



South Tyneside Council



living better lives

Adult Social Care & Commissioning Deprivation of Liberty Safeguards (DOLs) Policy

7th November 2024

Document Control

Version: 1.2
Issuer: Jeanette Penman
Directorate & Service: Adult Social Care & Commissioning
Issue Date: June 2024
Reviewed On: 07/11/2024
Next Review Date: November 2025
Reviewers: Practice and Assurance Team
Approval: Adult Social Care & Commissioning – SMT
Issuer/Amender: Fraser McLennan/ Yasmeen Akhtar
Detail of Approval if required: SMT sign off November 2024

Table of Contents

Document Control 2

 Introduction 3

 Definitions 4

 Purpose and scope 6

 Procedure..... 6

 DOLs Forms 6

 Applying for a Standard Authorisation 7

 Giving an Urgent Authorisation..... 7

 Identifying and applying to the correct Supervisory Body 8

 Sending information securely 8

 Receiving a request for assessment for a Standard Authorisation 9

 Assessment process for a Standard Authorisation 9

 Assessment Outcomes 10

 Appointing a Representative 10

 Instructing an Independent Mental Capacity Advocate (IMCA)..... 11

 Recording and notifying relevant parties of decisions 11

 Managing Authority responsibilities after an authorisation is granted 12

 Reviews..... 12

 Applying for a further DOLs Authorisation 13

 Equivalent Assessments 14

 Complaints, the Court of Protection and Appeals..... 14

 Managing Authority 14

 Complaints 15

 The Court of Protection and Appeals..... 15

 References 16

Introduction

The Deprivation of Liberty Safeguards (DOLs) 2007 are part of the Mental Capacity Act (MCA) 2005 and are set out in Schedule A1 of that Act. They apply to people over the age of 18, who are accommodated in a hospital or registered care home, and who lack the mental capacity to consent to their accommodation for the purpose of receiving their care or treatment.

The DOLs provide a legal framework to safeguard the right to liberty of person, which is contained in Article 5 of the European Convention on Human Rights. They set out the procedures that need to be followed before a deprivation of liberty can be lawfully authorised. They also provide people subject to a DOLs authorisation with a mechanism to challenge their deprivation by appointing them with a Representative, who may appeal on their behalf to the Court of Protection, which makes decisions regarding people who lack the capacity to do so for themselves.

The DOLs Code of Practice (2008) governs the application and administration of the Safeguards. However, since the Code was published, case law has evolved, which supersedes specific sections of the Code, therefore staff must be aware of and refer to the relevant case law when applying the Safeguards or the Code.

In particular, in 2014 the UK Supreme Court delivered its judgement in *P v Cheshire West & Chester Council* [2014] UKSC 19, clarifying how deprivation of liberty must be identified. This judgment led to what is commonly referred to as the 'acid test,' which must be met for a deprivation of liberty to occur. For the Acid test to be met:

1. The person must be subject to continuous supervision and control

AND

2. The person must not be free to leave, in the sense of removing themselves permanently in order to live elsewhere.

The Safeguards do not apply to people detained in a psychiatric hospital under the Mental Health Act (MHA) 1983. When a patient is discharged from detention under the MHA, but remains an inpatient in a psychiatric hospital, and they lack capacity to consent to their care or treatment, they may be subject to a DOLs authorisation in specific circumstances. This is a complex area, and advice should be sought from the DOLs team or Approved Mental Health Professional (AMHP) Team in these circumstances.

This policy should be read in conjunction with the relevant legislation, regulations, codes of practice and case law, which are referenced in Section 6 of this policy, and does not replace or take precedence over these.

Definitions

Managing Authority

The registered person or body with management responsibility for the hospital or care home in which a person is, or may become, deprived of their liberty. For care homes and independent hospitals, this is the person registered under Part 2 of the Care Standards Act 2000 in respect of the home or hospital. For NHS hospitals, the NHS Trust that manages the hospital is the Managing Authority.

Supervisory Body

The local authority that is responsible for considering a deprivation of liberty request, commissioning the assessments and, where all the assessments agree, authorising deprivation of liberty. Within South Tyneside the Supervisory Body is South Tyneside Council.

Deprivation of Liberty

Deprivation of Liberty is a term used in the European Convention on Human Rights about circumstances when a person's freedom is taken away. Case law defines its meaning in practice.

Restraint

The use or threat of force to help carry out an act, which the person resists, or the restriction of the person's liberty of movement whether or not they resist. Restraint may only be used where it is necessary to protect the person from harm and is proportionate to the risk of harm.

