

Title of POL: Deprivation of Liberty Safeguards (DoLS)

Custodian: Group Managing Director

Version Number: 02

Issue date: 25.07.25

Review date: 25.07.28

POLICY (POL)

Title of Policy	Deprivation of Liberty Safeguards (DoLS)		
What type of document is this?	Policy (POL)	Policy Reference Number	HHH-POL-045
Purpose of POL	To ensure that all operational staff understand the Deprivation of Liberty Safeguards		
ROLES AND RESPONSIBILITIES Include in this section details of the key roles and associated responsibilities relevant to the document			
Roles	Responsibility		
All Staff	To ensure DoLS understanding, and policy is embedded throughout the services. Staff to ensure that they undertake the necessary training where applicable to support all services users		
Quality Team	To review policy and process where necessary and to ensure that all relevant staff understand the DoLS requirements		
Scope of POL	To ensure that all operational staff understand the Deprivation of Liberty Safeguards (DoLS) , including where DoLS can be applied, where DoLS cannot be applied, what staff should do if they identify an unlawful deprivation of liberty, the functions of the Court of Protection, and a status overview of the Liberty Protection Safeguards (LPS) which will replace the existing Deprivation of Liberty Safeguards.		

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Page **1** of **6**

POLICY (POL)

1.0 What is the Deprivation of Liberty Safeguards (DoLS)

- 1.1 The Deprivation of Liberty Safeguards, an amendment to the Mental Capacity Act 2005, is the procedure prescribed in law when it is necessary to deprive of their liberty a resident or patient who lacks capacity to consent to their care and treatment in order to keep them safe from harm.

People who lack capacity to consent to their care and treatment have the same rights to Liberty as anyone else, and DoLS ensures they are protected if care arrangements deprive them of their liberty.

The Mental Capacity Act provides for restrictions and restraints to be carried out where they are identified as the least restrictive measures and in the person's best interests. Such restrictions can give rise to a deprivation, which should be taken into consideration.

- 1.2 The safeguards are designed to ensure:

- Consideration of any alternative ways to provide the necessary care and ensure it is the least restrictive option
- That the person deprived of liberty has a representative
- That any deprivations of liberty are monitored, reviewed regularly and the person has the right to appeal the decision

2.0 The conditions of DoLS

- 2.1 DoLS should only be used to lawfully deprive a person of their liberty if:

- The person is 18 years' or over, living in England or Wales;
- The person lacks the capacity to agree to the restrictions;
- DoLS can only be used if the person is in **hospital or a care home**;
- The hospital or care home have successfully applied for an authorisation form from the Local Authority in England, or Health Board in Wales.

POLICY (POL)

2.2 If a person is living in another setting, including living in their own home, it is still possible to deprive the person of their liberty in their best interests, via an application to the Court of Protection (*see Court of Protection*).

3.0 Unlawful deprivation of liberty

3.1 A deprivation of liberty occurs where someone is under continuous supervision and control and is not free to leave, and the person lacks capacity to consent to these arrangements.

3.2 If you come across someone who is **not** in a care home or hospital who may be deprived of their liberty without the lawful authorisation from the Court of Protection:

- Carers should raise concerns to their Care Manager
- Care Managers should raise a safeguarding alert to the local authority

4.0 Court of Protection

4.1 Court of Protection makes decisions on financial, or welfare matters for people who can't make decisions at the time they need to be made (they 'lack mental capacity'). Court of Protection is responsible for:

- Deciding whether someone has the mental capacity to make a particular decision for themselves
- Appointing deputies to make ongoing decisions for people who lack mental capacity
- Giving people permission to make one-off decisions on behalf of someone else who lacks mental capacity
- Handling urgent or emergency applications where a decision must be made on behalf of someone else without delay
- Making decisions about a lasting power of attorney or enduring power of attorney and considering any objections to their registration
- Considering applications to make statutory wills or gifts
- Making decisions about when someone can be deprived of their liberty under the Mental Capacity Act

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POLICY (POL)

4.2 Where a Deputy has been appointed on behalf of a person who is receiving care from Helping Hands, a copy of the Court Order will be requested, and a copy contained within the person's care records.

4.3 Helping Hands will notify the relevant regulatory body (Care Quality Commission / Care Inspectorate Wales) where the outcome of an application has been to deprive a person of their liberty (DoLS) irrespective of who made the application.

4.4 Helping Hands will adhere to any conditions that are outlined in the Court Order.

5.0 Liberty Protection Safeguards (LPS)

5.1 It is important to note that Under the Mental Capacity (Amendment) Act 2019, Deprivation of Liberty Safeguards will be replaced by Liberty Protection Safeguards (LPS):

- The LPS is not yet in force
- There is not yet a proposed date of transition from DoLS to LPS.

TRAINING	Yes
Is training required?	
Details of training	E-learn training module -MCA Deprivation of Liberty Quality Assurance Business Partners - one to one educational sessions.
COMPLIANCE	The Quality team will monitor for breach of policy through trends and for any changes to legislation or regulation.
How is compliance within this document going to be monitored?	
EQUALITY IMPACT ASSESSMENT AND PROCEDURAL INFORMATION	

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Helping Hands: Public

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POLICY (POL)

	Positive/Negative/N/A	Comments
Does the document have a positive or negative impact on one group of people over another based on their:		
• Age?	N/A	
• Disability	N/A	
• Gender assignment?	N/A	
• Pregnancy and maternity (which includes breastfeeding)	N/A	
• Race (including nationality, ethnic or national origins or colour)?	N/A	
• Marriage or civil partnership?	N/A	
• Religion or belief?	N/A	
• Sex?	N/A	
• Sexual orientation?	N/A	
If you have identified any potential impact (including any positive impact which may result in more favourable treatment for one particular group of people over another), are any	N/A	

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Helping Hands: Public

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POLICY (POL)

exceptions valid, legal and/or justifiable?		
If the impact on one of the above groups is likely to be negative:		
Can the impact be avoided?	N/A	
What alternatives are there to achieving the document's aim without the impact?	N/A	
Can the impact be reduced by taking different action?	N/A	
Is there an impact on staff, customer or someone else's privacy?	N/A	
Changes since previous version	<ul style="list-style-type: none">Updated onto new policy templateNo changes to policy content at point of review	
Who was involved in developing /reviewing/amending the document?	Quality Assurance Business Partners Quality Development Lead Safeguarding Lead	
How confidential is this document	Public	Can be shared freely within and outside of Helping Hands
References	Mental Capacity Act 2005 Deprivation of Liberty Safeguards. Mental capacity Act 2005 Mental Capacity Act Code of Practice Deprivation of Liberty Safeguarding Code of Practice Social Care Institute for Excellence – Deprivation of Liberty Safeguards (DoLS) Court of Protection - www.gov.uk/courts-tribunals/court-of-protection	
Associated Documents	Access Care Planning – Safeguarding Report Form	

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Page **6** of **6**