

# MENTAL CAPACITY ACT DEPRIVATION OF LIBERTY SAFEGUARDS

## MULTI-AGENCY SUMMARY GUIDANCE



Cambridgeshire Community Services



DATE OF ISSUE :- 1st APRIL 2009

## 1. INTRODUCTION

This multi agency summary guidance is for all staff working in Cambridgeshire within the following organisations:-

- Cambridgeshire County Council
- NHS Cambridgeshire
- NHS Community Services
- Cambridgeshire and Peterborough Mental Health Foundation Trust
- Learning Disability Partnership Trust

This summary guidance is only designed to give a broad overview of the MCA DOLS and reference should be made to the legal framework in Schedule A1 of the Mental Capacity Act 2005 and the accompanying Mental Capacity Act Deprivation of Liberty Safeguards (MCA DOLS) Code of Practice for more details. The MCA DOLS Code of Practice can be downloaded from

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085476](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476)

Please refer to Cambridgeshire DOLS Practice Guidance and Procedures for step by step information on local Deprivation of Liberty Safeguards processes. These can be downloaded from <http://www.cambridgeshire.gov.uk/social/mental/> and follow the Deprivation of Liberty Safeguards (DOLS) link.

It is important to understand that the MCA DOLS are not about detention or compulsory treatment under the Mental Health Act 1983. The 1983 Act is primarily about people who are diagnosed as having a mental health problem and who need to be detained or treated for their own well-being or to protect other people.

### **Key terms used in the MCA DOLS legislation include:**

- Supervisory body: this refers to PCTs and local authorities
- Managing authority: this is the person or body with management responsibility for the hospital or care home in which a person is being, or may be, deprived of liberty
- Standard authorisation: this permits lawful deprivation of liberty and is issued by a supervisory body (see page 4 )
- Urgent authorisation: this permits lawful deprivation of liberty and is issued by a managing authority (see page 5)
- Relevant person : this is the person who needs to be deprived of liberty
- Relevant person's representative : this is the person who represents the relevant person (see pages 5, 7,11 & 12)
- Best interests assessor: this is the person who assesses whether or not deprivation of liberty is in the person's best interests
- Best interest assessment: to assess if a deprivation of liberty is necessary to prevent harm to the person and is a proportionate response to the likelihood and seriousness of that harm and is in the persons best interests (see page 9)
- Mental health assessor: Section 12 doctor who has completed relevant training on deprivation of liberty
- Advance decision: this is a decision to refuse specified treatment made in advance by a person who has capacity to do so. The decision will then apply at a future time when that person lacks capacity to consent to, or

refuse, the specified treatment. Specific rules apply to advance decisions to refuse life sustaining treatment (see page 8)

- Donee of lasting power of attorney: this is the person appointed under a lasting power of attorney who has the legal right to make decisions within the scope of their authority on behalf of the person (the donor) who made them lasting power of attorney (see page 8)
- Independent Mental Capacity Advocate (IMCA): this is a person who provides support and representation for a person who lacks capacity to make specific decisions in certain defined circumstances. The IMCA was established by the Mental Capacity Act and is not the same as an ordinary advocacy service (see page 7).
- An overview of the MCA DOLS process from the Code of Practice can be found in the Appendix on page 14

## **2.0 What are the Mental Capacity Act 2005 Deprivation of Liberty Safeguards (MCA DOLS)?**

- 2.1 The MCA DOLS provide legal protection for vulnerable people who may be deprived of their liberty within the meaning of Article 5 of the European Convention on Human Rights (ECHR) in a hospital (other than under the Mental Health Act 1983) or care home, whether placed there under public or private arrangements.

They were introduced following the legal judgment given by the European Court of Human Rights (ECtHR) in the case of HL v United Kingdom (commonly referred to as the Bournemouth judgment). This case concerned an autistic man (HL) with a learning disability who lacked the capacity to decide whether he should be admitted to hospital for treatment. He was admitted to hospital on an informal basis under common law but was prevented from leaving the hospital with his carers. This decision was challenged by HL's carers and the ECtHR found that there had been a breach of HL's rights under the European Convention on Human Rights (ECHR). The reasons given by the ECtHR were that:

- HL had been deprived of his liberty and the deprivation of liberty had not been in accordance with 'a procedure prescribed by law' and was, therefore, in breach of Article 5(1) of the ECHR
- There had been a contravention of Article 5(4) of the ECHR because HL had no means of applying quickly to a court to see if the deprivation of liberty was lawful.

