

DEPRIVATION OF LIBERTY STANDARDS – LEGISLATIVE CHANGE APRIL 2017

Patients who die while subject to an authorisation under the Deprivation of Liberty Safeguards (DoLS) no longer require automatic referral to the coroners

From the 3rd of April 2017, it will no longer be necessary to refer all patients who die while subject to an authorisation under the Deprivation of Liberty Safeguards (DoLS) to the coroner.

Before that date, patients who died subject to DoLS were regarded as dying while in state detention, triggering an automatic requirement for an inquest. From Monday 3rd April the Coroners and Justice Act 2009 will be amended so that coroners will no longer be under a duty to investigate a death solely because the individual was subject to the DoLS at the time. These deaths will only require reporting to the coroner if the cause of death was unknown, or where the cause of death was violent or unnatural.

All deaths while subject to a DoLS authorisation that occur prior to the 3rd of April will still need to be reported to the Coroner.