Relevant Person

A person who lacks capacity in relation to their accommodation for the purposes of receiving care and treatment, and who is, or may become, deprived of their liberty in a hospital or care home.

Standard Authorisation

An authorisation given by the Supervisory Body after completion of the statutory assessment process, giving lawful authority to deprive a relevant person of their liberty in a particular hospital or care home.

Urgent Authorisation

An authorisation given by a Managing Authority for a maximum of seven days, which may subsequently be extended by a maximum of a further seven days by the Supervisory Body, that gives the Managing Authority lawful authority to deprive a person of their liberty in a hospital or care home while the standard deprivation of liberty authorisation process is undertaken.

Deprivation of Liberty Safeguards (DOLs) Team

The team that manages the application and operation of the Safeguards on behalf of South Tyneside Council. The team co-ordinates and commissions DOLs assessments and reviews; organises and manages DOLs Signatory processes; and oversees and administers all key processes required under the Safeguards.

DOLs Code of Practice

This refers to the Deprivation of Liberty Safeguards Code of Practice (2008), which supplements the Mental Capacity Act 2005 Code of Practice, and is referred to as 'the Code' throughout.

Independent Mental Capacity Advocate (IMCA)

Someone who provides support and representation for a person who lacks capacity to make specific decisions, where the person has no one else to support them. The IMCA service was established by the Mental Capacity Act 2005 and is not the same as an ordinary advocacy service. IMCAs appointed under the DOLs have a specific role – see sections 3.22 - 3.28 and 7.34 – 7.41 of the Code.

DOLs Assessments

The six assessments commissioned by the Supervisory Body under the DOLs in order for it to determine if the requirements that allow the Relevant Person to be deprived of their liberty are met. The six assessments are the Age, Mental Health, Mental Capacity, Best Interests, Eligibility and No Refusals assessments.

Best Interests Assessor (BIA)

A professional (registered Social Worker, Occupational Therapist, Nurse, or Psychologist with further post-graduate training) who must complete specific assessments under the Safeguards – the Age, No Refusals and Best Interests assessments, although they may also complete the Mental Capacity Assessment where the Supervisory Body requests this. BIAs are appointed by the Supervisory Body to carry out these assessments.

Mental Health Assessor (MHA)

A doctor approved under Section 12 of the Mental Health Act 1983, who has completed further training in the DOLs, who must complete specific assessments under the Safeguards – the Mental Health and Eligibility Assessments – and who may complete the Mental Capacity Assessment under the safeguards also. In South Tyneside, the MHA usually completes the Mental Capacity Assessment. MHAs are appointed by the Supervisory Body to carry out these assessments.

Relevant Person's Representative (RPR)

A person, independent to the relevant hospital or care home, appointed to maintain contact with the Relevant Person, and to represent and support them in all matters in relation to the operation of the DOLs. Often this is a family member or friend, but if the Relevant

Person does not have anyone who is able to take on this role, or it is felt they may not be appropriate to do so, the local authority must appoint a paid RPR.

Purpose and scope

This policy describes the application and administration of the Deprivation of Liberty Safeguards within South Tyneside and sets out the procedures and processes to be followed in order to fulfill our legal duties under the Safeguards. This includes duties placed upon both Managing Authorities and the Supervisory Body.

South Tyneside Council is responsible for fulfilling the duties of the Supervisory Body in South Tyneside. The duties of the Supervisory Body are set out in Schedule A1 of the Mental Capacity Act 2005, The Mental Capacity (Deprivation of Liberty) Regulations 2008, and the DOLs Code of Practice. This policy sets how South Tyneside Council will fulfill its duties as under the DOLs as a Supervisory Body.

The duties upon Managing Authorities are also set out Schedule A1 of the Mental Capacity Act 2005, The Mental Capacity (Deprivation of Liberty) Regulations 2008, and the DOLs Code of Practice. This policy identifies key Managing Authority responsibilities under the DOLs but does not govern procedures for identifying a deprivation of liberty within Managing Authority care settings, any procedures required prior to the submission of a request for a Standard Authorisation, or act as a comprehensive policy in order for Managing Authorities to meet their responsibilities under the DOLs. Any additional procedures such as these should be produced internally by Managing Authorities for their own purposes and compliance with the law, regulations and Code.

The DOLs are part of the Mental Capacity Act 2005, and all those applying this policy must adhere to the statutory principles set out in Section 1 of that Act.

