

# When you do not have the mental capacity to make decisions about your care arrangements

Adult Safeguarding Team

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Information for Patients, Families & Carers

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## When we need to act in your best interests

It has been identified that currently you do not have the mental capacity to give your informed consent to being in hospital for care and treatment of your current condition. You may also lack the capacity to make some or all of your own care and treatment decisions. Because of this we are using the **Mental Capacity Act** to help us care for you, in your best interests. We are speaking to those people who know you well, to help us decide what is best for you whilst in hospital.

## What does deprivation of liberty mean?

We recognise that at present, you may be stopped from doing certain things, like leaving hospital. We may also be supporting and supervising you in different ways to look after you. These steps have been taken to keep you safe. This is called being 'deprived of liberty'. There are special safeguards or steps that we have to follow. The safeguards ensure that we only deprive someone of their liberty in an appropriate and safe way, and only when it is in their best interest. If you are being cared for in this way, the hospital must have a special agreement called a **Deprivation of Liberty Safeguards (DoLS)** authorisation to keep you safe. **This is the law.**

## How is this decision made?

The hospital (known as the managing authority) has to write to your local council (known as the supervisory body) to ask for a Deprivation of Liberty Safeguards authorisation. The council then arranges for some assessments to take place with an independent Best Interests Assessor.

**Health information and support is available at [www.nhs.uk](http://www.nhs.uk)  
or call 111 for non-emergency medical advice**

Visit [www.leicestershospitals.nhs.uk](http://www.leicestershospitals.nhs.uk) for maps and information about visiting Leicester's Hospitals  
To give feedback about this information sheet, contact [InformationForPatients@uhl-tr.nhs.uk](mailto:InformationForPatients@uhl-tr.nhs.uk)

This person will help to make sure the decisions about the deprivation of your liberty are fair and lawful. They must talk to you, and your closest relatives or friends, and consider your views as part of their assessment process.

## Issuing an urgent authorisation order

While we are waiting for the independent assessment process to begin, the hospital will issue an urgent authorisation in order to keep you safe. Close family members or friends have the right to be consulted as they may have an opinion about whether the proposed deprivation of liberty is appropriate. If you are discharged from hospital during the urgent authorisation period, then the process ends there.

**We have asked the supervisory body for a standard Deprivation of Liberty Safeguards authorisation, and while we are waiting we have issued an urgent authorisation as we believe you need the protection of these safeguards now.**

## Your rights

You have the right to challenge the Deprivation of Liberty Safeguards order. If you have concerns about the order or you disagree with this, please inform the nurse or doctor on your ward in the first instance. If you still have concerns you can also contact the Adult Safeguarding Team on **0116 258 7703** or email: [adultsafeguarding@uhl-tr.nhs.uk](mailto:adultsafeguarding@uhl-tr.nhs.uk)

Please also be aware that when a person dies in hospital whilst detained under a Deprivation of Liberty Safeguards authorisation, it may be necessary for the hospital to inform the local Coroner. This is the law in certain cases.

## How do I make a complaint?

If you have any complaints, questions or queries about your care and treatment in hospital, we encourage you to speak to the nursing and medical team. They may be able to sort the matter out. They can also give you information about the hospital's complaints procedure. If you are not able to speak to the nursing or medical team directly, you can contact the Patient Information and Liaison Service (PILS) on freephone: 0808 178 8337 or email: [pils@uhl-tr.nhs.uk](mailto:pils@uhl-tr.nhs.uk).

اگر آپ کو یہ معلومات کسی اور زبان میں درکار ہیں، تو براہ کرم مندرجہ ذیل نمبر پر ٹیلی فون کریں۔  
على هذه المعلومات بلغةٍ أخرى، الرجاء الاتصال على رقم الهاتف الذي يظهر في الأسفل

જો તમને અન્ય ભાષામાં આ માહિતી જોઈતી હોય, તો નીચે આપેલ નંબર પર કૃપા કરી ટેલિફોન કરો

ਜੇ ਤੁਸੀਂ ਇਹ ਜਾਣਕਾਰੀ ਕਿਸੇ ਹੋਰ ਭਾਸ਼ਾ ਵਿਚ ਚਾਹੁੰਦੇ ਹੋ, ਤਾਂ ਕਿਰਪਾ ਕਰਕੇ ਹੇਠਾਂ ਦਿੱਤੇ ਗਏ ਨੰਬਰ 'ਤੇ ਟੈਲੀਫੋਨ ਕਰੋ।

Aby uzyskać informacje w innym języku, proszę zadzwonić pod podany niżej numer telefonu

If you would like this information in another language or format such as EasyRead or Braille, please telephone 0116 250 2959 or email [equality@uhl-tr.nhs.uk](mailto:equality@uhl-tr.nhs.uk)