1. **Flowchart**

**Deprivation of Liberty Safeguards Procedure**

**Managing authorities** (Care home or hospital)

- Care home staff need to deprive a resident of his/her liberty
- Hospital staff need to deprive a patient (who does not meet the criteria for detention under the MHA) of his/her liberty

**Submit DoLS authorisation request via email (DoLS inbox)**

- The BSO checks the DoLS authorisation request to ascertain if DoLS criteria is met. If the criteria is not met, the BSO advises the managing authority and closes the case.

- **Is urgent DoLS authorisation needed?**
  - Yes
    - The managing authority can grant an urgent DoLS authorisation if they have a reasonable belief that a standard authorisation would be granted.
    - The BSO allocates the case to a Section 12 Doctor and a BIA within 1 working day.
    - The assessors consult people close to the person and advise if an IMCA is required.
    - The Sector 12 Doctor assesses whether the service user has mental capacity, and the BIA assesses whether the service user meets criteria for DoLS.
  - No
    - The urgent DoLS authorisation allows the managing authority to deprive the service user of their liberty for up to 7 days.
    - The BSO allocates the case to a Section 12 Doctor.

- **Does the individual lack capacity?**
  - No
    - The BSO submits an Authorisation Not Granted form to DoLS signatory for approval.
    - The BIA consults people close to the person and advises if an IMCA is required.
    - The BIA assesses whether the service user meets the criteria for DoLS.
  - Yes
    - The BSO submits an Authorisation Granted form to DoLS signatory for approval.
    - The DoLS signatory authorises the DoLS.
    - The BSO notifies the service user and managing authority of the DoLS outcome in writing.
    - The BSO refers the service user to receive support from a paid RPR if they are not supported by a NoK.
    - On-going support is sought either via NoK or paid RPR as appropriate.

- **Is the criteria for DoLS met?**
  - Yes
    - The BSO completes an Authorisation Granted form 5 and submits to a DoLS signatory for approval.
  - No

- **The managing authority submits a Deprivation of Liberty Safeguards form to the DoLS team.**

- **The BSO allocates the case to a Section 12 Doctor and a BIA within 1 working day.**

- **The assessors consult people close to the person and advise if an IMCA is required.**

- **The Sector 12 Doctor assesses whether the service user has mental capacity within 10 days.**

- **Does the individual lack capacity?**
  - No
    - The BSO submits an Authorisation Not Granted form to a DoLS signatory for approval.
  - Yes
    - The BSO submits an Authorisation Granted form to DoLS signatory for approval.

- **BSO updates Mosaic case notes to record DoLS authorisation request received.**

**On-going support**

- Urgent cases should be turned around within 7 days (14 with an extension)
- Standard cases should be turned around within 21 days

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**AN IMCA is an advocate who has been specially trained to support people who do not have family or friends to represent them. See the Advocacy Policy for more details.**

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**Deprivation of Liberty Safeguards**

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**Managing authorities (Care home or hospital)**

- Care home staff need to deprive a resident of his/her liberty
- Hospital staff need to deprive a patient (who does not meet the criteria for detention under the MHA) of his/her liberty

---

**Submit DoLS authorisation request via email (DoLS inbox)**

- The BSO checks the DoLS authorisation request to ascertain if DoLS criteria is met. If the criteria is not met, the BSO advises the managing authority and closes the case.

- **Is urgent DoLS authorisation needed?**
  - Yes
    - The managing authority can grant an urgent DoLS authorisation if they have a reasonable belief that a standard authorisation would be granted.
    - The BSO allocates the case to a Section 12 Doctor and a BIA within 1 working day.
    - The assessors consult people close to the person and advise if an IMCA is required.
    - The Sector 12 Doctor assesses whether the service user has mental capacity, and the BIA assesses whether the service user meets criteria for DoLS.
  - No
    - The urgent DoLS authorisation allows the managing authority to deprive the service user of their liberty for up to 7 days.
    - The BSO allocates the case to a Section 12 Doctor.

