Protecting you in your Care Home and in Hospital

(A guide to the Deprivation of Liberty Safeguards)

Easy read
What is in this booklet?

This easy read booklet tells you about your rights under the Deprivation of Liberty Safeguards.

There are some difficult words in this booklet.

You may like to have someone to support you while you look at it.
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What is the Mental Capacity Act?

The Mental Capacity Act is a law which protects people who can’t make certain decisions for themselves.

When a person cannot make a decision for themselves, they are said to be **lacking capacity**.

The Mental Capacity Act tells professionals how they should find out whether you are able to make your own decisions, and how to support you to understand decisions which are being made about you.
You might be able to make some decisions, but not other decisions.

For example you might be able to choose where you want to live and who with, but it might be more difficult to make decisions about your money.

The people who arrange your care will need to find out:

- Which decisions you can make without any help
- Which decisions you need help with, and
- Which decisions you cannot make yourself and others might need to make for you.
The law says that those who care for you must make sure that you are supported to make a decision for yourself.

If you can’t make a certain decision, even with support, the Mental Capacity Act tells them what to do.

What are the Deprivation of Liberty Safeguards?

The Deprivation of Liberty Safeguards are part of the Mental Capacity Act.

Liberty means being free to do the things you want to do, when you want to do them.
What is being deprived of your liberty?

This means not being allowed to leave the hospital where you are staying or the care home you live in.

Your family and friends not being able to visit you.

Sometimes these things might happen to keep you safe.

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.

When this happens there must be a special agreement called a Deprivation of Liberty Safeguards Authorisation which is a legal document which says you can be stopped from doing some things to keep you safe.
If this has happened to you, it must be in your best interests

This means that those caring for you need to think about what is best for you and make sure they involve you as much as possible in any decisions about you.

When will the Deprivation of Liberty Safeguards be used?

The Deprivation of Liberty Safeguards are for people who cannot make a decision about the way they are being treated or cared for in a hospital or care home, and where other people are having to make this decision for them.

They are to protect you if you are being deprived of your liberty.
Who are they for?

They are for:
- If you live in England and Wales
- If you are 18 years old or older
- People who might have an illness which affects their brain, such as dementia
- Some people with a learning disability and/or autism
- People who are living in a care home or staying in a hospital, and cannot make certain decisions for themselves.

What happens if you are being deprived of your liberty?

There is a book of rules that explains what should happen. This is called the **Code of Practice** and tells people who are caring for you what they should do to keep you safe.
The Code of Practice says that the people who are caring for or treating you are called the **Managing Authority**. If they want to deprive you of your liberty they need to make sure they are not breaking the law.

The Managing Authority must write to the **supervisory body** (your local council or health trust) to tell them they think you need Deprivation of Liberty Safeguards.

**Having an assessment**

The supervisory body (council) must decide whether or not you will need Deprivation of Liberty Safeguards and they will do this by arranging at least two people to check how you are being treated or cared for. These people are called **Assessors**.

One is called the Best Interests Assessor. They will come and meet you and look at your care records, they might also speak to those closest to you such as your family and friends.
They will then write a report to tell the supervisory body whether you need a Deprivation of Liberty Safeguards Authorisation and how long this should be for.

This should be for as short a time as possible and never for longer than a year.

**What happens after the Best Interest Assessors Report?**

The report might say that it is in your best interests to be deprived of your liberty, to keep you safe.

The supervisory body will then write to the people caring for you (The Managing Authority) to tell them this and explain this to you.

The report might say that some changes are needed, for example changes to the way you are cared for.
The supervisory body will write to the Managing Authority and tell them this and make sure the changes happen.

Or the report might say that you shouldn’t be deprived of your liberty.

**What does it mean to me?**

Everyone who has a Deprivation of Liberty Safeguard must have a representative to help them get their voices heard and make sure they are safe.

A representative is someone who doesn’t work with you. They could be a member of your family or a friend, or someone independent.

They will come and visit you regularly to check you are being looked after in a way that keeps you safe.
If you or anyone else is unhappy about your care, 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 or your representative disagree about you being deprived of your liberty, a court called the Court of Protection will decide whether you should be deprived of your liberty or not.

Where can I get support?

If you are deprived of your liberty you will have a representative who will visit you regularly to make sure you are safe. This might be a friend or family member.

You also have a right to an Independent Advocate if you want one. They can help you get information about your care and treatment and help you to understand your rights.
An Advocate can also help you to ask for a review or appeal to the Court of Protection.

If you would like an Advocate to support you, or you are worried about your Deprivation of Liberty you can speak to the Deprivation of Liberty Safeguards Team at North Yorkshire County Council who will help you.

01609 536 232

MCA DOLS Admin Team,
Ryedale House
Old Malton Road
Malton
North Yorkshire
YO17 7HH
Email: dols@northyorks.gov.uk

You should ask your representative or a family member to help you contact them.
How do I make a complaint?

If you are not happy with your care or treatment in a care home or hospital you should speak to a member of staff first, they might be able to help.

They should give you a copy of their complaints procedure in a format that works for you, and any other people who can help you make a complaint.

If the procedure doesn’t help you, you can speak to the Care Quality Commission (CQC) who check care homes and hospitals to make sure they give good care.

You can contact the CQC using the following:

03000 616 161

enquiries@cqc.org.uk
Contact us
W: www.northyorks.gov.uk
E: customer.services@northyorks.gov.uk
T: 01609 780 780
(Monday to Friday 8.00am - 5.30pm
closed weekends and bank holidays)

North Yorkshire County Council, County Hall,
Northallerton, North Yorkshire, DL7 8AD

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another language or format at
www.northyorks.gov.uk/accessibility