

Deprivation of Liberty Checklist for Managing Authority

The following questions should be considered about each person in a care home or hospital ward who does not have the capacity to give informed consent to being there.

Please consider the supports plans for each one of your residents against this checklist. If you have anyone whose care indicates a clear 'yes', or some 'maybes', please request an assessment.

SECTION ONE: How the person was admitted to the care home or hospital (for future admissions).

1.	Was force or sedatives used because the person was resisting being admitted? This does not include the use of benign force, such as gently guiding someone by the arm.	Yes/ No
2.	Was the person misled to make sure they co-operated? For instance were they misled into believing that they would return home the next day?	Yes/ No
3.	Did the person's relatives, or carers who live with the person, object to them being admitted?	Yes/ No

SECTION TWO: Current arrangements

4.	Is the Person sedated to prevent them leaving? Use of sedatives does not in itself mean that a person is deprived of liberty – it is only relevant if the purpose is to prevent the person from leaving the establishment.	Yes/ No
5.	Does the person make <u>persistent</u> or <u>purposeful</u> attempts to leave, which are prevented by means of force or a locked door? A locked door does not constitute deprivation on its own, even if its purpose is to prevent residents from wandering. Likewise for the use of benign force, such as gently guiding someone by the arm to return them when they are wandering. This test is met only if the person's attempts to leave are persistent and/or purposeful.	Yes/ No
6.	Is force used to treat the person when they are resisting, other than in an emergency? Use of benign force to administer medication, or to feed or dress someone, does not deprive someone of liberty. Emergencies could include disturbed, threatening or self harming behaviour.	Yes/ No
7.	Have relatives or carers asked for the person to be discharged to their care, and has this request been refused?	Yes/ No
8.	Have relatives or carers been refused access to the person, or had severe restrictions put on their access? Reasonable restrictions such as visiting hours etc. are not relevant.	Yes/ No
9.	Has the person been prevented from spending time with the people who matter to them?	

	This would for instance include preventing the person from spending time with friends inside or outside the home/ward. It would not include guiding the person away from casual acquaintances who appear to be abusing or exploiting the person, or reasonable restrictions on the times when a person can socialise with friends, for instance because of the establishment's daily routine.	Yes/ No
10.	Is the way the person's care is organised, severely restrictive in what they can do in other ways? An example of severe restriction could be placing the person for a large proportion of their waking time in a position which prevents them from moving (e.g. using furniture which they cannot get up from). It would not be a severe restriction to keep the person safe, which they cannot get up from unaided, if they are usually able to get help out of it when they show a persistent or purposeful desire to do so.	Yes/ No
11.	Has the person's access to the community been severely restricted because of concerns about public safety? It is not deprivation of liberty to require someone to be escorted on trips out of the care home/hospital, if this is in best interests of their own safety rather than that of others, even if this means that the person is sometimes temporarily not permitted to leave.	Yes/ No

Every 'Yes' to the above questions contributes to a potential deprivation of liberty.

SECTION THREE: Actions following completion of checklist

12.	Can the person's needs to be met in a less restrictive way?	Yes/ No
13.	Can any changes be made which would reduce the risk of deprivation of liberty?	Yes/ No
<p>If you consider the person is likely to be deprived of their liberty, complete standard forms 1 & 4 and fax to 01609 532009. Please then copy, and forward the original form 4 to Customer Service Centre, East Block, County Hall, Northallerton, DL7 8AH</p>		

Based on material developed by the Kent & Medway Local Implementation Network.