Procedure

DOLs Forms

The correct DOLs forms must be used by Managing Authorities and the Supervisory Body in order for the DOLs to be administered lawfully and effectively.

South Tyneside Council uses forms produced by the Association of Directors of Adult Social Services (ADASS), which can be accessed from the UK Government website at <https://www.gov.uk/government/publications/deprivation-of-liberty-safeguards-forms-and-guidance>.

For any help or support needed with DOLs forms please contact South Tyneside Council DOLs Team Support on 0191 424 4050, or by emailing mca.dol@southtyneside.gov.uk.

Applying for a Standard Authorisation

The Managing Authority is responsible for identifying when a person, who is currently accommodated and cared for by them, may be being deprived of their liberty.

The Managing Authority is also responsible for identifying when a person may be likely to be deprived of their liberty, as a result of being accommodated and cared for by them, at some time during the next 28 days.

Where the Managing Authority identifies that a person may be being currently, or may be likely to be, deprived of their liberty, as a result of being accommodated and cared for by them at some time during the next 28 days, it must apply to the Supervisory Body for a Standard Authorisation of the deprivation of liberty.

If the Relevant Person, any relative, friend, carer or any other third party believes that a person is being deprived of their liberty without the Managing Authority having applied for an Authorisation, they should ask the Managing Authority to apply for an authorisation.

If the concerned person has raised the matter with the Managing Authority, and the Managing Authority does not apply for an authorisation within a reasonable period, the concerned person can ask the Supervisory Body to decide whether there is an unauthorised deprivation of liberty.

Giving an Urgent Authorisation

Where a person needs to be accommodated and cared for by a Managing Authority urgently or they have already been admitted, and the Managing Authority believes this has resulted in or will be likely to result in the person being deprived of their liberty, the Managing Authority can give an Urgent Authorisation, which will make the potential deprivation of liberty lawful for a short period of time.

The Managing Authority may give an Urgent Authorisation before a request for a Standard Authorisation has been made, or after a request has been made and the outcome is pending, where it believes the urgency of the situation requires the deprivation of liberty to begin before a Standard Authorisation is obtained.

An Urgent Authorisation must be given at the same time as a request for a Standard Authorisation is made, therefore, before giving an Urgent Authorisation, the Managing Authority must have a reasonable expectation that the requirements of a Standard Authorisation are likely to be met.

An Urgent Authorisation should not be given when it is anticipated that within a matter of a few hours or a few days the person will no longer be in that environment.

An Urgent Authorisation grants the Managing Authority the legal authority to deprive a person of their liberty for up to seven days, in order for the Supervisory Body to arrange for the necessary DOLs assessments to be carried out.

Where there are exceptional reasons, the Managing Authority may ask the Supervisory Body to extend the duration of the Urgent Authorisation for a maximum of a further seven days.

Whenever possible, a Standard Authorisation should be obtained in advance of the person being admitted by the Managing Authority.

Unless the duration of the Urgent Authorisation is extended by the Supervisory Body, or a Standard Authorisation is given before the Urgent Authorisation expires, the authority to deprive the person of liberty will cease once the Urgent Authorisation period has expired.

The request for a Standard Authorisation and Urgent Authorisation is completed using the ADASS Form 1. An application must be valid in order for the Supervisory Body to accept it. This means it must include all the essential information and be signed and dated correctly. The completed Form 1 should be sent to the DOLs team at MCA.DOL@southtyneside.gov.uk.

Identifying and applying to the correct Supervisory Body

The Managing Authority must identify the correct Supervisory Body to apply to for an Authorisation.

The responsible Supervisory Body is the Local Authority where the Relevant Person is ordinarily resident.

Where the Relevant Person is placed in a care home and the placement is funded by South Tyneside Council, South Tyneside Council will be the responsible Supervisory Body.

Where the Relevant Person is placed permanently in a care home and the placement is funded by a Local Authority other than South Tyneside Council, the Local Authority funding the placement will be the responsible Supervisory Body.

Where the Relevant Person is placed permanently in a care home and the placement is privately funded, the responsible Supervisory Body will be the Local Authority for the area in which the care home is situated.

If the Relevant Person is of no fixed abode, the responsible Supervisory Body will be the Local Authority for the area in which the care home or hospital is situated.

Sending information securely

Confidential information, including the Form 1, must be sent to the Supervisory Body via a secure email service.

