

Easy read

Adult Social Care Guide to Deprivation of Liberty



Coventry City Council

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www.coventry.gov.uk/health-social-care

What is the Mental Capacity Act?

The **Mental Capacity Act** is a law about making decisions and what to do when people cannot make some decisions for themselves. The **Deprivation of Liberty Safeguards** are part of the Mental Capacity Act 2005.



When people cannot make a decision for themselves, this is called **lacking capacity**.



The Mental Capacity Act tells other people how to find out if you can make your own decisions.



You might be able to make **some** decisions, but not able to make **other** decisions.



People will need to find out:

- which decisions you can make on your own



- which decisions you might need some help with, and



- which decisions you cannot make yourself.



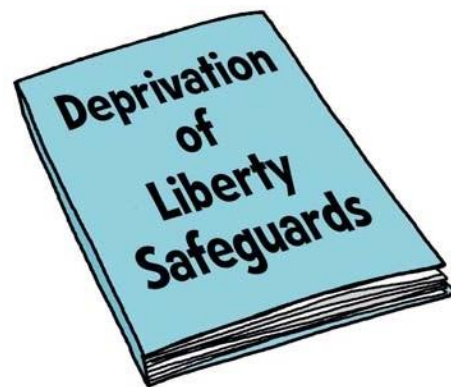
The Mental Capacity Act tells people how to help you to make decisions for yourself, if you can.



The Mental Capacity Act tells people what to do if you cannot make some of your own decisions (if you are lacking capacity).



The Deprivation of Liberty Safeguards only apply to people who are lacking capacity.



Why do we need the Deprivation of Liberty Safeguards?

Sometimes you may need treatment or care from people like doctors and nurses or care workers if you are staying in a hospital or living in a care home.



People who are **lacking capacity** need extra protection.



You should be treated or cared for in a way that means you are safe and are free to do the things you want to do.



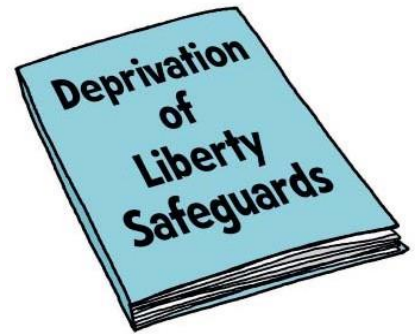
If you are stopped from doing the things you want all the time, this is called being **deprived of your liberty**. Sometimes people having treatment or care might be deprived of their liberty to keep them safe.



If this happened to you it would have to be in your best interests. People would have to think very carefully about the decisions they make for you, to make sure those decisions are good for you. (You can find out more about what this means in the **Mental Capacity Act**.)



If you are deprived of your liberty, you need special protection called **safeguards** to make sure you are looked after properly and are kept safe. The **Deprivation of Liberty Safeguards** are the way to give you the special protection you need. This is the Law



What is a deprivation of liberty?

Liberty means being free to do the things you want to do, when you want to do them.



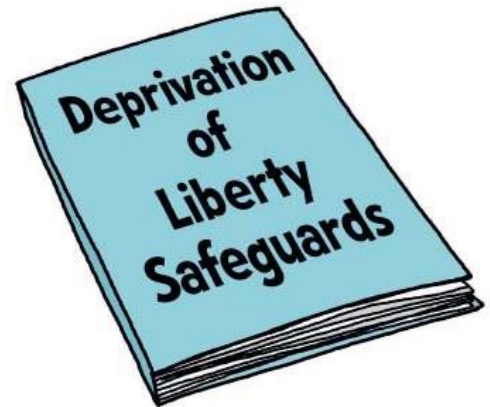
There is no list of what a **deprivation of liberty** is, but examples include:

- Staff in a care home or hospital having control over all of the decisions in your life
- Not being allowed to leave the hospital where you are staying or the care home where you live



When will the Deprivation of Liberty Safeguards be used?

The Deprivation of Liberty Safeguards are for people who cannot make a decision about the way they are being treated or cared for in a hospital or care home, where other people are having to make this decision for them.