- 2.2 The MCA DOLS were introduced to prevent further breaches of the ECHR, and to ensure that deprivation of liberty can only take place when it is in the best interests of the person concerned and when it is authorised by a supervisory body. The MCA DOLS also give legal protection to the relevant person, including the right to:

- an independent representative to act on their behalf
- the support of an Independent Mental Capacity Advocate (IMCA)
- have their deprivation of liberty reviewed and monitored on a regular basis
- challenge their deprivation of liberty in the Court of Protection.

### **2.3 Who can be deprived of their liberty under the MCA DOLS?**

In order to come within the scope of the MCA DOLS, when depriving a person of their liberty in a hospital or care home, all of the six qualifying requirements must be met:-

- the age requirement
- the no refusals requirement
- the mental capacity requirement
- the mental health requirement
- the eligibility requirement
- the best interests requirement.

Assessments must be undertaken to establish whether the relevant person meets these requirements. The assessments are described on page 8 of this guidance. If the assessments show that all the requirements are met, the supervisory body must then issue a deprivation of liberty authorisation.

It is impossible to predict exactly which individuals might come within the scope of the MCA DOLS and each application for an authorisation must be considered in view of the particular circumstances. Deprivation of liberty should be avoided whenever possible, and should only be authorised in cases where it is in the relevant person's best interests and the only way to protect them from harm. The MCA DOLS are not to be used as a form of punishment, or for the convenience of professionals, carers, or anyone else.

It is anticipated that the majority of people who will require the protection of the MCA DOLS are those with more severe learning disabilities, older people with the range of dementias or people with neurological conditions such as brain injuries.

### **2.4 What processes do the MCA DOLS introduce?**

#### **Assessment and authorisation**

The MCA DOLS make it lawful for a person to be deprived of their liberty, based on a rigorous, standardised assessment and authorisation process. Under the MCA DOLS, hospitals and care homes must apply to their PCT or local authority for a deprivation of liberty 'authorisation' if they believe the person lacks capacity to decide on where they should be treated or cared for, and they can only provide care for a person in circumstances that amount to a deprivation of liberty.

There are two types of authorisation: standard and urgent.

- Standard authorisations can be issued by supervisory bodies only if the six statutory assessment requirements (listed on page 8, forms 5 - 10) indicate the need to do so. Standard authorisations will be the most common type of authorisation. Wherever possible, they must be applied for in advance of a person being deprived of liberty and only after rigorous care planning has indicated that less restrictive measures cannot meet the person's needs. A standard authorisation can last for up to 12 months, but deprivation of liberty should last only for as long as is necessary. Form 12 issued when standard authorisation given, form 13 when request declined.

- Urgent authorisations can be issued by managing authorities where there is a need to deprive someone of their liberty immediately in their own best interests to protect them from harm, and are valid for a maximum of seven calendar days. When issuing an urgent authorisation, managing authorities must, if they have not already done so, simultaneously apply to their DOLS Office for a standard authorisation to be issued within the period of the urgent authorisation. If there are exceptional reasons for doing so, the DOLS Office may extend the duration of an urgent authorisation by up to seven days. Form 1 to be used for this purpose.
- If a managing authority believes that deprivation of liberty needs to continue beyond the initial authorisation period, it should seek a new authorisation from the DOLS Office (form 4 to be completed). This will determine, on the basis of further assessments, whether continued deprivation of liberty is in the person's best interests.
- Every effort should be made, in both commissioning and providing care or treatment, to prevent deprivation of liberty occurring. If deprivation of liberty cannot be avoided, it should last for the shortest period possible.

## **2.5 The right to have a relevant person's representative (RPR)**

The MCA DOLS also make provision for every person deprived of liberty to have a Relevant Person's Representative (RPR) who will represent them in, and be consulted on, all matters connected to their deprivation of liberty, and have ongoing contact with them. The RPR will usually be a family member or friend but can also be a paid representative, where the person has no family member or friend to fulfil the role on their behalf. Further information is available in the Department of Health leaflet 'A guide for relevant person's representatives'.

## **2.6 Access to the Court of Protection**

Under the MCA DOLS, every person deprived of liberty, or someone acting on their behalf, may challenge their deprivation of liberty authorisation in the Court of Protection. The relevant person and their unpaid representative have a statutory right to the support of an IMCA when making an application to the Court of Protection.

