

When does restraint become a Deprivation of Liberty?

Restraint

Deprivation of liberty is or could be indicated

Doors are locked but the person is given access to go out

DOORS

Doors are locked and the person rarely goes out

Stopping someone leave unless they are escorted

LEAVE

A person is never allowed out without an escort and there are rarely escorts

Staff exercise some control over the person

CONTROL

Staff have extensive control over the care and movement of a person (where they can be within the setting + what they can do)

Carers request discharge but agree a compromise, for example, discharge but attendance at a day centre

DISCHARGE

Carers request discharge and this is refused (no negotiation)

The person is restrained under the Act periodically

RESTRAINT

The person is restrained regularly and for prolonged periods

Contact with others is limited (visiting hours)

VISITORS

Contact with others or the world outside is severely limited because of additional rules

A person has some choice and control over their daily living within certain limits

LIFESTYLE

A person has little control over their own life because of the continuous supervision and control placed on them

If the person attempted to leave they would be stopped. They would however be allowed to change care home (still remaining in care)

DISCHARGE

If the person attempted to leave they would be stopped and they would not be allowed to live somewhere else

Adapted from Working with the Mental Capacity Act 2005

Safeguarding Adults