



Deprivation of Liberty Safeguards and you

You have been deprived of your liberty under Deprivation of Liberty Safeguards. This leaflet is for you and your family/carers to better understand what these safeguards and your rights are.

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What are the Deprivation of Liberty Safeguards?

These safeguards are part of the **Mental Capacity Act 2005**. They have been put in place to protect people over the age of 18 who lack the capacity to make decisions about where they receive care and need to be accommodated under care regimes that may have the effect of depriving them of their liberty.

The **Mental Capacity Act 2005** itself is a law about empowering people to make decisions and what to do when people cannot make some decisions for themselves.

Why do the Deprivation of Liberty safeguards apply to you?

They apply to you because healthcare professionals have decided that you have a health condition that has affected your ability to decide where you receive care/treatment and that it is best for you to receive care/treatment here. Your remaining here would however amount to the deprivation of your liberty and the safeguards have been

put in place to protect you.

A medical doctor and a person known as the **Best Interests Assessor** have been involved in making the decision for you to receive care/treatment here.

How the Deprivation of Liberty Safeguards affect you

The safeguards give us powers to stop you from leaving if you want to. If you have appointed someone to help you make decisions, or make decisions on your behalf, we will discuss the decision for you to remain here with them. We will also talk to anyone with responsibility for your health and welfare.

There are two types of special agreements known as **authorisations** which say a person can be deprived of their liberty:

- 1 An **urgent authorisation**, which usually lasts for seven days, or at the most, 14 days.
- 2 A **standard authorisation**, which should be for as short a time as possible and never longer than a year.

What rights do you have under the Deprivation of Liberty Safeguards?

If a **standard authorisation** has been made to deprive you of your liberty here, a **representative** will be appointed to look after your interests. This person will:

- a Keep in contact with you and support as well as represent you in matters relating to your being deprived of your liberty here.
- b Look after your best interests at all times.

You or your representative can ask at any time for a **review** of the reasons for depriving you of your liberty here.

A review is a check to make sure you are being treated in the right way. However, asking for a review does not always mean that you will be discharged home.

You or your representative can ask for assistance if you need help in understanding how the authorisation works. This could be what it means, why it has been made and how long it will last for.

This help may come from the manager here or sometimes from someone known as an **Independent Mental Capacity Advocate (IMCA)**.

An **Independent Mental Capacity Advocate** is someone who can support you and your representative, if there is no family or friend who is able to do so.

What the Deprivation of Liberty Safeguards do not do

The Deprivation of Liberty Safeguards only authorise your stay here so you can receive the care/treatment you need. They do not apply to other aspects of your care/ treatment.

If you have made an Advance Decision to refuse a particular treatment you cannot be asked to stay here to receive such treatment. An advance decision is a decision you might have made at a time when you were able to make your own choices to refuse a particular medical treatment in future.

You can ask the manager here for more information or ask to speak to your doctor.

Your opinion matters

We are committed to providing the highest standards of care, so we welcome your views on the services we provide. If you would like to comment, make a suggestion, or a complaint, please speak to the person you normally see or ask to speak to the team manager. You may also like to speak to our Patient Advice and Liaison Service (PALS) on 0800 917 7159.

Confidentiality

All our staff are required to abide by a strict code of conduct on confidentiality. We will only share information with those who need to know in order to provide good quality care. Occasionally there may be exceptions to this, for example to support a clinical audit or to monitor the quality of care provided. We will usually discuss this with you beforehand.

Compiled from the Mental Capacity Act 2005
Deprivation of Liberty Safeguards Code of
Practice and Department of Health Publications
by Dr Oluwatoyin Sorinmade, Psychiatrist.



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