



# Understanding DOLs - Deprivation of Liberty Safeguards - A guide for family carers

Essex Carers Network - Factsheet

**If you are caring for or supporting someone who cannot make decisions about their care or treatment (lacks capacity), you might hear practitioners talk about DoLS – *Deprivation of Liberty Safeguards*. This guide explains what that means and how it affects you and your family member.**

## What is a “Deprivation of Liberty”?

It sounds serious—and it is. The legal definition says a person is considered deprived of liberty if:

- They are under continuous supervision and control
- They are not free to leave
- They are unable to agree to care arrangements because they lack capacity.



**Example:** If someone is at risk of harm and the care home locks the door to keep them safe, that's a deprivation of liberty – and it must be legally authorised.

## What are DoLS? -

DoLS are legal checks under the Mental Capacity Act 2005. They make sure that any restrictions used to keep someone safe:

- Are necessary and in their best interests
- Are properly authorised by law

This applies to adults (18+) in hospitals or care homes in England and Wales.



**Article 5 of the Human Rights Act states that ‘everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty [unless] in accordance with a procedure prescribed in law’**

**This currently applies to adults aged 18 and over in England and Wales and only those who are in hospital or a care home. For information about deprivation of liberty in other settings see ECNs Understanding Community DoLS fact sheet.**



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## What happens if my family member is deprived of liberty?



At a care home or hospital staff must:

1. **Apply to the local authority for a standard authorisation**
2. **If urgent, use a temporary authorisation (up to 7 days, extendable once)**

The managing authority (care home or hospital) should speak to you and others who know the person well – your input might help avoid unnecessary restrictions. The managing authority should make a record of their efforts to consult others.

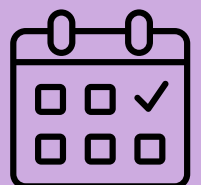
## When Should an Assessment Be Requested?

If an individual is **under a high level of supervision** and **not permitted to leave the premises permanently**, it is highly likely they are being deprived of their liberty.

While each situation must be assessed individually, an assessment should be considered if your family member:

- Is heavily supervised and not allowed to leave
- Is often sedated or physically restrained
- Objects to the restrictions
- Is confined to one area
- Has an unstable care placement
- Is involved in a legal challenge or complaint
- Has an existing DoLS authorisation that's about to expire

Note: A standard DoLS authorisation is not permanent and must be reapplied for when it has expired, if needed. It can also be removed if it is no longer needed.



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## What Does the Assessment Check?

Independent assessors appointed by the local authority will check:

- The person is 18 or older
- They have a mental disorder
- They lack capacity to agree to the restrictions
- The restrictions are in their best interests
- There's no better legal route (like the Mental Health Act)
- There's no valid advance decision or objection from a Health & Welfare LPA



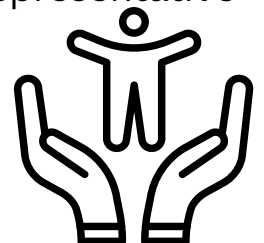
If all conditions are met, the local authority issues a written authorisation – valid for up to one year. Restrictions must end if they're no longer needed.

**If you as family carer are the relevant person's representative following an authorisation, both your family member and you as their representative are entitled to the support of an Independent Mental Capacity Advocate (IMCA).**

## What's my role as a family carer?

You may be asked to be your family member's Relevant Person's Representative (RPR). This means:

- You'll be kept informed
- You can challenge the authorisation
- You'll help make sure their views and rights are respected



If you can't take on this role, an Independent Mental Capacity Advocate (IMCA) can be appointed.



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## What about people living at home or in supported living?

DoLS currently only apply in care homes and hospitals. If your family member is in a supported living arrangement or at home, and they're deprived of liberty, the care provider must apply to the Court of Protection for permission instead. See ECN's Understanding Community DoLS factsheet.



MORE INFORMATION



[Gov.uk guidance - Deprivation of Liberty](#)

[ECN Resources - The Mental Capacity Act](#)

There are some instances where DoLS cannot be used, for example to protect other people, restrict contact with others or for unresolved disputes about residence. However it is still possible to deprive the person of their liberty in their best interests with an application to the Court of Protection

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### NOTE: What's Happening with Liberty Protection Safeguards (LPS)?

LPS were meant to replace DoLS under the Mental Capacity (Amendment) Act 2019. However, they haven't been implemented yet and are currently on hold.

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Please note: Throughout this guide you will find information and links to support the factsheet. While every effort is made to ensure these are accurate and up to date, we ask that if you find information that has expired to please let us know by email to [info@essexcarersnetwork.co.uk](mailto:info@essexcarersnetwork.co.uk)

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