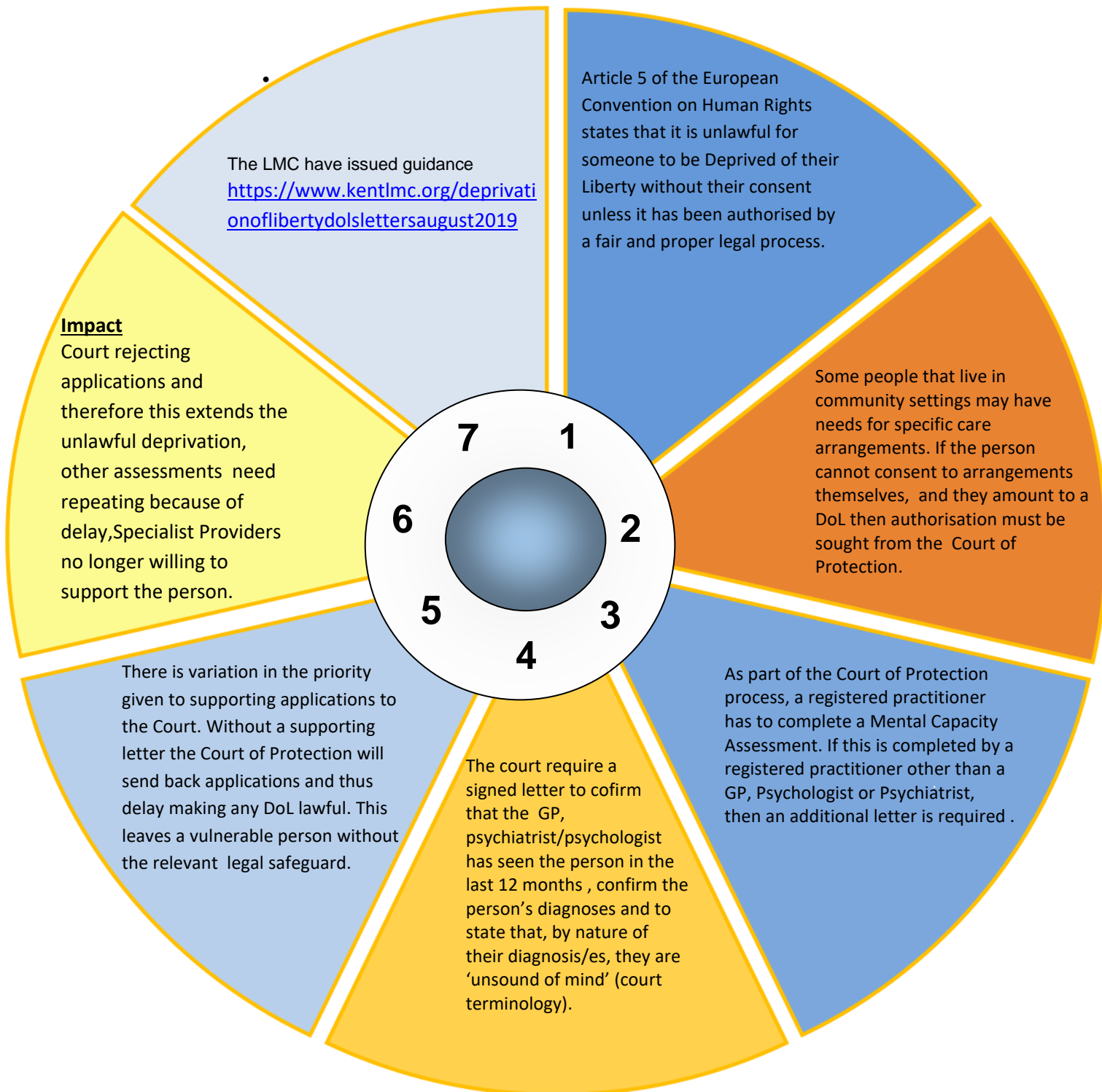


Community DoL



1 Article 5 of the European Convention on Human Rights states that it is unlawful for someone to be Deprived of their Liberty without their consent unless it has been authorised by a fair and proper legal process.

2 Some people that live in community settings may have needs for specific care arrangements. If the person cannot consent to arrangements themselves, and they amount to a DoL then authorisation must be sought from the Court of Protection.

3 As part of the Court of Protection process, a registered practitioner has to complete a Mental Capacity Assessment. If this is completed by a registered practitioner other than a GP, Psychologist or Psychiatrist, then an additional letter is required .

4 The court require a signed letter to confirm that the GP, psychiatrist/psychologist has seen the person in the last 12 months , confirm the person's diagnoses and to state that, by nature of their diagnosis/es, they are 'unsound of mind' (court terminology).

5 There is variation in the priority given to supporting applications to the Court. Without a supporting letter the Court of Protection will send back applications and thus delay making any DoL lawful. This leaves a vulnerable person without the relevant legal safeguard.

6 **Impact**
Court rejecting applications and therefore this extends the unlawful deprivation, other assessments need repeating because of delay, Specialist Providers no longer willing to support the person.

7 The LMC have issued guidance <https://www.kentlmc.org/deprivationoflibertydolslettersaugust2019>