

What is the mental Capacity Act?

- The **Mental Capacity Act** is a law about making decisions and what to do when people cannot make some decisions for themselves. The **Deprivation of Liberty Safeguards** are part of the Mental Capacity Act 2005.
- When people cannot make a decision for themselves, this is called **lacking capacity**.

Why do we need deprivation of liberty safeguards?

- Sometimes you may need treatment or care from people like doctors and nurses or care workers if you are staying in a hospital or living in a care home.
- People who are **lacking capacity** need extra protection.
- You should be treated or cared for in a way that means you are safe and are free to do the things you want to do.

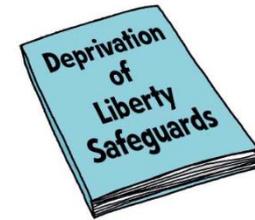
What is liberty?

Liberty means being free to do the things you want to do, when you want to do them.

Why do we need deprivation of liberty safeguards

If you are stopped from doing the things you want all the time, this is called being **deprived of your liberty**. Sometimes people having treatment or care might be deprived of their liberty to keep them safe.

Why do we need deprivation of liberty safeguards?



- If you are deprived of your liberty you need special protection called **safeguards** to make sure you are looked after properly and are kept safe. The **Deprivation of Liberty Safeguards** are the way to give you the special protection you need.

What is a deprivation of liberty?

There is no list of what a **deprivation of liberty** is, but examples include:

- Staff in a care home or hospital having control over all of the decisions in your life
- Not being allowed to leave the hospital where you are staying or the care home where you live
- Your family, carers or friends not being allowed to come and see you.

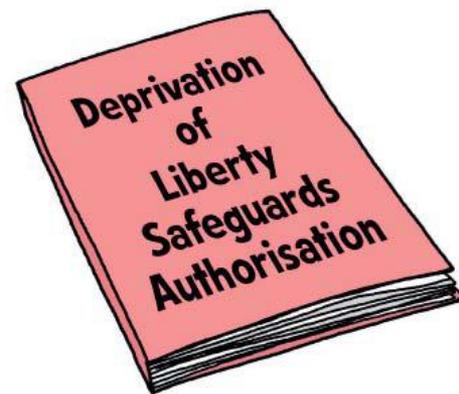
The Supreme Court Judgement

There was a Court decision made in March 2014 which defined a deprivation of liberty as being:

- Someone who lacks mental capacity
- Who is under continuous supervision and monitoring
- And is not free to leave

What is a deprivation of liberty?

- If you are stopped from doing the things you want all the time in a hospital or care home, this is called being deprived of your liberty. If you are being cared for and treated in this way you must have a special agreement called a Deprivation of Liberty Safeguards Authorisation to keep you safe.
- **This is the law.**



Who does the deprivation of liberty safeguards apply to?

- People who are 18 years old or older
- People who have a mental disorder such as dementia (a sort of mental illness) or a learning disability
- People who live in a care home or are staying in hospital, who are lacking capacity to agree to be there. (The people need to be there to get the treatment or care that will protect them from harm in their best interests.)

What work have we done in Rutland?

- We have identified all those people who may be at risk of being deprived of their liberty across Rutland.

What work have we done in Rutland?

- Those people who live in care home and who may be being deprived of their liberty were then referred to the Deprivation of Liberty Safeguards team for assessment and authorisation.
- Those people who live in supported living are in the process of being assessed and progressed by the Social Workers at Rutland County Council.

What work have we done in Rutland?

- There are currently 7 Rutland residents with learning disabilities being deprived of their liberty in residential care.
- 6 people who have been referred and are waiting to be assessed by the DOLS team.
- 6 people in supported living who need to be assessed.

What happens if I get deprivation of liberty safeguards?

- Everyone who has a **Deprivation of Liberty Safeguards Authorisation** must have a **representative**. The **supervisory body** will make sure you get a representative.
- A representative is a person who does not work with you. They visit you and check you are looked after in a way that means you are safe. Your representative could be a member of your family or a friend.
- If you or anyone else is unhappy about you being deprived of your liberty, they can ask for a **review**. A review is a check to make sure that you are being treated in the right way.

If you still not happy?

- If you or your representative disagree about you being deprived of your liberty, you can ask a special court called the **Court of Protection** to decide whether you should be deprived of your liberty or not.

Contact details and further information

amactaggart@rutland.gcsx.gov.uk or
telephone 01572 758250.

Court of Protection website

<https://www.gov.uk/guidance/deprivation-of-liberty-orders>