

## The Representative's Role

A person being deprived of their liberty has the right to an independent representative.

### The Representative will:

- Usually be a family member or friend
- Keep in regular contact with the person
- Check that any DoLS conditions are being met
- Consider asking for a review of the authorisation.

If there are no appropriate family or friends, an IMCA may be appointed as a Paid Representative.

An IMCA can also support a family member or friend to understand the representative role and the DoLS process.

The deprivation of liberty safeguards make it clear that a person may only be deprived of their liberty:

- in their own best interests to protect them from harm
- if it is a proportionate response to the likelihood and seriousness of the harm, and
- if there is no less restrictive alternative.

Deprivation of Liberty Safeguards, Code of Practice p.12

## Contact

For more information about the IMCA service, you can contact Asist by:



01785 246709



staffordshirereferrals@asist.co.uk

www.asist.co.uk



01782 746647



asist, Tollgate Court Business Centre, Stafford, ST16 3HS

Office hours are: Monday to Friday 8.30 - 17.00

To make a referral please contact the Supervisory Body:

Staffordshire: 01785 895665

asist offers free awareness raising sessions about the IMCA role; please contact the Service Manager for further information.

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making advocacy a right not a privilege

Independent Mental Capacity Advocacy Service

## Deprivation of Liberty Safeguards (DoLS)

Information for professionals and care givers

# Deprivation of Liberty Safeguards (DoLS)

Any restriction to a person's liberty can be classed as a deprivation of liberty.

## Deprivation of Liberty Safeguards (DoLS):

- Helps protect people who do not have the capacity to make care and treatment decisions.
- Applies to people in hospitals and care homes who are being cared for or treated in ways which deprive them of their liberty.
- Includes people with severe learning disabilities, dementia and neurological conditions such as brain injuries.



“The deprivation of liberty safeguards provide legal protection for those vulnerable people who are, or may become, deprived of their liberty.”

Code of Practice p.9

## The Process

If the Managing Authority (care home or hospital) feel that they may be depriving someone of their liberty they have a **duty to contact the Supervisory Body to request authorisation.**

The Supervisory Body makes the decision to grant authorisation based on best interest assessments, and whether any conditions are to be put into place.

A Representative will be appointed to check whether the conditions are being met over the period of the authorisation.

DoLS authorisations are time limited and reviewed on a regular basis.

## The IMCA DoLS role

If a person has no consultable family or friends the Supervisory Body will request an IMCA report.

### The IMCA will:

- Provide independent support for the person who lacks capacity
- Provide a report to the Best Interest Assessor
- Raise queries or challenge decisions which do not appear to be in the best interests of the person
- IMCAs **do not** assess capacity or make decisions.

