

# Deprivation of Liberty Safeguarding (DOLS)

Legislation: Mental Capacity Act 2005

Safeguarding Team

## Introduction

This leaflet provides information about the Deprivation of Liberty Safeguards (DoLS). It includes information on what they are, how they affect you or the person you care for and what your rights are.

## What is deprivation of liberty?

Some people who are in hospital are unable to make their own decisions about their care or treatment because they lack the mental capacity to do so. These people need more care and protection than others to ensure they are safe. Having mental capacity means being able to understand and retain information and to make a decision based on that information. Sometimes, caring for and treating people who need extra protection may mean lawfully restricting their freedom; for instance, it might be necessary to stop a person leaving the hospital. If there are restrictions like this, it may be considered that the person is being deprived of their liberty. A deprivation of liberty must always be in the person's best interest and for the minimum possible time.

## What is a Deprivation of Liberty Safeguard?

The Deprivation of Liberty Safeguards came into force in 2009 as part of the Mental Capacity Act. They apply to anyone who:

- is aged 18 or over
- lacks the capacity to give consent to be in hospital for their treatment or care (for example, they may have a cognitive impairment condition such as dementia, delirium, stroke or learning disability).
- they are under continuous control and supervision and not free to leave the hospital in their own best interests to protect them from harm. The safeguards aim to make sure that people in hospital are looked after in a way that does not inappropriately restrict their freedom.

The safeguards should ensure that the hospital only deprives someone of their liberty in a safe and correct way and that this is only done when it is in the best interests of the person and there is no other way to look after them.

**The prevention of infection is a major priority in all healthcare and everyone has a part to play.**

- Please decontaminate your hands frequently for 20 seconds using soap and water or alcohol gel if available
- If you have symptoms of diarrhoea and/or vomiting, cough or other respiratory symptoms, a temperature or any loss of taste or smell please do not visit the hospital or any other care facility and seek advice from 111
- Keep the environment clean and tidy
- Let's work together to keep infections out of our hospitals and care homes.

The Mental Capacity Act 2005 itself is a law about empowering people to make decisions and what to do when people cannot make some decisions for themselves. When a person cannot make their own decisions, the medical and nursing staff have to make treatment and care decisions in the person's best interest. This will involve considering the views of others such as family, friends, carers or advocates; unless there is a Personal Welfare Lasting Power of Attorney in place to make health care decisions on behalf of the person.

For those people who need to be in hospital, the Deprivation of Liberty Safeguards state that a hospital must apply to their Local Authority (known as the supervisory body) for authorisation.

The supervisory body will instruct a 'Best Interest Assessor' and specialist doctor to see whether the person is being deprived of their liberty and ensure this is lawfully and in their best interest.

If these professionals approve the application they will authorise the Deprivation of Liberty Safeguards for a limited time and they may also put conditions in place to ensure the person's welfare. The person will then have a representative appointed and this could be a family member, a friend, or an independent mental capacity advocate (IMCA). Their role will be to keep in contact with the person and support them as well as represent them in matters relating to them being deprived of their liberty whilst in hospital.

## How long can the deprivation of liberty be authorised for?

There are two types of deprivation of liberty authorisation:

- An 'urgent' authorisation can be granted by the hospital for a maximum of seven days but may be extended for another seven days by the supervisory body if the assessment procedure is not completed.
- A 'standard' authorisation, which may be granted by the Best Interest Assessor for a limited period of time (up to a maximum of 12 months).

Once granted, a copy of the authorisation must be given to:

- the person
- the hospital
- the representative
- every interested person consulted by the best interests assessor.

## Can the decision be reviewed?

The person or their representative can ask for a review of the reasons for depriving the person of their liberty at any time. However, asking for a review does not always mean that the person will be discharged home.

If there is a change in circumstances (for example the person regains mental capacity), which could mean the deprivation of liberty is no longer necessary, the hospital should inform the supervisory body, which must arrange for a review to be carried out.

## Where can you get more information?

You can ask the Ward Manager for more information or ask to speak to the doctor.

The Court of Protection Website: [www.gov.uk/court-of-protection](http://www.gov.uk/court-of-protection)

Email: [courtofprotectionenquiries@hmcts.gsi.gov.uk](mailto:courtofprotectionenquiries@hmcts.gsi.gov.uk)

Telephone: 0300 456 4600 (Monday to Friday, 9am to 5pm).

Office of the Public Guardian Website: [www.publicguardian.gov.uk](http://www.publicguardian.gov.uk) Telephone: 0845 330 2900.

## English

If you need information in another way like easy read or a different language please let us know.

If you need an interpreter or assistance please let us know.

## Lithuanian

Jeigu norėtumėte, kad informacija jums būtų pateikta kitu būdu, pavyzdžiui, supaprastinta forma ar kita kalba, prašome mums apie tai pranešti.

Jeigu jums reikia vertėjo ar kitos pagalbos, prašome mums apie tai pranešti.

## Polish

Jeżeli chcieliby Państwo otrzymać te informacje w innej postaci, na przykład w wersji łatwej do czytania lub w innym języku, prosimy powiedzieć nam o tym.

Prosimy poinformować nas również, jeżeli potrzebowaliby Państwo usługi tłumaczenia ustnego lub innej pomocy.

## Punjabi

ਜੇ ਤੁਹਾਨੂੰ ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਰੂਪ ਵਿਚ, ਜਿਵੇਂ ਪੜ੍ਹਨ ਵਿਚ ਆਸਾਨ ਰੂਪ ਜਾਂ ਕਿਸੇ ਦੂਜੀ ਭਾਸ਼ਾ ਵਿਚ, ਚਾਹੀਦੀ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਦੱਸੋ।

ਜੇ ਤੁਹਾਨੂੰ ਦੁਭਾਸ਼ੀਏ ਦੀ ਜਾਂ ਸਹਾਇਤਾ ਦੀ ਲੋੜ ਹੈ ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਸਾਨੂੰ ਦੱਸੋ।

## Romanian

Dacă aveți nevoie de informații în alt format, ca de exemplu caractere ușor de citit sau altă limbă, vă rugăm să ne informați.

Dacă aveți nevoie de un interpret sau de asistență, vă rugăm să ne informați.

## Traditional Chinese

如果您需要以其他方式了解信息，如易读或其他语种，请告诉我们。

如果您需要口译人员或帮助，请告诉我们。