

MENTAL CAPACITY ACT 2005

Deprivation of Liberty Safeguards

FORMS & RECORD- KEEPING

*GUIDE FOR MANAGING AUTHORITIES
IN ENGLAND (HOSPITALS AND CARE
HOMES)*

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For Recipient's Use	

Introduction

The Mental Capacity Act 2005 provides a statutory framework for acting and making decisions on behalf of individuals who lack the mental capacity to do so for themselves.

From 1 April 2009 onwards, the Act contains procedures for authorising the deprivation of liberty in hospitals and care homes of some people who lack capacity to consent to being there. Guidance on the operation of the procedures is contained in the deprivation of liberty safeguards Code of Practice¹, which is a supplement to the main Mental Capacity Act 2005 Code of Practice.

This guide is for managing authorities (hospitals and care homes) in England. It includes and explains the deprivation of liberty safeguards standard forms, and other records that need to be completed and kept by managing authorities when they use these procedures.

The forms included in this guide are not statutory forms that have to be used. They are standard forms offered to support managing authorities to perform their role under the deprivation of liberty safeguards and to aid the maintenance of appropriate records. Whilst there is no legislative requirement to use these standard forms, their use is recommended by the Department of Health. They cover the record-keeping that is required by statute and therefore their use in unedited form will help managing authorities ensure compliance with the safeguards and also promote a consistent approach to record-keeping.

In response to requests from a number of stakeholders, a 'case number' box has been included on each standard form. This is an optional item designed to facilitate the identification of the person to whom the form relates and to support the keeping of records and the linking of different forms for the same person. It is for managing authorities and supervisory bodies (primary care trusts (PCTs) and local authorities) to decide how, if at all, to make use of this box, and to determine what form of identifier is the most appropriate for their purposes. In some cases, for example, the person's NHS number might be deemed appropriate. It is likely to be most beneficial if all the forms relating to a particular person, whether completed by a supervisory body, managing authority or assessor, use the same number. Such a consistent approach is an issue that a managing authority may wish to consider in consultation with each supervisory body with which they have dealings in relation to applications for deprivation of liberty authorisations.

A companion guide has been produced for supervisory bodies.² The guide for supervisory bodies contains a complete set of deprivation of liberty safeguards

¹ The deprivation of liberty safeguards Code of Practice can be accessed via:-

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476

² Mental Capacity Act 2005 Deprivation of Liberty Safeguards Forms and Record-Keeping: Guide for supervisory bodies in England (Primary Care Trusts and Local Authorities), accessible via:-

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089772.

standard forms, so is a useful point of reference for managing authorities wishing to view any of the forms not included in this managing authority guide.

Standard and urgent deprivation of liberty authorisations

In general terms, the new legal framework:

- Provides that a person may not be deprived of their liberty in a hospital or care home unless a standard authorisation or an urgent authorisation is in force.
- Applies to local authority, NHS, independent and voluntary sector hospitals and care homes, and to anybody being treated or cared for in those environments, irrespective of whether they are publicly or privately funded.
- Requires that managing authorities must request a standard authorisation when one is necessary. Wherever possible, this should be in advance of deprivation of liberty commencing. They must also ensure that any conditions attached to a standard authorisation are complied with.
- Provides for a standard authorisation to be given by the supervisory body. The supervisory body must also appoint a “relevant person’s representative”³ to support and represent the person deprived of liberty.
- Specifies that the supervisory body for care homes is the relevant local authority, and for hospitals is the relevant PCT.
- Specifies that, if it is necessary to deprive a person of their liberty before a standard authorisation can be given, the managing authority must give itself an urgent authorisation. This may last for a maximum of seven calendar days, by which time a standard authorisation must be in place. A supervisory body may, however, extend an urgent authorisation for a maximum of a further seven calendar days if, in exceptional circumstances, it has not been possible to complete the standard authorisation process within the timescale of the original urgent authorisation.
- States that, for the purposes of the Mental Capacity Act 2005, references to deprivation of a person’s liberty have the same meaning as in Article 5(1) of the European Convention on Human Rights.
- Provides for two main exceptions to this scheme. First, the Court of Protection may authorise the deprivation of a person’s liberty in a hospital or care home. Second, some hospitals are registered to detain people under the Mental Health Act 1983⁴. Sometimes that Act may be used instead.

³ The Mental Capacity (Deprivation of Liberty: Appointment of Relevant Person’s Representative) Regulations 2008 deal with the selection and appointment of relevant person’s representatives. The regulations are accessible via: http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/MentalCapacityActDeprivationofLibertySafeguards/DH_084948

⁴ References in this guide to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect

It is important to bear in mind that, whilst the deprivation of liberty will be for the purpose of providing a person with care or treatment, neither a standard nor urgent deprivation of liberty authorisation authorises such care or treatment. The arrangements for providing care or treatment to a person in respect of whom a deprivation of liberty authorisation is given are subject to the wider provisions of the Mental Capacity Act 2005.

Who is the managing authority?

In the case of NHS hospitals, the NHS trust or authority that manages the hospital is the managing authority.

In the case of care homes and independent hospitals, the managing authority is the person registered under Part 2 of the Care Standards Act 2000 in respect of the care home or hospital.

Whether a private 'nursing home' is a hospital or a care home depends on its registration.

Who is the supervisory body?

All requests and completed forms must be sent to the person's supervisory body.

The rules for deciding which PCT or local authority is the supervisory body vary, depending on whether one is dealing with a hospital or a care home.

Hospitals

In the case of hospital patients, where a PCT is commissioning the patient's care or treatment then the PCT is the supervisory body. In all other cases, the supervisory body is the PCT for the area in which the relevant hospital is located.

It can be seen that the hospital's local PCT will not necessarily be the supervisory body. For example, where a PCT in London commissions in-patient hospital treatment for a person in Manchester, the PCT in London is their supervisory body. All forms and requests should be directed there.

Care homes

In the case of care homes, the supervisory body is the local authority for the area in which the person ordinarily resides. If the person has no ordinary place of residence — they are of no fixed abode — then the supervisory body is the local authority for the area in which the care home is situated.

Again, it can be seen that a care home's own local authority will not necessarily be the supervisory body. For example, if a person ordinarily resided in London before moving to a care home in Sussex, the relevant local authority in London will be their supervisory body.

Qualifying requirements

Certain conditions must be met before a person may be deprived of their liberty under a standard authorisation. These conditions are known as the 'qualifying requirements'. The qualifying requirements are:

- age requirement
- no refusals requirement
- mental capacity requirement
- mental health requirement
- eligibility requirement
- best interests requirement.

Wherever possible, a managing authority should request a standard authorisation of deprivation of liberty in advance of the deprivation of liberty commencing. However, an urgent authorisation must be given, as a forerunner to a standard authorisation, if the managing authority has a reasonable expectation that the qualifying requirements for a standard authorisation are likely to be met but there is not enough time to complete the standard authorisation process before the deprivation of liberty needs to commence, or if the person is already believed to be deprived of their liberty.

Where necessary, the qualifying requirements are stated on the forms.

Assessing whether the qualifying requirements are met

Once a standard authorisation is requested, the person concerned will be assessed by professionals chosen by the supervisory body⁴.

The assessors must decide whether or not the person satisfies the qualifying requirements. Because a standard authorisation may be applied for before the person needs to be deprived of their liberty, the person's circumstances may change before the authorisation is granted. When assessing whether or not a person meets a particular qualifying requirement, the assessor must take into account the circumstances as they are expected to be when the requested standard authorisation comes into force.

