

CASE  
NUMBER

Mental Capacity Act 2005

DEPRIVATION OF LIBERTY FORM No. 18

## UNAUTHORISED DEPRIVATION OF LIBERTY

### SUPERVISORY BODY'S DECISION

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 1983<sup>1</sup> 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	

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

**PART B — FORMAL STATEMENT**

The supervisory body has received the report of an assessment as to whether or not this person is being kept in this hospital or care home in circumstances that amount to a deprivation of liberty.

**PART C — THE SUPERVISORY BODY'S DECISION**

The supervisory body has made the following decision:

**Place a cross in ONE of the boxes below (C1–C4) ↓**

**C1**

The assessment concluded that the person **IS NOT** being kept in this hospital or care home in circumstances that amount to a deprivation of their liberty. Therefore, no further action is required at this time.

**C2**

The assessment concluded that the person **IS** being kept in this hospital or care home in circumstances that amount to a deprivation of their liberty. However, it appears that the deprivation of liberty **IS** authorised under the Mental Capacity Act 2005. Therefore, no further action by the supervisory body is required at this time.

**Provide details of the authority for the deprivation of liberty in Part D below.**

**C3**

The assessment concluded that the person **IS** being kept in this hospital or care home in circumstances that amount to a deprivation of their liberty. However, the deprivation of liberty appears to be authorised under the Mental Health Act 1983, or by virtue of a court order or some other lawful authority. Therefore, no further action by the supervisory body is required at this time.

**Provide details of the authority for their detention in Part D below.**

**C4**

The assessment concluded that the person **IS** being kept in this hospital or care home in circumstances that amount to a deprivation of their liberty. It also appears to the supervisory body that the deprivation of liberty **IS NOT** authorised under the Mental Capacity Act 2005.

The supervisory body will therefore now take the steps referred to in Part E below.

**PART D — THE SUPERVISORY BODY'S REASONS**

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

Give brief reasons for the decision. For example, describe any authority for the person's deprivation of liberty, or say why they are not being kept in circumstances that amount to a deprivation of their liberty.

**PART E — STEPS TO BE TAKEN IF THERE IS AN UNAUTHORISED DEPRIVATION OF LIBERTY**

If a cross was placed in box C4 above, this means that the person **IS** subject to an unauthorised deprivation of liberty.

If this is the supervisory body’s finding in relation to this person, the following steps must now be taken:

1. The managing authority of the hospital or care home is deemed to have requested a standard authorisation in relation to the person.
2. The managing authority must therefore provide the supervisory body with the information that is required whenever such a request is actually made. It should now complete Form 4 and send it to the supervisory body.
3. The supervisory body will arrange for the assessments to be carried out that are required whenever a request for a standard authorisation is received.
4. The present care and/or treatment arrangements have been found to amount to deprivation of liberty. If the managing authority considers that these care and/or treatment arrangements should continue while the assessments are carried out, it must give itself an urgent authorisation, and can do so by completing Form 1.
5. If it does give itself an urgent authorisation then the necessary assessments must be completed within the period of the urgent authorisation.

**PART F — PROVIDING COPIES OF THIS DECISION**

If you have received a copy of this decision notice, it is because the law requires the supervisory body to give copies 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.

The person who made the request to the supervisory body is entitled to receive a copy of this decision notice (Form 18) but not a copy of the assessor's report (Form 17).

The person who was the subject of the request to decide whether or not there was an unauthorised deprivation of liberty, the managing authority and any section 39A IMCA are entitled to receive copies of both the assessor's report and this decision notice.

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