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Your Legal Questions

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Q. What are the Deprivation of Liberty Safeguards and how might they relate to my wife who has Alzheimer's and is in a care home?

A.The Deprivation of Liberty Safeguards (DoLS) came into force on 1 April 2009 and aim to protect people in care homes and hospitals from being inappropriately deprived of their liberty. Their purpose is to make sure that a care home or hospital only restricts someone's liberty safely, correctly and only when there is no other way to take care of that person safely.

The safeguards are likely to affect mainly older people staying in hospitals and care homes. This includes people with dementia who are informally admitted to a hospital or a care home, are deprived of their liberty and do not have the mental capacity/the ability to make the decision about their care or treatment.

There are three elements to the safeguards :

• to provide the person with a representative designed to ensure that a person's loss of liberty is lawful

• to allow a right of challenge to the Court of Protection against the unlawful deprivation of liberty

• to provide a right for deprivation of liberty to be reviewed and monitored regularly.

If you have concerns for yourself or another person deprived of their liberty speak to the hospital manager or the care home manager to see whether you are able to agree on changes that can be made. If the care home manager or the hospital trust does not agree to any changes to ensure your own / the other person's safety, they must apply for a Deprivation of Liberty Safeguards authorisation.

If there is no DoLS authorisation in place and the manager does not consider an authorisation is necessary you can approach the local authority (for a care home) or the primary care trust (for a hospital) and ask them to investigate whether an unlawful deprivation of liberty has occurred.

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