Professionals and staff working in partner organizations and agencies should contact the DOLs team for advice about sending documents securely.

Receiving a request for assessment for a Standard Authorisation

As soon as practical and possible upon receipt of an application for authorisation of deprivation of liberty, the Supervisory Body must consider whether the application is appropriate and should be pursued, seeking any further information that it requires from the Managing Authority to help it make that decision.

If the Supervisory Body has any doubts about proceeding with the application, it should seek to resolve this with the Managing Authority. For example, if the Supervisory Body is not satisfied that an application includes necessary or essential information, it may contact the Managing Authority and request that it re-submits the application.

Assessment process for a Standard Authorisation

As soon as the Supervisory Body has confirmed that a request for a Standard Authorisation should be pursued, it must obtain the relevant assessments to ascertain whether the qualifying requirements of the deprivation of liberty safeguards are met.

These assessments must be completed within 21 calendar days from the date on which the application was received.

If an Urgent Authorisation is already in force, the assessments must be completed before the Urgent Authorisation, or any extension of an Urgent Authorisation, expires.

The Supervisory Body will select a suitable Best Interests Assessor (BIA) and Mental Health Assessor (MHA) to complete the DOLs assessments required.

In South Tyneside Council, usual practice is that the BIA will complete the Age, No Refusals and Best Interests Assessment using the ADASS Form 3, while the MHA will complete the Mental Health, Eligibility and Mental Capacity assessments using the ADASS Form 4.

Completed DOLs assessments should be sent to the DOLs Team via a secure email service (see 4.5 above).

Professionals and staff in partner organisations and agencies should refer to chapter four of the DOLs Code of Practice for further details about the assessment process.

Assessment Outcomes

Once the Supervisory Body has received the completed DOLs assessments it will consider these and decide whether or not to grant an Authorisation.

The assessments will be combined and sent for scrutiny by an authorised Signatory within South Tyneside Adult Social Care, who has responsibility to grant or refuse an Authorisation on behalf of the Supervisory Body.

If all the DOLs assessments indicate that the qualifying requirements are met, then the Supervisory Body will give a deprivation of liberty authorisation, using the ADASS Form 5.

If any of the DOLs assessments conclude that the requirements are not met, then an Authorisation cannot be given.

When granting an Authorisation, the Supervisory Body must set the period of the authorisation, which can be no longer than that recommended by the BIA, and a maximum of 12 months. The Signatory Body must also state any conditions that the Authorisation is subject to, which may have been recommended by the BIA.

Appointing a Representative

The Supervisory Body must appoint a representative, the Relevant Person's Representative (RPR), for every person to whom they give a standard authorisation for deprivation of liberty.

As part of their assessment, the allocated BIA will assess whether there is anyone they would recommend as suitable to carry out the role of the Relevant Person's Representative (RPR), and, where they identify someone, they may recommend them to the Supervisory Body.

The role of the RPR is to maintain contact with the relevant person; to represent and support them in all matters relating to the DOLs; and, if appropriate, to trigger a review of the authorisation or make an application to the Court of Protection to challenge the authorisation.

The appointment of the relevant person's representative by the Supervisory Body must be in writing and must set out the role and responsibilities of the relevant person's representative.

In South Tyneside Council, this is done using the Form 5A, which representatives may sign and return to confirm that they accept the invitation to act as RPR. A copy of the ADASS Form 5 and an information booklet about the role of the RPR will be sent to the RPR alongside the Form 5A.

If the BIA is unable to identify a suitable person they must notify the Supervisory Body in their assessment, who will then appoint a paid RPR to represent the person via an advocacy service local to the Managing Authority.

Instructing an Independent Mental Capacity Advocate (IMCA)

Whenever an Urgent Authorisation or Standard Authorisation is in force, both the Relevant Person and, where they have one, their unpaid Relevant Person's Representative (RPR) have a right to access an IMCA for additional support.

The Supervisory Body must instruct an IMCA to represent the Relevant Person where the person makes a request to the Supervisory Body for an IMCA.

The Supervisory Body must instruct an IMCA where a person's unpaid RPR makes a request to the Supervisory Body for an IMCA.

If there is nobody appropriate to consult other than people engaged in providing care or treatment for the relevant person in a professional capacity or for remuneration, the Managing Authority must notify the Supervisory Body when it submits an application for a DOLs authorisation, and the supervisory body must then instruct an IMCA straight away to represent the person.

