

Deprivation of Liberty Safeguards (DOLS) Advice to North Lincolnshire Council staff

From 1st April 2009, the 'Deprivation of Liberty Safeguards' mean that Managing Authorities (Hospitals and Care Homes) must seek authorisation from the 'supervisory body' (Local Authority) in order to be able, lawfully, to deprive someone of their liberty. A supervisory body may authorise deprivation of liberty if they are satisfied that the person has a mental disorder, lacks capacity and that it is in the person's best interest in order to prevent harm to themselves.

What to do if you identify potential 'deprivation of liberty'

Step 1 (a)

- It may be possible to resolve the matter informally by asking the Managing Authority to change it's care arrangements immediately by making some adjustment to the support plan. If this is not possible they should consider applying for authorisation to the Supervisory Body.
- You should record details (who, where & when) on Care First observations and / or report this to the Mental Capacity Act (MCA) Co-ordinator, who will keep this on record for monitoring purposes. (We should also monitor for deprivation of liberty where people are placed within North Lincolnshire from out of area and for self- funders of their care and support, who may not appear on Care First).
- The MCA Co-ordinator will then request a copy of the pre-screening form completed by the care home.

Step 1 (b) - If it is not possible to change the support plan, staff should:

- Check if deprivation of liberty has been authorised or if an application has been made to the supervisory body.
- If the care home / hospital has not done so, you should advise them to consider applying for an authorisation.
- Record your observations on Care First and notify the MCA Co-ordinator who will monitor this (see below)

The Managing Authority must respond within a reasonable time – 24 – 48 hours.

Step 2: What happens next?

- The MCA Co-coordinator will liaise with the care home and monitor if the request is made.
- If the request for a standard authorisation is not received within a reasonable time – 24 – 48 hours - the MCA Co-coordinator will contact the Managing Authority to discuss
and
- May appoint a best interests assessor to carry out a preliminary assessment to determine if deprivation of liberty is occurring.
- **Note: The information may be used by the Access & Adult Protection team and Quality sections to promote best practice.**

If you need help and support with any part of the DoLS process, please contact the Mental Capacity Act Co-ordinator.

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