



# Deprivation of Liberty Safeguards

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Committee

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# Deprivation of Liberty Safeguards

## ■ What are they?

- Mental Capacity Act 2005.
- Safeguards for people supported in Care Homes/Hospitals.
- 2009 ECHR 'Bournemouth Judgement'
- Human Rights Act 'Article 5 - Right to Liberty'

## Who do they support?

- People over 18 who have a mental disorder such as dementia or Learning Disability.
- Who lack capacity to agree to care and accommodation arrangements.
- There is additional provision for young people from the age of 16.



# Deprivation of Liberty Safeguards

## What are the rules?

- Minimum of 2 assessors (one Best Interests Assessor)
- DoL can be agreed for a *maximum* of 12 months
- A person **must** have a Representative appointed
- A review if there's a change in circumstances /regain capacity
- Local Authority 'signatory' must authorise
- Objections to be considered by Court of Protection
- Only the CoP can prevent or restrict contact with friends and family.



# Considering Capacity

## Adult voice, wishes and feelings

- There is clear guidance regarding considering capacity
- person is unable to make a particular decision at a particular time and their mind or brain is affected by illness of disability.
- Four stage test: Understand, Retain, weigh, communicate
- Previous wishes and feelings - any advance decisions?
- Current wishes and feelings
- A person **must** have a Representative appointed
- Decisions should be made in best interests
- Proportionate/Least restrictive



# Redcar & Cleveland: Deprivation of Liberty



## Our commitment:

- To ensure all support offered to people of RCBC is 'necessary and proportionate'
- Robust and inclusive assessment and best Interest decisions
- To do our utmost to promote Human Rights and make 'least restrictive' arrangements for vulnerable adults
- To protect from harm
- To enable independence  
and freedoms



## Life in residential care- James Brown

- James is a 29 he has lived in Sunnyfields care home for 5 years.
- James needs support with all areas of his life and access to the community. James may need support at any time of the day or night
- James has an advocate, likes the care staff and gets on well with other residents.
- James has a DoLS in place for up to a year.



## Life in residential care- Mrs Elsie Summers



- Elsie is 89 and has an advanced dementia illness.
- She has recently moved into a care home where John, her husband visits daily and is her representative.
- Elsie often appears to be quite distressed and anxious and tries to leave. Elsie wishes to return 'home' to her parents.



- DoL authorised for 4 weeks, due to the distress Elsie experiences.
- Everyone agrees it is best interests for Elsie to stay in the care home.
- Court of Protection must agree this deprivation as Elsie is 'objecting'.

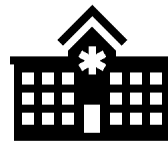


# Deprivation of Liberty Safeguards in Redcar and Cleveland



## Demand and Capacity

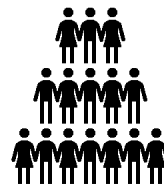
- Team Manager
- Dedicated admin team
- Strong working relationships with our legal team
- 6 primary BIA's
- 10 additional BIA's working across social work teams
- In house signatory
- External BIA availability
- Commissioned Advocacy representatives



3 Hospitals



44 Residential care Homes



1391 Residential care population  
137 Out of area residents





# Community DoLs

Deprivation of Liberty Safeguards extend into the community  
– the process is a little different.

- Deprivations identified through ongoing work with people and their families
- Social Workers complete documentation for the Court of Protection
- Legal Team then issue this to Court of Protection
- Maximum of twelve months authorisation can be authorised
- Reviewed annually or if a person's circumstances change



## Living with a 'community DoLs' – Mr David Close



- David is 78 and has advanced dementia, his memory loss is significant, and he is continually supported through 24 hours to promote his safety and wellbeing.
- David lives at home with his wife Jenny and attends an activity and wellbeing centre twice per week.
- Jenny ensures the doors are always locked to prevent David from leaving their home without her.



- Jenny a friend or carer are always around to help David understand where he is.
- Everyone agrees it is best interests for David to stay remain at home with Jenny.
- Court of Protection must agree this deprivation as this is a community DoL

