

Deprivation of Liberty Safeguards (DoLS)

Other formats

If you need this leaflet in another format such as Braille, large print, high contrast, British Sign Language or translated into another language, contact the Patient Advice and Liaison Service:

- 01392 402093 (for Mid Devon, East Devon and Exeter services)
- 01271 314090 (for North Devon services)
- rduh.pals@nhs.net

What is a deprivation of liberty?

Article 5 of the Human Rights Act states that 'everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty [unless] in accordance with a procedure prescribed in law'.

A person will be deprived of their liberty if:

- they lack mental capacity to make decisions about their hospital admission and care and
- they are under continuous supervision/ control and
- they are not free to leave hospital.

These measure will be taken only when it is deemed in a persons best interest and in order to keep them safe

What is a Deprivation of Liberty Safeguard (DoLS)?

Deprivation of Liberty Safeguards (DoLS) are a set of legal procedures in place to protect patients with mental capacity issues, who may be deprived of their liberty in a hospital or care home. DoLS is the procedure prescribed in law to protect patient Article 5 Human Rights. The local authority is responsible for authorising the deprivation of liberty by ensuring that the deprivation is necessary, proportionate and the patient's best interests.

The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act 2005. To see the full details of act, visit: www.legislation.gov.uk/ukpga/2005/9/contents

Where does it happen?

A DoLS can 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 and does not fully understand the extent of his illness or why he needs to remain in hospital. Despite repeated efforts by hospital staff to explain the reasons for his admission and the importance of staying for his own safety, Dave is unable to grasp the risks associated with leaving. He lacks the mental capacity to make an informed decision about his care. The ward team keep Dave in hospital and supervise him. As they are depriving Dave of his liberty, they send 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) may be appointed when deciding for a person under the DoLS framework who lacks capacity regarding the following decisions:

- Serious medical treatment
- Proposing to arrange accommodation for someone for longer than 28 days

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 and inform the local authority.

The DoLS process also allows the patient or patient's representative to challenge the decision 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 or the MCA/DoLS team.

You can also contact PALS – please find the contact details on back of this leaflet.

Key points

- DoLS only applies to adults over 18 years of age 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 detained under the Mental Health Act 1983

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

<https://www.royaldevon.nhs.uk/media/pajdw5mi/introduction-to-the-mental-capacity-act-rd-25-032-001.pdf>

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, please contact PALS:

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- rduh.pals@nhs.net

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.

You can also share your feedback on the Care Opinion website at www.careopinion.org.uk or freephone 0800 122 3135.



Scan the QR code to visit the Care Opinion website →

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