Assessors may at all reasonable times examine and take copies of:

- any health record relating to the person;
- any local authority record compiled in accordance with a social services function; and
- any record held by a person registered under Part 2 of the Care Standards Act 2000
- which the assessor considers may be relevant to their assessment.

³ The eligibility criteria for assessors are contained in the Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008 accessible via: http://www.dh.gov.uk/en/SocialCare/Deliveringadultsocialcare/MentalCapacity/MentalCapacityActDeprivationofLibertySafeguards/DH_084948

Assessment time limits

If a managing authority has given itself an urgent authorisation, all of the assessments required for a standard authorisation must be completed during the period the urgent authorisation is in force.

Where no urgent authorisation is in force, all assessments required for a standard authorisation must be completed within 21 days from the date the supervisory body receives a request for such an authorisation.

Why record-keeping is important

A key aim of the Department of Health has been to minimise the number of forms and records that need to be completed by managing authorities and supervisory bodies.

The need to make and keep written records comes from several sources: the Mental Capacity Act 2005 itself, regulations made under the Act, and the Code of Practice.

Some records and forms are necessary because the procedures involve depriving a fellow citizen of their liberty. Carefully and systematically recording how this was done is an important safeguard, and consequently an important part of the law, good practice and concern for the welfare of others.

Completing these forms and records also enables managing authorities to demonstrate that they acted lawfully if their actions are later challenged. Their completion should be viewed as a way of helping them to practise safely within the law, so that necessary care or treatment can be provided without unnecessary fear of legal liability.

Blue and green forms

The forms drafted for managing authorities to use are coloured blue.

The forms drafted for supervisory bodies to use are coloured green.

The use of these forms will help to ensure that the correct procedures are followed when decisions are made about whether or not to deprive a person of their liberty. Their use will also facilitate consistent practice across the country and simplify reviews, auditing, inspection and the collection of statistics. In addition, completion of the forms will ensure compliance with the record-keeping required by statute.

Letters have also been drafted for people subject to a deprivation of liberty authorisation and their representatives to use.

Electronic copies of all of these forms and letters can be downloaded from: http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089772

Basic house-keeping skills

Managing authorities will need to establish a separate record of all deprivation of liberty related documents for a person whenever an urgent authorisation is given or a standard authorisation is requested.

This record should remain open until the person ceases to be deprived of their liberty under the Mental Capacity Act 2005. It should contain all of the completed forms, notices, requests and other documents concerning the person and their deprivation of liberty.

Decisions should be taken and reviewed in a structured way. In order to minimise the risk of mistakes, someone within the organisation should be appointed to scrutinise all deprivation of liberty related documents.

Policies, procedures and protocols

It is important not to underestimate the importance of simple and effective policies and procedures: the purpose of systems, and of being systematic, is to minimise the risk of human error, and to rectify errors before they have adverse consequences.

The deprivation of liberty safeguards Code of Practice advises managing authorities to develop some policies, procedures and protocols. For example, they should devise:

- protocols for decision-making that include considering which people are at risk of being deprived of their liberty and how this might be avoided;
- a procedure or protocol that identifies what action is required when the urgent authorisation process is used, by whom it should be taken, and within what period;
- a procedure or protocol that identifies what action is required when a standard authorisation is requested, who should take it, and how such matters should be kept under review.

Supervisory bodies should provide their local managing authorities with information about their procedures, including to whom requests and forms should be sent, and the contact details of relevant personnel.

Independent mental capacity advocates

In certain circumstances, a person who is subject to the new procedures must have an 'independent mental capacity advocate' (IMCA) instructed to support them.

Section 39A of the Mental Capacity Act 2005 applies where an urgent authorisation is given or a standard authorisation is requested and there is not an existing authorisation in force. It also applies where an assessment is being undertaken to decide whether there is an unauthorised deprivation of liberty. The managing authority must ascertain whether there is anybody, other than people engaged

in providing care or treatment in a professional capacity or for remuneration, whom it would be appropriate to consult in determining what would be in the best interests of the person to whom the authorisation or assessment relates.

If there is not, the managing authority must notify the supervisory body, and the supervisory body must instruct an IMCA to represent the person.

Section 39C provides for the appointment of an IMCA if a representative's appointment ends while an authorisation is in force and the managing authority are satisfied that there is nobody, other than people engaged in providing care or treatment in a professional capacity or for remuneration, whom it is appropriate to consult in determining what would be in the person's best interests.

Again, the managing authority must notify the supervisory body that this is the case, and the supervisory body must then instruct an IMCA to represent the person. The IMCA's role in this case comes to an end upon the appointment of a new representative for the person.

Section 39D provides for the instruction of an IMCA by the supervisory body where the relevant person does not have a paid relevant person's representative and:

- the person or their representative requests that an IMCA is instructed, by the supervisory body, to help them, or
- a supervisory body believes that instructing an IMCA will help to ensure that the person's rights are protected.

Training

Managing authorities and supervisory bodies should ensure that, where relevant, their staff are appropriately trained to implement the deprivation of liberty safeguards. Professionals with a statutory role in delivering the safeguards are required to undergo additional training:

- mental health assessors will undergo a common course of study developed by the Royal College of Psychiatrists,
- best interests assessors will undergo a course of study provided, or approved, by certain universities,
- IMCAs will undergo a common course of study provided by Advocacy Partners and delivered by Action for Advocacy

Other sources of guidance

Everyone involved in implementing the deprivation of liberty safeguards procedures should be able to access the Mental Capacity Act 2005 Code of Practice and the deprivation of liberty safeguards supplement to the Code.

The blue forms

There are six forms that hospitals and care homes (“managing authorities”) will need to complete:

Form	Purpose
Form 1	For the giving of an urgent authorisation by a managing authority. This form should be used if a managing authority needs to give itself an urgent authorisation to deprive a person of their liberty.
Form 2	Managing authority request for an extension in the duration of an urgent authorisation. This form should be used if there is a risk that an urgent authorisation will expire before a standard authorisation can be given.
Form 4	Managing authority request for a standard authorisation. This form should be used to request a standard authorisation, including where an existing standard authorisation is coming to an end and the person’s care or treatment still needs to be provided in circumstances that will amount to a deprivation of their liberty.
Form 14	Managing authority notifies the supervisory body that a standard authorisation should be suspended because the eligibility requirement is no longer being met. This form should be used if a standard authorisation is in force and the person then ceases to meet the deprivation of liberty safeguards eligibility qualifying requirement under the Mental Capacity Act 2005, for example, because the person has been detained under the Mental Health Act 1983 or a requirement has been imposed on them under the Mental Health Act 1983 that conflicts with the terms of the standard authorisation.
Form 15	Managing authority notifies the supervisory body that the eligibility requirement is again met and the suspension of the standard authorisation is lifted. This form should be used to lift a previous suspension of a standard authorisation, for example, because a person who was detained under the Mental Health Act 1983 has now had their detention lifted.
Form 19	Request for a review of a standard authorisation from the managing authority to the supervisory body. This form should be used to request a formal review of a standard authorisation under Part 8 of Schedule A1 to the Mental Capacity Act 2005.

Note: As mentioned in the “Introduction” above, a complete set of deprivation of liberty safeguards forms is available in the “Mental Capacity Act 2005 Deprivation of Liberty Safeguards Forms and Record-Keeping: Guide for supervisory bodies in England (Primary Care Trusts and Local Authorities)”.

Urgent authorisation forms

The urgent authorisation form

This form should be used when a managing authority needs to give itself an urgent authorisation to deprive a person of their liberty.