Deprivation of Liberty Safeguards are the way to give you the protection you need when you are being cared for or treated in ways that deprive you of your liberty.



Deprivation of Liberty Safeguards are for:

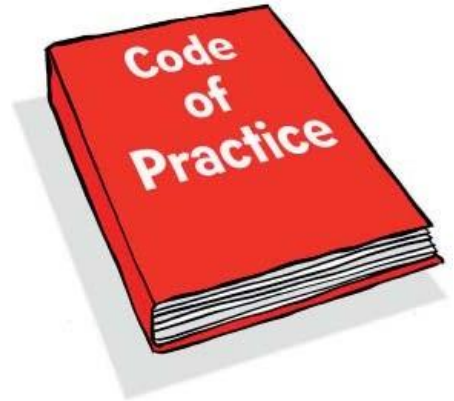
- people who are 18 years old or older
- people who have a mental disorder such as dementia (a sort of mental illness) or a learning disability
- people who live in a care home or are staying in hospital, who are lacking capacity to agree to be there. (The people need to be there to get the treatment or care that will protect them from harm in their best interests.)

18+



What happens if you are being deprived of your liberty?

There is a book of rules that explains what should happen. This is called the **Code of Practice** and tells the people involved what to do.



The Code of Practice says that the people who are caring for or treating you are called the **managing authority**. If the managing authority thinks they need to deprive you of your liberty, they must make sure they are not breaking the law.



The managing authority must write to something called the **supervisory body** (your local council) to tell them that they think you need **Deprivation of Liberty Safeguards**.



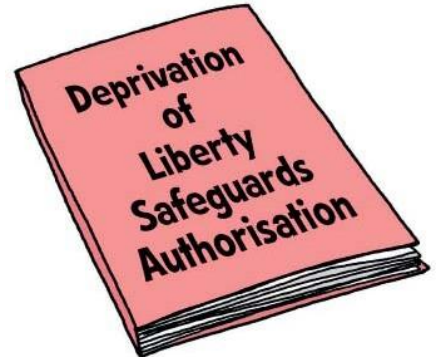
The Code of Practice says the supervisory body must decide if you need Deprivation of Liberty Safeguards. They will do this by arranging at least 2 people to check how you are being treated or cared for. These people are called **assessors**.



One assessor is called the **Best Interests Assessor**.



The Best Interests Assessor will write a report to tell the supervisory body if you need a Deprivation of Liberty Safeguards Authorisation and for how long this should be.



The Deprivation of Liberty Safeguards should be for as short a time as possible and never for longer than a year.

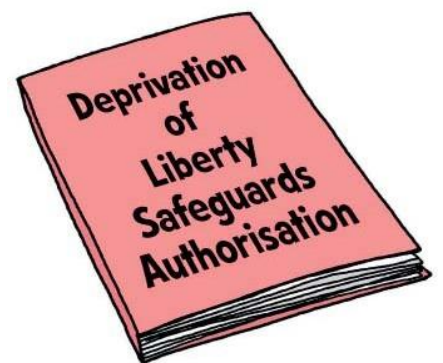


What will happen after the Best Interests Assessor's report?

The **Best Interests Assessor's** report might say you are being deprived of your liberty and that this is in your best interests.



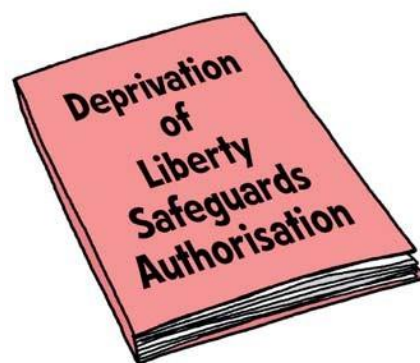
Then the supervisory body will write to the **managing authority** to tell them this and ask them to explain this to you. You will get a **Deprivation of Liberty Safeguards Authorisation** to make sure you are safe.



