

Standard Authorisation

This is the authorisation given by a Supervisory Body - following an assessment - that gives the lawful authority to deprive someone of their liberty in the relevant hospital or care home, up to a maximum of 12 months.

Urgent authorisation

This is given by a Managing Authority for a maximum of seven days. This may be extended by a maximum of a further seven days by a Supervisory Body that gives the Managing Authority lawful authority to deprive a person of their liberty in a care home or hospital while the standard deprivation of liberty authorisation process is undertaken.

Independent Mental Capacity Advocate

Someone who provides support and representation for a person who lacks capacity to make specific decisions, where the person has no one else to support them or when there are accommodation or safeguarding reviews.

Relevant Person

A person who is, or may become deprived of their liberty in a care home or hospital.

Relevant Persons Representative (RPR)

A person - independent of the relevant care home or hospital - appointed to maintain contact with the relevant person, and to represent and support them in all matters relating to the operation of DOLS.

Useful resources

You may also find the following documents helpful. Printed copies can be obtained by calling: **0300 123 1002** or you can view them online at: **www.dh.gov.uk**

- Mental Capacity Act 2005 Code of Practice
- MCA DOLS Code of Practice
- Mental Capacity Act 2005 Deprivation of Liberty Safeguards: a guide for relevant person's representatives.
- Mental Capacity Act 2005 deprivation of Liberty safeguards: a guide for family, friends, and unpaid carers.
- Making decisions, the Independent Mental Capacity Advocate (IMCA) Service

Useful contacts

For more information you can contact:

Adult Social Care Direct: **0191 424 7033**
Safeguarding Adults Team: **0191 433 3361**
Gateshead Council

MCA DOLS Coordinator: **0300 111 0369 / 0191 424 7723**
Denis Johnston Centre

Independent Mental Capacity Advocate:
0191 281 7322

DIFFERENT FORMATS

If you would like this information in a different format such as Braille, large print, on cassette/CD/MP3, or in a different language please contact: 0191 433 2362.

Deprivation of Liberty Safeguards

(Mental Capacity Act 2005)

A brief guide for social and health care workers

Deprivation of Liberty Safeguards

This leaflet sets out in brief what you need to know about the Deprivation of Liberty Safeguards and how it affects you and how you work. This leaflet should be used in conjunction with the Mental Capacity Act (2005) Code of Practice, the Deprivation of Liberty Safeguards Code of Practice, and your own organisation's policies and procedures.

Who is affected by the Deprivation of Liberty Safeguards (DOLS)?

DOLS affects people who are aged 18 and over and who:

- suffer from a mental disorder;
- lack the capacity to make decisions about their care or treatment in a care home or hospital (whether public or private);
- following an independent assessment it is considered a deprivation of liberty is in their best interests to protect them from harm; and
- detention under the Mental Health Act 1983 is not appropriate.

What should I consider when working with people who may be affected by DOLS?

- Keep the five principles of the Mental Capacity Act 2005 (MCA) in mind at all times.

- If a person is at risk of deprivation of liberty because they are subject to frequent, cumulative and ongoing restriction or restraint, consideration should always be given to less restrictive alternatives.

This could include simple actions such as the implementation of a care plan that includes visits from relatives, trips out and advocacy services. If this cannot be achieved, then you must apply for an authorisation under DOLS.

What are my responsibilities in regard to DOLS?

You must always comply with the MCA and DOLS and have regard to their Codes of Practice.

MCA will not permit someone being deprived of their liberty without such authorisation, unless:

- it is the result of a court of protection decision on a personal welfare question, or
- it is being authorised for life-sustaining or other emergency treatment.

Any professional with a concern, should apply to the supervisory body to trigger an assessment. If they have asked the care home or hospital to apply for an authorisation this would lead on to the full assessment process.

Care home and hospital managers have a duty to:

- request authorisation where necessary and implement the outcomes;
- take all practical steps to ensure that the person concerned and their representative understand what the authorisation means for them and how they can apply to the court of protection or request a review;

- ensure that any conditions attached to the authorisation are met; and
- monitor the individual's circumstances as any change may require them to request that the authorisation is reviewed.

What are the key words I need to know?

Restraint

The use of threat of force to help carry out an act that the person resists. This may only be used where it is necessary to protect the person from harm and is proportionate to the risk of harm.

Restriction of Liberty

An act imposed on a person that is not of such a degree or intensity as to amount to a deprivation of liberty.

Deprivation of Liberty

When restrictions are excessive and remove choice and control - ultimately taking away a person's freedom.

Managing Authority

The person or organisation with management responsibility for the care home or hospital in which a person is, or may become, deprived of their liberty.

Supervisory Body

If the person is in a care home - the Supervisory Body would be the local authority. If the person is in hospital - the Supervisory Body would be the Primary Care Trust. They would be responsible for considering a deprivation of liberty request received from a Managing Authority, commissioning the statutory assessments and, where all the assessments agree, authorising deprivation of liberty.