Form 1	For the giving of an urgent authorisation by a managing authority.
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An urgent authorisation may only be given if the person appears to meet the qualifying requirements for being deprived of their liberty under the Mental Capacity Act 2005.

Whenever a managing authority gives itself an urgent authorisation, it must simultaneously request a standard authorisation if it has not already done so. It does this by completing Form 4 and forwarding it to the supervisory body, along with Form 1.

Form 4	Managing authority request for a standard authorisation.
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The maximum period for which a managing authority can give itself an urgent authorisation is seven calendar days. Once an urgent authorisation is given, the law provides that all of the assessments required for a standard authorisation must be completed before the urgent authorisation expires.

Once Form 1 has been completed, the managing authority should:

1. Give a copy of the form to the person deprived of liberty and to any section 39A independent mental capacity advocate (IMCA) instructed for the person.
2. Do everything practicable to explain to the person deprived of liberty, both orally and in writing, what the effect of the urgent authorisation is and their right to apply to the Court of Protection for it to be terminated.
3. Inform the person's family, friends and carers about the urgent authorisation, so that they can support the person. This may be done in person, or by telephone, email or letter.
4. Record in the person's health and social care records the steps taken to involve their family, friends, carers and anyone else with an interest, together with their views, and with details of any IMCA who has been instructed.

Requesting an extension of an urgent authorisation (Form 2)

The power to deprive the person of their liberty expires at the end of the period specified on Form 1, unless this period is extended by the supervisory body or a standard authorisation is in force by then.

Where a supervisory body receives a request for a standard authorisation and an urgent authorisation is in place, it is envisaged that the standard authorisation assessment process will usually be completed before the urgent authorisation expires.

However, in practice, there may be cases where it appears that the urgent authorisation might expire before the assessors can complete all of the assessments necessary for a standard authorisation.

A few days in advance of the expiry of an urgent authorisation, the managing authority should check with the supervisory body how the standard authorisation assessment process is progressing. If an extension of the urgent authorisation is needed, the managing authority should request it promptly.

Everyone involved will, in particular, need to think ahead whenever an urgent authorisation is due to expire over the weekend or on a bank holiday. This is because it may be impossible, or difficult, to contact an appropriate person at the supervisory body during such periods.

The managing authority may request an extension orally (e.g. by telephone) or in writing (e.g. by email or faxed letter). Alternatively, it can complete, and then fax, email or deliver, **Form 2**. The managing authority must keep a written record of why it has made the request, and the supervisory body must keep a written record that the request has been made to it.

Form 2	Managing authority request for an extension in the duration of an urgent authorisation.
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In all cases, the managing authority must give the person subject to an urgent deprivation of liberty authorisation, and any section 39A IMCA, notice in writing that it has requested an extension. If it uses Form 2, then giving the person a copy of the form satisfies this requirement.

The managing authority should bear in mind that only one extension, of up to a further seven calendar days, can be granted. Furthermore, the circumstances in which an extension can be granted are limited. The supervisory body may only extend an urgent authorisation if it appears to it that:

- the managing authority has requested a standard authorisation; and
- there are exceptional reasons why it has not yet been possible for that request to be disposed of, and
- it is essential for the existing deprivation of liberty to continue until the request is disposed of.

The managing authority should not assume that an extension will be granted.

The supervisory body's decision regarding a request for an extension

The supervisory body records its decision concerning a request for an extension of an urgent authorisation by completing Form 3, and giving it to the managing authority.

Form 3	Supervisory body's decision regarding a request for an extension of an urgent authorisation.
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The need to amend Form 1

Where an extension is given the managing authority should enter details of the extension in **Part H of Form 1**. Having done this, it should give a copy of the amended Form 1 to the person who is being deprived of their liberty and to any section 39A IMCA acting for them.

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 1

URGENT AUTHORISATION

PART A — BASIC INFORMATION

Full name of the person being deprived of their liberty	Name	
Their date of birth (or estimated age if unknown)	DOB	<input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/>
	Est. age	<input type="text"/> Years
Name and address of the hospital or care home where the person is being deprived of their liberty	Name	
	Address	
Person to contact at the hospital or care home	Name	
	Telephone	
	Email	
Name and address of the managing authority responsible for the hospital or care home (the person registered under Part 2 of the Care Standards Act 2000, or the NHS trust that manages the hospital)	Name	
	Address	
Name of the PCT or local authority to whom this form is being sent ('the supervisory body')	Name	

PART B — THE MANAGING AUTHORITY'S DECISION

It appears to the managing authority that ALL of the following conditions are met.

An urgent authorisation may only be given if the person appears to meet ALL of the conditions below (B1–B10). Place a cross in EACH box to confirm that the person appears to meet the particular condition.

B1	The person is aged 18 or over.	<input type="checkbox"/>
B2	The person is suffering from mental disorder.	<input type="checkbox"/>
B3	The purpose of accommodating the person here is to give them care or treatment.	<input type="checkbox"/>
B4	The person lacks capacity to make their own decision about whether to be accommodated here for the purpose of being given the proposed care or treatment.	<input type="checkbox"/>
B5	The person has not, as far as the managing authority is aware, made a valid advance decision that prevents them from being given any proposed treatment.	<input type="checkbox"/>
B6	Accommodating the person here, and giving them the proposed care or treatment, does not, as far as the managing authority is aware, conflict with a valid decision made by a donee of a lasting power of attorney or deputy appointed by the Court of Protection under the Mental Capacity Act 2005.	<input type="checkbox"/>
B7	Even though the circumstances amount to depriving the person of their liberty, it is in their best interests to be accommodated here so that they may be given the proposed care or treatment.	<input type="checkbox"/>
B8	This is necessary in order to prevent harm to them, and is a proportionate response to the harm they are likely to suffer if they are not so deprived of liberty, and the seriousness of that harm.	<input type="checkbox"/>
B9	The need for the person to be deprived of their liberty here is so urgent that it is appropriate for that deprivation to begin immediately.	<input type="checkbox"/>
B10	The person concerned is not, as far as the managing authority is aware, subject to an application or order under the Mental Health Act 1983 ¹ or, if they are, that order or application does not prevent an urgent authorisation being given.	<input type="checkbox"/>

PART C — DETAILS OF THIS URGENT AUTHORISATION

This urgent authorisation permits the managing authority to deprive the person of their liberty here, but only for the purpose of enabling them to be given the care or treatment specified below in section C2 of this form.

C1 THE DURATION OF THIS URGENT AUTHORISATION

This urgent authorisation comes into force immediately.

It is to be in force for a period of: DAYS

The maximum period allowed is seven days.

Enter number of days in the box above ↑

This urgent authorisation will expire at the end of the day on:

Enter date in boxes above ↑

Important note: the day on which the urgent authorisation is given counts as the first of the days. For example, if an urgent authorisation is given for seven days at 11.30pm on Monday, it will expire at the end of the day on the following Sunday.

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.

C2 THE PURPOSE OF THIS URGENT AUTHORISATION

The purpose for which this urgent authorisation is given should be described here.

Note: there is a legal requirement that the giving of a Mental Capacity Act 2005 deprivation of liberty safeguards authorisation must be for the purpose of giving care or treatment to the person to whom the authorisation relates. The entry below should therefore identify the care and/or treatment that constitutes the purpose for which the authorisation is given. It should be borne in mind, however, that the deprivation of liberty authorisation does not itself authorise the care or treatment concerned, the giving of which is subject to the wider provisions of the Mental Capacity Act 2005.

