

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 12

SUPERVISORY BODY'S DECISION

STANDARD AUTHORISATION

The following standard authorisation has been given

PART A — BASIC INFORMATION

Full name of the person being deprived of their liberty	Name	
	DOB	<input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/>
Their date of birth (or estimated age if unknown)	Est. age	Years
Name and address of the hospital or care home at which their deprivation of liberty is authorised	Name	
	Address	
Name and address of the managing authority responsible for this hospital or care home (this is the person registered under Part 2 of the Care Standards Act 2000, or the NHS body that manages the hospital)	Name	
	Address	
Name and address of the supervisory body granting this standard authorisation	Name	
	Address	
Person to contact at the supervisory body	Name	
	Telephone	
	Email	

<p>The present address of the person being deprived of their liberty</p> <p>(If, for example, the person is currently living at home and has not yet been admitted to the hospital or care home, this will be their home address. If they are currently living at a different hospital or care home to the one to which the request for a standard authorisation relates, this will be the hospital or care home where they are at present.)</p>	<p>As above (already living at the above hospital or care home) <input type="checkbox"/></p>
	<p>At a different address which is that given immediately below: <input type="checkbox"/></p>
	<p>Address</p>

PART B — THE SUPERVISORY BODY’S DECISION

The supervisory body has received written copies of all the required assessments.

All of the assessments are positive, i.e. each assessment has come to the conclusion that the person meets the qualifying requirement to which the assessment relates.

This standard authorisation has been given.

PART C — DETAILS OF THE STANDARD AUTHORISATION

C1 DATE ON WHICH THE STANDARD AUTHORISATION COMES INTO FORCE

This standard authorisation is to come into force:

Place a cross in box A or enter the relevant date in row B ↓

A	<p>Immediately <input type="checkbox"/></p>
B	<p>On the following date: <input type="text" value="d"/> <input type="text" value="d"/> <input type="text" value="m"/> <input type="text" value="m"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/> <input type="text" value="y"/></p>

C2 THE PERIOD DURING WHICH THE AUTHORISATION IS TO BE IN FORCE

This standard authorisation is to expire:

Enter the date below ↓

At the end of the day on:

(The period specified must not exceed the maximum period specified in the best interests assessment)

C3 THE PURPOSE FOR WHICH THIS STANDARD AUTHORISATION IS GIVEN

The purpose for which this standard authorisation is given should be described here.

Note: there is a legal requirement that the giving of a Mental Capacity Act 2005 deprivation of liberty safeguards authorisation must be for the purpose of giving care or treatment to the person to whom the authorisation relates. The entry below should therefore identify the care and/or treatment that constitutes the purpose for which the authorisation is given. It should be borne in mind, however, that the deprivation of liberty authorisation does not itself authorise the care or treatment concerned, the giving of which is subject to the wider provisions of the Mental Capacity Act 2005.

The purpose of authorising the deprivation of the person’s liberty in the above hospital or care home is so that they may receive the following care and/or treatment:

C4 ANY CONDITIONS TO WHICH THIS STANDARD AUTHORISATION IS SUBJECT

Before deciding whether to give the authorisation subject to conditions, the supervisory body had regard to any recommendations in the best interests assessment concerning such conditions. The supervisory body should consult the best interests assessor if the best interests assessor’s recommendations are not being followed and the best interests assessor has indicated in their assessment report that they would like to be consulted again in that event, since some of the other conclusions that they have reached in their assessment may be affected.

Place a cross in box A or B ↓

A	This standard authorisation IS NOT subject to any conditions	<input type="checkbox"/>
B	This standard authorisation IS subject to the following conditions set out immediately below	<input type="checkbox"/>

If you placed a cross in box B above, list below the conditions to which this standard authorisation is subject. Be precise about the form of words entered here. Hospital and care home staff must comply with any conditions that are specified. They have no authority to do anything that does not comply with such conditions.

1	
2	
3	
4	
5	
6	

PART D — THE SUPERVISORY BODY’S REASONS

The reason(s) why each qualifying requirement is met are as follows:

D1 AGE REQUIREMENT

Place a cross in box A OR B ↓

A The person’s date of birth has been established and s/he is aged 18 or over.

B Although it has not been possible to establish the person’s date of birth, the supervisory body is satisfied that they are aged 18 or over.

D2 MENTAL HEALTH REQUIREMENT

The person is suffering from mental disorder:

By reference to the mental health assessment, describe the mental disorder(s) from which the person is suffering.

D3 MENTAL CAPACITY REQUIREMENT

The person lacks capacity to make their own decision about whether they should be accommodated in the hospital or care home for the purpose of being given the proposed care and/or treatment because of an impairment of, or a disturbance in the functioning of, the mind or brain. As a consequence:

Place a cross in ONE OR MORE of the boxes below (A–D) ↓

A The person is unable to understand the information relevant to the decision.

B The person is unable to retain the information relevant to the decision.

C The person is unable to use or weigh that information as part of the process of making the decision.

D The person is unable to communicate their decision (whether by talking, using sign language or any other means).

