

Key points

- DoLS only applies to people who lack mental capacity to make decision about their own care and treatment.
- A DoLS can be applied in a hospital, a care homes or the person's own home.
- DoLS does not apply if an individual is being treated under the Mental Health Act 2005.

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

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Royal Berkshire
NHS Foundation Trust

DoLS (Deprivation of Liberty Safeguarding)

Information for families, carers and friends



This leaflet explains what DoLS is and what it may mean for your friend or relative.

What is DoLS?

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

DoLS protects people aged 18 years and over who lack mental capacity or are not able to make a decision about their care or treatment.

Where does it happen?

A DoLS could be applied for if the person lacking capacity is in a hospital, a care home or in their own home.

The Mental Capacity Act 2005 includes protection for people who lack mental capacity and have restrictions placed on them by organisations such as care or treatment facilities. 'Restrictions' in this sense meaning an individual being kept under close supervision by others (staff or family) to keep them safe and prevent the person from leaving the place where they are.

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. Some restriction may be needed to keep the person safe and well. This is called a 'deprivation of liberty' because they may not be able to do something, or are stopped from doing, something they want to do, such as leave the premises where they are being treated or looked after.

The UK Supreme Court has produced a test for professionals working with people assessed as lacking mental capacity for their care and treatment. It is called the "**ACID TEST**" and asks:

- **Is the person subject to continuous supervision and control? *and***
- **Is the person free to leave?**

If the answers are 'yes' to the first and 'no' to the second, then a DoLS should be applied for. Then, following a visit and report from best interest and mental health assessors, a decision will be made to either approve or refuse the deprivation order. Hospitals and care homes apply to the local authority (LA) for approval.

In community settings, where people live in their own home, the LA or the local NHS Clinical Commissioning Group (CCG) will apply to the Court of Protection for approval.

As part of the DoLS process an assessment will be undertaken to ensure the individual is being protected and that their human rights are being upheld.

In cases where there is an objection between parties (relatives, the hospital, LA or CCG) that cannot be resolved, then an application to the Court of Protection will be made.

Acting as an relevant person representative (RPR)

As a family member or friend you may be asked if you would be willing to be a 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. As a RPR you have agreed 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*.
- You can act in their best interest – to 'be their voice' and can ask for a review if you think it is needed.

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