

# DEPRIVATION OF LIBERTY SAFEGUARDS

## *A One Day Course*

The Deprivation of Liberty Safeguards will have a considerable impact on NHS, PCT and local authority staff. In 2004, the Bournemouth judgment in the European Court of Human Rights made a clear statement; a person lacking capacity could not be kept in an environment which detained them without formal legal authority. In other words, an 'informal' or 'voluntary' admission of those lacking capacity to consent to admission was unlawful if the person was subject to care conditions that were so restrictive it effectively resulted in their detention.

The Deprivation of Liberty Safeguards (DOLS) which amend the Mental Capacity Act are designed to resolve the 'Bournemouth gap'. The DOLS will ensure that where a person lacks capacity and the Mental Health Act is not or cannot be used to secure their detention, there is a viable legislative alternative. Without it, those placing or keeping someone lacking capacity in care homes and hospitals under certain conditions without legal authority can face legal challenge.

Staff need to know how the new legislation will affect them, their working practices and the people they provide services for. This course provides the essential knowledge that staff need in order to work with and implement DOLS effectively and ensure compliance with the legislation. Practical issues in using the legislation are considered and addressed.

### WHO IS THIS COURSE FOR?

All healthcare staff who work in situations where people lack capacity to consent to admission and are placed on wards or in residential care.

### SUMMARY OF CONTENT

- An overview of the key parts of the MCA 2005
- What is a Deprivation of Liberty? Locked doors, sedation & distraction?
- Alternatives to Deprivation of Liberty
- When a Deprivation of Liberty can be authorised
- Managing Authorities
- Supervisory Authorities
- When Managing Authorities should apply for an authorisation
- Standard and Urgent Authorisations
- The DOLS assessments
- Reviews of the Authorisation
- The right to advocacy
- The Role of the Person's Representative
- Challenges and Emergencies

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This Course is available as an 'in house' commissioned training programme for up to 30 people.

Further details can be obtained from

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