**DEPRIVATION OF LIBERTY SAFEGUARDS**

**STANDARD AUTHORISATION - YOUR RIGHTS**

This is a summary of your rights now that the Council has granted a Deprivation of Liberty Safeguards (DoLS) authorisation. This means that there has been an independent check to make sure all the necessary requirements have been met to safeguard your liberty. This formal record (usually a Form 5) should have been given to you, if it has not, you can ask for a copy.

This authorisation means that the council considers that you:

1. A) Lack the mental capacity to make your own decision regarding whether or not to be in a care home or hospital to receive care or treatment and that B) at the moment, it is in your best interests to be there.
2. Have a mental disorder.
3. Have not made an advance decision to refuse the treatment (if relevant) and there is no personal welfare lasting power of attorney or court-appointed Deputy who objects to you being there.
4. Need restrictions to be in place so that you get the care or treatment you need, and these restrictions are in your best interests, necessary to prevent harm to you and proportionate to the risk of that harm.

You now have the right to:

1. **Have a representative** who will explain all about the authorisation and your rights to you and help you to complain or challenge the decisions – this representative will have been selected and approved by the council (you may have chosen this person) and they should be named on the authorisation.
2. **Ask the council that granted the authorisation to look at it again** – this is called a Review. This could be because you think they got some things wrong, or because something has changed since the assessments were done.
3. **Ask the council about any conditions on the Form 5** – these must be followed by the care home or hospital. If you do not think they are being followed you should tell the care home or hospital, council or your representative; or you can ask the Court of Protection to help you.
4. **Ask the Court of Protection for help** if you still disagree with some or all of the decisions – you will not usually have to pay for this as you have the right to legal aid for the costs of a solicitor to help you.
5. **Ask for a special kind of advocate** called an Independent Mental Capacity Advocate if you or your representative need help to challenge the decision in the Court of Protection.

There are specialist solicitors who can help you with advice about mental capacity and the Deprivation of Liberty Safeguards.

You can get information about local solicitors at local branches of Citizens Advice. Or you can use [Find a Solicitor](https://solicitors.lawsociety.org.uk/) provided by the Law Society or at the [Mental Health Lawyers Association geographical list of members](http://www.mhla.co.uk/find-a-lawyer/geographical-list/).

If you need further help using Find a Solicitor, call the Law Society on 020 7320 5650 (Monday to Friday from 9am to 5.30pm).

You can also contact your local council DoLS Team, they will always try to listen to your point of view and sort out any disagreement informally if they can.

*This resource was written by Lorraine Currie in March 2024, commissioned by West Midlands ADASS.*