[PLEASE NOTE THAT THIS LETTER IS INTENDED FOR USE ONLY IN CIRCUMSTANCES WHERE THE INDIVIDUAL’S PLACEMENT IS NOT A REGISTERED CARE HOME OR A HOSPITAL, FOR EXAMPLE IF THEY ARE IN ‘SUPPORTED LIVING’. WHERE THE INDIVIDUAL IS PLACED IN A REGISTERED CARE HOME OR HOSPITAL, PLEASE USE LETTER 1]

NAME OF SOCIAL WORKER

NAME OF COUNCIL

ADDRESS OF SOCIAL SERVICES DEPARTMENT

YOUR NAME

YOUR ADDRESS

DATE

Dear [NAME]

I am writing to you in respect of my *[mother/father/son/daughter/brother/sister/family friend, etc].* *He/she is/has[insert here a summary of their diagnosis/disabilities],* and as a result lacks the capacity to make decisions concerning *his/her* place of residence.

I believe that [NAME]’s care regime amounts to deprivation of her liberty as defined in the Supreme Court’s judgment in the ‘Cheshire West case’ (*P v Cheshire West & Chester Council [2014] UKSC 19*) because [NAME] is under continuous supervision and control and not free to leave. My reasons for believing this are:

* [SET OUT YOUR REASONS HERE. EXAMPLES ARE GIVEN BELOW]
* [X receives a 24-hour care package and is not free to leave his/her placement]
* [It is considered X’s best interests not to be permitted to leave his/her placement without carers accompanying him/her. This is because X is considered to be at risk from [traffic/exploitation by others/other]]
* [X’s property is locked in order to prevent X from leaving unaccompanied]
* [other – add to/amend/delete the above examples as appropriate]

In the circumstances, I request confirmation that lawful authorisation is currently in place to authorise this deprivation of liberty. I understand that X’s placement is not a registered care home or hospital and therefore the only way this deprivation of liberty can be authorised is through an order from the Court of Protection. If there is no authorisation currently in place, I request that an application be made to the Court of Protection for authorisation immediately, and that I be notified as soon as this is done.

Please note that if you fail to respond to this request within a reasonable time, and within no more than seven days, I will be forced to apply to the Court of Protection to seek the appropriate authorisation and I will bring this correspondence to the attention of the Court.

I look forward to receiving your response **by 4pm on [insert date 7 days from date sent]**

Yours sincerely

*[Signature]*

*[Print name]*