- **Does the individual lack capacity?**
  - No
    - The BSO submits an Authorisation Not Granted form to DoLS signatory for approval.
    - The BIA consults people close to the person and advises if an IMCA is required.
    - The BIA assesses whether the service user meets the criteria for DoLS.
  - Yes
    - The BSO submits an Authorisation Granted form to DoLS signatory for approval.
    - The DoLS signatory authorises the DoLS.
    - The BSO notifies the service user and managing authority of the DoLS outcome in writing.
    - The BSO refers the service user to receive support from a paid RPR if they are not supported by a NoK.
    - On-going support is sought either via NoK or paid RPR as appropriate.

- **The managing authority submits a Deprivation of Liberty Safeguards form to the DoLS team.**

- **The BSO allocates the case to a Section 12 Doctor and a BIA within 1 working day.**

- **The assessors consult people close to the person and advise if an IMCA is required.**

- **The Sector 12 Doctor assesses whether the service user has mental capacity within 10 days.**

- **Does the individual lack capacity?**
  - No
    - The BSO submits an Authorisation Not Granted form to a DoLS signatory for approval.
  - Yes
    - The BSO submits an Authorisation Granted form to DoLS signatory for approval.

- **BSO updates Mosaic case notes to record DoLS authorisation request received.**
2. Procedure

The Deprivation of Liberty Safeguards (DoLS) are an amendment to the Mental Capacity Act 2005. It is designed to protect the rights of people who are in a hospital or a care home in England or Wales who lack the mental capacity to consent to care or treatment.

The Supreme Court judgement of 19 March 2014 in the case of Cheshire West made reference to an “acid test” to determine whether an individual is being deprived of their liberty. The acid test states that an individual is deprived of their liberty if they:

- Lack capacity to consent to their care and treatment
- Are under continuous supervision and control
- Are not free to leave

The DoLS procedure outlines the process which is necessary to follow when a managing authority (a hospital or a care home) identifies the need to deprive an adult in their care of their liberty, and authorisation is required from Southwark Council (as the supervisory body) in order to enact Deprivation of Liberty Safeguards (DoLS). In regards to DoLS the supervisory body is defined as the local authority where the person is ordinarily resident. This will usually be the local authority where the care home is located unless the person is funded by a different local authority.

When there is an intention to apply DoLS to an individual outside of a hospital or care home setting an application must be made to the Court of Protection.

2.1 Making a DoLS authorisation request

2.1.1 Managing Authorities

In order to safeguard service users from harm, it may be necessary for a managing authority to take actions in the service user’s best interests that deprive him/her of their liberty.

If the managing authority identifies that a service user has been deprived of their liberty, they must complete and submit a Deprivation of Liberty Safeguards form (form 1) to the Adult Safeguarding and Deprivation of Liberty Safeguards Team as soon as they are aware that a deprivation of liberty is occurring. Managing authorities must indicate whether the authorisation being sought is standard or urgent when completing the Deprivation of Liberty Safeguards form.

2.1.2 Social Workers

Social Workers may become aware of an individual who is a resident in a care home who may qualify for DoLS, but for whom a DoLS authorisation was not sought. If this occurs the Social Worker must ask the care home to submit a Deprivation of Liberty Safeguards form (Form 1) and notify the Adult Safeguarding and Deprivation of Liberty Safeguards Team.

2.2 Receiving and recording DoLS authorisation requests

The BSO should aim to review all new Deprivation of Liberty Safeguards authorisation requests within 1 working day, and undertake initial checks to ensure that the managing authority’s concerns are likely to meet the DoLS criteria, for example by ascertaining:
• that the service user lacks mental capacity to consent to care and treatment;
• that the service user is subject to 24 hour supervision and control by staff;
• whether staff would need to take steps to stop the service user from leaving the
care home or hospital if they attempted to.

The BSO must request that the managing authority provide additional information within
1 working day where vital information has not been provided in order to make a decision
regarding the DoLS authorisation request.

