

Mental Capacity Act 2005 (Deprivation of Liberty Safeguards)

A guide for family, friends and carers

You have been given this leaflet, because health care professionals at Queen Victoria Hospital NHS Foundation Trust (QVH), are thinking about changing the way your family member, friend, or someone you provide care for is looked after whilst they are in the hospital.

The health care professionals are considering introducing a care plan in which your family member or friend will be deprived of their liberty. They are thinking about this because:

- This care plan would be in the best interests of your family member or friend,
- your family member or friend does not have the capacity to consent to the care plan themselves, and
- it would not be possible to deliver the care they recommend without depriving your family member or friend of their liberty.

As a family member or friend, you may have an opinion about whether the proposed care plan is appropriate. You may also want to understand how long the deprivation of liberty will be and how this will be monitored.

This is where the Mental Capacity Act (MCA) Deprivation of Liberty Safeguards (DoLS) 2005 come in. These safeguards ensure that no one is deprived of their liberty in the hospital without good reason.

What are the MCA & DoLS?

The MCA and DoLS provide protection for vulnerable adults who are accommodated in hospital in circumstances that amount to a deprivation of liberty, and who lack the capacity to consent to the care and treatment they need.

It is anticipated that the majority of people who require the protection of the MCA & DoLS are those with severe learning disabilities, older people with a range of dementias or those with a neurological condition, as these groups of patients are often unable to consent to treatment and/or care.

A deprivation of liberty should be avoided wherever possible and only be authorised in cases where it is in the best interests of your family member or friend, and the only way to keep them safe.

When can someone be deprived of their liberty?

There are clear guidelines on this:

- It must be to provide a specific treatment or care plan that is in your family member or friends **best interests**.

- The health care professionals looking after your family member or friend must be satisfied that there is not a suitable alternative that would not deprive them of their liberty.
- **QVH must** apply to the local authority for authorisation. The local authority will then carry out a series of assessments to ensure the deprivation is lawful.
- In some cases we (QVH) may think it is necessary to deprive your family member or friend of their liberty immediately. In this situation an urgent authorisation can be issued by a senior member of QVH staff.

What can you do to support your family member or friend?

There are several points in the process where, as a family member or friend, you can have a say. At some points, you should be consulted, and at others you should be informed.

For more information on this process:

http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/prod_counsum_dh/groups/dh_digitalassets/documents/digitalasset/dh_095894.pdf

If your family member or friend is being deprived of their liberty, you should still be able to keep in contact with them. The hospital staff should ensure that this is possible.

Further information

Should you have any concerns, please contact either:

Trust Lead for Adult Safeguarding – 01342 414146

Patient Experience Manager – 01342 414355

Or visit the following links to information on the internet:

<http://www.scie.org.uk/publications/ataglance/ataglance43.asp>

https://www.alzheimers.org.uk/site/scripts/download_info.php?fileID=2671

DoLS offices in South East:	Telephone	Email
Brighton and Hove	01273 295555	accesspoint@brighton-hove.gov.uk
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