

Streamlined and Standard process Fact Sheet



Hampshire and Isle of Wight



There are two different ways that the Court of Protection can authorise a Community Deprivation of Liberty (DoL).

1. Streamlined Application:

The judge authorises the DoL after reading the documents if no one objects.

A judge will authorise the DoL after reading the person's care plans, risk assessments and statements prepared for the Court. The person does not need legal representation during this process. This is the way the DoL is authorised when no one is objecting to the person's care plan or where they live, and everyone agrees that the arrangements are in the person's best interests.

However, if, during this process, the person or someone in their support network objects, the application then goes to the Standard Application process.

2. Standard Application:

Needs a court hearing to approve Community DoL, when someone objects.

The application needs to go through the standard process if the person or someone in their support network objects to:

- The deprivation of their liberty. For example, the person not being able to go to the shops alone.
- Their care and support. For example, the person may not believe they need the care being provided.
- Or disputes the person's best interests. For example, the person's family may object to where the person lives.
- The measures being used to prevent harm such as lap belts on wheelchairs, other physical restraints, or methods of monitoring.

This list is not exhaustive.



WANT TO KNOW MORE?

Please contact the team.



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If there are any objections to the persons Deprivation of Liberty, the Community DoL application must go through the standard process.

What is the Standard process?

When there is an objection, there will usually be a round table meeting, where everyone involved with the Community DoL application meets before a court hearing.

If the objection can be resolved at this point, there is no need for a court hearing. The judge then authorises the Community DoL Order.

If the objections cannot be resolved at the round table meeting, it will go to a Court of Protection hearing with a judge. When the judge has heard from everyone involved, the judge will make a decision.

You will usually need a solicitor to support you through the legal process.

Useful Links:

- Legal Aid - [Legal aid: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/legal-aid/overview)
- Litigation Friend - [Litigation friends: Overview - GOV.UK \(www.gov.uk\)](https://www.gov.uk/litigation-friends/overview)
- Solicitor Easy read - [official-solicitor-easy-read-booklet.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/official-solicitor-easy-read-booklet-pdf)

Continuing Healthcare and
Placements Team

5th Floor Civic Offices
Civic Way | Fareham | Hampshire
PO16 7AZ

Phone: 0300 123 4448 EXT - 4024 /
Option 8

Email: hiowicb-hsi.chc-mca@nhs.net

ICB Website: [Mental Capacity Act \(MCA\) and Community Deprivation of Liberty \(DoL\) :: Hampshire and Isle of Wight ICS \(hantsiowhealthandcare.org.uk\)](https://www.hantsiowhealthandcare.org.uk)

What is a Litigation Friend?

If you lack capacity to manage the legal process, a Litigation Friend will be appointed for you.

The Litigation Friend can be a family member or friend, but they may also be the Official solicitor, if no one else is willing and suitable.

A Litigation Friend is not needed when the DoL application uses the Streamlined process.

Costs and Legal Aid

When a solicitor is involved, you will have to pay legal costs. You may be eligible for Legal Aid. Your solicitor can advise you on whether you are eligible and how you can apply.

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