The purpose of this urgent authorisation is to enable the person to be given the following care and/or treatment in this hospital or care home:

PART D — THE MANAGING AUTHORITY'S REASONS

Explain here:

- (a) the nature of the restrictions on the person's liberty that lead to the conclusion that they are deprived of their liberty**
- (b) why the care and/or treatment described above cannot be provided in a way that is less restrictive of the person's rights and freedom of action**
- (c) to the extent that the managing authority is aware, what alternatives to deprivation of liberty have been considered**
- (d) what harm the person is likely to come to if they are not immediately deprived of their liberty in this hospital or care home**
- (e) why the need to deprive the person of their liberty is so urgent that it is appropriate for the deprivation to begin immediately.**

The managing authority's reasons for giving an urgent authorisation are as follows:

PART E — NEED FOR AN INDEPENDENT MENTAL CAPACITY ADVOCATE (IMCA)

Place a cross in ONE of the boxes below ↓

E1	As far as the managing authority is aware, apart from professionals and other people who are paid to provide care or treatment, this person has no one whom it is appropriate to consult about what is in their best interests. We will therefore immediately inform the supervisory body via Form 4 (managing authority request for a standard authorisation) that it needs to instruct an IMCA to assist the person.	<input type="checkbox"/>
E2	The managing authority believes that there is someone it is appropriate to consult about what is in this person's best interests who is neither a professional nor is being paid to provide care or treatment.	<input type="checkbox"/>

PART F — PROVIDING COPIES OF THIS URGENT AUTHORISATION AND RIGHTS INFORMATION

As soon as practicable after this form is signed, the managing authority will give copies of it to:

- (a) the person to whom the urgent authorisation relates; and
- (b) any section 39A IMCA acting for them.

The managing authority will also, as soon as possible, take all practicable steps to ensure that the person to whom the urgent authorisation relates understands:

- (a) the effect of the authorisation
- (b) their right to make application to the Court of Protection, challenging the urgent authorisation.

This information will be given both orally and in writing.

PART G — DETAILS OF THE STANDARD AUTHORISATION REQUESTED

Place a cross in ONE of the two boxes below ↓

G1	The managing authority has already completed and sent off Form 4 (managing authority request for a standard authorisation).	<input type="checkbox"/>
G2	The managing authority will now immediately complete and send off Form 4 (managing authority request for a standard authorisation).	<input type="checkbox"/>

If you placed a cross in box G2, you should now also complete and send off Form 4 immediately (managing authority request for a standard authorisation).

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	

PART H — RECORD THAT THE DURATION OF THIS URGENT AUTHORISATION HAS BEEN EXTENDED

This part of the form must be completed if the duration of the urgent authorisation is extended by the supervisory body. Do not complete this part of the form in any other circumstances. Simply leave it blank.

H1 DETAILS OF ANY EXTENSION

The duration of this urgent authorisation has been extended by the supervisory body.

It is now in force for a FURTHER: DAYS

Enter number of days in the box above ↑

The period specified must not exceed seven days.

This urgent authorisation will now expire at the end of the day on:

Enter new date on which it will expire above ↑

H2 PROVIDING COPIES OF ANY EXTENSION

As soon as practicable after signing this form below, the managing authority will give copies of this amended form to:

- (a) the person to whom the urgent authorisation relates; and
- (b) any section 39A IMCA acting for them.

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 2

REQUEST FOR EXTENSION OF URGENT AUTHORISATION

Important note: it is essential that you make any necessary request for an extension promptly. You can request an extension by completing this form, or orally (e.g. by telephone) or in some other way (e.g. by email or fax). In all cases, you must give the person being deprived of their liberty, and any section 39A IMCA acting for them, notice in writing that you have made the request.

PART A — BASIC INFORMATION

Full name of the person being deprived of their liberty	Name	
Their date of birth (or estimated age if unknown)	DOB	<input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/>
	Est. age	<input type="text"/> Years
Name and address of the hospital or care home where the person is being deprived of their liberty	Name	
	Address	
Person to contact at the hospital or care home	Name	
	Telephone	
	Email	
Name and address of the managing authority responsible for the hospital or care home (the person registered under Part 2 of the Care Standards Act 2000, or the NHS trust that manages the hospital)	Name	
	Address	
Name of the PCT or local authority to whom this form is being sent ('the supervisory body')	Name	

PART B — THE REQUEST FOR AN EXTENSION

A standard authorisation has been requested for this person.

An urgent authorisation is in force. This existing urgent authorisation expires at the end of the day on:

Enter above the date on which the urgent authorisation is due to expire ↑

The managing authority now requests that the duration of this urgent authorisation is extended

for a further period of:

DAYS

Enter the number of days in the box. The maximum is seven days ↑

The managing authority has been in contact with the supervisory body and understands that there are exceptional reasons why the request for a standard authorisation is unlikely to be disposed of within the timescale of the existing urgent authorisation.

It is essential for the existing deprivation of liberty to continue until the request for a standard authorisation is disposed of.

PART C — REASONS FOR THE REQUEST

Complete BOTH C1 AND C2.

C1 The exceptional reasons why it has not yet been possible to make a decision on our request for a standard authorisation are that:

C2 It is essential that the person continues to be deprived of liberty because:

PART D — PROVIDING NOTICE OF THE REQUEST

The managing authority has either given the person who is being deprived of their liberty, and any section 39A IMCA acting for them, notice that they have made this request or will now do so as soon as is practicable.

Signed

(on behalf of the managing authority)

Signature

Print name

Position

Dated

Date

Requesting a standard authorisation

The managing authority requests a standard authorisation by completing Form 4 and giving or sending it to the supervisory body.

Form 4	Managing authority request for a standard authorisation
--------	---

Assessments

Once a standard authorisation is requested, the person to whom the request relates will be assessed by assessors appointed by the supervisory body. Each assessor will decide whether or not the person satisfies the particular qualifying requirement(s) that they have been asked to assess.

If a managing authority has given itself an urgent authorisation, all of the assessments required for a standard authorisation must be completed during the period the urgent authorisation is in force.

Where no urgent authorisation is in force, all assessments required for a standard authorisation must be completed within 21 calendar days from the date the supervisory body receives a request for such an authorisation.

The supervisory body's decision

Once the supervisory body has all of the required assessments, it will either give or refuse the requested standard authorisation.

A standard authorisation must be given if the person meets all of the qualifying requirements. Form 12 is for supervisory bodies to notify managing authorities that a standard authorisation has been given.

If the person does not meet all of the qualifying requirements, then a standard authorisation may not be given. Form 13 is for supervisory bodies to notify managing authorities that a standard authorisation has not been given.

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 4

REQUEST FOR A STANDARD AUTHORISATION

Important notes: Regulation 16 of The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008 (SI 2008 No. 1858) contains requirements about the information to be provided in a request for a standard deprivation of liberty authorisation.

Regulation 16 states that the information in Part A of this form must be included in every request for a standard authorisation.

The information in Part B should be provided if it is available to, or could reasonably be obtained by, the managing authority. The information in Part B does not need to be re-provided in cases where there is already an existing standard authorisation if that information remains the same as supplied with the request for the earlier authorisation. However, this does not apply to the information about an existing authorisation covered in box B14 of this form.

Part C covers further information that might helpfully be provided by the managing authority.

The supervisory body should ensure that each assessor, and any instructed IMCA, receives a copy of this form as soon as possible.

