

Deprivation of Liberty Safeguards (DoLS) Factsheet

What is Deprivation of Liberty Safeguards (DoLS)?

DoLS is a process that helps protect the rights of people who may lack the ability to make decisions for themselves. It applies to people living in hospitals or care homes and includes the following restrictions:

1. Being under continuous supervision and control, with staff knowing where the person is at all times.
2. Not having the freedom to choose where to live or with who to live with.

People who lack the capacity to make decisions about where they live, their care and treatment and are under these restrictions, are eligible for DoLS. The DoLS Team, part of the Local Authority, oversee this process and make sure that it is followed correctly.

Why DoLS Is Necessary:

DoLS makes sure that people who are unable to make decisions for themselves are not restricted unnecessarily. It also aims to protect them from being placed in overly restrictive situations when other options could be looked at. DoLS allows the person or their representatives to challenge any decisions made.

Your Role as Relevant Person's Representative (RPR):

As RPR your responsibilities include:

- Maintaining regular contact with the person.
- Requesting a review if there are changes to the person's care, treatment, or restrictions.
- Speaking with staff about accessing the person's records.
- Making sure that the person's rights are respected and upheld at all times.

If you feel unable to carry out your role as an RPR, you can contact the local authority DoLS Team to ask them to appoint a Paid RPR. This would be free for you or the person, as funding is provided by the relevant local authority.

Role of a 39d Independent Mental Capacity Advocate (IMCA):

The 39d IMCA provides independent support for people under a DoLS. They do not make decisions or assessments but will:

- Visit the person on at least two occasions.
- Support the RPR and request a review if needed.
- Make sure that the DoLS authorisation conditions are being followed by the care home or hospital.

The Person's Rights:

The person under DoLS has the right to:

- Be informed about the authorisation and its implications.
- Express their views and wishes.
- Have representation from the RPR and the 39d IMCA.
- Request a review of the authorisation.

What is an Objection?

Objection refers to situations where the person may say that they don't agree with certain restrictions in place. These can include limited choices, independence, or freedom. This could be due to various reasons, including a wish to live somewhere differently, or to do a specific activity that they no longer have access to.

How to Act:

You can:

- **Request** the support of a 39d IMCA through the DoLS Team.
- **Apply** for a Part 8 Review through the DoLS Team.
- **Ask** the Local Authority for a Care Act Assessment to explore all options.
- **Seek** legal advice and making an application to the Court of Protection, which is known as a Section 21a Challenge. This would make sure that the person's rights are protected and upheld under the current law. There is no cost to the person in applying to the courts, a person deprived of their liberty is entitled to free legal aid. A list of specialist solicitors that may be able to help can be found here: solicitors.lawsociety.org.uk/



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If you require further help or guidance regarding DoLS, you can contact Advocacy Focus. We are well-placed to provide you with support and information. Whether you need help understanding the processes involved, require advocacy support, or seek clarity on legal matters. Advocacy Focus is here to address our concerns and make sure that the person's rights are upheld. Don't hesitate to reach out to us for more help.