Flow diagram representing a summary of the process in the new bill

Person may lack capacity above age of 18 - In supported living, hospital, care home settings

LAs, CCGs, Hospitals or care Homes identify deprivation of liberty

Local authority or Hospital or Care Home arranges three assessments and responsible body appoints an independent advocate (IMCA) where required or appropriate person:

Three assessments:
- Mental Health
- Mental Capacity
- Necessary and proportionate

Independent pre-authorisation review- RB (Local Authority or NHS organisation) scrutinises all applications

No objection - Authorised

Authorised

Objection

Care home, hospital, person or family can request the local authority review the authorisation

Appropriate person or Advocate (IMCA) continues in role throughout authorisation

Arrangements not authorised

If objection, refer to AMCP to review

Emergency Situation - A person can be detained for treatment if life-saving or to prevent a serious deterioration whilst awaiting authorisation

Appeal to Court of Protection