



Deprivation of Liberty Safeguards (DOLS).



This factsheet is about making sure people are safe in hospital and get the care and treatment they need.

Hospital staff sometimes need to stop people making a choice that would harm them.

Hospital staff must follow the law if they need to stop people making a choice.



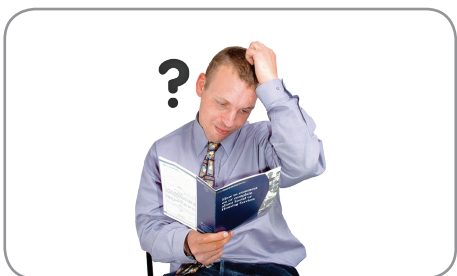
You can usually make choices about your care and treatment when you are in hospital.

A law called the Mental Capacity Act gives you this right.



Hospital staff will always try to help you to understand your choices.

Sometimes people are not able to understand a choice about their care and treatment.



They may not understand why they need care and treatment. They may want to make a choice that's not safe and will harm them.



Hospital staff sometimes need to stop people making choices that are not safe.

Hospital staff will only stop a person making a choice if it is the best way to make sure they get the right care and treatment.

Stopping you making a choice about your care and treatment is called a **Deprivation of Liberty**.

You need to stay in hospital.



There are three very important rules about Deprivation of Liberty.



1. People must check that you **lack capacity** to understand the choice.



You must have a disability or condition that affects your thinking. It must be proved that you are not able to understand the choice.

2. People must make a decision in your **best interests**.



Hospital staff will make a choice about your care for you. They will talk about this with important people like your family.

3. People must think about **less restrictive** ways of caring for you.



The care you have must give you as much freedom as possible.

An example of Deprivation of Liberty

Gareth is staying in hospital because he is very ill.



Gareth keeps saying he wants to go home.



Gareth is confused. He doesn't understand how ill he is and why he needs to stay in hospital.



Hospital staff have tried lots of different ways to explain to Gareth why he needs to stay in hospital.



Gareth would not be safe if he went home. He needs a lot of care and treatment that he can't have at home.

It has been agreed that Gareth **lacks the capacity** to choose if he should stay in hospital or go home.

An example of Deprivation of Liberty

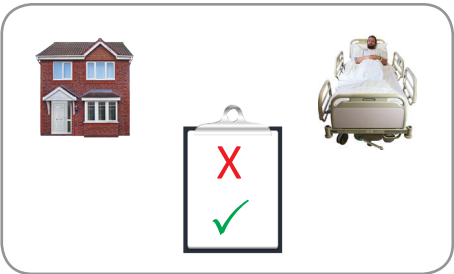
The doctor needs to decide if Gareth should stay in hospital.



The doctor talks to Gareth's family and other people who support him.



The doctor has a 'Best interest' meeting with Gareth's family and other people who support him.



At the meeting they talk about the risks of Gareth going home and the risks of Gareth staying in hospital.



Everyone agrees that Gareth is not well enough to go home even though he says he wants to.

At the meeting everyone agrees it is in Gareth's **best interests** to stay in hospital and get the care and treatment he needs.

An example of Deprivation of Liberty

Gareth has tried to walk out of the hospital to go home.



The hospital porter found him and helped him back to the ward.



Gareth is not free to leave the hospital and needs to be stopped if he tries to go home.



Hospital staff and his family talked about the best way to help Gareth stay safe if he tries to leave hospital.



They agreed that a member of staff or family will stay with Gareth all the time. They would support Gareth and help him to stay relaxed.

Before agreeing this everyone had to think if there was a way of keeping Gareth safe that was **less restrictive** and gave him more freedom.

Restraint

Restraining someone is when you stop them doing things they want to do.

It is used when it is the only way to help a person stay safe and well.

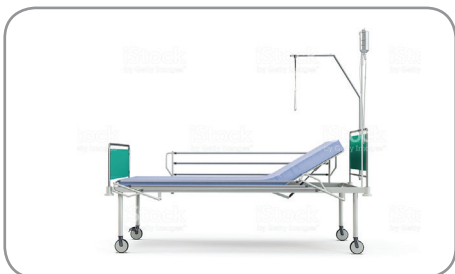
There are different ways of restraining a person.



Physically holding a person is one way of restraining them.



Using medication to stop a person doing things is another way of restraining them.



