

## Deprivation of liberty (DoLS) protocol and guidance: Cleveland and South Durham

1. In October 2023 the President of the Family Division confirmed that the pilot of the National Deprivation of Liberty Court at the Royal Courts of Justice in London would continue as the “National DoL List”. The announcement and national protocol can be found [here](#).
2. The intention behind the centralised DoLS List was to create a dedicated listing protocol to allow the increasing rise in applications to be heard promptly. Whilst applications would be issued at the Royal Courts of Justice, the new system allowed for gatekept applications to be released to local Court centres. At a local court centre such applications (“DoLS proceedings”) would be dealt with properly authorised Judges (under s.9(1) Senior Courts Act 1981), either as standalone applications, or as connected to ongoing proceedings under Part IV of the Children Act 1989 (“public law proceedings”).
3. The following guidance relates to such proceedings transferred by the national DoLS Court to be heard by a local s.9 Judge:
  - a) Applications should be made to the RCJ Court promptly and as early in the morning as possible to allow time for the transfer process.
  - b) In accordance with paragraph 2 of the [President’s protocol](#), applications should not be made on a Friday unless of “exceptional urgency”.
  - c) If you are seeking transfer to Teesside, you must ensure that a local s.9 Judge is available to hear the case. The two s.9 Judges who sit at Teesside are HHJ Murray and HHJ Brown.
  - d) Given the application is a High Court application, and will be heard by a Judge authorised to sit as a High Court Judge, please ensure that the advocates appearing have Rights of Audience to appear in the High Court.
  - e) If there are connected Public Law proceedings, the care proceedings and the DoLS proceedings will **NOT** be consolidated. Rather, the two sets of proceedings will be listed alongside each other, at the same time (usually continuous list unless urgent application is made) and on the same date before a s.9 Judge.
  - f) Two separate Orders will be required at any hearing where the Court hears the public law proceedings and the DoLS proceedings together:
    - i. The first Order is the DoLS Order. A template can be found [here](#). That Order should only relate to the DoLS application and any authorisations, timetabling or listing within that application. It should only include the DoLS proceedings case number in the header. That Order should be forwarded to the s.9 Judge who heard the case forthwith for approval. Once approved, the Judge will send that Order through to the Court office for seal.

- ii. The second Order will be from the Public Law proceedings. That Order should deal with any timetabling within the public law proceedings. It should make reference in the recitals to the fact that a DoLs application and Order has been made at the same time and include the DoLs application case number within the recital. However, the Public Law Order should only include the Public law case number in the header.
  
- g) The Public Law portal must only be used to upload Orders for approval in public law proceedings, and not in the DoLs proceedings. However, good practice would be for a local authority to create a separate section within the Public Law bundle, which should include all of the Orders, statements and documentation from the DoLs proceedings.

**HHJ Murray**

**Designated Family Judge for Cleveland and South Durham**

**August 2025**