

DEPRIVATION OF LIBERTY SAFEGUARDS: Flowchart A DECIDING IF AN AUTHORISATION MAY BE NEEDED

The person:

- Is over 18yrs
- Has a mental disorder (e.g. mental illness, acquired brain injury, learning disability)
- Lacks capacity to consent to the admission
- Is not subject to any powers of the Mental Health Act that would conflict with a DoLS authorisation
- Does not have any other valid decision-making authorities (advance decision, Lasting Power of Attorney, Court Appointed Deputy) that would conflict with a DoLS authorisation

AND

Measures are in place to restrict the person's freedom of movement, e.g:

- Close observation and supervision, 1:1 nursing
- Sedative medication
- Distraction/persuasion to control behaviour and freedom of movement
- Preventing them from leaving the unit or bringing them back if they try to leave
- Equipment intended to restrict freedom of movement, e.g. bed rails, chairs (tip-back, deep-seated, with fixed tables), lap straps, gloves, splints, bandaging, helmets
- Locked doors, coded keypads, 'baffle' handles
- Electronic devices – pressure mats, tagging devices
- Physical intervention techniques
- Refusing requests for discharge
- Restrictions on social activities or contacts with other people
- Restrictions on movement within the unit
- Restrictions on outings from the unit

AND

Severity and impact of the restrictions is significant, for example:

- Restrictions are used frequently and/or for prolonged periods of time
- Restrictions are severe/intense – impact significantly on the person's freedom of movement
- Restrictions have a significant psychological impact on the person, e.g. objecting, distressed
- Relatives/carers object or are concerned that the individual is severely restricted

AND

The restrictions are considered to be in the person's best interests because:

- They are necessary to protect the person from harm
- They are a proportionate response to the likelihood and severity of the potential harm
- Consideration has been given to reducing or eliminating the restrictions

It is possible to minimise the restrictions to a level at which the person will not be deprived of their liberty

- Immediately take any necessary action to reduce the restrictions so that the person is not deprived of their liberty
- Ensure that any remaining restrictions are monitored closely and kept under review

• The person does appear to be deprived of their liberty **AND**
• It is not considered to be in their best interests to reduce the restrictions further

An application for a DoLS authorisation MUST be made (see Flowchart B)