



DoLS Referral Quick Reference (Care Home Providers)

Following the Supreme Court Judgment – June 2026

Important Notice

Please find below a quick reference guide for DoLS referrals following the June 2026 Supreme Court judgment from the **DoLS Team, Warwickshire County Council**.

This guidance outlines when referrals should be made and the key information required to support effective screening.

 Referrals must remain **detailed, person-centred**, especially where there is uncertainty or possible objection.

 Please share with all relevant staff involved in care planning and referrals.

 **Need support?** Contact: dols@warwickshire.gov.uk

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When Should You Refer?

Make a DoLS referral where:

-  **Restrictions may amount to a deprivation of liberty**
-  **There is doubt or a borderline situation**
-  **The person may be objecting or not clearly consenting**

 Referrals are still expected where there is uncertainty

New Approach (What's Changed)

-  No single “acid test”
-  Decisions are now **multifactorial**

Focus on:

-  Impact of restrictions on the person
 -  Objection
 -  Wishes and feelings
 -  Possibility of consent
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What MUST Be Included in Your Referral

Reason for Referral

-  Why now?
 -  What concerns or changes triggered this?
 -  Provide **as much detail as possible**
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Restrictions (Full Detail Required)

Describe:

-  Type (e.g. locked doors, 1:1 supervision, medication, restraint)
-  Duration (continuous or occasional)
-  How they are implemented
-  Effect on the person

 Must reflect a **full picture**

Objection (CRITICAL)

State clearly:

 **Is the person objecting? YES / NO / UNCLEAR**

Include:

-  Trying to leave

- ❌ Refusing care
- 😞 Distress or resistance
- 💉 Need for restraint or sedation

⚠️ Objection strongly suggests deprivation of liberty

4 🗨️ Wishes and Feelings

Record:

- 🗣️ What the person says or communicates
- 😊 Behaviour (happy, distressed, withdrawn)
- 📄 Past wishes

📄 Include quotes where possible

🎯 Focus on what the person **actually wants**

5 ✅ Consent

Consider:

- 🧠 Do they understand their situation (basically)?
- 😊 Do they appear content or accepting?
- 🔄 Any doubt or fluctuation?

📌 A person may still give valid consent even if lacking capacity

6 🏠 Context

Explain:

- 🛡️ Why restrictions are in place (care & safety)
 - 🇮🇹 How “normal” this is in the setting
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7 🔓 Less Restrictive Options

- 🔄 What has been tried?
- 🎯 Why current approach is necessary

Evidence

Attach or summarise:

-  Care plans
-  Risk assessments
-  Behaviour records
-  Medication information
-  Family views

Your Professional View

State clearly:

-  Likely DoL
-  Not DoL
-  Unclear

If Unsure – Say So

Include:

“There is uncertainty as to whether this constitutes a deprivation of liberty.”

Common Mistakes to Avoid

-  Tick-box referrals only
-  Saying “*not free to leave*” without detail
-  Not recording wishes/feelings
-  Ignoring objection or lack of objection

Top Tips

-  Be descriptive, not brief
-  Use examples and evidence

-  Focus on the person's experience
 -  **When in doubt → REFER**
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Need Advice?

 dols@warwickshire.gov.uk