Or the report might say you are being deprived of your liberty but some changes are needed. For example, changes to the way you are cared for.



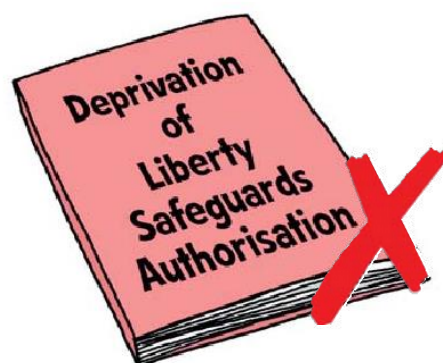
Then the **supervisory body** will write to the managing authority to tell them this and ask them to explain this to you. The changes must happen. You will get a Deprivation of Liberty Safeguards Authorisation to make sure you are safe.



Or the report might say you should not be deprived of your liberty.

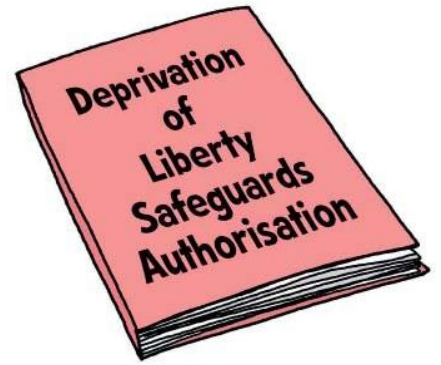


Then the supervisory body will write to the managing authority to tell them this and ask them to explain this to you. You must not be deprived of your liberty anymore, so you will not need a Deprivation of Liberty Safeguards Authorisation.



What will happen if I get Deprivation of Liberty Safeguards?

Everyone who has a **Deprivation of Liberty Safeguards Authorisation** must have a **representative**. The **supervisory body** will make sure you get a representative.



A representative is a person who does not work with you. They visit you and check you are looked after in a way that means you are safe. Your representative could be a member of your family or a friend.



If you or anyone else is unhappy about you being deprived of your liberty, they can ask for a **review**. A review is a check to make sure that you are being treated in the right way.



You or your representative or your **managing authority** can ask for a review. There will also be a review if your situation changes.



If you or your representative disagree about you being deprived of your liberty, you can ask a special court called the **Court of Protection** to decide whether you should be deprived of your liberty or not.



For further information please contact the Deprivation of Liberty Safeguards (DoLS) Team

Telephone 024 7697 8910



Email dolsadmin@coventry.gov.uk



What the words mean

Assessor	Someone who checks for the supervisory body that a person is being treated or cared for in the right way
Best Interests Assessor	The person who writes a report to tell the supervisory body if someone needs a Deprivation of Liberty Safeguards Authorisation
Code of Practice	A rule book about the Deprivation of Liberty Safeguards
Court of Protection	A special court which decides whether or not a person should be deprived of their liberty
Deprivation of liberty	Stopping someone from doing the things they want all the time in a hospital or care home
Deprivation of Liberty Safeguards	Rules about giving people the special protection they need in a hospital or care home
Deprivation of Liberty Safeguards Authorisation	A special agreement which says a person can be deprived of their liberty
Lacking capacity	When people cannot make a decision for themselves
Managing authority	The people who are in charge of the care or treatment of someone who is lacking capacity

What the words mean

Mental Capacity Act	A law about making decisions and what to do when people cannot make some decisions for themselves
Mental Capacity Act 2005 Deprivation of Liberty Safeguards	Rules to make sure that people who are lacking capacity can be cared for or treated in a way that is right and keeps the law
Representative	A person who visits someone who is lacking capacity to check they are looked after in a way that means they are safe
Review	A check to make sure that a person in a hospital or a care home is being treated in the right way
Safeguard	Something that keeps a person safe
Supervisory body	The people who decide if someone needs Deprivation of Liberty Safeguards

(Adapted from Department of Health, The Mental Capacity Act 2005, Deprivation of Liberty Safeguards and you Easy read. 2009)

