

# Information for carers, families and friends

April 2014

## Deprivation of Liberty Safeguards (DoLS)

This is to let you know about some recent changes a Supreme Court judgement has made for people in care homes and hospitals who are unable to make a decision about where they should stay. These are national changes which may apply to your family member or friend.

The Deprivation of Liberty Safeguards (DoLS) are part of the Mental Capacity Act 2005 and they help ensure that people are only placed in care homes or hospitals when it is absolutely necessary and in their best interests to protect them from harm, in a way that does not inappropriately restrict their freedom.

### The Supreme Court Judgement

There has been a recent Supreme Court Judgement (P v Chester West & Chester Council P & Q v Surrey CC { 2014 } UKSC 19) on the Deprivation of Liberty Safeguards (DoLS) provisions, which means that the threshold for when an individual is considered to be deprived of their liberty has been significantly lowered.

The Court ruled that all people who lack the capacity to make decisions about their care and residence, are under continuous supervision and control and are not free to leave, are deprived of their liberty.

### What the judgement means

This judgement affects all those who do not have mental capacity in relation to the accommodation they require in order to meet their care needs.

This will mean that managers of all care settings for people with a condition that affects their capacity to make some important decisions (e.g. dementia, learning difficulties) will have to decide if the people they care for meet the Deprivation of Liberty criteria. Your family member or friend will be considered against the new criteria and if appropriate an application for a standard

authorisation of deprivation of liberty will be made by the manager to the local authority (South Gloucestershire Council).

If the manager decides an application should be made, an assessment will be undertaken by a DoLS Best Interest Assessor and a Mental Health Assessor to decide whether the deprivation of liberty criteria are met. South Gloucestershire Council will then either grant or refuse an authorisation of deprivation of liberty.

Each individual's carers, family members or friends will be involved throughout the assessment process and wherever possible involved in the assessment. The Best Interest Assessor will keep you informed and work with you throughout the assessment of your family member or friend.

## Next steps

Please be assured that these changes will not affect the care arrangements for your family member or friend, which will remain the same.

Over the coming weeks you may be contacted in relation to these changes and you will have the opportunity to ask any questions.

## Contact

If you would like any further information about Deprivation of Liberty Safeguards, please contact:

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The Alzheimer's Society also has a useful factsheet on Deprivation of Liberty Safeguards (DoLS): go to their website [www.alzheimers.org.uk](http://www.alzheimers.org.uk) or call their helpline number: 0300 222 11 22 for dementia information and support.

## Date

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