



DoLS (Deprivation of Liberty Safeguards)

This leaflet explains what DoLS are and what it may mean for your friend or relative or the one you care for.

What are Deprivation of Liberty Safeguards (DoLS)?

DoLS are part of the Mental Capacity Act (MCA) 2005. To see the Act in full visit www.legislation.gov.uk/ukpga/2005/9/contents.

DoLS protect people aged 18 years and over who lack mental capacity to make a decision about their care or treatment arrangements.

Where does it happen?

The MCA 2005 includes safeguards for people who lack mental capacity and are deprived of their liberty by having restrictions placed on them during hospital admission (DoLS).

This means that the person is under close supervision and would be prevented from leaving to maintain their safety.

How might DoLS affect your family member / friend?

The person under a DoLS should be treated and cared for in a way that means they are safe and respected. A deprivation of liberty (DoL) may mean that they are prevented from doing something such as leaving the ward unsupervised.

DoLS are not for patients who have mental capacity to decide whether to accept treatment in hospitals.

The UK Supreme Court has produced criteria for when DoLS are required. It is referred to as the “**ACID TEST**” and asks:

1) Is the person subject to continuous supervision and control?

And

2) Is the person free to leave? (even if they are not trying to go).

If they are under supervision and they are **not** free to leave, then DoLS should be applied for. The hospital sends the referral to the Local Authority, known as the Supervisory Body.

In cases where there is an objection between parties (relatives, the hospital, Local Authority or Integrated Care Board) that cannot be resolved, then an application to the Court of Protection can be made.

What happens next?

As part of the DoLS process assessments will be undertaken to ensure the individual is being protected and that their human rights are being upheld. A report is then provided from a 'best interests' and mental health assessor and a decision will be made to either approve or refuse the DoL.

Acting as a relevant person's representative (RPR)

As a family member or friend, you may be asked if you would be willing to be the RPR. This is normally a friend or family member, who should be consulted or informed about all matters relating to the care and or treatment of the relevant person while the DoLS authorisation lasts. The RPR agrees to take on responsibilities (legal duties) under the MCA to:

- Be able to keep regular contact with the relevant person during the DoLS authorisation period, and.
- Act in their best interest – to 'be their voice' and can ask for a review if needed.

If there are no family or friends to represent the individual or they are unable to represent the individual, then an Independent Mental Capacity Advocate (IMCA) can be sought.

Key points

- DoLS is about focusing on good, patient-centred care.
- It only applies to people who lack mental capacity to make decisions about their own care and treatment arrangements.
- DoLS can be applied in a hospital or a care home.
- DoLS may not apply if an individual is being treated under the Mental Health Act 2005.
- University Hospitals Birmingham NHS Foundation Trust (UHB NHSFT) is known as a Managing Body as the Trust will manage any DoLS for inpatients.
- This leaflet supports and complements a verbal discussion and is not a standalone leaflet. If you have any questions, please speak to a member of the treating team on the ward initially. If further information is required, please speak to our Adult Safeguarding Team via switchboard on 0121 371 2000

Further information

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

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

<https://www.pohwer.net/deprivation-of-liberty-safeguards-dols>

We would like to know about your experience with DoLS at UHB, please take the time to complete this short questionnaire.



Accessibility

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