



Easy  
Read



west  
sussex  
county  
council

# **About the Mental Capacity Act Deprivation of Liberty Safeguards and your rights**

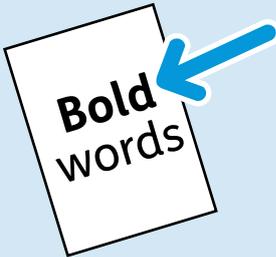
# Easy Read



This is an Easy Read version of some information. It may not include all of the information but it will tell you about the important parts.



This Easy Read booklet uses easier words and pictures. Some people may still want help to read it.



Some words are in **bold** - this means the writing is thicker and darker. These are important words in the booklet.



Sometimes if a bold word is hard to understand, we will explain what it means.



Blue and underlined words show links to websites and email addresses. You can click on these links on a computer.

# What is in this booklet

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# About this booklet



This is information from West Sussex County Council.



It is about the **Mental Capacity Act Deprivation of Liberty Safeguards (DoLS)** scheme.



**Mental capacity** means being able to make your own decisions.



**Deprivation of Liberty** means you cannot leave a care home or hospital without someone saying you can.



**Safeguards** means keeping you safe from harm.



**Good reason**

The Deprivation of Liberty Safeguards (DoLS) scheme was set up to make sure people are not deprived of their liberty without a good reason.



**Protection**

If you cannot make decisions for yourself, you will need extra protection from harm.



This booklet will explain more about DoLS and what will happen next.

# What is deprivation of liberty (DoLS)

Being deprived of your liberty in a care home or hospital means:



- You cannot decide for yourself if you should stay in the hospital or care home.



- Staff in the care home or hospital have control over decisions in your life.



- You cannot leave the care home or hospital without someone saying you can.



If you are deprived of your liberty you must have a special agreement to keep you safe, called a **DoLS authorisation**.

You will have this agreement if you:



- Live in England or Wales.



- Are aged over 18 years old.



- Have a mental disorder or learning disability.

You will also have this agreement if you:



- Live in a care home or stay in a hospital and cannot make decisions for yourself.



**Protection**

- Need to get treatment or care that will protect you from harm.



West Sussex County Council thinks equality and making sure everyone is treated fairly is very important.



We respect the people we support, our staff and the organisations we work with.

We want to work in a way that is fair to everyone.

# Setting up a DoLS agreement



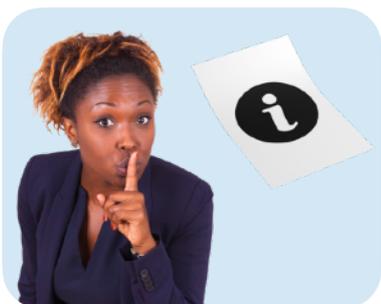
There are rules about what should happen when you cannot make decisions for yourself - called a **code of practice**.



These rules say that there are certain organisations and people that have an official job to do.



The agreement will be easier if we have all the information we need beforehand.



We will keep any information you give us safe and will follow the law about sharing your information.

## The managing authority



This is the care home or hospital that is caring for you.

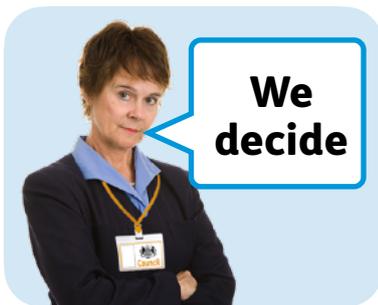


If the managing authority thinks you should be deprived of your liberty, they must check if it is allowed under the DoLS rules.

## The supervisory body



This is West Sussex County Council.



When the managing authority checks if they are allowed to deprive you of your liberty, we decide if they can.



We do this by asking at least 2 people to check if you can make decisions for yourself.

## A doctor



This is one of the people who will check if you can make decisions for yourself.

## A best interests assessor



This is the other person who will check if you can make decisions for yourself.



The best interests assessor is a professional who is trained to check your needs.



They will be **independent** - this means they are not involved in giving you care.



The best interests assessor will talk to your **power of attorney** if you have one.

A **power of attorney** is someone who has the legal power to make some decisions for you.



The best interests assessor will talk to you to see what you think about your care.



They will also speak to your family members and friends who are close to you.



If the **Court of Protection** has given someone the power to make decisions for you, the best interests assessor will work with them to make the best decisions for you.

The **Court of Protection** makes decisions for people who cannot make decisions for themselves.

The best interests assessor will write a report to tell us:



- If a DoLS agreement is needed.



- How long the agreement should last for if it is needed.



- Anything that the managing authority must do to support you.

# What happens after the best interest assessor's report

If the best interests assessor says you should be deprived of your liberty, we will:



- Check over the report.



- Confirm that a DoLS agreement is needed for you.

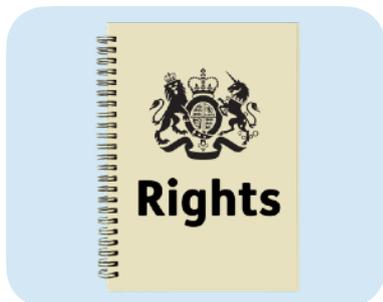


- Write to your hospital or care home to give them details about the agreement.



