

Rights leaflet for people on a standard DoLS

Care home and hospital staff have a legal duty to give written information, to explain it to the person and to take practicable steps to ensure the person understands their rights under DoLS. Download this leaflet from: www.bookswise.org.uk.

Person's name			
Name of care home or hospital			
Date DoLS started		Date DoLS ends	

What is this leaflet?

This leaflet tells you about being on a standard DoLS and your rights. The care home (or hospital) staff have a duty to give you this information, try to explain what it means and give you extra support (if you need it) to understand.

Why am I on a standard DoLS?

Two people (a doctor and a health or social care professional called a best interests assessor) have met you and assessed that your health condition has affected your ability to decide where to live. After talking to you and people who know you and considering other information, they have decided it is in your best interests to stay in this care home (or hospital) to receive the care or treatment that you need.

While you are staying here there are some rules in your care plan which help to keep you safe. These rules mean you are not free to come and go as you may wish and that staff need to support and supervise you in different ways to look after you and keep you safe. This is why your council has placed you under the protection of a standard DoLS while you are here to make sure the care home or hospital are looking after you properly. Being under DoLS also means you have the right to challenge the decision to keep you here, this is explained below.

You must be given a copy of the assessments completed by the doctor and best interests assessor giving the reason why you are on a standard DoLS and a copy of the DoLS paperwork from the council. Your representative (see below) will also be given a copy of these.

How long will the DoLS last for?

The date when your standard DoLS ends is given at the top of this leaflet. You must not leave before this time unless the care home or hospital staff say you can. If you try to leave, the staff can stop you and if you do leave, you can be brought back.

Before the DoLS ends you should be told whether you are going to be assessed again to see if it needs to be continued for a further period of time.

What care and treatment will I be given?

If you can make decisions about your care and treatment then you can say yes or no to anything that is offered to you. If you lack capacity to decide then staff must assess what is in your best interests under the Mental Capacity Act. You must be involved in any such decisions and your views and wishes taken into account. Your family and other people who know you must also be consulted.

Reviews

If you are not happy being on a standard DoLS or think it is wrong you can, at any time, ask for a *DoLS Review*. To do this, you need to contact the council DoLS team. A review means you will be seen by a DoLS assessor from outside the care home or hospital. This could be the same person who assessed you originally. You can write or call the council DoLS team at:

You can ask a member of staff to help you contact them. Your representative can also ask for a review.

Can I appeal?

Yes. You can appeal directly to the Court of Protection at any time using a special form called COPDLA which is available from www.gov.uk. You are entitled to a legal aid lawyer who can do this for you. Alternatively, you can fill out the form and send it to the Court of Protection yourself. You don't have to ask permission from anyone or speak to the council, care home or hospital first. The Court of Protection office has a special faster procedure to process appeals if someone is under DoLS. Contact details for the Court of Protection are below:

Court of Protection, PO Box 70185, First Avenue House, 42-49 High Holborn, London WC1A 9JA
Telephone: 0300 456 4600 Email: courtofprotectionenquiries@hmcts.gsi.gov.uk

Legal Aid

While under DoLS, you are entitled to legal aid (it doesn't matter how much money you have). Solicitors are available from www.lawsociety.org.uk. If you cannot easily access the internet from your care home or hospital, tell your DoLS representative (also known as RPR) or advocate (also known as IMCA) to call a lawyer for you. The lawyer can come and visit you in the care home or hospital to advise you of your options. They represent you and not the council, hospital or care home.

Help from an independent advocate (IMCA)

You are entitled to free help from an independent advocate if you want it. They can help you get information about your care and treatment, why you are being kept in a care home or hospital, what it means and what your rights are. They can also help you (or your representative) appeal to the Court of Protection or asking for a DoLS review.

If you want an advocate, contact your council DoLS team (details above). If you do not want to contact the DoLS team yourself, you can ask a member of staff to contact them for you. You can also ask your representative to do this for you.

Your representative

Everyone under a standard DoLS has a person called a representative appointed for them. They can be a member of your family, a friend or someone such as an independent advocate. They are independent of the care home or hospital and they must support you as long as you are on a standard DoLS. They can ask for a review or appeal to the Court of Protection. They must come and see you regularly. You may have chosen the representative yourself, otherwise they will have been chosen for you. Your representative for DoLS is:

If you do not want this person to be your representative speak to your council DoLS team or ask the staff at the care home or hospital to do this for you.

Code of Practice

There is legal guidance called a Code of Practice that gives advice to staff in the care home or hospital about DoLS. The staff have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.

How do I complain?

If you want to complain about anything to do with your care or treatment in the care home or hospital, please speak to a member of staff. They may be able to sort the matter out. They can also give you information about the care home or hospital's complaints procedure and about any other people who can help you make a complaint, such as an advocate (see above). If you do not feel that the care home or hospital complaints procedure can help you, contact the council DoLS team (see details above) or the Care Quality Commission (CQC) in England or Care Inspectorate Wales (CIW) or Healthcare Inspectorate Wales (HIW) may be able to help.