Mental Capacity Act and
Deprivation of Liberty Safeguards

Kent & Medway DOLS Office Christmas and New Year
Opening

<table>
<thead>
<tr>
<th>Thursday 23 Dec</th>
<th>24 – 28 Dec</th>
<th>Wednesday 29 Dec</th>
<th>Thursday 30 Dec</th>
<th>Friday 31 Dec</th>
<th>Monday 3 Jan</th>
<th>Tuesday 4 Jan</th>
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If a person is being deprived of their liberty, the Managing Authority must issue an urgent authorisation immediately by completing Form 1. During the Christmas period when the DOLS office is closed, please complete Forms 1 and 4 (Standard application) and fax to the DOLS office (01622 694072) or e-mail to dols.office@nhs.net via a secure network in the normal way. The office will deal with all applications as soon as it re-opens.

Change to DOLS Standard Application Form

Under B7, it is now only possible to record a single disability in either A or B or C. It is possible within A and B to make further entries but it is no longer possible to make entries into combinations of A, B and C. The disability recorded should be the one that is causing the person’s current incapacity.

Please dispose of any earlier versions of Form 4 and download an updated version from:

Requesting a formal Part 8 Review

There is only one form for completion by Managing Authorities - Form 19.

The purpose of the Part 8 review procedure is essentially to assess whether:
1. a person still meets the qualifying requirements for being deprived of their liberty, or whether the reasons why they do have changed; and
2. any conditions attached to the standard authorisation need to be varied.

The Managing Authority must request a Part 8 review if it appears to them that any of these grounds for a review apply. If, at any time during the duration of a DOLS authorisation, you have reasons to believe that the person no longer needs to be deprived of their liberty, you must immediately cease the deprivation and apply for a Part 8 Review by sending a completed Form 19 to the DOLS office.

Please do not wait until the end of the existing authorisation, or until you receive a reminder letter from the DOLS office.

A Part 8 review could also be requested by the relevant person or by the RPR.
DOLS notification to CQC

From 1 October 2010, all adult social care and independent healthcare providers must notify the CQC under the Health and Social Care Act 2008 (HSCA) about DOLS applications and outcomes. The links below go to all the relevant CQC guidance and forms.

http://www.cqc.org.uk/guidanceforprofessionals/adultsocialcare/registration/notifications.cfm

http://www.cqc.org.uk/publications.cfm?fde_id=14494

http://www.cqc.org.uk/publications.cfm?fde_id=14495

Reporting deaths to Coroners

The following links give guidance on reporting deaths of people subject to DOLS authorisations to the local Coroner:


http://www.legislation.gov.uk/ukpga/2009/25/section/1


Attached is a letter sent by a Coroner in Blackburn which makes the situation re reporting deaths of those subject to DOLS authorisations to the local Coroner's Office clear.

Office of the Public Guardian (OPG)

The link below takes you to publications and newsletters available from the OPG website, which gives useful information on attorneys and deputies.

http://www.publicguardian.gov.uk/information-professionals.htm

A very happy Christmas and a peaceful New Year from us all at the DOLS office.

Annie Ho, Policy Manager, Lead for MCA & DOLS, KASS and DOLS Office Lead
annie.ho@kent.gov.uk
01622 694182 or 07872 680484
Marilyn Kitchenham, DOLS Office Lead
DOLS Office 01622 696275

Mitzi Brown
Administration Officer
mitzi.brown@kent.gov.uk
01622 694063