

Common acronyms

BIA – Best Interests Assessor. In DoLS an independent qualified and registered social worker, nurse, OT or psychologist who assess mental capacity, determines best interests and recommends conditions to the SB etc

CoP – Court of Protection. Created by the MCA, its roles are to make decisions about people who do not have capacity to make them. The CoP can decide if a person has capacity, can decide if a person is being deprived of his or her liberty and if it is in the person's best interests, can decide a course of action in the best interests of an incapacitous person.

DoLS – Deprivation of Liberty Safeguards. Came into force 2009 to provide a lawful process by which a person who does not have mental capacity to decide on how and where their care needs are met to be detained if it is in their best interests and is proportionate to the degree of harm were they not. DoLS is a scheme which means deprivations of liberty – in care homes and hospitals only - can be authorised by SBs rather than necessitating an application to the CoP. Expect to be replaced within a few years. The safeguards protect against arbitrary detention.

ECHR – European Convention on Human Rights, created 1950 after World War 2, came into effect 1953. One of the key people drafting ECHR was David Maxwell Fyfe, chief prosecutor at the Nuremberg trials. Britain is a founder member of the Council of Europe. Only Belarus and Kazakhstan are not signatories.

ECtHR – European Court of Human Rights is where human rights cases are heard. Based in Strasbourg.

EPA – Enduring Power of Attorney. Must have been signed and witnessed before 1 October 2007. Can be used if the person has capacity to make decisions about financial and property matters. Must be registered when the person loses capacity in order to be valid.

HRA – Human Rights Act 1998, came into force 2000. Protects British sovereignty and the freedoms and rights of British people who can have their matters heard without having to go to Europe.

IMCA – Independent Mental Capacity Advocate. Represents a person in certain circumstances who does not have capacity to make the decision. IMCA will ensure all parties acting in

accordance with the law and challenge unlawful practices. May take matters to the CoP if not resolved.

LPA – Lasting Power of Attorney. Two separate types, Property & Finance and Health & Welfare. Person with capacity can have their attorney make financial decisions if LPA is registered. But attorney can only make decisions for a person about health and welfare matters where the donor lacks capacity to make the decision (and the LPA is registered)

MA – Managing Authority. In DoLS this is the care home or hospital ward applying for authorisation of deprivation of liberty.

MCA – Mental Capacity Act 2005, an Act of Parliament which came into force 2007.

MHA – Mental Health Act or Mental Health Assessor in DoLS

OPG – an office of the Ministry of Justice, the OPG registers LPAs and investigates concerns about attorneys.

OPG 100 – a means by which you can check the existence of and powers of an LPA, EPA or Court Appointed Deputy.

RPR – Relevant Person's Representative; independent person who supports a person protected by DoLS, for example brings an appeal against deprivation of liberty to the Court of Protection or raises matters with the MA or SB. Often a family member.

SB – Supervisory Body. In DoLS this is the Local Authority (strictly speaking, it is the Director and Heads of Service who sign the Authorisations)

UNCRPD – United Nations Convention on the Rights of People with Disabilities, came into force 2008. Challenges discrimination against people with disabilities and promotes human rights for people with disabilities which are not mentioned in ECHR, for example. Britain is signed up to CRPD but it is not as yet directly enforceable, though the CoP appears to have regard for it in its judgments.