

Hospitals and Deprivation of Liberty Safeguards

1: About DoLS

- For adults/ patients 18+ who lack capacity to consent to their hospital admission, care and treatment.
- If under continuous supervision and control and is not free to leave.
- This Safeguard under the Mental Capacity Act 2005 ensures adults have the right to appeal and interventions are least restrictive.
- Hospitals are known as Managing Authorities. Local authorities are known as the Supervisory Bodies

7: If in doubt contact the Deprivation of Liberty Safeguards Team to discuss at:
deprivationofliberty@newham.gov.uk

6: What does an objection look like?

Is the adult trying to leave the ward/ facility?
 Are they making preparations to leave (packing bags, asking for taxi or family to pick them up etc)?
 Are you recording challenging behaviour?
 Think about the possible reasons/ triggers for these behaviours and the adults demeanour and relationship to staff to conclude if the adult is objecting to parts of their admission or all of it.

5: When a referral may not be appropriate to make:

Adult receiving **life saving treatment** in areas like ITU/ ICU who would receive the same level of restrictions as any other patient regardless of impairment. (Ferreira Judgement 2017 EWCA Civ 31).
 Adult with Mental Health difficulties that are **objecting to care or treatment**- The Mental Health Act is likely to be the more appropriate framework within which to support them.

2: Hospital to do list:

- Complete a capacity assessment to confirm the adult lacks capacity to consent to their admission, care and treatment.
- Send application (Form 1) for an Urgent and Standard Authorisation to the relevant Supervisory Body (this means the local authority where the adult normally resides)
- Inform the adult and their family of their rights under DoLS.

3: Things to consider and include on the Form 1:

- Adults address prior to being in hospital.
- Communication requirements.
- Any objections the adult is making towards their admission, care or treatment.
- Information on level of supervision/ methods of restraint being used.
- If chemical restraint is being used.
- If there are Safeguarding concerns around the adult.
- Any restrictions on family/ friends visiting.

4: Whilst the Urgent DoLS authorisation is in place:

- Review and ensure any restrictive practices are proportionate and continue to be required.
- Review capacity as the patient receives treatment and care.
- **Update the supervisory body if any changes occur that means the authorisation may no longer be needed (regains capacity, discharged from the hospital).**
- The Supervisory body will assign for assessment when or if it is required.

