

# 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 Concerns
- 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

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.**