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1 – Introduction

1.1 - Deprivation of Liberty Safeguards

Deprivation of Liberty is a term used when a person's freedom is taken away through restraint, restriction of movement and control, including the threatened or actual use of force. Its meaning in practice is being defined through case law. A decision as to whether or not deprivation of liberty arises will depend on the particular circumstances of each situation.

The Deprivation of Liberty Safeguards (DoLS) provide legal protection for those vulnerable people who are, or may become, deprived of their liberty within the meaning of Article 5 of the European Convention on Human Rights (ECHR) in a hospital or care home. The safeguards were introduced through amendments to the Mental Capacity Act 2005 via the Mental Health Act 2007.

The safeguards have been introduced to provide a legal process and suitable protection in those circumstances where deprivation of liberty appears to be unavoidable, in a person's own interest. They provide a framework for authorising the deprivation of liberty for people who lack the capacity to consent to the arrangements for their treatment or care in either a hospital or care home that, in their own best interests, can only be provided in circumstances that amount to a deprivation of liberty.

2 - Purpose

This policy statement sets the strategic framework for the introduction of the deprivation of liberty safeguards. The safeguards aim to:

- ▶ Ensure that people can be given the care and support they need in the least restrictive environment.
- ▶ Prevent arbitrary decisions that deprive people of their liberty.
- ▶ Provide safeguards for vulnerable people who lack capacity.
- ▶ Provide people with rights of challenge against unlawful detention.
- ▶ Avoid unnecessary bureaucracy.

3 - Policy Statement

Skilltec Training are committed to ensuring there is transparency in our own business and in our approach to tackling modern slavery. Our commitment is to act ethically and with integrity in all our business relationships and to have a zero tolerance to slavery and human trafficking. We expect the same high standards from all of our contractors, suppliers and other business partners and we expect our suppliers to hold their own suppliers to the same high standards.



4 - Guiding Principles

All individuals, regardless of age, ability, race, gender, sexual orientation, faith or beliefs should have the greatest possible control over their lives.

A person aged 16 and over must be assumed to have capacity unless it is established that they lack capacity.

People have a right to express their wishes and priorities and to be personally involved when plans are made for their care. Every effort should be made to enable people to make decisions and express their wishes in a way that is appropriate for them and to maximise their participation in any decision-making process.

A person must not be treated as unable to make a decision merely because they make an unwise decision.

Where it has been shown that a person lacks capacity, any act done, or decisions made for or on behalf of that person must be done or made in their best interests.

Before an act is done or a decision is made on behalf of a person who has been shown to lack capacity, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Every effort should be made, in either commissioning and providing care or treatment, to prevent deprivation of liberty. If deprivation cannot be avoided it should be for no longer than is necessary.

All adults have the right, as citizens:

- ▶ To live in a homelike atmosphere without fear and free from abuse from care givers or fellow users.
- ▶ To live as normally as possible in an environment where individuality, independence, privacy and personal dignity are respected.

An individual's right to make decisions for themselves must be balanced with their right to be protected from harm if they lack capacity to make decisions to protect themselves.

5 - Scope & Exclusions

This policy statement applies to anyone:

- ▶ Aged 18 and over.
- ▶ Who suffers from a mental disorder.
- ▶ Who is cared for in a hospital or care home for the purpose of being given care or treatment.
- ▶ Who lacks the capacity to give informed consent to the arrangements made for their care and/or treatment.
- ▶ For whom deprivation of liberty is considered, after an independent assessment, to be necessary in their best interests to protect them from harm.

The Deprivation of Liberty Safeguards do not apply to people detained in hospital under the Mental Health Act 1983.