

Mental capacity and deprivation of liberty safeguards (DoLS) policies

Purpose:

The purpose of this policy is to outline the approach and procedures for protecting the rights and well-being of individuals who lack the mental capacity to consent to their care or treatment arrangements. This policy ensures compliance with the Deprivation of Liberty Safeguards (DoLS) legislation and promotes the principles of the Mental Capacity Act 2005.

Scope:

This policy applies to all individuals receiving care and treatment within our service who may be subject to deprivation of liberty safeguards. It also applies to all staff members involved in the assessment, decision-making, and implementation of care and treatment arrangements.

Policy Statement:

We recognise that individuals have the right to make decisions about their own care and treatment whenever possible. However, in circumstances where a person lacks the capacity to make informed decisions, we will adhere to the following principles and procedures:

Presumption of Capacity:

We will presume that all individuals have the capacity to make decisions unless there is evidence to suggest otherwise. Capacity assessments will be conducted in line with the Mental Capacity Act 2005, and any restrictions on liberty will be proportionate and necessary.

Support to Make a Decision:

We will provide appropriate support, information, and communication aids to enable individuals to participate in decision-making to the fullest extent possible. We will involve family members, advocates, and other relevant parties to ensure the individual's wishes and feelings are considered.

Ability to Make Unwise Decisions:

We respect an individual's right to make decisions that others may perceive as unwise. As long as a person has the capacity to understand the consequences of their decisions, we will respect their autonomy and provide support to manage any associated risks.

Best Interest:

When individuals lack the capacity to make specific decisions, we will act in their best interests. We will consider their previously expressed wishes, values, beliefs, and consult with their nominated decision-makers. Decisions made in the best interest of the individual will be proportionate and least restrictive.

Least Restrictive:

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We are committed to ensuring that any restrictions on liberty are the least restrictive possible. We will explore alternative options and reasonable adjustments to promote autonomy and independence. Where deprivation of liberty is necessary, we will follow the appropriate legal procedures, including seeking authorisation through the DoLS process.

Procedure:

To implement this policy effectively, the following procedures will be followed:

Deprivation of Liberty Safeguards (DoLS): We recognise that a deprivation of liberty occurs when an individual is under continuous supervision and control, is not free to leave, and lacks capacity to consent to these arrangements. We are committed to identifying such situations and seeking the necessary authorisations and protections. We follow the legal requirements and procedures outlined in the Mental Capacity Act and the DoLS legislation when considering deprivation of liberty. We ensure appropriate assessments, authorisations, and reviews are carried out in compliance with the DoLS framework.

Capacity Assessment: We conduct capacity assessments using the best interests decision-making process. We will involve relevant professionals, such as doctors, psychologists, and social workers, in assessing and determining a person's capacity.

Best Interest Decision-Making: We involve the individual, their family, advocates, and healthcare professionals in the decision-making process. We will consider the person's previously expressed wishes, feelings, beliefs, and values when determining the best interests.

Least Restrictive Care and Treatment: We continuously review and reassess care and treatment arrangements to minimise restrictions on liberty. We explore alternatives to restrictive practices and consider the least intrusive interventions to meet the person's needs.

Training and Awareness: We provide ongoing training to our staff to ensure they are aware of the principles of the Mental Capacity Act and the Deprivation of Liberty Safeguards. This includes recognising situations where a deprivation of liberty may occur and the proper procedures for addressing them.

Compliance: Our service is fully committed to adhering to the legislation regarding Deprivation of Liberty Safeguards (DoLS). We ensure that any actions taken to deprive an individual of their liberty are in strict compliance with the law. We monitor compliance with the policy and conduct periodic audits to ensure adherence to the principles and procedures outlined.

Review: This policy will be reviewed annually or as necessary to ensure it remains in line with current legislation and best practices. Any changes will be communicated to all staff members and relevant stakeholders.

Central Support is dedicated to respecting the rights and autonomy of all individuals who use our service. Our Mental Capacity and Deprivation of Liberty Safeguards policy is an integral part of our commitment to ensuring that decisions are made in the best interests of those we support while preserving their dignity, autonomy, and freedom.

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