The Supervisory Body must instruct an IMCA where it has reason to believe that, without the help of an IMCA, both the Relevant Person and their RPR would be unable to exercise their rights.

The Supervisory Body must also instruct an IMCA where it has reason to believe that both the Relevant Person and their RPR have failed to exercise their rights when it would have been reasonable to do so, or that they are unlikely to exercise their rights when it is reasonable to do so.

The supervisory Body will appoint IMCAs via an advocacy service local to the person's Managing Authority.

Recording and notifying relevant parties of decisions

The Supervisory Body must keep a written record of any Standard Authorisation that it gives, including the names of the Relevant Person, Managing Authority, period of the Authorisation, its purpose, and the conditions the Authorisation is subject to.

As soon as possible after giving an Authorisation, the Supervisory Body must give a copy of the Authorisation to the Managing authority, Relevant person, the RPR and any IMCA involved. A copy of the Form 5 will be sent to these parties once an Authorisation is given in order to fulfill this duty.

The Managing Authority must take all practical and possible steps to ensure that the Relevant Person and the RPR understand the effect of the Authorisation and their rights

around it. These include their right to challenge the authorisation via the Court of Protection, their right to request a review, and their right to have an IMCA instructed. Alongside a copy of the Form 5, the Relevant Person will be provided with an information sheet by the Supervisory Body, which the Managing Authority may use to fulfill its duties in this area. Information must be given to the relevant person both orally and in writing.

Where the decision is taken not to grant an Authorisation, this is recorded using the ADASS Form 6, copies of which will be sent to Managing Authority and the Relevant Person.

Managing Authority responsibilities after an authorisation is granted

The Managing Authority should make a record of the RPR upon the granting of a Standard Authorisation.

If the RPR has insufficient contact with the relevant person, for whatever reason, the person may effectively be unable to access important review and appeal rights. To mitigate this the Managing Authority should monitor how frequently and the methods by which the RPR maintains contact with the Relevant Person.

If the Managing Authority has concerns that the RPR's level of contact is not sufficient to be able to carry out their role, and these concerns cannot be resolved by addressing them with the representative, they should inform the Supervisory Body.

Reviews

Whenever the statutory grounds for carrying out a review are met, the Supervisory Body must carry out a review of a Standard Authorisation.

The statutory grounds for a review are:

- The Relevant Person no longer meets the age, no refusals, mental capacity, mental health, or best interests requirements.
- The Relevant Person no longer meets the eligibility requirement because they now object to receiving mental health treatment in hospital and they 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 relevant person's situation, and, because of the change, it would be appropriate to amend an existing condition to which the authorisation is subject, delete an existing condition or add a new condition.
- The reason the person meets the qualifying requirements is different from the reason given at the time the standard authorisation was given.

The Supervisory Body must carry out a review if they are requested to do so by an eligible person, which is defined as the Relevant Person, the RPR or the Managing Authority.

The Managing Authority has a duty to monitor the Relevant Person's case on an ongoing basis to see if the person's circumstances change, which may mean they no longer need to be deprived of their liberty.

The 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.

A review can be requested completing an ADASS Form 10 and sending it securely to the DOLs Team.

When the Supervisory Body receives a request for a review it will decide whether any of the statutory grounds for a review is met. If the supervisory body concludes that none of the qualifying requirements need to be reviewed, no further action is necessary.

If the Supervisory Body is satisfied that one of the statutory grounds are met, and a review does need to take place, an assessor will be allocated to complete a review assessment.

A BIA or a Mental Health Assessor will be requested to complete a review assessment, according to which qualifying requirement requires reassessment.

Once the review assessment is complete, the Form 10 will be used to record the outcome, and an authorised signatory will consider the assessment, including any addition of or variation to conditions. If in agreement they will sign to confirm the outcome of the review.

If the reassessment concludes that all the qualifying requirements continue to be met, the RP will remain subject to the DOLs Authorisation that was originally granted.

If the assessment concludes that one of the qualifying requirements is not met the DOLs Authorisation it must be terminated immediately.

Applying for a further DOLs Authorisation

When an authorisation ends, the Managing Authority cannot lawfully continue to deprive a person of their liberty.

If a Managing Authority considers that a person will still need to be deprived of their liberty after a Standard Authorisation ends, they must request a further Standard Authorisation, to begin immediately after the expiry of the existing authorisation.

The Managing Authority can request a further Standard Authorisation by completing an ADASS Form 2 and sending it securely to the DOLs Team.

