

ARTICLE FOR WEBSITE

DEPRIVATION OF LIBERTY ORDERS – ARE YOUR AFFAIRS IN ORDER?

On 1st April 2009, a new power was granted to local authorities and primary care trusts to authorise the deprivation of liberty of a mentally ill patient.

If a patient lacks capacity to make decisions themselves, and they are suffering from a mental disorder and comply with other statutory requirements, the local authority/primary care trust can authorise the deprivation if they believe it is in a patient's best interest.

We have been involved in a case where a Deprivation of Liberty Order was made against a patient who went into a care home for what was expected to be a temporary stay.

When the family came to collect the patient, they found that their relative could not be discharged and had to be detained in the care home (at their cost).

The Order was only overturned after a Best Interest Meeting between members of the patient's family, health workers and social workers.

The Deprivation of Liberty Order would not have been made if the patient had made a Health & Welfare Lasting Power of Attorney and the appointed Attorney had been able to object to the decision to detain the patient in the care home.

This firm is experienced in the preparation and registration of Health & Welfare Lasting Powers of Attorney with the Office of the Public Guardian, and we believe all our clients should consider taking the same out to avoid the emotional trauma and cost that can be involved if not made prior to a person becoming ill.

Please contact either our Bexhill or St.Leonards office if you wish to make a Lasting Power of Attorney for Health & Welfare, and we will be able to provide a quote straightaway.