



DoLS (Deprivation of Liberty Safeguards)



Making sure people are safe in hospital; a booklet for patients, family and friends

The Mental Capacity Act:



The Mental Capacity Act 2005 is a law about making decisions and what to do if someone is unable to make a decision for themselves.



Deprivation of Liberty Safeguards are part of the Mental Capacity Act.

Lacking capacity:



When we are poorly it can be hard to make decisions. Being ill, having an infection or long term health condition can affect how we make our choices.



Some people with learning disabilities or Dementia may find it hard to make decisions too.



When people cannot make decisions for themselves they are known as lacking capacity.

Making decisions:



People who are staying in hospital should be treated or cared for in a way that means they are safe. They have a right to be involved in decisions about their care and treatment.



You can usually make choices about your stay in hospital. Hospital staff will always try to help you understand your choices .



Sometimes people are not able to understand a choice about their medical care. They might be able to make some decisions, but not others.



When a patient is unable to make a decision hospital staff can make a decision for them. They may ask your friends and family to help with these decisions.



If your friends and family cannot help with the decision then a person from outside the hospital may need to come and help you with the decision. They are called Independent Mental Capacity Advocates (IMCA).



Deprivation of Liberty and Deprivation of Liberty Safeguards



Sometimes hospital staff may need to deprive a patient of their liberty to keep them safe. Meaning they may not be free to leave the hospital and under some form of control.



If a patient is deprived of their liberty then the deprivation of liberty safeguards are needed to make sure the persons human rights are protected.



Hospital staff :

- Must involve family and friends where appropriate



- Must check and prove that the person is unable to make a decision and therefore lacks capacity



- Must make an application to the Local Authority to deprive a person of their Liberty



- Must think about the least restrictive way of caring for the patient

See example on page 6



Rules to protect you:



A best interest meeting might be held for a patient if they are unable to make a decision for themselves. Family members or people who know the person well will be invited to this meeting.



If they do not have anyone who can do this for them, the hospital staff will ask an IMCA to get involved. An IMCA's role is to support and represent the person in decision making.



The deprivation of liberty safeguards process means that the deprivation of liberty is looked at and reviewed by people outside of the hospital to make sure it is lawful.



If a person is unhappy that their liberty has been deprived they are entitled to say so. Staff will look at the decision to see if it is right for the person.



The deprivation of liberty safeguards process also allows the patient or the patients representative to challenge the decisions in a court of law.



An example of a Deprivation of Liberty:



Dave is confused. He doesn't understand how poorly he is and why he needs to stay in hospital.



Hospital staff have tried to explain to Dave why he needs to stay in. Dave would not be safe if he went home. He cannot get the treatment he needs at home.



Dave's Doctor arranges for a best interest meeting with people who know Dave well.

Everyone involved agrees Dave needs to stay in hospital where he can be looked after until he is better.



Dave tries to walk out of the hospital as he just wants to go home. Dave is not free to go home so has to be stopped if he tries to leave.



It is decided that Dave will have someone to supervise him at all times. They will support him, help him to relax and ensure he is safe.

For more information:



If you would like more information about a patient's deprivation of liberty, in the first instance, please speak with the patient's Ward Manager.

Royal Devon University Healthcare NHS
Foundation Trust

North Devon District Hospital

Raleigh Park

Barnstaple

Devon

EX31 4JB

Telephone: [01271 322577](tel:01271322577)

Or

The DoLS Team (Northern services)

Telephone: [01271 341521](tel:01271341521)

Email: ndht.dols@nhs.net

You can also contact PALS:

Telephone [01271 314090](tel:01271314090) or by

Email: ndht.PALS@nhs.net

Further reading

www.gov.uk/guidance/deprivation-of-liberty-orders

www.scie.org.uk/mca/dols/at-a-glance

www.scie.org.uk/mca/imca/find

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