



The Supreme Court has changed DoLS Rules

The Supreme Court has changed how we decide if someone in a care home or hospital is being deprived of their liberty.

What's changed?

The old 'acid test' is out. A new, broader approach now applies. We must consider:



What the restrictions are — what they are like, how long they last, and how the person feels about them



We must find out why they're in place



We must look at whether staff are completely overriding the person's wishes



We must look at whether the person is living as normal a life as possible

When we have looked at all these things, some people may no longer need a DoLS authorisation.

Then we also have to look at consent.



Some people may now be able to give valid consent to restrictions even without full mental capacity.



If someone has enough awareness to know whether they're happy or unhappy with their living situation and can communicate this, they can consent. This means no DoLS authorisation is needed.



Their care and treatment and their accommodation stays the same.

What does this mean for you

Your local DoLS Team might decide that you no longer need a DoLS authorisation.

You can read more about the Supreme Court decision here :

[CQC statement on the Supreme Court's judgment on deprivation of liberty - Care Quality Commission](#)

[AGNI resources – Mental Capacity Law and Policy](#)