



Royal Devon
University Healthcare
NHS Foundation Trust

DoLS (Deprivation of Liberty Safeguards)



Making sure people are safe in
hospital; a booklet for patients, family
and friends

The Mental Capacity Act



The Mental Capacity Act 2005 is a law about making decisions, helping people make their own decisions, and what to do if someone is unable to make a decision for themselves.



Deprivation of Liberty Safeguards are part of the Mental Capacity Act.

Lacking capacity:



When we are poorly it can be hard to make decisions. Being ill, having an infection or long term health condition can affect how we make our choices.



When people cannot make decisions for themselves they are known as lacking capacity.

Making decisions



People who are staying in hospital should be treated or cared for in a way that means they are safe. They have a right to be involved in decisions about their care and treatment.



You can usually make choices about your stay in hospital. Hospital staff will always try to help you understand your choices .



Sometimes people are not able to understand a choice about their medical care. They might be able to make some decisions, but not others.



When a patient is unable to make a decision, hospital staff, friends and family can help to make these decisions for them.



If you cannot make a decision, the staff will discuss with you, your friends, relatives, or an Independent Mental Capacity Advocate (IMCA), and other people who are involved in your care, and make a decision in your best interests.



Deprivation of Liberty and Deprivation of Liberty Safeguards



Sometimes hospital staff may need to deprive a patient of their liberty to keep them safe. This means that they may not be able to leave the hospital of their own free will.



If a patient is deprived of their liberty then the Deprivation of Liberty Safeguards are needed to make sure the person's human rights are protected.



Hospital staff :

- Must involve family and friends where appropriate



- Must check and prove that the person is unable to make a decision and therefore lacks capacity



- Must make an application to the Local Authority to deprive a person of their Liberty



- Must think about the least restrictive way of caring for the patient

See example on page 6



Rules to protect you



A best interest meeting might be held for a patient if they are unable to make a decision for themselves. Family members or people who know the person well will be invited to this meeting.



If they do not have anyone who can do this for them, the hospital staff will ask an Independent Mental Capacity Advocate (IMCA) to get involved. An IMCA's role is to support and represent the person in decision making.



The Deprivation of Liberty Safeguards process means that the deprivation of liberty is looked at and reviewed by people outside of the hospital to make sure it is lawful.

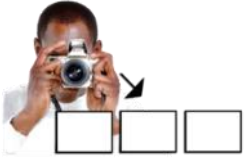


If a person is unhappy that their liberty has been deprived they are entitled to say so. Staff will look at the decision to see if it is right for the person.



The Deprivation of Liberty Safeguards process also allows the patient or the patient's representative to challenge the decisions in a court of law.

An example of a Deprivation of Liberty



Dave is confused. He doesn't understand how poorly he is and why he needs to stay in hospital.



Hospital staff will talk to Dave and assess his mental capacity to consent to being in hospital (his ability to decide). If he doesn't have capacity they will submit a Deprivation of Liberty Safeguards (DoLS) application.



Dave tries to walk out of the hospital as he just wants to go home. Hospital staff have tried to explain to Dave why he needs to stay in hospital, they explain to him the risks of going home.



Dave is unable to weigh up the importance of staying in hospital, Dave is found to lack capacity.



The treatment team complete a DoLS application to the local authority, because by keeping him in hospital and supervising him, they are depriving Dave of his liberty.



It may be decided that Dave will have someone to supervise him at all times. They will support him and ensure he is safe.

For more information



If you would like more information about a patient's deprivation of liberty, in the first instance, please speak with the patient's Ward Manager.

Royal Devon University Healthcare NHS
Foundation Trust:

North Devon District Hospital

Telephone: 01271 322577

Royal Devon & Exeter Hospital (Wonford)

Telephone: 01392 411611

Or contact the DoLS Team:

Telephone: 01271 341521 (North Devon)

Telephone: 01392 406439 (East Devon/Mid
Devon/Exeter)

You can also contact the Patient Advice and
Liaison service (PALS):

PALS North Devon - call 01271 314090 or
email rduh.pals-northern@nhs.net

PALS Mid Devon, East Devon & Exeter -
call 01392 402093 or
email rduh.pals-eastern@nhs.net

Further reading

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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