For further information on applying to the Court of Protection please refer to DOLS Code of Practice Chapter 10

## **3.0 Key responsibilities of Cambridgeshire County Council and Cambridgeshire NHS as Supervisory Bodies**

- 3.1** Supervisory bodies are responsible for overseeing the MCA DOLS at a local level. It is their role to commission and coordinate the assessment process and appoint assessors. In addition, they are responsible for granting standard authorisations and appointing relevant person's representatives (RPRs) for all people issued with a deprivation of liberty authorisation.
- 3.2** There is a partnership agreement between Cambridgeshire County Council (CCC) and NHS Cambridgeshire to jointly discharge part of their statutory duties as Supervisory Bodies under the MCA DOLS legislation. The Term DOLS Office: is used where this Partnership delegates identified actions to the DOLS Office.

Many of these duties will be carried out or organised by the DOLS Office on the supervisory body's behalf. **The DOLS Office will provide a single direct point of contact**, and consists of Service Administrators, Best Interest Assessors and the County MCA Coordinator. The office will be staffed from Monday to Friday 9am to 5pm (excepting Bank Holiday), supported by an answering machine for out of hours contact (Tel 01223 715581, email [Mca.Dols@cambridgeshire.gov.uk](mailto:Mca.Dols@cambridgeshire.gov.uk) and Fax 01223 699700)

### **3.3 Record keeping requirements**

**3.31** There is a statutory requirement for the DOLS Office to keep clear and comprehensive records for every person deprived of their liberty. This includes records of applications for authorisations, details of the assessment process, information about the RPR and the documentation related to the termination of the authorisation. Managing authorities such as care homes or hospitals are also required to keep duplicate records.

**3.32** To assist with this record-keeping requirement, and to ensure that the administration of the MCA DOLS system is as straightforward and seamless as possible, the DOLS Office will be using the standard forms for both supervisory bodies and managing authorities as formulated by the Department of Health. Cambridgeshire Deprivation of Liberty Safeguards Practice Guidance and Procedures gives guidance on which forms to use.

**3.33** The forms are not a statutory requirement and do not have to be used to support the administration of the MCA DOLS. However, if they are used in their unedited form, these standard forms will help to ensure compliance with the safeguards and promote a consistent approach to record-keeping.

**3.34** In addition, the DOLS Office is required to submit data returns on the MCA DOLS to the Information Centre for Health and Social Care. Nearly all the necessary information to complete this form can be taken from the standard forms.

### **3.4 On receipt of an Application Form for a Deprivation of Liberty Authorisation**

**3.41** Where a managing authority gives itself an urgent authorisation (form 1), it must notify the Cambridgeshire DOLS Office and immediately proceed with an application for a standard authorisation (form 4).

**3.42** When the DOLS Office receive a standard authorisation application form, it will be checked that the form has been appropriately completed. If a standard authorisation referral has key information missing it will be sent back to the referrer for completion.

### **3.50 Handling Standard Authorisations**

When the DOLS Office receives an application for a standard authorisation, it must consider whether the request is appropriate and whether it should be pursued. The DOLS Office has 21 calendar days to complete the assessment process.

### **3.6 Handling Urgent Authorisations**

Urgent authorisations last for a maximum of seven calendar days, and an application for standard authorisation must be made at the same time, if one has not previously been completed. During this period of authorisation the necessary assessments must be completed.

In exceptional circumstances, an urgent authorisation can be extended by the DOLS Office for an additional seven calendar days. The managing authority must inform the supervisory body when an extension is needed (form 2) and only one such extension can be granted.

- 3.61** On receipt of such a request, DOLS Office will need to consider the facts of the case and decide whether an extension is necessary in the circumstances. They must then decide whether or not to grant an extension, which must not exceed seven calendar days. A standard form is available for the DOLS Office to record their decision and inform the managing authority (form 3).
- 3.62** Therefore, it is essential that a dialogue between the DOLS Office and managing authority should be maintained throughout the period of the urgent authorisation.

### **4.0 Providing support to the Relevant Person during the Assessment Process**

- 4.1** It is essential that the person in respect of whom the application is being made (the 'relevant person') has someone to support them during the assessment process. Managing authorities must, when applying for an authorisation, notify the DOLS Office if there is no one who can fulfil this role.
- 4.2** If the relevant person has no one to support them, the DOLS Office must, under section 39A of the Mental Capacity Act 2005, appoint an Independent Mental Capacity Advocate (IMCA) (often known as a section 39A IMCA).

