|  |
| --- |
| Case ID Number:  |
| **DEPRIVATION OF LIBERTY SAFEGUARDS FORM 4****MENTAL CAPACITY, MENTAL HEALTH, and ELIGIBILITY ASSESSMENTS** |
| This combined form contains 3 separate assessments; if any assessment is negative there is no need to complete the others unless specifically commissioned to do so by the Supervisory Body. |
| **Please indicate which assessments have been completed***(\*Supervisory Bodies will vary in practice as to who completes the Mental Capacity assessment)* |
| Mental Capacity**\*** |  | Mental Health |  | Eligibility |  |
| This form is being completed in relation to a request for a standard authorisation. |  |
| This form is being completed in relation to a review of an existing Standard Authorisation under Part 8 of Schedule A1 to the Mental Capacity Act 2005. |  |
| Full name of the person being assessed |  |
| Date of birth*(or estimated age if unknown)* |  | Est. Age  |  |
| Name of the care home or hospital where the person is, or may become, deprived of liberty |  |
| Name and address of the Assessor |  |
| Profession of the Assessor |  |
| Name of the Supervisory Body |  |
| The present address of the person being assessed if different from the care home or hospital stated above. |  |

|  |
| --- |
| **MENTAL CAPACITY ASSESSMENT** |
| The following practicable steps have been taken to enable and support the person to participate in the decision making process: |
| In my opinion the person **LACKS** capacity to decide whether or not they should be accommodated in this hospital or care home for the purpose of being given the proposed care and/or treatment, and the person is unable to make this decision because of an impairment of, or a disturbance in the functioning of, the mind or brain. |  |
| In my opinion the person **HAS** capacity to decide whether or not they should be accommodated in this hospital or care home for the purpose of being given the proposed care and/or treatment |  |
| **Stage One:** What is the impairment of, or disturbance in the functioning of the mind or brain? |
|  |
| **Stage Two:** Functional test |
| 1. **The person is unable to understand the information relevant to the decision**

 *Record how you have tested whether the person can understand the information, the questions used, how you presented the information and your findings.* |  |
| 1. **The person is unable to retain the information relevant to the decision**

 *Record how you tested whether the person could retain the information and your findings. Note that a person’s ability to retain the information for only a short period does not prevent them from being able to make the decision.* |  |
| 1. **The person is unable to use or weigh that information as part of the process of**

 **making the decision** *Record how you tested whether the person could use and weigh the information and your findings.* |  |
| 1. **The person is unable to communicate their decision (whether by talking, using**

**sign language or any other means)***Record your findings about whether the person can communicate the decision.* |  |
| **Stage Three:** *Explain why the person is unable to make the specific decision because of the impairment of, or disturbance in the functioning of, the mind or brain.* |
|   |

|  |
| --- |
| **MENTAL HEALTH ASSESSMENT** |
| In carrying out this assessment, I have taken into account any information given to me, and any submissions made by any of the following:1. The relevant person’s representative
2. Any IMCA instructed for the person in relation to their deprivation of liberty
3. I have consulted the Best Interests Assessor for any relevant information about possible objections to treatment, including whether any donee or Deputy has made a valid decision to consent to any mental health treatment.
 |
| **Place a cross in EITHER box below** |
| In my opinion the person **IS NOT** suffering from a mental disorder within the meaning of the Mental Health Act 1983 (disregarding any exclusion for persons with learning disability).***Provide a rationale for your opinion, including details of their symptoms, diagnosis and behaviour*** |  |
|  |
| In my opinion the person **IS** suffering from a mental disorder within the meaning of the Mental Health Act 1983 (disregarding any exclusion for persons with learning disability).***Provide a rationale for your opinion, including details of their symptoms, diagnosis and behaviour*** |  |
|  |
| In my opinion, the person’s mental health and wellbeing is likely to be affected by being deprived of liberty in the following ways: |

|  |
| --- |
| **ELIGIBILITY ASSESSMENT***Reference to Cases A to E refers to the cases of ineligibility for DoLS described in* ***MCA Schedule 1A*** |
| **Answer ALL of the following questions Yes or No, by placing a cross in the relevant box.** |
| The person is detained under section 2, 3, 4, 35-38, 44, 45A, 47, 48 or 51 of the Mental Health Act 1983(*Case A*). | Yes |  |
| No |  |
| The person is subject to s17 leave or conditional discharge (*Case B*), or Community Treatment Order (*Case C*), or Guardianship (*Case D*), and a Standard Authorisation would be incompatible with a Mental Health Act requirement (e.g. as to residence) | Yes |  |
| No |  |
| If you have answered “Yes” to either of the above, the person is ineligible for DoLS.*Please give reasons/explanation for your answer:* |
| **Hospital Cases Only (*Case E*)**  |
| The purpose of detention is to receive medical treatment for mental disorder***Please explain further:*** | Yes |  |
| No |  |
| In my opinion this person could be detained under the Mental Health Act (on the assumption that the person cannot be assessed and treated under the Mental Capacity Act 2005***Please explain further:*** | Yes |  |
| No |  |
| **If the answer to both of the above statements is YES please consider the next two statements****If either of the below are ticked the person is ineligible for DoLS** |
| The person objects, or would object if able to do so, to some or all of the medical treatment for a mental disorder***Please explain further:*** | Yes |  |
| Are the deprivation of liberty safeguards the least restrictive way of best achieving the proposed care and treatment?***Describe the least restrictive way of best achieving the proposed care and treatment:*** | No |  |
| **PLEASE NOW SIGN AND DATE THIS FORM** |
| Signed |  | Date |  |
| Print Name |  | Time |  |
|  ***In order to safeguard their rights please request that the person is assessed under the Mental Health Act and confirm this below:*** |
| **CONFIRMATION OF REQUEST FOR MENTAL HEALTH ACT ASSESSMENT** |
| Date and Time of request for Mental Health Act Assessment |  |
| Name of Person to which the request was made |  |