REPRESENTATIVES ON USING THE RA

**This information and tips relate to the RA forms provided by the Nidus Resource Centre.**

- These general guidelines apply to all types of Representation Agreements
- Find RA forms/Kits provided by Nidus at <https://nidus.ca/ra-forms/>
- Nidus also has separate tips related to the RA form – see links on page 2 of the different types of Agreements/Kits.

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**The greatest barrier faced by representatives will be lack of education and/or misinformation about Representation Agreements.**

- There has been no systematic education in any sector.
  - This includes the legal sector – lawyers, notary publics and paralegals.
  - This includes community groups, government agencies, health care providers and health authorities, financial institutions and planners, and others.
  - This puts the responsibility on those named in the RA to get informed. You have to help yourself and each other.
- Links to BC legislation on Representation Agreements:
  - [Representation Agreement Act](#)
  - [Representation Agreement Regulation](#)
- The RA is not like a hammer. The RA is not like a weapon to control the adult or service providers. The RA can help clarify roles, which then leads to better communication and role differentiation.
- The adult who the RA belongs to is not the property of the representative. The adult is also not the property of service providers. The adult is not the property of their parent(s) or children. When there is conflict or complaint among other parties, it is often the adult who suffers the most.
- A representative needs to know what is going on – so they can provide continuity of care, in case they have to act on behalf of the adult.
  - Agencies/facilities, staff and other service providers involved with the adult need to keep the representative informed and need to facilitate good communication between the adult and their representative.

## ACCESS TO INFORMATION

An important authority of a representative is listed in [section 18 of the RA Act](#).

- This is specifically mentioned under ‘Authority of Representative’ because it is not well known by third parties (where the RA has to be used).
  - A representative has a right to access information and documents that the adult is entitled to and that **relate to an area of authority given to the representative**.
    - > For example, if the representative does not have authority for health care or personal care matters, then the representative cannot get information or documents for these matters.
      - ❖ Sometimes a representative has to get records after the adult is discharged from the hospital.
      - ❖ Sometimes a representative has to talk to doctors and get test results so the adult can make their own decisions. The adult’s health and energy may be very weak, so the representative uses their authority to access information and save the adult some hard work.
- A representative also has a right to access information and documents related to the **adult’s incapability**. This is not tied to the representative’s areas of authority.
- There might be a fee for photocopying information and documents.
- Some organizations or agencies may require the parties to submit a formal Freedom of Information (FOI) request. But this should not be necessary for a representative. A representative should get the information directly.
  - Hospitals have released records directly to representatives.
  - Once the organization or agency has a copy of the valid RA on file, the representative should be able to access information and documents directly.
    - > But this may depend on how reasonable the request is viewed. Obviously, a representative who makes constant requests is going to take up more staff time (and time = money). The behaviour of one representative may lead to a policy or position that makes access to information more complex for all representatives.

## DUTY TO PROTECT PRIVACY

Use common sense and take a team approach.

- A representative has a duty to protect the privacy of the adult.
  - This means not sharing or volunteering personal information about the adult unless it relates to the role of the representative and is of benefit to the adult.
  - While a representative might not volunteer the actual balance of the adult’s bank account, it might be necessary and important to let others know if there are concerns about sufficient funds to pay the rent or the mortgage. To prevent eviction or homelessness might require the involvement of several different people and institutions.

- Obviously, there is a lot of benefit to communicating with service providers such as health care providers, residential care providers (e.g. home sharing providers, facility staff). Such communication is often related to fulfilling one's duty and as such is necessary.
  - It is also good to provide general information to family members and friends not named in the Representation Agreement.
  - Anyone that visits the adult or provides support is an important source of information for a representative and an important ally in providing care.
- A representative takes their cue from the adult and the adult's comfort with sharing personal information with others.

### WHEN DOES RA COME INTO EFFECT?

The RA forms provided by Nidus have wording that the Agreement is **in effect immediately** after the adult and witnesses have signed and other signing and paperwork is completed.

- Look for the heading 'When Agreement is in Effect.'
- Just because the Agreement is in effect immediately, it does not mean the representative takes over. It means the RA is ready-to-go if needed, especially if there is an emergency or other crisis.
  - It also means if the adult is 'in care,' the service providers should be sharing all and any information with the representative according to the areas of authority covered by the Representation Agreement. The role of service providers is to strengthen positive communication between the representative and the adult.

### WHEN DOES THE RA END?

A Representation Agreement ends when the adult who it belongs to dies.

- There are some other circumstances when the RA ends or some authorities might end; read the **information section** and the end of the RA form.