### **5.0 Handling application requests from third parties**

- 5.1** If the relevant person or any relative, friend, carer or other third party believes that they or someone else is being deprived of their liberty without authorisation, they can notify the managing authority. If the managing authority subsequently fails to resolve the matter informally with the relevant person or third party, or to apply for an authorisation within a reasonable length of time, the notifying party can approach the DOLS Office directly.
- 5.2** The third party should supply the name of the person they are concerned about, the name of the hospital or care home where the person is, and the reasons why they think the person is being deprived of their liberty. A standard letter is available for this purpose. On receipt of this letter, the DOLS Office must consider whether the request is appropriate and if it should be pursued.
- 5.3** If the DOLS Office decides to pursue the request, it will appoint a best interests assessor (see page 9) to carry out a preliminary assessment to determine

whether a deprivation of liberty is occurring. Form 16 will be used to record receipt of third party notification and the action taken following this notification.

- 5.4** If the preliminary assessment concludes that an unauthorised deprivation of liberty may be taking place, a full assessment will be organised for a standard authorisation.
- 5.5** Alternatively, the managing authority may change the person's care arrangements so there is no longer any deprivation of liberty. If, however, the managing authority considers that the original care regime must continue, it will need to give itself an urgent authorisation. The supervisory body must record the outcome of the preliminary assessment and subsequent actions (form17 & 18).
- 5.6** By law, DOLS Office should also notify:-
- The Third party who made the request
  - The Relevant Person
  - The Managing Authority of the relevant hospital or care home
  - Any Section 39A IMCA involved

Form 18 will be used for this purpose.

**5.7 What if there is doubt about where the relevant person is ordinarily resident?**

Once a DOLS Office receives a request for a standard deprivation of liberty authorisation, it must proceed with the application, even where questions arise over where the relevant person is ordinarily resident. Regulations made under the MCA DOLS state that if a dispute occurs, the PCT or local authority that receives the request for a deprivation of liberty authorisation must act as the supervisory body until the dispute is resolved.

**6.0 The Assessment Process**

**6.1** Under the MCA DOLS, a series of six assessment requirements must be met in determining whether the DOLS apply, and whether it is necessary to deprive a person of their liberty in their own best interests to protect them from harm. Once the DOLS Office has received an application for a standard authorisation, and is satisfied that it is valid and correct, they must commission the required assessments. The six required assessments are as follows:

1. **Age assessment:** to assess whether the person being deprived of liberty is aged 18 or over
2. **No refusals assessment:** to ensure that the authorisation being requested does not conflict with a valid decision by a donee of lasting power of attorney ('an attorney'), or by a deputy appointed for the person by the Court of Protection, and is not for the purpose of giving any treatment that would conflict with a valid and applicable advance decision made by the relevant person
3. **Mental capacity assessment:** to assess whether the person being deprived of liberty lacks capacity to decide whether to be admitted to, or remain in, the hospital or care home in which they are being, or will be, deprived of liberty

4. **Mental health assessment:** to assess whether the person being deprived of liberty is suffering from a mental disorder within the meaning of the Mental Health Act 1983, but disregarding any exclusion for people with learning disabilities
5. **Eligibility assessment:** to assess whether the person is eligible to be deprived of liberty under the MCA DOLS. Broadly, a person is eligible unless they:
  - are subject to a requirement under the Mental Health Act 1983 that conflicts with the authorisation being requested (such as a guardianship order requiring them to live somewhere else)
  - object to being in hospital for the purpose of treatment of a mental disorder, or to being given some or all of the treatment in question, and they meet the criteria for detention under the Mental Health Act 1983. In deciding whether a person objects, their past and present behaviour, wishes, feelings, views, beliefs and values should be considered where relevant
6. **Best interests assessment:** to establish whether there is a deprivation of liberty and, if there is, whether it is:
  - in the best interests of the person to be subject to the authorisation
  - necessary in order to prevent them coming to harm
  - a proportionate response to the likelihood of them suffering harm and the seriousness of that harm.

**6.2** Assessors are required by law to keep written records of all the assessments they carry out. Forms 5 to 11 will be made available to assessors for this purpose. Copies of all assessments must be given to DOLS Office for its records.