Using equipment like a bed with a safety rail is another way of restraining people.

There are important rules that staff must follow when using restraint. These are explained on page 8.



Rules about restraining people

Restraint should only be used when there is no other choice.



Staff will always check to see if there are better ways of helping the person.

It is important that these rules are followed. They keep people safe.



If restraint is used it must be done in a safe way by trained staff who can do it properly.



A Positive Behaviour Support Plan must be written. The plan will say how the person will be helped.



Restraint should be used for the shortest time possible. Staff should write down when they use restraint.

Examples of when restraint might be used

Andrew refuses to have a blood test.

He needs to have a blood test to make sure he stays well. He is frightened and won't let the nurse take blood from his arm.



Staff hold Andrew while he has blood taken. They have been trained to do this properly.

They hold Andrew in a way that causes him as little distress as possible.

Diane needs help to have a bath safely.

She gets very confused and can't wash herself. She doesn't like to be helped and sometimes struggle when staff try to help her.



Two staff help Diane each time she needs to have a bath.

They sometimes have to carefully hold her arm to stop her struggling.

When she struggles there is a risk she might hurt herself or others.

Examples of when restraint might be used

Edwina keeps trying to take her oxygen mask off.

She needs to have oxygen while she recovers from a health problem. If she doesn't have oxygen she may become very ill.



Edwina is given medication to make her sleepy.

She is only given the medication for a few days while she needs oxygen.

The medication stops her trying to take the oxygen mask off.

Martha needs help to be able to walk safely.

She tries to walk on her own but her legs are not strong enough and there is a serious risk that she will fall over and hurt herself.



Martha has a nurse with at all times to watch over her.

If Martha tries to get up and walk on her own the nurse go over to her and say she will help.

The nurse will support her to walk.

Deprivation of Liberty Safeguards

These are rules to protect you if you are stopped from making a choice about your care and treatment.



These rules make sure your rights are protected.



These rules are for people who are aged 18 or over who live in England or Wales.

You will have a **named person** who can speak up for you.



This can be a member of your family. The Council will find someone else to speak up for you if you do not have a family member who can help.

The hospital will ask someone from the Council to check that the right decision has been made for you.



Two people will visit you in hospital. They do not work for the hospital and one person will be a doctor.

Deprivation of Liberty Safeguards

The two people who visit you in hospital will talk to your friends and family. They will also talk to the doctors and nurses.



They will check you are being treated fairly.

They will check these things:



- That you really are not able to understand the choice.
- That stopping you making the choice is in your best interests.
- If there is better way to care for you that gives you more freedom.

They will set a **time limit** on how long you can be stopped having a choice.



Hospital staff will only be able to stop you having a choice for an agreed number of days.

You should be given your freedom back as soon as possible.



What to do if you are unhappy

You have the right to ask the Council to review your case if you are unhappy with the decision.



People who support you can also ask for a review

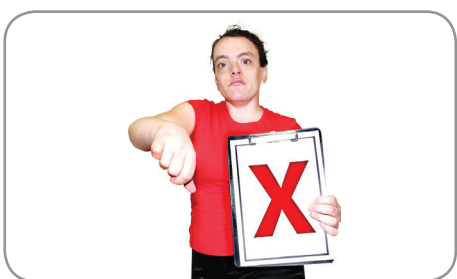


The Council will look at the decision and check if it is the right decision for you.

You also have the right to ask a judge in the Court of Protection to look at your case.



The judge can decide whether you have capacity to make the decision for yourself.



The judge can review your case if you disagree with the decisions that have been made.

You will not usually have to pay for the Court costs.



Useful websites.

Rotherham, Doncaster and South Humber NHS Foundation Trust



www.rdash.nhs.uk

For more detailed information about Deprivation of Liberty Safeguards go to:



www.scie.org.uk/publications/ataglace/ataglace43.asp

Credits

This factsheet has been adapted by Rotherham, Doncaster and South Humber NHS Foundation Trust from the original developed by the Learning Disability Liaison Service and the Mental Capacity Act Practice Development Project Lead at City Hospitals Sunderland, and funded by the Sunderland Clinical Commissioning Group.

Designed by The Clear Communication People Ltd. using Photosymbols and other stock photography.



**Rotherham Doncaster
and South Humber**
NHS Foundation Trust

About Easy Read information

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This factsheet can be downloaded free of charge from: www.rdash.nhs.uk