The BSO must record the DoLS authorisation request on the DoLS spreadsheet, start the
MOSAIC checklist, update Mosaic case notes and continue to update relevant
information on the spreadsheet.

2.3 Urgent DoLS authorisation requests
There are circumstances when a managing authority may need to deprive an individual
of their liberty before the supervisory body can respond to a request for a standard DoLS
authorisation. If this occurs the managing authority can use an urgent DoLS
authorisation. Urgent authorisations are granted by the managing authority itself. The
managing authority will complete the Deprivation of Liberty Safeguards Form 1 and send
it to the supervisory body, this will allow them to deprive the person of their liberty for up
to seven days. If the managing authority requires an extension the managing authority
can request an urgent DoLS authorisation from the supervisory body for an additional
seven days. The urgent DoLS authorisation can only be extended for a further seven
days if the supervisory body agrees to this request.

2.3.1 Allocating a Doctor, IMCA and Best Interest Assessor
Within 1 working day of receiving urgent DoLS authorisations requests, the BSO will –
• allocate the case to a Section 12 Doctor;
• allocate the case to a Best Interests Assessor;
• refer the service user to receive support from an Independent Mental Capacity
Advocate (IMCA) if required.

The Section 12 Doctor and Best Interest Assessor must arrange to visit and assess the
service user within 7 days of the receipt of the authorisation request. The IMCA must visit
the service user in order to support them during these assessments if there is no RPR or
family representative. The BSO will monitor the timeframe for an IMCA to be appointed.

2.3.2 Mental Capacity considerations and Best Interest Assessors
The Section 12 Doctor must visit the service user in order to assess whether they lack
mental capacity or whether they should be detained under the mental health act, and
complete the Mental Capacity, Mental Health and Eligibility Assessment form (form 4).
The Best Interest Assessor must visit the service user to establish whether the remaining
DoLS criteria are met (see section 5.4 of the Deprivation of Liberty Safeguards Policy). If
the Best Interest Assessor establishes that the criteria for DoLS have been met, they
must complete the Age, Mental Capacity, No Refusals, Best Interests Assessments and
Selection of Representative form (form 3). If the Best Interests Assessor believes that the
criteria for DoLS have not been met they must complete the Best Interest Assessment –
No Deprivation form (form 3A).
Both the Section 12 Doctor and Best Interests Assessor must submit their completed assessments to the Adult Safeguarding and Deprivation of Liberty Safeguards Team. Before submitting their respective forms they must satisfy themselves that they have –
- completed all the required sections of the assessments;
- completed the assessment to a good standard (including spelling and grammar);
- made their recommendations based on the required criteria, and clearly communicated the reasons behind their recommendations.

2.3.3 Extensions for urgent DoLS authorisation requests
Managing authorities can apply for an extension of urgent DoLS authorisations (by submitting a Deprivation of Liberty Safeguards Form 1 and completing the section of the form entitled request for an extension to the urgent authorisation if they are depriving a service user of their liberty for an additional seven days following an urgent DoLS authorisation. The managing authority must make an effort to submit the DoLS authorisation request for an extension before the current DoLS authorisation comes to an end.

In order to process the DoLS authorisation request, the BSO must –
- Check that the form has been completed correctly and to a good standard.
- Assure themselves that the recommendations are sound based on the evidence recorded in the relevant forms.

Extensions can only be granted for an additional 7 days. Once the BSO has established that an extension is warranted they must notify the managing authority within 1 working day and update Mosaic to reflect the request.

2.4 Standard DoLS authorisation requests
The managing authority must complete a Deprivation of Liberty Safeguards Form 1/form 2 requesting a standard DoLS authorisation. The managing authority sends this form to the supervisory body. The supervisory body must make a decision on standard DoLS authorisation requests within 21 days in order to determine whether the person can be deprived of their liberty.