### **6.3 Using 'equivalent' assessments**

If an 'equivalent assessment' to any of the above assessments already exists for the relevant person, we may use this assessment instead of carrying out a new assessment. For example, a recent assessment carried out for the purposes of the Mental Health Act 1983 could serve as a mental health assessment under the MCA DOLS. However, great care should be exercised when deciding to use an equivalent assessment and it will not be done routinely. Form 11 will be used for recording that an equivalent assessment has been used.

### **6.4 The Assessors**

**6.41** It is the responsibility of the supervisory body to appoint suitable assessors. Regulations made under the MCA DOLS set out the eligibility requirements for assessors. These stipulate that assessors must:

- a) have an applied knowledge of the Mental Capacity Act 2005 and its Code of Practice
- b) be proficient in record-keeping, with the ability to write clear and reasoned reports,

- c) must have undertaken the relevant training programme for their deprivation of liberty role.

**6.42** A minimum of two assessors are required for each case. An assessor may carry out any assessment for which they are eligible, but the mental health assessment and the best interests assessment must be undertaken by two different people.

## **6.5 Once assessments are complete**

If any of the assessments conclude that the relevant person does not meet qualifying requirements, the supervisory body cannot issue a deprivation of liberty authorisation (form13). The DOLS Office must record this decision and notify the following people:

- a) the managing authority
- b) the relevant person
- c) any relevant person's representative if there is a previous authorisation in force
- d) any section 39A Independent Mental Capacity Advocate (IMCA) involved
- e) every interested person named by the best interests assessor in their report as somebody they have consulted in carrying out their assessment.

From the moment authorisation is declined, any continuation of deprivation of liberty is unlawful. The managing authority should amend the care plan immediately, to avoid further deprivation of liberty.

## **6.6 Issuing a Standard Authorisation**

If the outcome of all assessments are positive, the supervisory body must issue a standard deprivation of liberty authorisation (form 12)

**6.61** It is the responsibility of supervisory body to set the time period of the standard authorisation. This should be for as short a time as possible, and no longer than the time period suggested by the best interest assessor.

**6.62** The law requires DOLS Office to issue a standard deprivation of liberty authorisation in writing and to include certain details, including the purpose of the deprivation of liberty and its duration. It is also required to keep written records of any standard authorisations issued.

**6.63** Once issued, DOLS Office are required to give a copy of the authorisation to:

- a) the managing authority
- b) the relevant person
- c) the relevant person's representative (see below)
- d) any section 39A IMCA involved
- e) every interested person named by the best interests assessor in their report as somebody they have consulted in carrying out their assessment.

## **7.0 Appointing a Relevant Person's Representative**

**7.1** Every person deprived of their liberty must have a 'relevant person's representative' (RPR) who can represent their interests in all matters connected to their deprivation of liberty authorisation. DOLS Office must appoint an RPR as soon as possible after a standard authorisation has been granted.

### **7.2 The selection of the RPR is a two-stage process:**

#### 1) Selection by the best interests assessor

The best interest assessor must nominate someone to the supervisory body who they believe is suitable to be the RPR. This selection may be based on the relevant person's own choice of representative. If the relevant person has capacity and chooses an eligible person, that person must be nominated. If the relevant person lacks capacity, the RPR may be:

- (a) the donee of their lasting power of attorney or a deputy appointed by the Court of Protection (if they have one in place)
- (b) someone nominated by the above mentioned donee or deputy (if they have the authority to make a nomination)

If no eligible person is identified by either route, the assessor must consider who could be the representative. This could be a family member, friend or carer. Form 24 will be used to assist best interest assessors with selecting a representative and nominating him or her to the supervisory body. See Cambridgeshire Deprivation of Liberty Safeguards Protocol for further details.

#### 2) Appointment of the RPR by CCC or NHS Cambridgeshire

Once the supervisory body has received the nomination from the best interest assessor, it must invite the person, in writing, to be the representative. If the person agrees to be the representative, they must be formally appointed. This must be done in writing and the letter should set out the role and responsibilities of the RPR.

The DOLS Office must notify the following people of the appointment:

- a) the appointed person
- b) the relevant person
- c) the relevant person's managing authority
- d) any donee or deputy of the relevant person
- e) any section 39A IMCA involved
- f) every interested person named by the best interests assessor in their report as somebody they have consulted in carrying out their assessment.

