

### Managing Authority Briefing

#### Current Position - August 2019

Since 1<sup>st</sup> April applications are now only being taken online: Form 1 and Form 2 available here:

<https://www.kent.gov.uk/social-care-and-health/information-for-professionals/mental-capacity-act/deprivation-of-liberty-safeguards#tab-1>

#### **Re-applications to be made on Form 2; 28 days before current authorisation expires.**

We continue to triage all requests for authorisations of Deprivation of Liberty Safeguards (DOLS) on a daily basis; of those which are prioritised the relevant person is usually seen within four weeks. Those applications which we have pending continue to be reviewed quarterly, and as the MA you are required to notify us if the situation changes\*.

Those allocated as a priority are now usually being seen within four weeks.

Please ensure you explain the process of applying for a DOLS to any family or friends of the Relevant Person (RP) and give them a copy of this leaflet:

[https://webarchive.nationalarchives.gov.uk/20130123195754/http://www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/documents/digitalasset/dh\\_095894.pdf](https://webarchive.nationalarchives.gov.uk/20130123195754/http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_095894.pdf)

\*Please inform us via [dols.office@kent.gov.uk](mailto:dols.office@kent.gov.uk) or 03000 415777 any time when:

1. The relevant person leaves
2. The relevant person is deceased
3. The relevant person's circumstances change and there are more/less restrictions needed.

This will enable us to either re-screen or withdraw the original application accordingly.

If your application has not already been responded to:

Continue to comply with the Mental Capacity Act; record all the restrictions and why they are in place. Further guidance can be located through the following link:

<https://www.kent.gov.uk/social-care-and-health/information-for-professionals/mental-capacity-act/deprivation-of-liberty-safeguards#tab-3>

### **Lasting Power of Attorney (LPA) for Health and Welfare**

You need to have the copies of this document in the person's file, with the Office of the Public Guardian (OPG) reference number and date it is registered. If you are uncertain complete form 100 available from the OPG <https://www.gov.uk/government/publications/search-public-guardian-registers>

### **Liberty Protection Safeguards (LPS)**

LPS replaces DOLS. It has now had Royal assent, so it is law. It is likely to be implemented on **31/10/2020**.

#### **BUT**

Until a code of practice is published, we will not know how we should implement it. This is likely to take a year. There is likely to be a transitional period of a year. Those with a DOLS authorisation which subsequently ends, will then be assessed under LPS. During the transition any existing DOLS authorisations that have been granted will remain effective until their end date, when they are re-applied for under LPS.

Main differences:

- This will include all adults over the age of 16 years
- Will encompass all settings including the community
- The Responsible Body will authorise the LPS
- The Responsible Body could be the Local Authority or, for National Health Service or Continuing Health Care funded people, the Clinical Commissioning Groups.
- In hospital the Responsible Body is most likely to be the Hospital Manager.
- The Care Home Manager can be asked by the Responsible Body to coordinate the assessments and prepare the paperwork for the pre-authorisation review.

The Kent MCA DOLS Service will endeavour to keep you updated as this develops, however it will be the responsibility of your own organisation to obtain the knowledge, and what this will mean for you as Providers.

### Differences between DOLS and LPS

<b>DoLS</b>	<b>Liberty Protection Safeguards</b>
The Supervisory Body	Responsible Body – arrange assessments, authorise, monitor, review and appeal in the CoP
Applies only in Care Homes and hospitals	Anywhere – includes community cases
Currently 6 assessments by BIA's & Mental Health assessors	Only 3 assessments Mental Capacity & Mental Disorder assessments require a professional, but others may not.
1 year maximum	Renewable: 1 year, 1 year and 3 years
Only applies to place where assessed	Can be taken from one placement to another (if similar)
BIA required in all cases	AMCP needed only in complex cases, care homes may carry out some assessments.

#### For DOLS related information and forms:

<https://www.kent.gov.uk/social-care-and-health/information-for-professionals/mental-capacity-act/deprivation-of-liberty-safeguards>

**Kent MCA DOLS Service, Telephone 03000 415777**

[dols@kent.gov.uk](mailto:dols@kent.gov.uk)

[www.kent.gov.uk/mentalcapacityact](http://www.kent.gov.uk/mentalcapacityact)