

Policies & Procedures

Deprivation of Liberty Safeguards (DoLS) Policyv1.0

Deprivation of Liberty Safeguards (DoLS) Policy

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Mental Capacity Act Policy

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Policy Statement

VCare Consultancy Services Limited is committed to upholding the rights, freedom, and dignity of all individuals receiving our support. We fully adhere to the principles of the **Mental Capacity Act 2005** (MCA), including the **Deprivation of Liberty Safeguards (DoLS)** and the evolving framework of **Liberty Protection Safeguards (LPS)**, due to replace DoLS.

Although DoLS authorisations apply specifically to **hospital and care home settings**, this policy ensures our staff understand:

- When a deprivation of liberty may be occurring in a **home setting**, such as supported living.
- How to respond appropriately under the MCA.
- The process for involving the **Court of Protection** for legal authorisation in community settings.

Scope

This policy applies to all VCare staff, including care workers, team leaders, and managers involved in supporting adults aged 16 and over who may lack the capacity to consent to their care and support arrangements at home.

Legal and Regulatory Framework

- Mental Capacity Act 2005.
- Deprivation of Liberty Safeguards (DoLS), ammendments to MCA, 2007.
- Liberty Protection Safeguards (when implemented).
- Human Rights Act 1998.
- Care Quality Commission Fundamental Standards.
- Health and Social Care Act 2008.
- Data Protection Act 2018 / UK GDPR.

Definition of Deprivation of Liberty

A deprivation of liberty may occur when:

- A person is under **continuous supervision and control.**
- The person is **not free to leave.**
- The person **lacks capacity** to consent to these arrangements.

Responsibilities

Registered Manager:

- Identify potential situations of deprivation of liberty in home care
- Liaise with the Local Authority and/or **Court of Protection** for lawful authorization.
- Maintain accurate records of all MCA assessments and best interest decisions.

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- Ensure staff receive appropriate MCA/DoLS training.
- Monitor care practices to ensure they are the **least restrictive option** and reviewed regularly.

All VCare Staff will:

- Be trained in the Mental Capacity Act and DoLS.
- Recognise situations where someone may be deprived of their liberty.
- Report concerns or potential restrictions to the manager.
- Support individuals in the **least restrictive** and most empowering way.

Procedures

In domiciliary care, a formal DoLS authorisation cannot be used. Where a person is deprived of their liberty in a **private residence or supported living**:

- **Mental Capacity Assessment** is completed for the specific decision (e.g. where to live).
- A **Best Interests decision** is recorded with input from family, advocates, and professionals.
- If the individual is not free to leave and is under continuous supervision and control, **VCare will seek authorisation through the Court of Protection.**
- This includes cases where care is funded by the local authority, NHS, or privately.
- **IMCA involvement** is requested if the person has no close family/friends.
- The plan is **reviewed regularly** and updated to reflect the least restrictive practice.

Liberty Protection Safeguards (LPS) Readiness

VCare Consultancy Services is preparing for the full implementation of **Liberty Protection Safeguards**, which will:

- **Apply to individuals** aged 16+.
- **Cover** home and supported living environments.
- **Allow a** responsible body (e.g., local authority) **to authorise a deprivation of liberty without needing Court of Protection in all cases.**
- **Require** three key assessments**: capacity, medical, and necessity/proportionality.**

VCare will always ensure:

- Policy and practice are updated as new guidance is issued.
- All staff receive **LPS-specific training** when available.
- Care planning includes **advance identification** of possible restrictions.

Training and Awareness

All VCare Staff will have to undertake annual mandatory trainings on:

- The Mental Capacity Act.
- Recognising restrictions.
- DoLS and LPS procedures.

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Record Keeping

VCare Consultancy Service will always record: (in line with UK GDPR and VCare GDPR compliance Policy)

- Capacity assessments and outcomes.
- Best interest decisions.
- Details of any supervision or restriction.
- Applications to the Court of Protection.
- Consent or objection by the person or family.
- Reviews and changes to care arrangements.

Monitoring and Review

- The Registered Manager will **audit all care plans** for restrictive elements quarterly.
- Any incidents or complaints involving liberty or consent will be reviewed immediately.
- This policy will be reviewed annually or earlier in response to legislative changes, including LPS activation.

Related Policies and Procedures

This policy and procedure should be inherent in every other policy and procedure within VCare Consultancy Services Limited.

- Mental Capacity Act Policy.
- Consent Policy.
- Safeguarding Adults Policy.
- Care Planning & Risk Assessment Procedure.
- Incident Reporting and Complaints Policy.

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