

WMADASS DoLS signatories newsletter 2 September 2025

Welcome to the second newsletter aimed at those who sign off DoLS authorisations.

The intention of this newsletter is to keep DoLS signatories /authorisers up to date with practice changes and case law.

An important case on the meaning of Deprivation of Liberty will be heard by the Supreme Court on 20th October which could have far reaching consequences for the meaning of deprivation of liberty.

The Attorney-General for Northern Ireland has asked the Supreme Court whether proposed changes to Northern Ireland's Deprivation of Liberty Safeguards Code of Practice that differ from the approach set out in the landmark *Cheshire West* ruling nevertheless satisfy the European Convention on Human Rights, right to liberty.

The specific issue referred to the Supreme Court is: *"Whether the Minister of Health has power to revise the Deprivation of Liberty Safeguards Code of Practice issued under s.288 of the Mental Capacity Act (Northern Ireland) 2016 ('the 2016 Act') so as to provide that, in the context of the delivery of care and treatment, individuals aged 16 and over with impaired decision-making may be understood to be consenting to confinement through the expression of wishes and feelings, so that their circumstances do not fall within the scope of Article 5 of the European Convention on Human Rights ('ECHR')"*

This would mean that the NI Deprivation of Liberty Safeguards Code of Practice would adopt a different approach to the scope of Article 5 from that outlined by the Supreme Court in the case of *P v Cheshire West and Chester Council & Anor* [2014] UKSC 191 but which would nonetheless satisfy the requirements of Article 5.

UPDATE: DHSC have now also intervened in the case

SCIE response to CQC DoLS data

An important piece by SCIE highlighting delays in modernising the DoLS Scheme.

SCIE's analysis of Care Quality Commission (CQC) inspections (of Councils) up to August 2025 shows:

- 67% of local authorities inspected were failing to meet DoLS requirements
- The most frequent failing was not processing requests on time or lawfully
- Local authorities cited staff shortages and rising demand as the main drivers of the backlog

Despite a 21-day legal target for completing assessments, only 19% are processed in time. Thousands of people wait 12 to 18 months, effectively living in legal limbo.

[Two-thirds of councils need to improve on DoLS, finds analysis of CQC reports - Community Care](#)

Clarification on the date an authorisation starts

A question was recently raised by an Authoriser about the date an authorisation starts. For clarity and to ensure we are all working in the same way, an authorisation starts when it is signed off by the authoriser i.e. on that date or a date in the future decided by them. It doesn't start when the assessments are dated. This is why it is so important to have the sign off as near to the assessment date as possible. This avoids losing the full 12 months of authorisation but also makes it more likely that the assessments will still be in time when the renewal is required. Authorisers could consider always giving 11 months rather than 12 to ensure the best chance of reusing assessments.

WMADASS Community dol Priority tool

A priority tool for community dol applications is now complete and will also be endorsed by ADASS. Please help to circulate this by sharing with colleagues in Children's Services and also Health Colleagues who may also make applications for community dol Orders.

New version of Form 5 checklist

A new version of the Form 5 checklist is now complete and will be uploaded to WMADASS webpage. This tool is to assist authorisers and could also be used for short audits.

Fiona Laskaris fights for amendments to the MCA after her son was murdered.

Christopher Laskaris was murdered in his home aged 24 in November 2016. He was a very vulnerable young man with Autism and a long, documented history of exploitation and abuse in the community. His mother details how he did not receive the support he needed and lived a reclusive life. His murderer was a drug dealer, who had recently been released from prison on license. He gained access to Christopher's flat when Christopher was left without a secure front door for 5 days after police broke his door down due to welfare concern. His mental capacity was not assessed for key decisions and Mrs Laskaris feels the MCA should be amended to allow parents/family to request a mental capacity assessment to prevent professionals simply relying on the presumption of capacity.

Snapshot of waiting lists for DoLS across the region.

Waiting lists for assessment do seem to be down across the region. The annual national trend was about a 2-3% reduction over the previous year. Initial figures suggest the West Midlands figures are in the region of 11% Further work is being done to confirm accurate figures as some Councils only count unallocated cases as opposed to all cases not yet authorised.

Essential reading for anyone involved in DoLS work

[Health, Welfare and Deprivation of Liberty | 39 Essex Chambers](#)

[Mental Capacity Law and Policy](#)