Deprivation of Liberty Flowchart

**Is there a Deprivation of liberty?**

Is the young person being cared by SCC via arrangements in which they are under continuous supervision and control and are not free to leave?

Consider: how much greater is the intensity of the supervisions, support, and restrictions compared to another person of the same age and relative maturity? Is physical intervention used? If so, what type? How long for? What effect does it have on the young person?

**Is there valid consent?**

Where there is valid consent, the deprivation of liberty will be lawful.

Unless there is valid consent, authorisation from the Court under one of the routes outlined below is required.

**Care Order**

If a Care Order, **Court authority will always be required**

**Section 20**

If S20, how old is the young person?

Does the young person lack capacity?;

Is the young person looked after voluntarily via S20; and

Is there a settled care plan agreed by the parents?

**Under 16**

The LA cannot consent

The young person cannot consent

**No**

**Yes**

**16-18**

Parents cannot consent

The LA cannot consent

Young person unlikely to be able to give valid consent

Therefore, **court authority is needed**

If there is dispute regarding care arrangements or the young person has capacity, **court authority is needed**

Parents can consent, no court authority needed

**Which court?**

Over 16 with capacity – Family Court

Under 16 – Family Court

16-17 year old without capacity – Court of Protection

**If Family Court**

LGM unless CWD and no complexities – then prepare draft documents as per Guidance:

* Crib Sheet for C66 Application Form
* Statement using SWE Template for DOL applications to Family Court
* Current Mental capacity assessment, where relevant

Application for court authority of DOL restrictions

or

Application for Secure Accommodation Order if s25 Criteria met and Secure placement available.

**If Court of Protection**

No LGM unless other complexities – prepare draft documents as per Guidance:

* COP1
* COP 1B
* COP3 – Assessment of Capacity
* COP 24 – Witness statements
* Best interests assessment (to be approved by Service Manager)