2.4.1 Allocating a Doctor and IMCA
The BSO will allocate the case to a Section 12 Doctor within 1 working day. The BSO must refer the service user to receive support from an IMCA if the service user cannot access appropriate support from next of kin or a family friend. Once the IMCA referral is received and an IMCA is appointed the IMCA should –
- visit the service user in the care home or hospital, and;
- send a report to Adult Safeguarding and Deprivation of Liberty Safeguards team.

The Section 12 Doctor must visit the service user to assess and establish whether they lack mental capacity, and complete the Mental Capacity, Mental Health and Eligibility Assessments form (form 4). The Section 12 Doctor must submit his/her completed assessment to the Adult Safeguarding and Deprivation of Liberty Safeguards team by the 5 day deadline.

If the Section 12 Doctor finds that the service user has capacity, the BSO will complete the Authorisation not Granted form (form 6), and submit the form for authorisation to a DoLS signatory within 1 working day (see section 2.7).
2.4.2 **Best Interests assessment**
The BSO will allocate the case to a Best Interest Assessor within 1 working day if the Section 12 Doctor determines that the individual lacks capacity. The Best Interests Assessor will consult with the section 12 doctor regarding the outcome of their assessment and contact the service user to agree a date to carry out a Best Interests Assessment. The Best Interests Assessor should complete their assessment within 10 days.

**Assessing DoLS criteria**
The Best Interest Assessor must establish whether the criteria for DoLS are met during the Best Interests Assessment. If the Best Interests Assessor establishes that the criteria for DoLS have been met, they must complete the *Age, Mental Capacity, No Refusals, Best Interests Assessments and Selection of Representative form* (form 3). If the Best Interest Assessor believes that the criteria for DoLS have not been met they must complete the *Best Interest Assessment – No Deprivation form* (form 3A).

Before submitting the relevant form, the Best Interests Assessor must satisfy himself/herself that they have –

- completed all the required sections of the assessments;
- completed the assessment to a good standard (including spelling and grammar);
- made their recommendations based on the required criteria, and clearly communicated the reasons behind their recommendations.

2.4.3 **Renewal of Standard DoLS authorisations**
If the managing authority intends that the DoLS authorisation continue beyond the current DoLS authorisation period, the managing authority should submit a –

- *Request for a Further Standard Authorisation form* (form 2) if the intention is to extend the DoLS as is, and the circumstances remain largely unchanged;
- new DoLS authorisation request if the managing authority intends to apply DoLS in a way that is not described in the original DoLS authorisation request.

2.5 **Accessing IMCAs**
The BSO will send an IMCA referral to the placements team. The IMCA must make themselves available to support the service user during the Section 12 Doctor and Best Interests Assessor's assessments.

2.6 **Disagreements between the Section 12 Doctor and Best Interests Assessor**
If the Section 12 Doctor and Best Interests Assessor disagree about the service user’s mental capacity, the BSO in consultation with the Team Manager will consider the respective assessments and discuss the case with the Section 12 Doctor and Best Interests Assessor. If the Section 12 Doctor and Best Interests Assessor are not able to agree, and the Team Manager cannot resolve the issue based on the available information, the BSO will appoint a new Section 12 doctor to reassess the service user’s mental capacity. The timeframe for the reassessment must take into account the available time before the 7/14 days (urgent DoLS authorisation) / 21 day (standard DoLS authorisation) statutory timeframe is reached.
2.7 DoLS authorisation process

In order to process the DoLS authorisation, the BSO must –

- Check that the forms submitted by the Section 12 Doctor and Best Interests Assessor have been completed correctly and to a good standard.
- Assure themselves that the recommendations are sound based on the evidence recorded in the relevant forms.
- Complete a:
  - *Standard Authorisation Granted form* (form 5) if the recommendation is to approve the deprivation of liberty arrangements; OR
  - *Standard Authorisation Not Granted form* (form 6) if the recommendation is that the service user does not meet the criteria for deprivation of liberty safeguards.