PART A — INFORMATION THAT MUST BE PROVIDED

A1	Full name of the person who needs to be deprived of their liberty in this hospital or care home	Name	
A2	Their gender	Male <input type="checkbox"/>	Female <input type="checkbox"/>
A3	Their date of birth (or estimated age if unknown)	DOB	<input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/>
		Est. Age	<input type="text"/> Years
	The age range within which the person falls	Place a cross in ONE of the boxes below ↓	
	18–64	<input type="checkbox"/>	
	65–74	<input type="checkbox"/>	
	75–84	<input type="checkbox"/>	
	85+	<input type="checkbox"/>	

A4	The person's current location (Place a cross in one box, and then enter the current location) ⇨	Already in this hospital or care home <input type="checkbox"/>
		Currently at their own private address <input type="checkbox"/>
		Currently in another hospital or care home <input type="checkbox"/>
		Other (please specify):
		Current location (address)
		Post Code
		Telephone
A5	Name and address of the managing authority (In the case of an NHS hospital, the NHS body responsible for the running of the hospital in which the relevant person is, or is to be, a resident. In the case of a care home or private hospital, the person registered, or required to be registered, under Part 2 of the Care Standards Act 2000 in respect of the care home or hospital.)	Name
		Address
		Postcode
		Telephone
A6	Person to contact at the hospital or care home	Name
		Telephone
		Email

A7 THE PURPOSE FOR WHICH THE AUTHORISATION IS REQUESTED

The purpose for which this standard authorisation is requested should be described here.

Note: there is a legal requirement that the giving of a Mental Capacity Act 2005 deprivation of liberty safeguards authorisation must be for the purpose of giving care or treatment to the person to whom the authorisation relates. The entry below should therefore identify the care and/or treatment that constitutes the purpose for which the authorisation is given. It should be borne in mind, however, that the deprivation of liberty authorisation does not itself authorise the care or treatment concerned, the giving of which is subject to the wider provisions of the Mental Capacity Act 2005.

The purpose of the requested standard authorisation is to enable the person to be given the following care and/or treatment in this hospital or care home.

A8 THE DATE FROM WHICH THE STANDARD AUTHORISATION IS SOUGHT

The standard authorisation is required to start on this date:

This is because:

Place a cross in ONE of the boxes below ↓

A	The existing urgent authorisation expires at that time.	<input type="checkbox"/>
B	The existing standard authorisation expires at that time.	<input type="checkbox"/>
C	The existing order of the Court of Protection expires at that time.	<input type="checkbox"/>
D	We expect to receive the person in this hospital or care home at that time, and it is likely that we will need to deprive them of their liberty immediately.	<input type="checkbox"/>
E	None of the above applies. However, it is likely that the person will need to be deprived of their liberty and will meet all of the requirements for a standard authorisation at that time.	<input type="checkbox"/>

A9 HAS THE MANAGING AUTHORITY GIVEN AN URGENT AUTHORISATION? [Yes] [No]

If yes, please enter the date on which it expires:

PART B – OTHER INFORMATION THAT SHOULD BE PROVIDED IF IT IS AVAILABLE TO, OR COULD REASONABLY BE OBTAINED BY, THE MANAGING AUTHORITY, UNLESS IT HAS BEEN PREVIOUSLY PROVIDED IN RESPECT OF AN EXISTING STANDARD AUTHORISATION AND THAT INFORMATION REMAINS THE SAME

Note: this ‘previously provided’ exemption does not apply to the information about an existing authorisation covered in box B14 of this form.

B1 RELEVANT MEDICAL INFORMATION

Medical information relating to the person’s health that the managing authority considers to be relevant to the proposed restrictions to the person’s liberty:

B2 DIAGNOSIS OF THE MENTAL DISORDER

Diagnosis of the mental disorder (within the meaning of the Mental Health Act 1983¹, but disregarding any exclusion for persons with learning disability) that the person is suffering from:

B3 RELEVANT CARE PLANS OR NEEDS ASSESSMENTS

The following relevant care plans and/or needs assessments are attached:

B4 RACIAL, ETHNIC OR NATIONAL ORIGIN

The person’s racial, ethnic or national origin

Place a cross in ONE of the boxes below ↓

White

A	British	<input type="checkbox"/>
B	Irish	<input type="checkbox"/>
C	Any other White background (to include Travellers of Irish heritage and Gypsy/Roma)	<input type="checkbox"/>
D	White and Black Caribbean	<input type="checkbox"/>

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.

Mixed OR Mixed British		
E	White and Black African	<input type="checkbox"/>
F	White and Asian	<input type="checkbox"/>
G	Any other mixed background	<input type="checkbox"/>
Asian OR Asian British		
H	Indian	<input type="checkbox"/>
J	Pakistani	<input type="checkbox"/>
K	Bangladeshi	<input type="checkbox"/>
L	Any other Asian background	<input type="checkbox"/>
Black OR Black British		
M	Caribbean	<input type="checkbox"/>
N	African	<input type="checkbox"/>
P	Any other Black background	<input type="checkbox"/>
Other ethnic groups		
R	Chinese	<input type="checkbox"/>
S	Any other ethnic group	<input type="checkbox"/>
Z	Not stated (to include cases in which the person has refused to divulge their ethnic origin or where their ethnic origin is not yet known)	<input type="checkbox"/>
B5 THE PERSON'S RELIGION OR BELIEF		
Place a cross in ONE of the boxes below ↓		
	None	<input type="checkbox"/>
	Christian (Christian includes Church of Wales, Catholic, Protestant and all other Christian denominations)	<input type="checkbox"/>
	Buddhist	<input type="checkbox"/>
	Hindu	<input type="checkbox"/>
	Jewish	<input type="checkbox"/>
	Muslim	<input type="checkbox"/>
	Sikh	<input type="checkbox"/>
	Any other religion	<input type="checkbox"/>
	Not stated	<input type="checkbox"/>

B6 THE PERSON'S SEXUAL ORIENTATION

Place a cross in ONE of the boxes below ↓

Heterosexual	<input type="checkbox"/>
Lesbian or gay	<input type="checkbox"/>
Bisexual	<input type="checkbox"/>
Other	<input type="checkbox"/>
Prefer not to say	<input type="checkbox"/>
Not known	<input type="checkbox"/>

B7 THE PERSON'S DISABILITY

Place a cross in EACH of the boxes below that apply ↓

Physical disability, frailty and/or sensory impairment	<input type="checkbox"/>
Please identify which of the following apply:	
Physical disability, frailty and/or temporary illness	<input type="checkbox"/>
Hearing impairment	<input type="checkbox"/>
Visual Impairment	<input type="checkbox"/>
Dual sensory loss	<input type="checkbox"/>

Mental Health	<input type="checkbox"/>
Please also place a cross in this box if the Mental Health condition is dementia	<input type="checkbox"/>

Learning disability

B8 WHETHER THE PERSON HAS A PREFERRED COMMUNICATION OR A PREFERRED FIRST LANGUAGE

Place a cross in one box ⇒ No Yes

If yes, describe them, e.g. interpreter required (specify language), BSL signer required, etc.