Managing Authorities should apply up to 28 days before the expiry of the previous Authorisation.

The Supervisory Body will consider the application and, where it is accepted, the process for renewing a standard authorisation is the same as that for obtaining an original

authorisation, and the same assessment processes must take place within 21 days of receiving the application.

It is not possible for a Managing Authority to request a further standard authorisation by submitting a Form 2 after an authorisation has expired, and the Supervisory Body cannot accept a Form 2 in these circumstances. If this was to occur, the Managing Authority must make an application for a Standard Authorisation using an ADASS Form 1.

Equivalent Assessments

In certain circumstances, the Supervisory Body may use an 'equivalent assessment' to any of the six DOLs assessments, instead of obtaining a fresh assessment in response to an application for a Standard Authorisation.

The Supervisory Body should use great care in deciding to use an equivalent assessment and this should not be done routinely.

The Supervisory Body may only use an equivalent assessment where it has been carried out in the last 12 months, the Supervisory Body has no reason to believe it is no longer accurate, and the assessment meets all the requirements of a fresh assessment.

An example could be a recent assessment for admission under the Mental Health Act 1983, which could serve as an equivalent to a mental health assessment.

If an equivalent best interests' assessment is used, the Supervisory Body must also take into account any information given, or submissions made, by the relevant person's representative or any IMCA involved.

Complaints, the Court of Protection and Appeals

Managing Authority

Once a Standard Authorisation has been granted or refused by the Supervisory Body, the Managing Authority cannot appeal against the decision.

Where the Managing Authority believes that there was an error in the assessment process or negligence on the part of an assessor, they should contact the DOLs team initially and attempt to resolve the issue informally. If the issue cannot be resolved informally, the Managing Authority can request for the issue to be investigated via the Supervisory Body's complaints procedure.

Complaints

Complaints should be dealt with via the relevant Managing Authority's or Supervisory Body's complaints procedure according to nature of the complaint.

Where the complaint is regarding an issue of Supervisory Body responsibility or practice, complaints should be sent to the DOLs team at MCA.DOL@southtyneside.gov.uk in the first instance.

The Court of Protection and Appeals

Any person deprived of their liberty in accordance with the DOLs is entitled to the right of speedy access to a court that can review the lawfulness of their deprivation of liberty. The Court of Protection, established by the Mental Capacity Act 2005, is the court for this purpose.

Once a Standard Authorisation has been given, the relevant person or their RPR has the right to apply to the Court of Protection to determine:

- Whether the relevant person meets one or more of the qualifying requirements for being deprived of their liberty
- The period for which any Standard Authorisation is to be in force
- The purpose for which the standard Authorisation is given, or
- The conditions subject to which the Standard Authorisation is given

Applications to the Court to determine these issues are made under section 21A of the Mental Capacity Act 2005 and are commonly referred to as 'Section 21A appeals'. The relevant person has access to legal aid to bring such an application.

Where an Urgent Authorisation has been given, the relevant person, or a donee of Lasting Power of Attorney or Deputy for Health and Welfare, has the right to apply to the Court of Protection also.

The court may make an order to vary or terminate a Standard or urgent Authority Authorisation or direct the Supervisory Body or Managing Authority to do so.

Wherever possible, concerns about a deprivation of liberty should be resolved informally or through the relevant supervisory body's or managing authority's complaints procedure, rather than through the Court of Protection.

References

Mental Capacity Act Code of Practice, available at:
[Mental-capacity-act-code-of-practice.pdf \(publishing.service.gov.uk\)](#)

Mental Capacity Act 2005 available at: <http://www.legislation.gov.uk/ukpga/2005/9>

Deprivation of Liberty Safeguards Code of Practice, available at:
<https://www.cqc.org.uk/sites/default/files/Deprivation%20of%20liberty%20safeguards%20code%20of%20practice.pdf>

The Mental Capacity (Deprivation of Liberty: Standard Authorisations, Assessments and Ordinary Residence) Regulations 2008, available at
<https://www.legislation.gov.uk/ukdsi/2008/9780110814773>

Deprivation of liberty safeguards resources, including template ADASS DOLs forms:
[Deprivation of liberty safeguards: resources - GOV.UK \(www.gov.uk\)](#)

The Mental Health Act 1983 available at:
<http://www.legislation.gov.uk/ukpga/1983/20/contents>

The Mental Health Act Code of Practice available at:
[Code of practice: Mental Health Act 1983 - GOV.UK \(www.gov.uk\)](#)