

CASE
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 16

UNAUTHORISED DEPRIVATION OF LIBERTY

NOTICE THAT A REQUEST HAS BEEN RECEIVED

For these purposes, there is an unauthorised deprivation of liberty if:

- (a) a person is kept in a hospital or care home in circumstances that amount to depriving them of their liberty; and
- (b) their deprivation of liberty has not been authorised by an urgent or standard authorisation under the Mental Capacity Act 2005, by detention under the Mental Health Act 1983¹ or by the Court of Protection, and nor is a relevant authorisation presently being sought from that court.

PART A — BASIC INFORMATION

| | | |
|--|-----------|---|
| Full name of the relevant person | Name | |
| Their date of birth (or estimated age if unknown) | 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"/> |
| | Est. age | <input type="text"/> Years |
| Name and address of the relevant hospital or care home | Name | |
| | Address | |
| Name and address of the supervisory body | Name | |
| | Address | |
| Person to contact at the supervisory body | Name | |
| | Telephone | |
| | Email | |

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

PART B — NOTICE THAT A REQUEST HAS BEEN RECEIVED

The supervisory body has received a request asking it to decide whether or not this person is subject to an unauthorised deprivation of liberty.

Enter date below ↓

The request was received by the supervisory body on:

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| d | d | m | m | y | y | y | y |
|---|---|---|---|---|---|---|---|

The request was made by the following person, who previously requested the managing authority to request a standard authorisation in relation to this person:

Name

Address

Please now complete:

- Part C if an assessment is required in relation to the issue; OR
- Part D if an assessment is not required.

PART C — DECISION THAT AN ASSESSMENT IS REQUIRED

The supervisory body has decided that an assessment is required.

The supervisory body has appointed the following person to carry out an assessment of whether or not the relevant person is being kept in this hospital or care home in circumstances that amount to a deprivation of their liberty.

The person appointed must complete this assessment within seven days of the date on which the supervisory body received the request, which is given above.

Enter below the name, address, telephone number and Email address of the person appointed:

Name

Address

Telephone

Email

It appears to the supervisory body that the above person would be both eligible and suitable to carry out a best interests assessment in relation to the person who is the subject of the request to decide whether or not there is an unauthorised deprivation of liberty (if such an assessment was required in connection with a request for a standard authorisation).

The supervisory body:

Place a cross in either box A or box B ↓

| | | |
|----------|--|--------------------------|
| A | is satisfied that, apart from professionals and other people who are paid to provide care or treatment, this person has no one whom it is appropriate to consult about what is in their best interests. An IMCA is therefore being instructed under section 39A of the Mental Capacity Act 2005. | <input type="checkbox"/> |
| B | is satisfied that there is someone whom it is appropriate to consult about what is in the person's best interests who is neither a professional nor is being paid to provide care or treatment. An IMCA is not therefore being instructed. | <input type="checkbox"/> |

PART D — DECISION THAT AN ASSESSMENT IS NOT REQUIRED

The supervisory body has decided that an assessment is not required because it appears to it that:

Place a cross in box D1 or D2, or both ↓

| | | |
|-----------|--|--------------------------|
| D1 | The request is frivolous or vexatious. | <input type="checkbox"/> |
| D2 | (a) The question of whether or not there is an unauthorised deprivation of liberty has already been decided; AND (b) Since that decision was made, there has been no change of circumstances that merits the question being decided again. | <input type="checkbox"/> |

PART E — REASONS FOR THE SUPERVISORY BODY'S DECISION

The supervisory body's reasons for its decision are as follows:

(Give reasons for deciding that, for example, the request is frivolous or vexatious, or that circumstances have not changed since the question was last decided.)

PART F — GIVING NOTICE OF THE DECISION

If you have been given a copy of this notice, it is because the law requires the supervisory body to give notice of this decision to:

- (a) the person who made the request to the supervisory body, asking it to decide whether there was an unauthorised deprivation of liberty
- (b) the person to whom the request relates
- (c) the managing authority of the relevant hospital or care home
- (d) any IMCA instructed for the person in (b) under section 39A of the Mental Capacity Act 2005.

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