The BSO must seek authorisation from a DoLS signatory to approve DoLS. Authorisation should be sought from the DoLS signatory as soon as possible. The DoLS signatory must make a decision in regards to the DoLS authorisation and notify the Adult Safeguarding and Deprivation of Liberty Safeguards Team. If the DoLS signatory rejects any of the conditions/recommendations made by the BIA or introduces additional conditions, the reasons must be communicated to the BIA (in case these changes significantly affect the conclusions made in the BIA’s report), and clearly recorded. The DoLS signatory should complete and submit the relevant forms within 5 days of receipt (or less if – due to earlier delays in the process – there is a risk that the DoLS will not be authorised within the required overall timescale.

Once the DoLS authorisation has been approved, the BSO should notify the service user, the managing authority, and the next of kin (representative) or IMCA of the DoLS outcome in writing.

2.8 Relevant Person’s Representative

Following the authorisation of DoLS, the BSO will inform the next of kin (representative) of the DoLS outcome. The BSO must apply for a Paid Relevant Person’s Representative (RPR) to support the service user if they do not have next of kin to act as their representative.

3. Desk top Authorisation Renewal Procedure

For information on the desktop renewals process see Appendix A.

4. Reviewing DoLS Authorisations

It may be necessary to review DoLS authorisations due to a number of reasons, for example the:

- The individual no longer meets the age, no refusals, mental capacity, mental health or best interests requirements
- The individual no longer meets the eligibility requirement because they now meet the criteria for an application for admission under section 2 or section 3 of the Mental Health Act 1983;
- There has been a change in the individual’s circumstances and because of the change, it would be appropriate to amend, delete or add a new condition to the DoLS authorisation.
- The reasons the individual now meets the qualifying requirements is (are) different from the reasons given at the time the standard authorisation was given.
- Relevant Person’s Representative requests that the DoLS authorisation be reviewed.
- A managing authority must request a review if it appears to it that one or more of the qualifying requirements is no longer met, or may no longer be met.

If the Adult Safeguarding and Deprivation of Liberty Safeguards Team are alerted to the need to review the DoLS authorisation, they will contact the relevant parties in order to request that they submit a Deprivation of Liberties Safeguards Review form (form 10). Dependant on the basis of the review it may be necessary to appoint a:
- Section 12 Doctor to consider the service user’s mental capacity;
- Best Interests Assessor to verify if the criteria for DoLS are met.

If the recommendation is to:
- grant the continuation of the DOL authorisation, the BSO should complete the Standard Authorisation Granted form;
- revoke the DoLS authorisation, the BSO should complete the Standard Authorisation Ceased form.

The DoLS signatory should notify the Adult Safeguarding and Deprivation of Liberty Safeguards Team of their decision. The BSO must notify the service user, managing authority and next of kin within 1 working day of the DoLS outcome.

4.1 Recording DoLS actions
BSO’s are responsible for ensuring that all pertinent actions in relation to DoLS are recorded on the DoLS spreadsheet and Mosaic checklist, including (but not limited to) —
- Date of DoLS authorisation request
- DoLS expiry date
- Current status
- Date DoLS granted/not granted

5. Performance and monitoring
We will monitor the following performance standards —

<table>
<thead>
<tr>
<th>Performance standard</th>
<th>Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of referrals received</td>
<td>Calendar month</td>
</tr>
<tr>
<td>Number of cases allocated to a —</td>
<td>Calendar month</td>
</tr>
<tr>
<td>Section 12 doctor</td>
<td></td>
</tr>
<tr>
<td>Best Interests Assessor</td>
<td></td>
</tr>
<tr>
<td>Independent Mental Capacity Advocate</td>
<td></td>
</tr>
<tr>
<td>Relevant Persons Representative</td>
<td></td>
</tr>
<tr>
<td>Performance standard</td>
<td>Period</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
<tr>
<td>Number of cases concluded</td>
<td>Calendar month</td>
</tr>
<tr>
<td>Average number of days (total and phase time) to determine –</td>
<td>Calendar month</td>
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<tr>
<td> Urgent authorisations closed during the calendar month</td>
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</tr>
<tr>
<td> Standard authorisations closed during the calendar month</td>
<td></td>
</tr>
<tr>
<td>% of –</td>
<td>Calendar month</td>
</tr>
<tr>
<td> Urgent authorisations approved</td>
<td></td>
</tr>
<tr>
<td> Standard authorisations approved</td>
<td></td>
</tr>
<tr>
<td>Number of current authorisation requests awaiting a decision</td>
<td>Calendar month</td>
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6. **Roles and Responsibilities**

