

Common errors – DOLS form filling by Managing Authorities

Form 1: Urgent Authorisation

Part A Page 1 – Basic Information

Name and address of MA **responsible** for hospital or care home

- Named registered person: registered manager (or deputy manager with delegated authority); larger care home organisations often refer to senior manager at head office; East Kent hospitals refer to EKHFT
- Address of MA: this matches with the above, i.e. address where the registered person is; larger care home organisations may give address of head office; KMPT wards give address of KMPT at Kngshill

This corresponds to A5 on page 2 of Form 4.

Name of person to contact at hospital/care home

- This can be different from the above, as it should be the person the DOLS office/BIA should contact, i.e. someone who has the knowledge of RP and of this DOLS application.

This corresponds to A6 on page 2 of Form 4.

Name of PCT/LA to whom this form is being sent/SB

- The SB is the Local Authority where the person has ordinary residence. This will not necessarily be the local authority the hospital or the health setting is situated in.
- Where the patient is not ordinarily resident in the area of an English Local Authority, the SB will be the local authority in which the health setting is situated.
- If RP is in care home/nursing home, SB is always a LA regardless of funding. If care is funded by KCC, SB is KCC. If care is funded by E Sussex but care home is in Kent, SB is E Sussex County Council (DOLS forms need to be submitted to E Sussex DOLS office. Addresses of all DOLS offices on DH website or linked via www.kent.gov.uk/mentalcapacityact, or obtainable from Kent & Medway DOLS office.) If RP is self funding, SB is the local authority where the care home is located.

MA's often put SB as Kent & Medway DOLS office.

MA's sometimes put just Kent or just Medway or just East Kent – it needs to be Kent **County Council** or Medway Council or another Local Authority.

SB is usually different from MA (except from KCC's and Medway Council's own homes). Common error for KMPT wards – they put KMPT as SB.

Boxes B1-B10 Page 2

- They all need to be ticked for DOLS to apply to the relevant person. Any unticked box(es) would make the application invalid.

Box B2 is often unticked as MA believes the person is not suffering from **mental disorder** because RP does not have a mental health condition. They need to understand the definition of 'mental disorder'.

C1 Page 2

Date of expiry of urgent authorisation

- 7 days from the date on the back page of Form 1 (**this day being day 1**), when the urgent authorisation was issued

Most MAs add 7 to the date of issue, i.e. assuming that the urgent expires the following Monday when it is issued this Monday. If an urgent is issued on Monday, it expires at midnight on the following Sunday.

This corresponds to A9 at the top of Page 4 of Form 4.

Part E Page 5 – Need for an IMCA

- E1: need for an IMCA
- E2: there is someone appropriate to consult

MAs often x E1 and request for an IMCA because e.g. family members do not visit very often or family members disagree amongst themselves. These may not be sufficient reasons for the BIA not to consult them in the assessment process – these family members/friends can still provide important information on the wishes/feelings of RP. It may be, if a DOLS authorisation is granted, BIA may not recommend the appointment of certain family members as RPR, which is a separate issue.

This corresponds to B10 on Page 8 of Form 4.

Part G – Standard Authorisation

- They **must** also submit a Form 4 without delay.

Signing and dating Form 1

- MA should sign the first section at the top of the last page of Form 1. They **should not sign the last box on this page** – this should only be used on **extension** of the urgent authorisation (and not on the first day of issuing an urgent authorisation), under exceptional circumstances, agreed with the DOLS office.

We often receive Form 1 with the top and bottom signature sections both signed and dated.

Form 4: Request for a Standard Authorisation

A8 Page 3: The date from which the Standard Authorisation is sought

The Standard Authorisation is required to start on:

- The date after the expiry of the urgent

If MA gets the expiry date of the urgent wrong, they'll get the start date of the standard wrong. When an urgent is issued on a Monday, it expires at midnight on the following Sunday and the standard authorisation is requested to start on the Monday.

B7 Page 6: The Person's Disability

- Mental Health alone: x box for MH only
- Dementia: X box for MH **and** x box below for dementia

B12 Page 8: Person subject to MHA regimes

MA often x Hospital treatment regime when RP is in hospital, and x Community treatment regime when RP is in the 'community', when RP is not under these specific MHA regimes.

B13 Page 9: Information about interested persons

- Interested persons are not professionals.
- If there are more family members/friends involved, they can be included in the 'any other relevant information' box in C6 on page 12.

Definition of 'interested persons'

- (a) RP spouse or civil partner
- (b) where RP and another person of the opposite sex are not married to each other but are living together as husband and wife: the other person
- (c) where RP and another person of the same sex are not civil partners of each other but are living together as if they were civil partners: the other person
- (d) RP children and step-children
- (e) RP parents and step-parents
- (f) RP's brothers and sisters, half-brothers and half-sisters, and stepbrothers and stepsisters
- (g) RP grandparents
- (h) a deputy appointed for the relevant person by the court
- (i) a donee of a lasting power of attorney granted by RP.

C2 Page 10: Name of person most closely involved

- Professional: hospital/care home key worker, care manager
- If there are more professionals involved, they can be included in the 'any other relevant information' box in C6 on page 12.

Form 19: Request for a Review by MA

B6 Page 3: Best Interests Requirement

- x A: The person does not meet the best interests requirement

This should be the most common box to be ticked, as most requests for reviews are triggered by MA informing us that the situation has improved and RP is no longer being deprived of their liberty. Somehow they do not equate this to RP not meeting the best interests requirement, and often x B or C instead.