

DEPRIVATION OF LIBERTY

Safeguarding and Quality Concerns arising from DoLS best interest assessments



Allegations or Concerns of Abuse or Neglect

Where a BIA comes across information which is an allegation of abuse or neglect or a disclosure of abuse or neglect is made to them as part of discussions undertaken as part of a best interest assessment, BIA will:

- inform the DoLS officer
- raise an alert with adult social care according to usual procedures.

BIA is not to expect or request anyone else to make the alert on their behalf, but is to make an alert passing over the information they have collected relating to the concern/allegation. The BIA will not be expected to gather further information relating to the concern or to investigate.

Lawfulness of Deprivation

If it becomes apparent following the DoLS process that an individual is unlawfully deprived of their liberty, the DOLS officer will:

- contact the managing authority and allocated worker/team advising them to take steps, in accordance with the DoLS code of practice, to remove the deprivation of liberty.
- request information within one month that the deprivation of liberty has been removed.
- If not received, contact the commissioner and the line manager of the allocated worker.
- If necessary, request a professionals meeting to discuss and resolve the situation.

Disproportionate Restraint/ Disregard or misuse of the MCA

If concerns are raised about disproportionate restraint or any other misuse of the Mental Capacity Act, the best interest assessor will:

- decide in consultation with the DoLS officer and an AP in the safeguarding pathway whether this constitutes physical abuse.
- If so, follow the process for Concerns of Abuse or Neglect.
- If not, record the decision in CF6
- make the DoLS officer aware of the concern.

The DoLS officer will inform:

- the care manager
- the Quality Assurance and Improvement Team
- the relevant health Commissioner