<table>
<thead>
<tr>
<th>Role</th>
<th>Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Manager</td>
<td> Oversee the DoLS process&lt;br&gt; Approve DoLS authorisations</td>
</tr>
<tr>
<td>Adult Safeguarding and DoLS Team Manager</td>
<td> Management of the DoLS team&lt;br&gt; Ensure that DoLS authorisations are processed within the statutory DoLS legal framework</td>
</tr>
<tr>
<td>DoLS signatories</td>
<td> Approve DoLS authorisations</td>
</tr>
<tr>
<td>Senior Business Support Officer / DoLS Business Support Officer</td>
<td> Administrate DoLS authorisation process (including DoLS authorisation requests to initiate, extend and renew).&lt;br&gt; Allocate Section 12 Doctors and Best Interests Assessors to cases.&lt;br&gt; Complete DoLS authorisations requests where managing authorities fail to comply.&lt;br&gt; Make IMCA and RPR referrals as appropriate.&lt;br&gt; Undertake checks to identify if DoLS authorisations are coming to an end, and prompt the renewal/extension process.&lt;br&gt; Seek authorisation from DoLS signatories for DoLS authorisations&lt;br&gt; Seek authorisation for hospital DoLS extensions (see section 2.8.2).&lt;br&gt; Notify the service user and managing authority of the DoLS outcome in writing.</td>
</tr>
<tr>
<td>Managing Authority</td>
<td> Submit requests for DoLS authorisations (including DoLS authorisations to initiate, extend and renew) in a timely manner&lt;br&gt; Consult family or friends before considering completing an urgent DoLS authorisation</td>
</tr>
</tbody>
</table>
Role | Responsibilities
--- | ---
Section 12 Doctor | ▪ Undertake mental capacity assessment with the service user
▪ Submit appropriate assessment form to the Adult Safeguarding and Deprivation of Liberty Safeguards Team within the allotted time constraints

Best Interests Assessor | ▪ Undertake BIA assessment with the service user
▪ Submit appropriate assessment form to the Adult Safeguarding and Deprivation of Liberty Safeguards Team within the allotted time constraints

Social Workers | ▪ Notify the Adult Safeguarding and Deprivation of Liberty Safeguards Team of residents in care homes who meet the criteria for DoLS

Advocacy service | ▪ Provide a IMCA to the service user to support them during the assessment process
▪ Provide a RPR to the service user to support them if they are not supported by next of kin

7. **Standard documents**

<table>
<thead>
<tr>
<th>Form No</th>
<th>Form name</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Request for standard authorisation and urgent authorisation</td>
</tr>
<tr>
<td>2</td>
<td>Request for a further standard authorisation</td>
</tr>
<tr>
<td>3</td>
<td>Age, mental capacity, no refusals, best interests assessments and selection of representative</td>
</tr>
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<td>3a</td>
<td>Best Interest assessment – No Deprivation</td>
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<td>4</td>
<td>Mental capacity, mental health and eligibility assessments</td>
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<td>Standard authorisation granted</td>
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<td>6</td>
<td>Standard authorisation not granted</td>
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<td>8</td>
<td>Termination of appointment as representative</td>
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<td>Standard authorisation ceased</td>
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<td>10</td>
<td>Review</td>
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<td>IMCA Referral</td>
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<td>Notification of Death Whilst Deprived of Liberty</td>
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8. **Document control**

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<td>By</td>
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</tr>
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