



Guidance for Managing Authorities (Care Homes and Care Homes with Nursing) needing to request a Deprivation of Liberty Authorisation from Lancashire County Council.

This guidance note should be read in conjunction with “Deprivation of Liberty Safeguards: A guide for hospitals and care homes” Mental Capacity Act 2005 (DOH/Office of the Public Guardian OPG608), available at:

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_094348

Determining which Local Authority is the responsible Supervisory Body

In order to prevent avoidable delays, it is important to make every effort to ensure that the request for authorisation is sent to the appropriate Supervisory Body.

For residents of care homes or care homes with nursing, applications must be made to the Local authority that is commissioning or joint commissioning the care.

For residents who fund their own care or those who are funded purely via other sources e.g. “Continuing health care”, applications should be made to the local authority where the home is located.

Information to be provided

In all circumstances Applications must be made using the standard forms. The forms for managing authorities are all coloured blue to identify them, but you can use the black and white version. Forms should be typed but, if this is not possible, they must be printed in black ink in clearly legible handwriting. All fields on the standard forms must be completed. Applications should include evidence of a capacity test and consideration of the person’s best interests, and copies of all relevant assessments and care plans must be provided.

Forms for Managing Authorities are available via the following link:

www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_089772 and on CD-ROM (couriered to Care Homes by Dept of Health 31st March 2009)

Managing Authorities should also refer to the following detailed DOH guidance

www.dca.gov.uk/legal-policy/mental-capacity/mca-cp.pdf

http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476

Lancashire County Council's DOLS point of access

Lancashire County Council Contact Centre
Adult & Community Services
CSC.ACSCustomerServices@lancashire.gov.uk

0845 0530009

1. Secure messaging email – Preferred method of submission

Lancashire County Council has partnered with ZixCorp to provide a secure messaging solution for email and attachments. Please go to <http://userawareness.zixcorp.com/lancashire/> for further information.

Once you have set up secure messaging, documentation in electronic format may be sent to CSC.ACSCustomerServices@lancashire.gov.uk Please put in the subject line ' Confidential DOLS Application - For Urgent Attention'

Information should NOT be sent by unencrypted email.

2. By Fax, using safe-haven procedures

A Managing Authority can fax applications and accompanying documentation to Lancashire County Council's dedicated DOLS Fax number only. Please use black and white versions of forms to aid clarity. Please attach FAX front sheet stating ' Confidential DOLS Application - For Urgent Attention'

Fax Number 01772 536199

3. Royal Mail special delivery or secure courier

Please mark envelope ' Confidential DOLS Application - For Urgent Attention'

Lancashire County Council
Adult and Community Services
Chorley Office
Peter House,
Peter Street,
Chorley,
PR7 2RP

Further sources of advice

Informal enquiries (that can be dealt with via Customer Services) regarding Mental Capacity Act/Deprivation of Liberty issues may be made to Lancashire County Council's Mental Capacity Act Coordinator, whose contact details are as follows:

Cate Short, County MCA Coordinator
Lancashire County Council
Adult and Community Services
PO Box 162
East Cliff County Offices
Preston Lancs PR1 3EA
(01772) 536976
Cate.short@lancashire.gov.uk

It is important to emphasise that any enquiries made to the supervisory body will not constitute a referral, and that any response given should be construed as neither a direction as to your responsibilities nor formal legal guidance.