

# KNOW YOUR RIGHTS, OWN YOUR LIFE

**Rights exist to protect and guide people.** When we know how and when to use them, we gain the clarity to make decisions with confidence and the strength to act when it matters.

**Knowing our rights can change our lives.** It gives us the tools to make decisions that define our future.

## DEPRIVATION OF LIBERTY SAFEGUARDS (DOLS)

What You Need to Know and How It Can Help You

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## Overview

The **Deprivation of Liberty Safeguards (DoLS)** were introduced under the **Mental Capacity Act 2005** to protect the rights of people aged 18 and over who **do not have the mental capacity** to make decisions about their care or treatment and who need to live in a hospital, care home, or supported accommodation where their movements or choices are significantly restricted.

The purpose of DoLS is to ensure that any restriction on a person's freedom is:

- **Necessary** to keep them safe from harm.
- **Proportionate** to the level of risk.
- **Authorised and regularly reviewed** by the local authority.

These safeguards ensure a careful balance between protecting people from harm and respecting their right to liberty and autonomy under **Article 5 of the Human Rights Act 1998**.

## Guidance for Families, Carers, and People Receiving Care

DoLS are designed to protect people who, due to dementia, learning disabilities, brain injury, or severe mental illness, cannot give informed consent to their care or living arrangements.

A deprivation of liberty might occur when a person:

- **Cannot leave a care home or hospital freely.**
- **Is under continuous supervision or control.**
- **Has decisions about daily life (visits, medication, contact) made by others.**

If these restrictions are unavoidable to provide care, the law requires that **formal authorisation** is sought.

## What Families Can Expect

### 1. Assessment Process

The hospital or care home (known as the managing authority) must apply to the local authority (supervisory body) for authorisation.

A team of assessors carries out six legal assessments covering:

- Age (18+)
- Mental health
- Mental capacity
- Best interests
- Eligibility (not detained under the Mental Health Act)
- No refusals (e.g., advance decisions or power of attorney)

## 2. Best Interests and Least Restrictive Practice

Professionals must show that restrictions are the least restrictive option possible. The care plan must focus on the person's comfort, dignity, and safety while promoting as much independence as possible.

## 3. Representation and Advocacy

- Every person under DoLS is appointed a **Representative** (usually a family member or friend).
- If there is no one suitable, an **Independent Mental Capacity Advocate (IMCA)** must be provided.
- Families and advocates are entitled to copies of all assessments and authorisation documents.

## 4. Duration and Review

- Standard authorisations can last for up to **12 months** but must be reviewed before expiry or sooner if circumstances change.
- Families may request an early review if they believe the restrictions are no longer necessary.

## 5. Practical Benefit

Families gain reassurance that the person's liberty is never restricted without clear evidence, oversight, and legal accountability.

They can be involved in care planning, express concerns, and seek review or appeal if needed.

### This is how knowing our rights can change lives.

When families and young people understand what support they're entitled to, they can make informed choices, access the right services, and create new possibilities for their future. One inspiring example is Eliot, who had been institutionalised for four and a half years (4.5), going through a really hard time. However, with person-centred and proactive support, Eliot began to live the life he has always wanted, finding joy and purpose in his favourite activities, in his own home.

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## Obligations and Duties for Commissioners, Providers, and Local Authorities

**Hospitals and care homes** (the managing authorities) must:

- Identify when care arrangements amount to a deprivation of liberty.
- Apply promptly for standard authorisation from the local authority.
- Implement only the minimum restrictions necessary for safety.

**Local authorities** (the supervisory body) must:

- Carry out all required assessments within statutory timeframes.
- Ensure each person has a representative or advocate.
- Keep comprehensive records and review authorisations regularly.

**Commissioners and providers** need to:

- Ensure staff are trained to recognise potential deprivations of liberty.
- Apply the Mental Capacity Act 2005 consistently.
- Promote the least restrictive practice in all settings.
- Ensure DoLS compliance is included in audits and quality reviews.

## Information and Accountability

Local authorities must maintain a register of all DoLS applications and authorisations and report data annually to the **Care Quality Commission (CQC)**. The CQC inspects how care homes and hospitals apply DoLS and whether people's rights are upheld.

Families and advocates have a right to:

- Access DoLS documents and assessments.
- Request an urgent review if circumstances change.
- Challenge authorisation through the **Court of Protection**, which can vary or terminate the order.

## How People Can Take Part and Benefit

People and families can:

- Ask whether a **DoLS authorisation** is in place and view the written decision.
- Request a **review or reduction** in restrictions if circumstances change.
- Contact the local authority's DoLS team or the CQC for advice or concerns.
- Challenge the authorisation through the Court of Protection with free legal aid available.

Understanding DoLS helps ensure that care protects both **safety and human rights** - keeping people supported, not detained, and ensuring every restriction is lawful, reviewed, and time-limited.

Sources:

**Mental Capacity Act 2005, Schedule A1** – [legislation.gov.uk](https://legislation.gov.uk)

**DoLS Code of Practice** – [gov.uk](https://gov.uk)

**Care Quality Commission Guidance** – [cqc.org.uk](https://cqc.org.uk)

**Court of Protection (appeals and rights)** – [gov.uk](https://gov.uk)