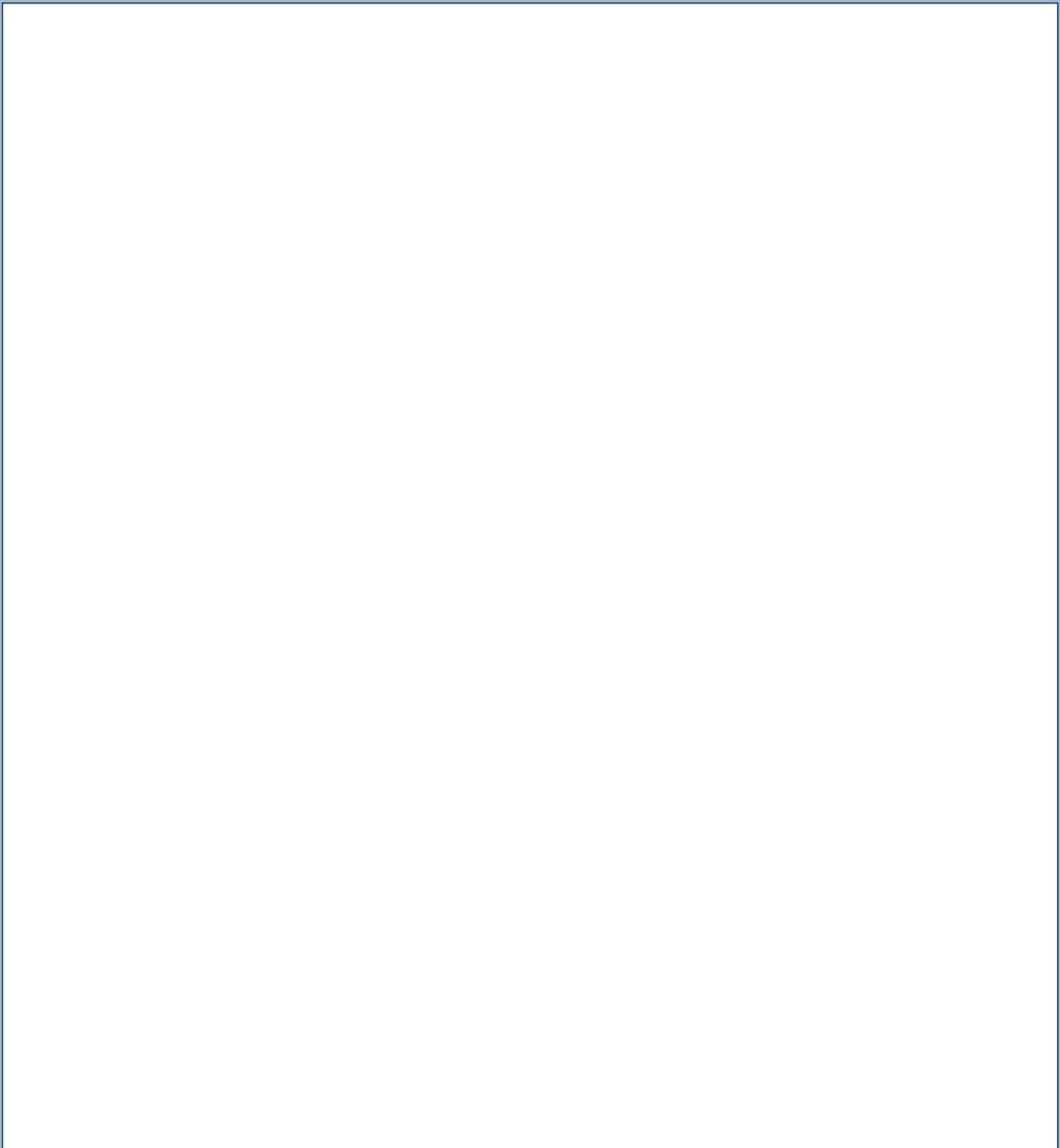
B9 WHY THE PERSON NEEDS TO BE DEPRIVED OF THEIR LIBERTY

In our opinion:

- the person lacks capacity to make their own decision about whether to be accommodated here for the purpose of being given the proposed care and/or treatment described above
- it is in their best interests to be deprived of their liberty here so that they can be given this care and/or treatment
- this is necessary in order to prevent harm to them, and it is a proportionate response to the harm they are likely to suffer if they are not so deprived of liberty, and the seriousness of that harm.

Explain here:

- (a) the nature of the restrictions on the person's liberty that lead to the conclusion that they are, or will be, deprived of their liberty;**
- (b) why the necessary care and/or treatment cannot be provided in a way that is less restrictive of the person's rights and freedom of action;**
- (c) to the extent that the managing authority is aware, what alternatives to deprivation of liberty have been considered;**
- (d) what harm the person is likely to come to if they are not deprived of their liberty in this hospital or care home.**



B10 WHETHER IT IS NECESSARY FOR AN INDEPENDENT MENTAL CAPACITY ADVOCATE (IMCA) TO BE INSTRUCTED

Place a cross in ONE of the boxes below (A or B) ↓

A	<p>Apart from professionals and other people who are paid to provide care or treatment, this person has no one whom it is appropriate to consult about what is in their best interests.</p> <p>If the person has no relevant person's representative, or this is a request for a first standard authorisation, the supervisory body must therefore instruct an IMCA to support and represent them.</p>	<input type="checkbox"/>
B	There is someone whom it is appropriate to consult about what is in this person's best interests who is neither a professional nor is being paid to provide care or treatment.	<input type="checkbox"/>

B11 WHETHER THERE IS A VALID AND APPLICABLE ADVANCE DECISION

Place a cross in box A, B or C below ↓

A	The person has made an advance decision that may be valid and applicable to some or all of the treatment.	<input type="checkbox"/>
B	The managing authority is not aware that the person has made an advance decision that may be valid and applicable to some or all of the treatment.	<input type="checkbox"/>
C	The proposed deprivation of liberty is not for the purpose of giving treatment.	<input type="checkbox"/>

B12 THE PERSON IS SUBJECT TO THE FOLLOWING MENTAL HEALTH ACT 1983 REGIMES

(The hospital treatment, community treatment and guardianship regimes are defined in paragraphs 8 to 10 of Part 2 of Schedule 1A to the Mental Capacity Act 2005.)

Place a cross in box A, B or C below if any of those options apply, otherwise leave the boxes blank ↓

A	Hospital treatment regime	<input type="checkbox"/>
B	Community treatment regime	<input type="checkbox"/>
C	Guardianship regime	<input type="checkbox"/>

B13 INFORMATION ABOUT INTERESTED PERSONS

Please continue on a separate sheet if necessary.

Anyone named by the person as someone to be consulted about their welfare	Name	
	Address	
	Telephone	
Anyone engaged in caring for the person or interested in their welfare	Name	
	Address	
	Telephone	
Any donee of a lasting power of attorney granted by the person	Name	
	Address	
	Telephone	
Any deputy appointed for the person by the Court of Protection	Name	
	Address	
	Telephone	
Any IMCA instructed in accordance with sections 37 to 39D of the Mental Capacity Act 2005	Name	
	Address	
	Telephone	

B14 IS THERE AN EXISTING STANDARD AUTHORISATION IN RELATION TO THE DEPRIVATION OF LIBERTY OF THE RELEVANT PERSON

Place a cross in box A or B ↓

A	<p>There is an existing standard authorisation in relation to the person to be deprived of liberty. <input type="checkbox"/></p> <p>The authorisation expires on: <input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/></p> <p style="text-align: center;">Fill in the expiry date above ↑</p>
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B	The managing authority is not aware of any existing standard authorisation in relation to the person to be deprived of liberty.	<input type="checkbox"/>	
PART C – FURTHER INFORMATION Place a cross in one of these three boxes ↓			
C1	The address where the person ordinarily resides	The address given in box A4 above where the person currently is	<input type="checkbox"/>
		The person was of no fixed abode	<input type="checkbox"/>
		The following address, at which the person is ordinarily resident:	<input type="checkbox"/>
		Address	
C2	The name of the individual who is considered to be the person most closely involved in looking after the person's welfare.	Name	
		Relationship	
		Address	
		Telephone	
C3	Name of the PCT or local authority to whom this form is being sent ('the supervisory body')	Name	
C4	How the care is being funded? (Place a cross in the relevant boxes) ⇔	Local authority	<input type="checkbox"/>
		PCT	<input type="checkbox"/>
		Local authority and PCT jointly	<input type="checkbox"/>
		Self-funded by the person, their family, etc	<input type="checkbox"/>
		Funded through insurance, etc	<input type="checkbox"/>

