Deprivation of Liberty Safeguards (DOLS) April 2009

Available from: www.publicguardian.gov.uk
DOLS came into force April 2009

- A significant addition to the Mental Capacity Act (2005)
- An incredibly powerful tool to protect the human rights of people who lack mental capacity specifically in registered care homes and hospitals
What Might Constitute a Deprivation of Liberty

• “Stopping people from doing things they appear they want to do, or restricting their movements” (Clark and Bright, 2002)

• DOLS code of practice identifies factors

• Factors identified have arisen from court cases in both the European Court of Human Rights and the UK Courts
Factors Leading to DOLS

- Restraint is used, including sedation, to admit a person to an institution where that person is resisting admission.

- Staff exercise complete and effective control over the care and movement of a person for a significant period.

- Staff exercise control over assessments, treatment, contacts and residence.
• A decision has been taken by the institution that the person will not be released into the care of others, or permitted to live elsewhere, unless the staff in the institution consider it appropriate.

• A request by carers for a person to be discharged to their care is refused.

• The person is unable to maintain social contacts because of restrictions placed on their access to other people.

• The person loses autonomy because they are under continuous supervision and control.

(DOLS Code of Practice, 2.5)
Before Engaging with the DOLS Process Consider:

• Mental Capacity Assessments

• Best Interests Meeting

Does Mr Smith have capacity?

I want to be included

What would Mr Smith want for him self?
When can Someone be Deprived of their Liberty?

Depriving someone who lacks the capacity to consent to the arrangements made for their care or treatment of their liberty is a serious matter, and the decision to do so should not be taken lightly. The deprivation of liberty safeguards make it clear that a person may only be deprived of their liberty:

- In their own best interests to protect them from harm
- If it is a proportionate response to the likelihood and seriousness of the harm, and
- If there is no less restrictive alternative

(DOLS Code of Practice, 1.13)
Requesting Authorisation for Deprivation of Liberty

- **Urgent** Authorisation
  - Care homes can issue
  - Lasts for 7 days only

- **Standard Authorisation**
  - Needs to be submitted with the urgent authorisation form
  - Must be authorised by the supervisory body via the DOLS office

📞 01622 696275
All the Different People Involved

**Supervisory Body**
PCT or LA
Responsible for assessing the need for and authorising deprivation of liberty

**Managing Authority**
Hospital or Care Home
Responsible for care and requesting an assessment of deprivation of liberty

**Assessors**
Carry out assessments

**Relevant Person**
Person being deprived of liberty

**Family/Friends/Carers**
Consulted, involved and provided with all information

**Representative**
Providing independent support

**IMCA**

**Court of Protection**
Best Interests Assessor

Decides:

• Whether deprivation of liberty is occurring

• Is it in the persons best interests

• May set conditions which aim to reduce the level of restraint

• Decide for how long the DOLS should be in place

• Makes a recommendation to the supervisory body
The Process does not Stop Here!

The care home or hospital must:

• Abide by the conditions set by the best interests assessor

• Adapt the care plan accordingly

• Tell the DOLS office about any changes

• Request a review

If in doubt call the DOLS: 01622 696275
The Local Picture in Kent and Medway 1 Year on

100 Assessments