



DERBY CITY COUNCIL

**COUNCIL  
2 MARCH 2009**

Report of the Corporate Director of Corporate and Adult Services

## **DEPRIVATION OF LIBERTY SAFEGUARDS**

### **RECOMMENDATIONS**

- 1.1 To delegate the following powers to the Senior Assistant Director (Adult Social Services) and the Acting Assistant Director (Operations): the issue of Deprivation of Liberty authorisations.

### **SUPPORTING INFORMATION**

- 2.1 New legal requirements for Deprivation of Liberty Safeguards are being introduced from 1 April 2009 and it is necessary to ensure that delegated powers are in force by that date.
- 2.2 The safeguards will apply to people in hospitals and care homes. People likely to be affected by these proposals are those with learning disabilities, or elderly people with dementia, but also other people who lack capacity to consent to where they receive care or treatment.
- 2.3 The Managing Authority has the responsibility for applying for authorisation of deprivation of liberty for any person coming within the safeguards:
  - In the case of a care home the Managing Authority will be the person registered under the Care Standards Act 2000 in respect of that care home.
- 2.4 The Council is responsible for considering requests for authorisations, commissioning the required assessments and authorising the deprivation of liberty where safeguards are applied to a person in a care home who is ordinarily resident in Derby.
- 2.5 Managing Authorities can issue an urgent authorisation of a deprivation of liberty for up to a maximum of seven days. The registered manager will send the authorisation together with a standard application to the Council. A standard application has to be determined within 21 days and can be applied for by the Managing Authority up to a maximum of 28 days before the deprivation is likely to occur. Where an urgent authorisation has been issued all assessments and authorisations have to be completed before it expires. An urgent authorisation can be extended by the Council in exceptional circumstances for a further seven days.

- 2.6 The Council has to appoint officers to act as Best Interest Assessors to determine whether it is in the best interests of an individual to be deprived of his / her liberty. The Council must issue a deprivation of liberty standard authorisation if the Best Interest Assessor determines that to do so is in the best interests of the person being deprived of their liberty to prevent harm or to allow a proposed care plan to operate. The deprivation can continue for up to a maximum of 12 months and conditions may be attached to the authorisation.

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Background papers:	Appendix 1 – Implications	

<b>IMPLICATIONS</b>
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**Financial**

- 1.1 None directly arising from this report.

**Legal**

- 2.1 The statutory provisions are contained in an addendum to the Mental Capacity Act 2005 introduced via the Mental Health Amendment Act 2007.

**Personnel**

- 3.1 None directly arising from this report.

**Equalities impact**

- 4.1 None directly arising from this report.

**Corporate priorities**

- 5.1 None directly arising from this report.