C5 WHY THIS REQUEST IS BEING MADEPlace a cross in **ONE** of the boxes below (A–G) ↓**Boxes A–D relate to people who ARE NOT currently subject to a standard authorisation**

A	PERSON WHO IS ALREADY ACCOMMODATED HERE BUT IS NOT YET BEING DEPRIVED OF LIBERTY The person is already accommodated in this hospital or care home. We are not depriving them of their liberty. However, during the next 28 calendar days, it is likely that we will need to do so and that they will meet all of the qualifying requirements for a standard authorisation.	<input type="checkbox"/>
B	PERSON WHO IS ALREADY ACCOMMODATED HERE AND BEING DEPRIVED OF THEIR LIBERTY The person is already accommodated in this hospital or care home. They already appear to meet all of the qualifying requirements for a standard authorisation. An urgent authorisation has been given pending the outcome of the standard authorisation assessment process.	<input type="checkbox"/>
C	PERSON IS NOT YET ACCOMMODATED HERE BUT WILL NEED TO BE DEPRIVED OF THEIR LIBERTY HERE DURING THE NEXT 28 DAYS The person is not yet accommodated in this hospital or care home. However, during the next 28 days it is likely that they will be admitted and that they will need to be deprived of their liberty here. It is also likely that they will meet all of the qualifying requirements for a standard authorisation.	<input type="checkbox"/>
D	COURT OF PROTECTION ORDER ABOUT TO EXPIRE The person is already accommodated in this hospital or care home. We are already depriving them of their liberty and the Court of Protection has authorised this. However, given the date on which the court's order is expected to expire, it would be unreasonable to delay any longer requesting a standard authorisation.	<input type="checkbox"/>
Boxes E–G relate to people who ARE currently subject to a standard authorisation		
E	EXISTING AUTHORISATION ABOUT TO EXPIRE: NEW STANDARD AUTHORISATION REQUIRED There is already a standard authorisation in force that covers the person's deprivation of liberty in this hospital or care home. It is reasonable to request a new standard authorisation to come into force immediately after the expiry of the existing authorisation.	<input type="checkbox"/>
F	CHANGE IN THE PLACE WHERE THE PERSON IS DEPRIVED OF LIBERTY There is already a standard authorisation in force. However, it does not authorise the person's deprivation of liberty in this hospital or care home. We therefore require a new standard authorisation that authorises their deprivation of liberty here.	<input type="checkbox"/>

G

A PART 8 REVIEW HAS BEEN REQUESTED OR IS IN PROGRESS

There is already a standard authorisation in force that authorises the person's deprivation of liberty in this hospital or care home. A review of this authorisation under Part 8 of Schedule A1 to the Mental Capacity Act 2005 has either been requested or is being carried out. Any new standard authorisation that is now given will be in force after the existing authorisation comes to an end.

C6 ANY OTHER RELEVANT INFORMATION

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	

Suspending a standard authorisation

There are two forms: Forms 14 and 15.

General explanation

Where a person is subject both to a standard authorisation under the Mental Capacity Act 2005 and a relevant provision of the Mental Health Act 1983¹ that may conflict with it in some way, the law provides that Mental Health Act 1983 powers generally take priority over Mental Capacity Act 2005 powers.

For example, where a person who is subject to a standard authorisation is later detained under the Mental Health Act 1983, the law provides that the standard authorisation must be suspended. This prevents the person from being subject to two competing detaining orders.

Similarly, a standard authorisation must be suspended if the person is liable to be detained (but is not actually detained) or is on a community treatment order or is subject to guardianship under the Mental Health Act 1983, and the requirements imposed on them as a result conflict with the terms of the standard authorisation.

Form 14 includes a full list of the circumstances in which a standard authorisation will need to be suspended because it conflicts with a Mental Health Act 1983 regime: see Part C of the form.

Form 14

Form 14 should be used to suspend a standard authorisation. It is completed by the managing authority and sent to the relevant PCT or local authority (“the supervisory body”).

Form 14	Managing authority notifies the supervisory body that a standard authorisation should be suspended because the eligibility requirement is no longer being met
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The effect of Form 14 is that the existing standard authorisation no longer authorises the managing authority to deprive the person of their liberty.

What happens next depends on whether or not the person again becomes eligible to be deprived of their liberty under the Mental Capacity Act 2005 within the following 28 calendar days.

Form 15

The managing authority must complete Form 15 if the person again becomes eligible to be deprived of their liberty under the Mental Capacity Act 2005 during this 28 day period.

¹ References in this guidance note to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.

This will be the case if the person stops being subject to the relevant provision of the Mental Health Act 1983 during this period, or the requirements imposed on them under the Mental Health Act 1983 are amended so that they no longer conflict with the standard authorisation.

Form 15	Managing authority notifies the supervisory body that the eligibility requirement is again met and the suspension of the standard authorisation is lifted
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If the suspension is not lifted within 28 calendar days then the standard authorisation ceases to have effect at the end of the 28 days.

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 14

SUSPENSION OF A STANDARD AUTHORISATION

On completion, this notice should be sent to the supervisory body, who should then give a copy of it to the person concerned and, if they have one, their relevant person's representative.

PART A — BASIC INFORMATION

Full name of the person who is subject to the standard authorisation	Name	
Their date of birth (or estimated age if unknown)	DOB	<input type="text"/>
	Est. age	<input type="text"/> Years
Their present address (The person's present address may be different if, for example, they have been detained in a hospital under the Mental Health Act 1983 ¹)	At this hospital or care home	<input type="checkbox"/>
	At a different address which is given immediately below:	<input type="checkbox"/>
	Address	<input type="text"/>
Name and address of this hospital or care home	Name	<input type="text"/>
	Address	<input type="text"/>
Person to contact at the hospital or care home	Name	<input type="text"/>
	Telephone	<input type="text"/>
	Email	<input type="text"/>
Name of the PCT or local authority to whom this form is being sent ('the supervisory body')	Name	<input type="text"/>

PART B — NOTICE THAT THE STANDARD AUTHORISATION HAS BEEN SUSPENDED

The above person no longer meets the eligibility requirement for a standard deprivation of liberty authorisation under the Mental Capacity Act 2005.

The standard authorisation previously given is therefore suspended from the time this notice is given.

The effect of this notice is that the standard authorisation no longer authorises the hospital or care home to deprive the person of their liberty.

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.

PART C — REASON WHY THE PERSON NO LONGER MEETS THE ELIGIBILITY REQUIREMENT

For the reason given below, the person is no longer eligible to be deprived of their liberty under the Mental Capacity Act 2005.

Answer ALL of the statements in rows C1 to C4 below Yes or No by placing crosses in the relevant boxes.

If the answer to ANY of the questions is 'Yes' then the person is no longer eligible to be deprived of their liberty under the standard authorisation. If the answer to ALL of the questions is 'No' then you should not be suspending this standard authorisation. Please take advice.

