

Deprivation of Liberty Safeguards (DoLS) – Overview

Protection for people who lack mental capacity to be resident for care or treatment and who have restrictions in place to keep them safe. The restrictions mean the person is under '*complete supervision and control and not free to leave*' and so is deprived of their liberty. DoLS provides a legal means to authorise this.

Who?

Any adult aged 18 and over who has a mental disorder and lacks mental capacity to be resident for care or treatment plus other legal criteria.

The Court of Protection can authorise the deprivation of liberty from the age of 16.

Where?

Any registered care home or hospital in England or Wales.

If a person is deprived of their liberty in other locations (supported living, extra care or their own home for example) an application to the Court of Protection is needed.

Legal Bodies

Managing authorities = care homes and hospitals. Responsible for identifying residents who lack mental capacity and may be deprived of their liberty.

Supervisory bodies = local authorities and Welsh health boards. Responsible for arranging the assessments for standard authorisations and then authorising them.

When?

A person who lacks capacity to be resident for care or treatment and is subject to restrictions to prevent them coming to harm. The restrictions in place mean the person is subject to '*complete supervision and control AND not free to leave*' which means they are deprived of their liberty.

Assessors

A minimum of two for standard authorisations. A mental health assessor (doctor) and a DoLS best interests assessor (BIA – a specially trained social worker, nurse, occupational therapist or psychologist).

How?

There are two types of DoLS authorisations. Urgent (7-14 days) – authorised by the care home or hospital themselves for up to 7 days and this can be extended to 14 days with permission from the supervisory body.

Standard (up to 1 year) – involving independent assessors and authorised by the supervisory body. The assessment process requires that the views of the person concerned and their family and friends are taken into account and that less restrictive options for care are considered.

Why?

DoLS is fundamentally about the human rights of adults and what is meant by the concept of liberty or freedom. The use of DoLS is not a criticism of a care provider. By using DoLS both the person and the care provider are legally protected.

Rights

A person placed under a standard DoLS is given a series of rights including:

Appeal to the Court of Protection Review (DoLS Part 8 review)
Relevant Person's Representative (RPR)
Independent Mental Capacity Advocacy (IMCA)
CQC, HIW or CIW monitoring

Liberty Protection Safeguards

Who: Any person aged 16 and over. **Where:** Anywhere (including transport). **Legal Bodies:** Responsible Body only (NHS Trust, CCG (NHS ICS) Welsh Health Board or Local Authority). **When:** The same as DoLS. **Assessors:** Any staff can complete assessments although some require a professional qualification. **How:** Multiple legal criteria must be confirmed by staff and then checked by a Pre-authorisation reviewer. **Why:** The same as DoLS. **Rights:** Very similar to DoLS.

Taken from: S Richards & AF Mughal *Deprivation of Liberty Safeguards (DoLS) Handbook (2nd Edition)*

238 pages - A4 - Paperback - £22.50 - ISBN:978-0-9931324-2-1

Order direct from the publisher: www.bookswise.org.uk (free P&P) or www.amazon.co.uk