

DoLS (Deprivation of Liberty Safeguards)

Mental Capacity Act / Liberty Protection Safeguards Team

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Other formats

If you need this information in another format such as audio CD, Braille, large print, high contrast, British Sign Language or translated into another language please contact the PALS desk on 01271 314090 or at ndht.pals@nhs.net.

A person is said to be being deprived of their liberty if:

- They lack mental capacity to make decisions about their treatment and
- They are under continuous supervision/control and
- They are not free to leave

A person will only be deprived of their liberty if it is necessary to keep them safe and it is in their best interest.

What is a Deprivation of Liberty Safeguard (DoLS)?

The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act 2005. To see the full Act details visit:

www.legislation.gov.uk/ukpga/2005/9/contents

DoLS is in place to protect people aged 18 years and over who lack mental capacity about their care and are being deprived of their liberty. The DoLS is an independent process, set out by law, which protects a patient who has had restrictions placed on them by an organisation. The deprivation of liberty is scrutinised by the local authority to ensure that it is valid and lawful.

Where does it happen?

A DoLS could be applied for if the person lacking capacity is in a hospital or a care home.

Example of when a DoLS application would be made by a hospital

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 hospital. He 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 concerned agrees Dave needs to stay in hospital.

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.

This is a deprivation of liberty in Dave's best interests and therefore the hospital will make a DoLS application to the local authority.

How might DoLS affect your family member/friend?

Family members or people who have an interest in the person's welfare will be involved in the decision making process. They must act in the person's best interest and keep regular contact with the person during the DoLS authorisation period.

If there are no suitable representatives an Independent Mental Capacity Advocate (IMCA) will be appointed.

If a person or representative 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 patient's representative to challenge the decisions through the Court of Protection.

If you would like more information about a patient's deprivation of liberty, in the first instance please speak to the patient's ward manager.

You can also contact PALS:

Tel: 01271 314090

Email: ndht.PALS@nhs.net

Key points

- DoLS only applies to people who lack mental capacity to make decisions about their own care and treatment
- A DoLS can be applied in a hospital or care home
- DoLS does not apply if an individual is being treated under the Mental Health Act 2005

Further information

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

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

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

PALS

The Patient Advice and Liaison Service (PALS) ensures that the NHS listens to patients, relatives, carers and friends, answers questions and resolves concerns as quickly as possible. If you have a query or concern call 01271 314090 or email ndht.pals@nhs.net. You can also visit the PALS and Information Centre in person at North Devon District Hospital, Barnstaple.

Have your say

Royal Devon University Healthcare NHS Foundation Trust aims to provide high quality services. However, please tell us when something could be improved. If you have a comment or compliment about a service or treatment, please raise your comments with a member of staff or the PALS team in the first instance.

'Care Opinion' comments forms are on all wards or online at www.careopinion.org.uk.

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