

## Give us your feedback

There are many ways you can provide your feedback to us. Each of our wards and services have PREM cards at their reception which may be completed by the patient or by carers/friends on their behalf. This card asks specific questions about the care and treatment provided. We review each comment to enable us to continually review and improve our services. The PREM can also be completed online at [www.kmpt.nhs.uk/prem](http://www.kmpt.nhs.uk/prem)

## Compliments and concerns

Our staff are also on hand to listen to any comments or concerns. If you feel unable to speak with the team providing the care and treatment and would rather speak to the PALS and complaints team, please contact us and we will support you through the process. All complaints and concerns will be carefully listened to and thoroughly investigated. Patient consent may be required.

We would also love to hear from you if you have something positive to say about our services or a particular staff member or team. Please speak to staff or log your compliment at [www.kmpt.nhs.uk/feedback](http://www.kmpt.nhs.uk/feedback)

**East Kent: 0800 783 9972**

**West Kent and Medway: 0800 587 6757**

**Email: [kmpt.pals.kmpt@nhs.net](mailto:kmpt.pals.kmpt@nhs.net)**

PALS and Complaints Team  
Eastern and Coastal Area Offices  
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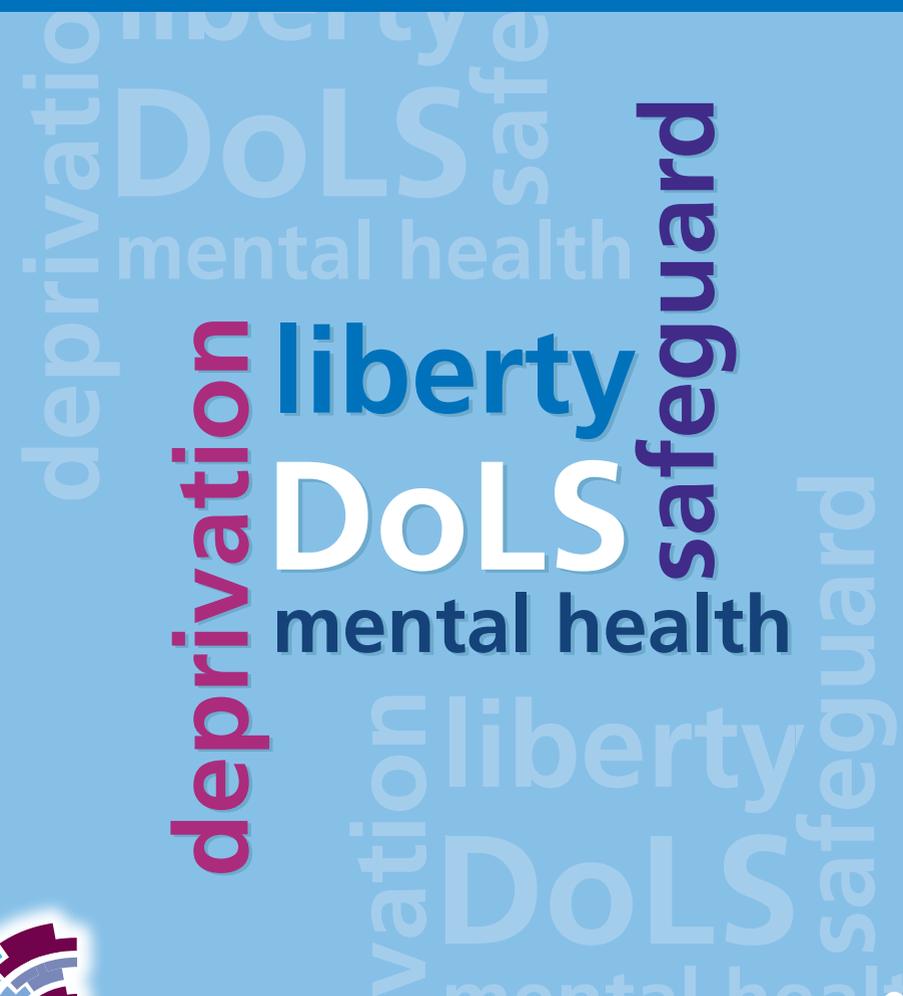


Please call **01622 724131** if you would like this leaflet in a different language or format.

**Visit us at [www.kmpt.nhs.uk](http://www.kmpt.nhs.uk)**

Review October 2021 KM1285

## Deprivation of Liberty Safeguards (DoLS)



*Brilliant care through brilliant people*



# The Mental Capacity Act

## What does lacking capacity mean?

The Mental Capacity Act is a law about making decisions. It describes a process to be followed when someone cannot make a decision for themselves at a specific time because their brain/mind is impaired. This is referred to as lacking capacity.

A Deprivation of Liberty Safeguard is a part of this law.

## Deprivation of Liberty Safeguards

### What does this mean?

When somebody is staying in hospital, they may not be able to make a decision(s) about the care they receive because they lack capacity. This means some decisions may need to be made on their behalf.

If it is decided that the care necessary to keep your family member or friend safe impacts on their freedom, this is referred to as depriving someone of their liberty. You will have been consulted about these decisions.

If a hospital identifies that it's depriving someone of their liberty in the person's best interest to prevent significant harm, then it needs to ensure the law is followed.

### What must the hospital do?

The hospital must inform the local authority of the planned care arrangements. The hospital will request that the local authority provides an independent assessment to give an assurance that it is acting in the person's best interests and that the deprivation is necessary. This is because people who lack capacity for their care arrangements need extra protection.

### Why does the local authority have to be informed?

The local authority must carry out a number of assessments to check and authorise the care arrangements provided by the hospital. This provides a safeguard.

### So what will happen next?

A doctor will come to the hospital and meet with your family member or friend and staff. They will be able to confirm to the local authority if your family member or friend lacks capacity.

A Best Interest Assessor (BIA) will also visit to speak to you and your family member or friend about their care arrangements. The BIA will be checking that the loss of liberty is lawful and the care arrangements are appropriate. They will provide you with some more information about the law.

Both the doctor and BIA will provide their assessments to the local authority and if it is agreed, the arrangement will be authorised.

### What if the authorisation is not granted?

If an authorisation cannot be given, you and your family member or friend will be notified. The hospital will need to ensure the person's care is arranged in a way that does not amount to a deprivation of their liberty.

### What will change for my family member or friend if it is granted?

Your family member or friend's care will not change because of this process. A Deprivation of Liberty Safeguard's purpose is to provide assurance for vulnerable people about their care when they are unable to make decisions about that care themselves.

### Does this mean my family member or friend cannot be discharged from hospital?

No. The hospital will need to continue to engage you and your family member or friend in the care they receive. If the hospital deems the care no longer amounts to a deprivation of liberty or care can be provided in a less restrictive way, be that in the hospital or elsewhere, it will need to let the local authority know. This will mean that the authorisation will end. It may be if care continues in another cared-for setting the hospital will need to make another request for an authorisation if the above still applies.

### What will I need to do?

You will not need to do anything. However the BIA will speak with you about what will happen if an authorisation is given.

When an authorisation is given, someone must be appointed to represent the interests of the person whose liberty is being deprived. This is referred to as the Relevant Person's Representative (RPR). The BIA will speak to you and ask if you would like to act as the RPR for your family member or friend.

### What if I or my family member or friend disagrees?

If an authorisation is given and you don't think it is in the person's best interests, you can ask the hospital or local authority about this.

An authorisation can be challenged at the Court of Protection and during the process the BIA will explain this to you.

### Questions

If you have any further questions or concerns, please speak to your family member or friend's named worker or the ward manager.