

Roxton Nursing Home

Information for Residents and their families

Deprivation of Liberty

The Mental Capacity Act seeks to protect individuals who may not have the mental competence to make decisions or judgements. The **Deprivation of Liberty Safeguards** (DOLS) set out guidelines and rules for protecting those who are at extra risk.

What is Deprivation of Liberty

People who suffer from a disorder or disability of the mind, such as dementia or a profound learning disability should usually be cared for in a way that does not limit their rights or freedom of action. Very occasionally, members of this vulnerable group need to be deprived of their liberty for treatment or care because this is necessary in their best interests to protect them from harm.

In April 2009, new safeguards called the **Deprivation of Liberty Safeguards** (DOLS) were launched.

What is mental capacity?

Mental capacity is the ability to make a decision. The Act covers situations where someone is unable to make a decision because the way their mind or brain works is affected, for instance by illness or disability. The lack of capacity may be temporary because they are unconscious or barely conscious whether due to an accident, being under anaesthetic or as a result of other conditions such as the effects of drugs or alcohol. It includes everyday decisions such as what to wear or when to take a bath and more serious decisions such as where to live.

Who does DOLS apply to?

The safeguards will apply to people aged 18 and over who:

- suffer from a disorder or disability of mind; and
- lack the capacity to give consent to the arrangements made for their care or treatment; and
- for whom such care is considered, after an independent assessment, to be a necessary and proportionate response in their best interests to protect them from harm.

The safeguards require special assessments to be undertaken where two or more methods to deprive liberty are used. These approaches might include: locked doors, direct supervision of the resident by a member of staff, denial of access to telephones, use of medicines to sedate

What is Roxton Nursing Home's policy?

Roxton Nursing Home has a policy not to deprive any resident of any aspect of their liberty. The only exception is where the resident faces immediate risk or is a real risk to other residents or staff.

If this is necessary, we will provide one-to-one supervision until the risk had been dealt with. We may ask a doctor, a nurse specialist or a social worker to help us to agree what is best to do.

If Roxton needs to seek a longer term Deprivation of Liberty Safeguard, we will always discuss this with the resident and his/her family. We will tell you if we do not think that Roxton can provide proper care.

What can I do if I am concerned about the liberty of a resident?

Please talk to us, we will discuss the issues with you and try to reach agreement on the best way to provide care.

You may also ask the Supervising Body to look at the case, with support from the IMCA service. In 2007, a new service called the **Independent Mental Capacity Advocacy Service** (IMCA) was launched.

PLEASE SEE OUR SEPARATE LEAFLET ABOUT ADVOCACY – THIS PROVIDES MORE INFORMATION ABOUT IMCA SERVICES AND ADVOCACY

How do I contact the Supervisory Body?

For advice regarding the duties and responsibilities of the Supervising Body, please contact

Birmingham Social Care 'Best interest Assessor' Service on **0121 675 2506** or e-mail **BIA.team@birmingham.gov.uk**

The Best Interest Assessor team are available Monday to Friday from 08.45 to 5.15pm (4.15pm on Fridays)