

GUIDANCE TO FORM 1:

STANDARD REQUEST, URGENT AUTHORISATION AND EXTENSION TO URGENT

PLEASE NOTE THAT THIS FORM NOW BEGINS WITH A STANDARD REQUEST AND ONLY IN EXCEPTIONAL CASES SHOULD AN URGENT AUTHORISATION ALSO BE COMPLETED.

Remember in the vast majority of cases it should be possible to make the necessary arrangements to apply for a Standard Authorisation in advance before the need for the deprivation of liberty begins.

Part A: Basic Information

It is helpful to assessors if you can summarise relevant medical history, give details of any sensory loss and in particular describe the person's communication needs as this will help the assessor prepare and enable them to consider whether any aids are needed or in fact whether an interpreter may be needed.

However, the presence of sensory loss or communication needs is not necessarily indicative of a lack of capacity.

It is important to fully complete the Managing Authority contact details including both general reception number at the venue and direct telephone number to Ward Manager/ Care Home Manager.

Part B: Request for Standard Authorisation

B2: Purpose of the Authorisation - this provides two essential pieces of information.

A description of the care and treatment - in other words: *Why do you need to accommodate the person in the care home or hospital?*

It asks you to describe in detail the care and/or treatment the person is receiving. It is helpful to assessors if this is as detailed as possible rather than a vague statement such as "24 hour care".

Secondly you are asked to explain why the person meets the acid test for a deprivation of liberty. The following information may be helpful:

[http://www.39essex.com/docs/newsletters/deprivation of liberty after cheshire west - a guide for front-line staff.pdf](http://www.39essex.com/docs/newsletters/deprivation_of_liberty_after_cheshire_west_-_a_guide_for_front-line_staff.pdf)

http://www.cqc.org.uk/sites/default/files/20140416_supreme_court_judgment_on_deprivation_of_liberty_briefing_v2.pdf

[http://www.39essex.com/content/wp-content/uploads/2014/02/deprivation of liberty in the hospital settingv3.pdf](http://www.39essex.com/content/wp-content/uploads/2014/02/deprivation_of_liberty_in_the_hospital_settingv3.pdf)

In this section you need to describe all the measures you are taking which have led you to make a request for an Authorisation:

- describe the environment the person is in
- who has determined where they live
- whether it is a temporary or permanent arrangement
- how are they monitored by staff leading you to conclude they are under continuous or complete supervision and control and are not free to leave.

When describing all the restrictions it is helpful to say how frequently they are taking place.

For example it is better to say: *“Mrs X has to be reassured and redirected by staff at least 4-5 times a day as she is distressed and wants to leave.”*

rather than: *“Mrs X says she wants to leave.”*

It is better to say: *“1:1 support is in place at all times of day, when John is in his room or moving around the building, when he has meals or takes part in social events. However at night there is less support as there is a sleeping night and no checks are made beyond the routine checks.”*

rather than: *“John has 1:1 support.”*

B3 – The person is subject to some element of the Mental Health Act (1983)

If you are aware of any aspect of the Mental Health Act that applies to the person, for example they may be subject to a Guardianship Order, then this is where you need to include that information, with as much detail as you are able to provide.

Once you sign and date the form you will also be asked to confirm that you have advised any interested persons of the request for a DoLS Authorisation. Communication with close family members is very important from the beginning.

B4 - Whether there is valid and applicable advance decision

This is a question about any Advance Decisions to refuse treatment the person may have made that you are aware of.

B5 – Whether it is necessary for an Independent Mental Capacity Advocate (IMCA) to be instructed

It is necessary for the Managing Authority to inform the DoLS team if the person will need an IMCA to support them. If apart from professionals and other people who are paid to provide care and treatment there is no one appropriate to be consulted about relevant person’s best interest, Supervisory Body will need to appoint an IMCA.

The DoLS team at the Supervisory Body will make the referral but you need to state whether the person has anyone appropriate to consult with.

B6 – Information about interested persons and others to consult

An interested person is any of the following:

- The relevant person's spouse or civil partner;
- Where the relevant person and another person of the opposite sex are not married to each other but are living together as husband and wife - the other person;
- Where the relevant person and another person of the same sex are not civil partners of each other but are living together as if they were civil partners - the other person;
- The relevant person's children and step children;
- The relevant person's parents and step parents;
- The relevant person's brothers, sisters, half-brothers, half-sisters, step brothers and step sisters;
- The relevant person's grandparents or grandchildren.
- The relevant person's friend

The form also asks for other people such as anyone caring for the person or interested in their welfare. This could include social workers or care staff.

Part B8 - Important Data Collection

This information is required for the quarterly DoLS returns to the Health and Social Care Information Centre. Please note this information is based on the Adult Social Care collection and the disability here does not refer to mental incapacity but to any other disability that may apply to the person.

Part C: Urgent Authorisation

Complete only where the need for the deprivation of liberty is so urgent that it is in the best interests of the person for it to begin while the application is being considered.

Although the original intention was that an Urgent Authorisation would be for "sudden unforeseen needs" in practice this has not been the case and Managing Authorities often use Urgent Authorisations. There is an expectation that in the vast majority of cases it should be possible to plan ahead and make sure that a Standard Authorisation is requested ahead of the need for the deprivation of liberty to begin.

An Urgent Authorisation should only be given where the need for the deprivation of liberty is so urgent that it is in the best interests of the person for it to begin while the application for a Standard Authorisation, which is expected to be necessary, is being considered. There are some situations where an Urgent Authorisation is generally not needed, such as:

- Someone has developed a mental disorder as a result of a physical illness which can be treated and treating it will rapidly resolve the mental disorder. An example of this would be someone currently confused due to a urinary tract infection, but when treated with antibiotics the confusion usually resolves within a negligible period of time.
- Where a person is in accident and emergency or a care home and it is anticipated that in a matter of hours the person will no longer be there.

The Urgent Authorisation can be given for a period of **up to seven calendar days** and comes into force at the time it is signed. It is essential for Urgent Authorisation to be signed either by hand or using official electronic signature.

Part D: Request for an Extension of the Urgent Authorisation

The intention of adding the request for an extension of an Urgent Authorisation to the initial form is to identify this at the beginning due to the unprecedented numbers of applications following the Supreme Court Judgement:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300106/DH_Note_re_Supreme_Court_DoLS_Judgment.pdf

The DoLS Code of Practice describes that an Urgent Authorisation can be extended if there are “exceptional reasons” why the Standard Authorisation cannot be dealt with within the seven days.

The Code of Practice gives an example of when an extension may be justified as an assessor not being able to make contact with someone who it is essential to speak to. The Supervisory Body must decide what it considers to be “exceptional reasons”. The Code is very clear about the following:

- A decision about exceptional reasons must be soundly based and defensible;
- It would not usually be justified due to staff shortages;
- An Urgent Authorisation can only be extended once.

Urgent Authorisation can be extended for **maximum of seven days.**

It is essential that Request for an Extension of Urgent Authorisation is signed either by hand or using official electronic signature.