

DEPRIVATION OF LIBERTY SAFEGUARDS

Process for extensions of urgent authorisations



Urgent Authorisations

Care homes and hospitals can grant themselves an urgent authorisation if it appears to them that all the qualifying requirements are met. This lasts for a maximum period of 7 days including the day it began. This must be submitted to the DOLS office and accompanied by a request for a standard authorisation. The care home or hospital is responsible for informing the person and any other interested parties including family members of the authorisation and their right to appeal.

Requests for Extension of an Urgent Authorisation

There is provision for an urgent authorisation to be extended only once, by agreement of the supervisory body. The care home or hospital must request an extension of the urgent authorisation BEFORE it expires. Requests may be received by the supervisory body verbally or in writing, by email or on a standard form. Standard form is currently form 2, and on new forms is part of the application form itself. All types of requests will be accepted as a request for an extension.

Granting an Extension of an Urgent Authorisation

Whether the extension is granted is at the discretion of the supervisory body. The supervisory body should take steps to ensure the extension is lawful. It can only be extended for maximum further 7 days including the day on which the original urgent authorisation expires.

Guidance on extensions of urgent authorisations is contained in the DoLS code chapter six:

The supervisory body may only extend the duration of the urgent authorisation if:

- it is essential for the deprivation of liberty to continue while the supervisory body makes its decision AND
- there are exceptional reasons why the request for a standard authorisation cannot be dealt with within the period of the original urgent authorisation.

An example of when an extension would be justified might be where it was not possible to contact a person whom the best interest assessor needed to contact, the assessment could not be relied upon without their input, and extension for the specified period would enable them to be contacted.

It is for the supervisory body to decide what constitutes an 'exceptional reason', but because of the seriousness of the issues involved, the supervisory body's decision must be soundly based and defensible. *It would not, for example, be appropriate to use staffing shortages as a reason to extend an urgent authorisation.*

If the supervisory body is satisfied that all the criteria are met, it will grant the urgent authorisation either using form 3 or by completing the relevant section of the new application form. It must grant the extension prior to the expiry of the original urgent authorisation.

Informing parties of the extension

The care home or hospital is responsible for informing the person and any interested persons including relatives that an extension has been requested and whether it has been granted. This should include information about the person's legal status and the process/steps that can be taken to challenge the decision relating to any authorisation, admission, care or treatment plan.

Procedure where a best interest assessor is not available

The supervisory body takes the view that where it has been unable to appoint or arrange for a best interest assessment due to the level of demand, this would not constitute an exceptional reason. The supervisory body will not grant extensions to urgent authorisations in these circumstances. The supervisory body will inform the care home or hospital of this decision in writing either by email or completion of form 3 or the relevant section of the new standard form.

Using another Urgent Authorisation

Under no circumstances should a care home or hospital grant itself another urgent authorisation once an urgent authorisation or extension has expired. The only ways a deprivation of liberty can be authorised once an urgent authorisation has expired, is by a standard authorisation granted by the supervisory body or an order from the court of protection. This was clarified in *A County Council v MB, JB and a Residential Home* [2010] EWHC 2508 (COP).