### **7.3 Appointing a Paid Representative**

Where the relevant person does not have a carer or any family member or friends who can fulfil the role of RPR, and the best interests assessor cannot identify anyone else who is suitable, the supervisory body may appoint a paid representative to perform the role in a professional capacity. In Cambridgeshire,

Speaking Up have been commissioned to provide this service. Form 25 will be used to record the appointment of a Paid Representative

#### **7.4 Termination of a Representative's appointment**

**7.5** Where the DOLS Office wishes to terminate a representative's appointment, it should give notice to them setting out the date on which the appointment terminates and the reasons for the termination. Form 26 will be used for this purpose. The DOLS Office can decide what notice period to give. It may be appropriate to give formal notice to the representative two weeks before the termination date. In certain cases shorter notice could be given if appropriate.

**7.6** Copies of the notice of termination will be sent to:

- a) the relevant person
- b) the relevant person's managing authority
- c) any donee or deputy of the relevant person
- d) any section 39A IMCA involved
- e) every interested person named by the best interests assessor in their report as somebody they may have consulted in carrying out their assessment.

### **8 Review of a Standard Authorisation**

The DOLS Office is responsible for reviewing standard authorisations. They have the discretion to carry out a review at any time if it appears appropriate to them to do so. However, they are legally required to carry out a review where the relevant person, their RPR or the managing authority requests one.

**8.1** A standard form is provided for managing authorities to use for the purpose of requesting a review (form 14).

**8.2** In addition to the above, DOLS Office are also legally required to review an authorisation if:

- the relevant person no longer meets the age, no refusals, mental capacity, mental health or best interests requirements (see pages 8 - 9)
- the relevant person no longer meets the eligibility requirement because they object to receiving mental health treatment in hospital and they meet the criteria for detention under section 2 or 3 of the Mental Health Act 1983 (see below about arrangements for the suspension of an authorisation when the eligibility requirement is not met for a short period)
- there has been a change in the relevant person's situation and, because of the change, it would be appropriate to amend or delete an existing condition of the authorisation or add a new condition
- the reasons why the person now meets the qualifying requirements are different from the reasons recorded at the time that the authorisation was given.

**8.3** When a request for a review is received, Form 21 will be used to record which, if any, of the qualifying requirements should be reviewed and also its decision. The DOLS Office will then commission the assessments required and inform the

relevant person, their representative and the managing authority that a review is being carried out. Form 20 will be used to inform interested parties that a review is being carried out.

- 8.4** The assessment process for a review of the qualifying requirements is the same as for a standard authorisation. The outcome of the assessments should be recorded on Forms 6 to 11 by the assessors and copies provided to the DOLS Office.
- 8.5** Once the DOLS Office has received the assessment results, it must decide whether the person still meets the qualifying requirements for being deprived of their liberty. If the qualifying requirements are not met, the authorisation must be terminated. If the assessments illustrate that deprivation of liberty is still necessary, the supervisory body must consider whether the conditions attached to the authorisation need to be amended. Form 21 will be used to record the outcome of the review.

## **9 Termination of a Standard Authorisation**

A standard authorisation will terminate if:

- a) it comes to an end of its authorised period, with no fresh authorisation replacing it, or
- b) a review concludes that it should be terminated.

The relevant person should cease to be deprived of their liberty immediately. It would be unlawful to continue to deprive someone of their liberty, leaving the managing authority open to legal challenge.

- 9.1** If a managing authority believes that a person should continue to be deprived of their liberty beyond the period permitted by the authorisation, they should apply for a new authorisation. It is not possible to renew deprivation of liberty authorisations.
- 9.2** If an authorisation is terminated, the following will be notified:
- a) the relevant person
  - b) the relevant person's representative
  - c) the managing authority
  - d) every interested person named by the best interests assessor in their report as somebody they have consulted in carrying out their assessment.

## **10.0 Suspension of an Authorisation**

It is possible to suspend an authorisation for a period of up to 28 calendar days under exceptional circumstances. This may be necessary, for example, because the relevant person is detained in hospital under the Mental Health Act 1983 and hence the eligibility requirement will no longer be met. Managing authorities are to use Form 14 to suspend the authorisation, and form 15 when the suspension of the standard authorisation is to be lifted.

# Appendix 1: An Overview Of The MCA DOLS Process

