

Essex County Council Priority Tool for DoLS authorisation requests



Following the Supreme Court ruling on 19 March 2014 with regard to Cheshire West and Chester Council v P, Essex County Council has experienced an unprecedented increase in requests for Deprivation of Liberty Safeguards Assessments. As a result, the Council has adopted a **Prioritisation Tool** that is used to assess the risks and help decide on allocation order of assessments.

Requests for DoLS authorisations are triaged in chronological order of receipt; however, allocation will depend on risks to the individual and priority factors. A professional decision is made by a Senior Best Interests Assessor / DoLS Coordinator on the specific circumstances of the request, relying on the information received from Managing Authorities and any other individuals/ professionals. Each situation is considered on its own merits.

HIGH PRIORITY

Primary factors taken into account:

- Safeguarding Issues
- The person has made or is making attempts to leave the place
- Disputes in regard to care and accommodation arrangements
- Objection by P or others to care and accommodation arrangements
- Article 8 issues (restrictions on contact with family/others)
- Court of Protection proceedings or directions
- High levels of restraint (including chemical, physical restraint)

Additional factors to be considered:

- Best interests and welfare concerns including no one to consult or represent.
- High levels of restriction (including environmental, observation regime, levels of choice)
- Verbal expressions of wish to leave or behaviours which could indicate wish to leave or objection to supervision and control
- Lack of clarity around formal mental health diagnosis or lack of mental capacity

STANDARD PRIORITY

- The person is not objecting / making attempts to leave the place but under continuous supervision and control and not free to leave.

Factors not taken into account in relation to level of priority:

- The type of setting: e.g. psychiatric ward, residential home, acute hospital. (The setting of a specific place may occasionally be taken into account if it contributes to priority factors above. For example, a Care Home in a country side setting is likely to be easier to find a way out of than a Secure Health Unit)
- The person's age, specific impairments or disability
- Whether this is a new DoLS application or a renewal
- Whether the person has been detained under the Mental Health Act 1983/ 2007 section which has now expired

Requests are categorised into High and Standard Priority. Those identified as High Priority are allocated for assessment as soon as possible/ immediately.

Requests categorised as Standard priority, based on the information that is provided within the Referral, are allocated for an assessment chronologically (oldest referrals first).

This process will continue to be under regular review in line with case law and workforce capacity.