Staff who care for you will explain the agreement to you.

# Your rights



**Rights** are things that every person should have by law. Like the right to be safe, the right to education, and the right to be respected.



You have some rights if you are being cared for under a DoLS agreement.

To be cared for under a DoLS agreement you must:



- Not be able to make your own decisions about staying in a care home or hospital.



- Have a mental disorder or learning disability.

You cannot be cared for under a DoLS agreement if you:



- Have decided to stop getting treatment.



- Have someone who says you should not be in a care home or hospital and who:



- Has been given a **power of attorney** to look after your wellbeing.

Remember, a **power of attorney** is someone who has the legal power to make some decisions for you.



- Has been chosen by a court to make decisions for you.

To be cared for under a DoLS agreement you must also:



- Need someone to have control over what you can do so you can get the care or treatment you need.



- Need to live in a care home or hospital at the moment, as this is best for you.

If you are cared for under a DoLS agreement, you have these rights:



- You can ask for a **representative** to support you.

A **representative** is someone who can explain the DoLS agreement to you.



You can choose who your representative is, or we will give you one.

If you are cared for under a DoLS agreement, you have these rights:

- You can ask for a **review**.

A **review** is when you ask for the DoLS agreement to be checked because:

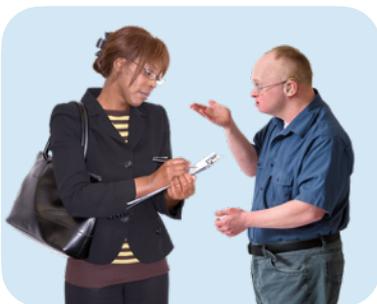
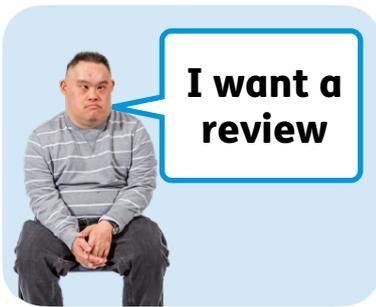
- You are not in agreement with it.

- You think the doctor or the best interests assessor got something wrong.

- You can ask about any **conditions** in the DoLS agreement.

**Conditions** are things that the care home or hospital has to do.

If you do not think the care home or hospital is doing these things, you can tell your representative or the council.



If you are cared for under a DoLS agreement, you have these rights:



- You can ask for an **advocate**.

An **advocate** is someone who can help you or your representative challenge the decision to make the DoLS agreement.



- Your representative, the care home or hospital can ask for the DoLS agreement to be checked.



They may want to do this if something has changed about you.



- If you or your representative disagrees about you having a DoLS agreement, you can ask the Court of Protection to decide if you should have one.



An advocate can help you do this.



You usually do not have to pay if you ask the Court of Protection to decide.



You can contact our Deprivation of Liberty Safeguards (DoLS) Team. We will always listen to what you have to say.



You can contact us by:

- Phone: 0330 222 3691



- Textphone using Relay UK:  
18001 0330 222 3691

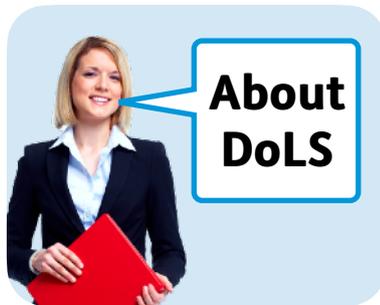


- Email: [dols@westsussex.gov.uk](mailto:dols@westsussex.gov.uk)

# If you need to speak to a solicitor



**Solicitors** give advice to people about the law.



There are special solicitors who can give you advice about making decisions for yourself and DoLS.

You can get information about solicitors from Citizens Advice by:



- Website: [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)



- Phone: 0800 144 8848

Phone lines are open Monday to Friday, from 9.00am to 5.00pm.



You can also get information about solicitors from Citizens Advice by textphone using Relay UK:  
18001 0800 144 8848

You can also contact the Law Society to find a solicitor by:



- Website: [solicitors.lawsociety.org.uk](https://solicitors.lawsociety.org.uk)



- Phone: 020 7320 5650

Phone lines are open Monday to Friday, from 9.00am to 5.30pm.



If you cannot afford to pay for a solicitor, you can get help from Civil Legal Advice.

You can find out more on their website:  
[www.communitylegaladvice.org.uk](https://www.communitylegaladvice.org.uk)

# Find out more



You can look at our website here:

[www.westsussex.gov.uk/contact-help](http://www.westsussex.gov.uk/contact-help)

You can contact us by:



- Post:  
Adults' CarePoint  
County Hall  
Chichester  
West Sussex  
PO19 1RG



- Phone: 01243 642 121



- Textphone using Relay UK:  
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For deaf callers using a textphone  
or the NGT Lite app.

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