

Urgent authorisation forms

The urgent authorisation form

This form should be used when a managing authority needs to give itself an urgent authorisation to deprive a person of their liberty.

Form 1	For the giving of an urgent authorisation by a managing authority.
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An urgent authorisation may only be given if the person appears to meet the qualifying requirements for being deprived of their liberty under the Mental Capacity Act 2005.

Whenever a managing authority gives itself an urgent authorisation, it must simultaneously request a standard authorisation if it has not already done so. It does this by completing Form 4 and forwarding it to the supervisory body, along with Form 1.

Form 4	Managing authority request for a standard authorisation.
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The maximum period for which a managing authority can give itself an urgent authorisation is seven calendar days. Once an urgent authorisation is given, the law provides that all of the assessments required for a standard authorisation must be completed before the urgent authorisation expires.

Once Form 1 has been completed, the managing authority should:

1. Give a copy of the form to the person deprived of liberty and to any section 39A independent mental capacity advocate (IMCA) instructed for the person.
2. Do everything practicable to explain to the person deprived of liberty, both orally and in writing, what the effect of the urgent authorisation is and their right to apply to the Court of Protection for it to be terminated.
3. Inform the person's family, friends and carers about the urgent authorisation, so that they can support the person. This may be done in person, or by telephone, email or letter.
4. Record in the person's health and social care records the steps taken to involve their family, friends, carers and anyone else with an interest, together with their views, and with details of any IMCA who has been instructed.

Requesting an extension of an urgent authorisation (Form 2)

The power to deprive the person of their liberty expires at the end of the period specified on Form 1, unless this period is extended by the supervisory body or a standard authorisation is in force by then.

Where a supervisory body receives a request for a standard authorisation and an urgent authorisation is in place, it is envisaged that the standard authorisation assessment process will usually be completed before the urgent authorisation expires.

However, in practice, there may be cases where it appears that the urgent authorisation might expire before the assessors can complete all of the assessments necessary for a standard authorisation.

A few days in advance of the expiry of an urgent authorisation, the managing authority should check with the supervisory body how the standard authorisation assessment process is progressing. If an extension of the urgent authorisation is needed, the managing authority should request it promptly.

Everyone involved will, in particular, need to think ahead whenever an urgent authorisation is due to expire over the weekend or on a bank holiday. This is because it may be impossible, or difficult, to contact an appropriate person at the supervisory body during such periods.

The managing authority may request an extension orally (e.g. by telephone) or in writing (e.g. by email or faxed letter). Alternatively, it can complete, and then fax, email or deliver, **Form 2**. The managing authority must keep a written record of why it has made the request, and the supervisory body must keep a written record that the request has been made to it.

Form 2	Managing authority request for an extension in the duration of an urgent authorisation.
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In all cases, the managing authority must give the person subject to an urgent deprivation of liberty authorisation, and any section 39A IMCA, notice in writing that it has requested an extension. If it uses Form 2, then giving the person a copy of the form satisfies this requirement.

The managing authority should bear in mind that only one extension, of up to a further seven calendar days, can be granted. Furthermore, the circumstances in which an extension can be granted are limited. The supervisory body may only extend an urgent authorisation if it appears to it that:

- the managing authority has requested a standard authorisation; and
- there are exceptional reasons why it has not yet been possible for that request to be disposed of, and
- it is essential for the existing deprivation of liberty to continue until the request is disposed of.

The managing authority should not assume that an extension will be granted.

The supervisory body's decision regarding a request for an extension

The supervisory body records its decision concerning a request for an extension of an urgent authorisation by completing Form 3, and giving it to the managing authority.

Form 3	Supervisory body's decision regarding a request for an extension of an urgent authorisation.
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The need to amend Form 1

Where an extension is given the managing authority should enter details of the extension in **Part H of Form 1**. Having done this, it should give a copy of the amended Form 1 to the person who is being deprived of their liberty and to any section 39A IMCA acting for them.