

# Deprivation of Liberty



This leaflet provides information on the Deprivation of Liberty Safeguards under the Mental Capacity Act (NI) 2016.



## What is Deprivation of Liberty?

**Deprivation of liberty** means taking your freedom away.

This can be done to keep you safe while you get care or treatment, as long as certain rules are followed. For example, keeping you in hospital, even if you do not want to.



You are being deprived of your liberty when these 3 things are happening



1. You are in a place that gives you care or treatment



2. You are not free to leave



3. You are watched and controlled all the time or most of the time.



## Rights



You have the following rights.

If you can make your own decisions you can not be deprived of your liberty.



You must be supported to make your own decisions.



If you can't make your own decisions you should be included in meetings so people can hear what you want and what is important to you.



You can make decisions that other people think are silly or unwise.



People should not make up their mind about you and what is best for you until they have the right information about you.



You can pick someone to tell other people what you want. This person is called a **nominated person**.



You should be told what is happening and given information about the Mental Capacity Act.



You have the right to ask for all information used in making assessments.



If you are unhappy with a decision you can ask the Review Tribunal to look at it.



You can only be deprived of your liberty if all the following safeguards are met.

The **safeguards** are the rules that must be followed.



They must believe that you do not have capacity and write this down.

**Capacity** means being able to make your own decision.



They must believe that a deprivation of liberty is in your best interests and write this down.

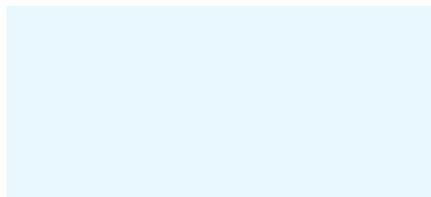
**Best interests** means it is what you would want if you had capacity.



They must believe that a deprivation of liberty will help stop you hurting yourself or other people.



They must consult your nominated person.



They must follow the process to get the deprivation of liberty approved.



For more detailed information and guidance on the Mental Capacity Act, and Deprivation of Liberty Safeguards visit website: [www.health-ni.gov.uk/mca](http://www.health-ni.gov.uk/mca)

