

Deprivation of Liberty Safeguards

Overview

In 2009 the Government introduced The Deprivation of Liberty Safeguards (DoLS). This was an amendment to the Mental Capacity Act 2005. It ensures that if people are to be deprived of their liberty in care homes, hospital or community settings, then this deprivation is proportionate and in their best interests.

The overall purpose of DoLS is to protect the rights of people whose liberty has been deprived or restricted by ensuring this is regularly and independently reviewed. DoLS authorises the care and treatment of people who are deemed to lack mental capacity regarding their care, accommodation and treatment needs.

Key Facts:

- There are six qualifying assessments required for a DoLS authorisation; these are:
 1. mental health,
 2. mental capacity,
 3. age,
 4. no refusals,
 5. eligibility
 6. and best interests.
- A DoLS authorisation can be for up to a maximum of 12 months. An authorisation could be for a shorter period if the person's situation is subject to change.
- All applications are heard in the Court of Protection which decides on the length of authorisation and the conditions that apply.
- There are two assessors for DoLS. A mental health professional, usually a psychiatrist and a best interest assessor, usually a social worker or a health professional.
- If a person is under a DoLS authorisation they must have what is termed as a Relevant Persons Representative (RPR). This can be a family member or a friend or a person who holds Lasting Power of Attorney status for health and welfare. If there is no one suitable then the Local Authority will pay for an advocate to undertake this role.
- A person subject to a DoLS authorisation and their representative are entitled to an Independent Mental Capacity Advocate (IMCA) to support them to understand their rights and provide guidance. This service can be arranged by the Local Authority upon request.
- A DoLS authorisation can be reviewed at any time and this can be requested by the person's representative or IMCA.
- A request for review has to be made to the Local Authority and is normally made if a person objects to their care or treatment.
- Another reason for review may be that the person no longer meets one of the six qualifying requirements.

Directorate of Adult Services – Reference number DAS 012

- There are two criteria to be met when assessing if an individual is being deprived of their liberty:
 1. the person is under continuous supervision
and
 2. is not free to leave their placement.
- A DoLS assessment also applies to someone living in a community setting such as supported housing, residential schools or their own home.
- If a person is in a community setting, for example supported housing, residential school or their own home, then a request for a Community DoLS is needed.

Further Information

- www.scie.org.uk

Useful Information:

- www.alzheimers.org.uk
- www.gov.uk/courts-tribunals/court-of-protection

Key contacts

- MCA and DoLS Team,
Worcestershire County Council
Telephone: 01905 822624