D4 NO REFUSALS REQUIREMENT

The person satisfies the no refusals requirement. This is because:

Place a cross in ONE of the boxes below (A or B) ↓

A	They have not made an advance decision or a lasting power of attorney under the Mental Capacity Act 2005 and no deputy has been appointed by the Court of Protection. <input type="checkbox"/>
B	Any advance decision they have made does not prevent them from being given the treatment proposed, and any decisions made by a donee of a lasting power of attorney or deputy do not conflict with these proposals for their accommodation, treatment and care. <input type="checkbox"/>

D5 ELIGIBILITY REQUIREMENT (CARE HOME CASES ONLY)

The person satisfies the eligibility requirement because:

Place a cross in the box below to confirm that the statement made there is correct ↓

A	Accommodating them in this care home will not conflict with any requirement imposed on them under any of the following provisions of the Mental Health Act 1983 ¹ : (a) a community treatment order (b) a guardianship application or order (c) sections 2, 3, 4, 35–38, 44, 45A, 47, 48 or 51. <input type="checkbox"/>
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D6 ELIGIBILITY REQUIREMENT (HOSPITAL CASES ONLY)

The person satisfies the eligibility requirement for the following reason:

Place a cross in EITHER Box A OR B ↓

A	They are not subject to any relevant provision of the Mental Health Act 1983 and do not meet the criteria for being detained under section 2 or 3 of the Mental Health Act 1983. <input type="checkbox"/>
B	To the extent that they are relevant, the following statements are all true: <input type="checkbox"/> (a) The person is not detained in a hospital under one of the following sections of the Mental Health Act 1983: sections 2, 3, 4, 35–38, 44, 45A, 47, 48 or 51. (b) If the person is LIABLE to be detained under one of these sections, the purpose for which the standard authorisation is requested does not consist wholly or partly of medical treatment for mental disorder in a hospital. (c) If the person is LIABLE to be detained under one of these sections, accommodating them in this hospital will not conflict with a requirement imposed on them in connection with their liability to detention under the Mental Health Act 1983, for example as a condition of a leave of absence or conditional discharge from hospital.

¹ References in this form to provisions of the Mental Health Act 1983 include provisions of other enactments that have the same effect.

- (d) If the person is on a community treatment order, the purpose for which the standard authorisation is requested does not consist wholly or partly of medical treatment for mental disorder in a hospital.
- (e) If the person is on a community treatment order, accommodating them in this hospital will not conflict with a requirement imposed on them under the community treatment order.
- (f) If the person is subject to guardianship, accommodating them in this hospital will not conflict with a requirement imposed on them by their guardian.
- (g) Although the person is subject to guardianship, they either do not object to being accommodated in this hospital for the purpose of being given some or all of the medical treatment proposed for their mental disorder, or a donee of a lasting power of attorney or deputy appointed by the Court of Protection has made a valid decision to consent to each matter to which they do object.
- (h) Although the person meets the statutory criteria for being detained under section 2 or 3 of the Mental Health Act 1983, they either do not object to being accommodated in this hospital for the purpose of being given medical treatment for their mental disorder or to any or all of that proposed treatment, or a donee or deputy has made a valid decision to consent to each matter to which the person does object.
- (i) Although the person meets the statutory criteria for being detained under section 2 or 3 of the Mental Health Act 1983, or is subject to guardianship, the purpose for which the standard authorisation is requested does not include treatment for mental disorder.

D7 BEST INTERESTS REQUIREMENT

The person satisfies the best interests requirement for the following reasons:

When completing this section, either copy the reasons given in the best interests assessment or give a sufficient summary of the reasons to demonstrate to a reader that each of the requirements is fulfilled.

A For the following reasons, the proposed arrangements for the person’s care and/or treatment amount to depriving them of their liberty in this hospital or care home.

B For the following reasons, although the proposed arrangements amount to depriving the person of their liberty they are in the person's best interests:

C For the following reasons, although the proposed arrangements amount to depriving the person of their liberty they are necessary in order to prevent harm to the person:

D Although the proposed arrangements amount to depriving the person of their liberty, for the following reasons they are a proportionate response to the likelihood of the person otherwise suffering harm and the seriousness of that harm:

PART E — PROVIDING COPIES OF THIS STANDARD AUTHORISATION

As soon as practicable, the supervisory body must give a copy of this standard authorisation to the following:

- (a) the managing authority of the hospital or care home
- (b) the person being deprived of their liberty
- (c) any relevant person's representative appointed for the person
- (d) any IMCA instructed for the person under section 39A of the Mental Capacity Act 2005 in relation to their deprivation of liberty
- (e) every person named by the best interests assessor in their report as an interested person whom they have consulted in carrying out their assessment.

This form is also your notice that any urgent authorisation that has been in force comes to an end when this standard authorisation comes into force.

PART F — PROVIDING COPIES OF THE ASSESSMENTS

Copies of all the assessments in relation to the above person (including any equivalent assessments) have been attached to this standard authorisation. They will be sent as soon as practicable to all of the persons listed in paragraphs (a) to (d) of Part E above.

Unless they also fall within paragraphs (a) to (d) of Part E above, interested persons consulted by the best interests assessor are entitled to receive a copy of this standard authorisation but not copies of the assessments.

Signed (on behalf of the supervisory body)	Signature	
	Print name	
	Position	
Dated	Date	

NOTE TO THE MANAGING AUTHORITY OF THE HOSPITAL OR CARE HOME

Providing rights information

The managing authority must take such steps as are practicable to ensure that the person understands the following matters:

- (a) the effect of this authorisation
- (b) the right to apply to the Court of Protection, asking it to terminate or vary this authorisation
- (c) the right to request a review of this authorisation under Part 8 of Schedule A1 to the Mental Capacity Act 2005
- (d) the right to have a section 39D IMCA instructed
- (e) how to have a section 39D IMCA instructed.

These steps must be taken as soon as is practicable after this authorisation is given, and must include giving the required information both orally and in writing. The written information given to the person must also be given to their representative as soon as is practicable after it is given to the person themselves.

If you are informed that a section 39D IMCA has been instructed for the person, this written information must also be given to that IMCA.

NOTICE TO THE SUPERVISORY BODY

The supervisory body must appoint a person to be the 'relevant person's representative' as soon as practicable after this standard authorisation is given.