The person is now detained in a hospital under a relevant section of the Mental Health Act 1983

C1	The person is now detained in a hospital under one of the following sections of the Mental Health Act 1983: sections 2, 3, 4, 35–38, 44, 45A, 47, 48 or 51.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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The person is liable to be detained under the Mental Health Act 1983 but is not currently detained (for example, because they have leave to be absent from the hospital where they are liable to detention or have been conditionally discharged).

C2	Accommodating the person in this hospital or care home now conflicts with a requirement imposed upon them in connection with their liability to detention under the Mental Health Act 1983.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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This standard authorisation now conflicts with the terms of a community treatment order imposed under the Mental Health Act 1983

C3	Accommodating the person in this hospital or care home now conflicts with a requirement imposed on them under a community treatment order.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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This standard authorisation now conflicts with the terms of the person's guardianship under the Mental Health Act 1983

C4	Accommodating the person in this hospital or care home now conflicts with a requirement imposed on them by their guardian.	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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PART D — GIVING COPIES OF THIS NOTICE

You have been given a copy of this notice because the law requires the supervisory body to give notice that this standard authorisation has been suspended to:

- (a) the person concerned; and
- (b) their representative.

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	



CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 15

NOTICE THAT A SUSPENSION HAS BEEN LIFTED

PART A — BASIC INFORMATION

Full name of the person who is subject to the standard authorisation	Name	
Their date of birth (or estimated age if unknown)	DOB	<input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/>
	Est. age	<input type="text"/> Years
Name and address of this hospital or care home	Name	
	Address	
Person to contact at the hospital or care home	Name	
	Telephone	
	Email	
Name of the PCT or local authority to whom this form is being sent ('the supervisory body')	Name	

PART B — WHEN THE STANDARD AUTHORISATION WAS SUSPENDED

During the previous 28 days, the managing authority of this hospital or care home gave the supervisory body notice that the above person was no longer eligible to be deprived of their liberty under the Mental Capacity Act 2005. The effect of that notice was to suspend the standard deprivation of liberty authorisation

The managing authority now gives the supervisory body notice that the person once again meets the eligibility requirement and that this suspension has been lifted.

PART C — REASON WHY THE PERSON AGAIN MEETS THE REQUIREMENT

The reason why the person once again meets the eligibility requirement is as follows:

(Explain briefly why the reason the standard authorisation was suspended no longer applies. For example, if it was suspended because the person was detained under the Mental Health Act 1983¹, state ‘The person is no longer detained under the Mental Health Act 1983’.)

PART D — THE EFFECT OF THIS NOTICE

The effect of this notice is that the previous suspension of the standard authorisation no longer applies. The person may again be deprived of liberty under the Mental Capacity Act 2005

PART E — GIVING COPIES OF THIS NOTICE

You have been given a copy of this notice because the law requires the supervisory body to give notice that the suspension of the standard authorisation has ceased to:

- (a) the person
- (b) the person’s representative
- (c) any IMCA instructed for the person under section 39D of the Mental Capacity Act 2005.

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect

Requesting a formal review under Part 8 of Schedule A1 to the Mental Capacity Act 2005

There is only one form for completion by managing authorities: Form 19.

The purpose of the Part 8 review procedure is essentially to assess whether:

1. a person still meets the qualifying requirements for being deprived of their liberty, or whether the reasons why they do have changed; and
2. any conditions attached to the standard authorisation need to be varied.

The supervisory body must carry out a Part 8 review if one is requested by the person being deprived of their liberty, or by their 'relevant person's representative', or by the managing authority of the hospital or care home:

Form 19	Request for a review of a standard authorisation from the managing authority to the supervisory body
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A standard authorisation may be reviewed on several grounds, which are listed in Part B of the form.

The managing authority must request a Part 8 review if it appears to them that any of these grounds for a review apply. Form 19 should be used for this purpose.

The managing authority may receive the following forms completed by the supervisory body:-

Form 20: Notice that a review is to be carried out.

Form 22: Supervisory body's decision following a review.

CASE
NUMBER**REQUEST FOR A REVIEW BY THE MANAGING AUTHORITY**

Note: a deprivation of liberty can be ended before a formal review. If a managing authority decides that a deprivation of liberty is no longer necessary then they must end it immediately, by adjusting the care regime or implementing whatever other change is appropriate. The managing authority should then apply to the supervisory body to review the authorisation.

PART A — BASIC INFORMATION

Full name of the person being deprived of their liberty	Name		
Their date of birth (or estimated age if unknown)	DOB	<input type="text" value="d"/>	<input type="text" value="d"/>
	Est. age	<input type="text" value="m"/>	<input type="text" value="m"/>
Name and address of the hospital or care home where the person is being deprived of their liberty	Name		
	Address		
Person to contact at the hospital or care home	Name		
	Telephone		
	Email		
Name and address of the PCT or local authority to whom the form is being sent ('the supervisory body')	Name		
	Address		

PART B — GROUNDS FOR REQUESTING A REVIEW

It appears to us (the managing authority) that the following qualifying requirement(s) is/are reviewable on the stated ground(s):

Place a cross in the relevant box(es) below (B1–B6) ↓

B1 THE AGE REQUIREMENT

The age requirement appears to be reviewable on the ground that:

A	The person does not meet the age requirement.	<input type="checkbox"/>
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B2 THE MENTAL HEALTH REQUIREMENT

The mental health requirement appears to be reviewable on the ground that:

A	The person does not meet the mental health requirement.	<input type="checkbox"/>
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B	The reason why the person meets the mental health requirement is not the reason stated in the standard authorisation.	<input type="checkbox"/>
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B3 THE MENTAL CAPACITY REQUIREMENT

The mental capacity requirement appears to be reviewable on the ground that:

A	The person does not meet the mental capacity requirement.	<input type="checkbox"/>
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B	The reason why the person meets the mental capacity requirement is not the reason stated in the standard authorisation.	<input type="checkbox"/>
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B4 THE NO REFUSALS REQUIREMENT

The no refusals requirement appears to be reviewable on the ground that:

A	The person does not meet the no refusals requirement.	<input type="checkbox"/>
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B	The reason why the person meets the no refusals requirement is not the reason stated in the standard authorisation.	<input type="checkbox"/>
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B5 THE ELIGIBILITY REQUIREMENT

The eligibility requirement appears to be reviewable on the ground that:

- A (a) the standard authorisation authorises the person’s deprivation of liberty in hospital; **AND**
- (b) the person is subject to guardianship under the Mental Health Act 1983¹ **OR** meets the statutory criteria for being detained under section 2 or 3 of the Mental Health Act 1983; **AND**
- (c) the person objects to being accommodated in this hospital for the purpose of being given some or all of the proposed medical treatment for their mental disorder; **AND**
- (d) no donee of a lasting power of attorney or deputy appointed by the Court of Protection has consented to each matter to which the person objects.

B6 THE BEST INTERESTS REQUIREMENT

The best interests requirement appears to be reviewable on the ground that:

- A The person does not meet the best interests requirement.
- B The reason why the person meets the best interests requirement is not the reason stated in the standard authorisation.
- C There has been a change in the person’s case, as a result of which it would be appropriate to vary the conditions to which the standard authorisation is subject (whether by amending or omitting an existing condition, or by adding a new condition).

PART C — REASONS FOR OPINION THAT ONE OR MORE REQUIREMENTS IS REVIEWABLE

The reasons why it appears to the managing authority that one or more of the qualifying requirements is reviewable are as follows:

Signed (on behalf of the managing authority)	Signature	
	Print name	
	Position	
Dated	Date	

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.