



**What are...**

***the Deprivation of  
Liberty Safeguards  
(DoLS)?***

# What are the Deprivation of Liberty Safeguards (DoLS)?

> The DoLS are part of the *Mental Capacity Act 2005*.



> Mental capacity is whether somebody is able to make important decisions and making sure they get the right support if it is needed.

> Sometimes care homes and hospitals stop people leaving for their own safety. This is called 'being deprived of your liberty'.

> If a person is deprived of their liberty, there are rules that make sure their human rights are respected. These are called the 'Deprivation of Liberty Safeguards' which we shorten to 'DoLS'.



> DoLS are for anyone over the age of 18.

> DoLS are only for people who cannot make some decisions for themselves. This is also called 'not having capacity'.

> Human Rights are the laws that state everyone has the right to live, to feel safe and to be free (unless there is a good reason for them not to be free, for example if they are in prison).

> The Human Rights Law also says that when people are not able to make decisions about their own care and where they want to live, then someone else will have to make these decisions for them.



> The DoLS are there to make sure that taking away someone's freedom is in the best interest of that person.

> Best interest means that the decision will be what is best for that person and not anyone else.

## How do they work?



No exit

- > Being deprived of your liberty can be things like always being with your support worker and never left alone, or not being allowed to leave your house.

- > Care services and hospitals must ask permission from the local council if they are going to take away a person's freedom.



- > The local authority must send two professional people (assessors) to find out if DoLS are needed.



- > One of the professionals must be a specially trained doctor who will assess the person's mental health.



- > The other professional will spend time talking to the person and their family and friends. This person is called the Best Interest Assessor.

- > They will find out if the decision being made is in the person's best interests.



- > If DoLS is allowed to happen, then the person will be supported to understand their rights.

- > The person can have help from an Independent Mental Capacity Advocate (IMCA) and they will always have a Relevant Person's Representative (RPR). A RPR is someone who will speak up for the person and make sure they are represented.

- > You can ask the local authority to review a DoLS decision at any time to make sure that it is still alright.

- > If you do not agree with the DoLS decision, you can appeal it (have it looked at again) at the Court of Protection.

- > The Court of Protection will decide if DoLS is the best thing for the person.

# How do I know if things are working well?



- > The professionals, the person and their family work together to solve any disagreements about DoLS.



- > DoLS assessors are fair. They know that if a person makes an unwise decision in their life, it does not mean that they do not have capacity.



- > Best Interest Assessors talk to the person's friends and family about any problems and their ideas to sort them out.



- > An independent review may take place, which means a different group of people will discuss your case too.

## Practical advice



- > If you are worried about someone regarding DoLS, you should talk to support staff or staff at the local authority.



- > If you or someone you support is under DoLS, an IMCA can help you to understand what is happening and what your rights are.



- > Do not be scared to ask for a review or apply to The Court of Protection. If you or your family are not happy with what's happening, advocates can help you to understand the law.



- > More information can be found in the DoLS Code of Practice.





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