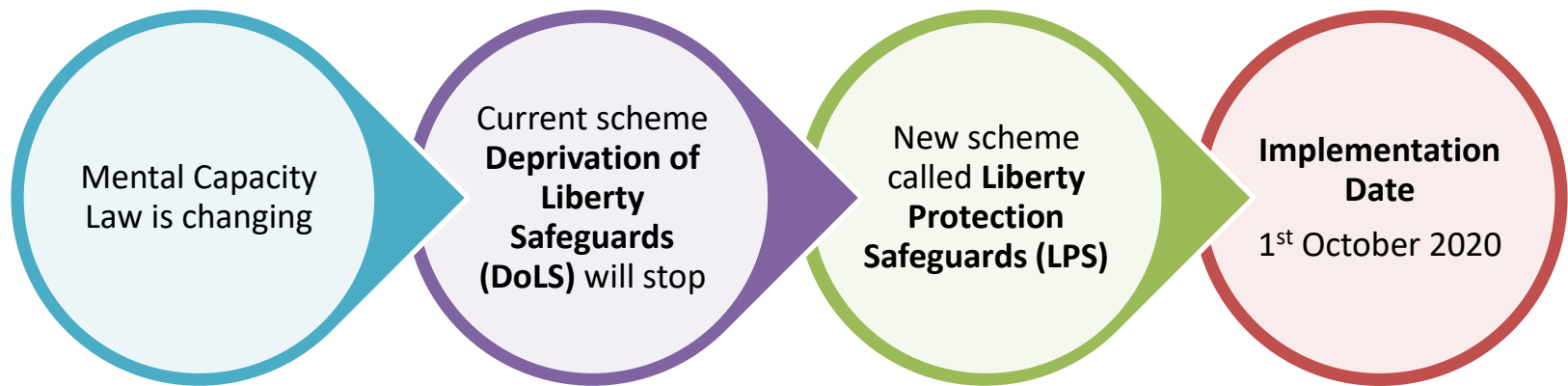


Liberty Protection Safeguards

Stuart Lackenby (Direct of Adult Social Care)
Karen Emms (Service Manager for Social Work & Therapy)



Mental Capacity Amendment (Bill)



Sequence of Decision Making



No court authorisation needed



Authorising arrangements

- Arrangements can be authorised for enabling the care or treatment of a person (aged 16+) that give rise to a deprivation of liberty
- Can be in any setting & multiple setting
- Can include means & manner of transport

Who is responsible body?

- If arrangements mainly carried out in an NHS hospital, the “**hospital manager**”
- If arrangements mainly carried out in an independent hospital, the **Local Authority**
- If arrangements are mainly via CHC, the **CCG**
- **otherwise, the Local Authority** (the authority meeting the person’s needs or in whose area the person is ordinary resident)



Authorisation Process

- **Capacity Assessment**
 - person lacks capacity to consent to the arrangements
- **Medical Assessment**
 - person has a mental disorder
- **Necessary & Proportionate Assessment**
 - necessary to prevent harm to person & proportionate to likelihood & seriousness of such harm
 - must have regard to person's wishes and feelings

Consultation with...

- The Person
- Any named person
- Carer or anyone interested in the person's welfare
- Any deputy or attorney
- IMCA or appropriate person



Pre-authorisation Review

Pre-authorisation Review

Before the Responsible Body authorises the Deprivation of Liberty, a pre-authorisation review is undertaken to check all the evidence and the paperwork to see if the conditions are met for authorisation

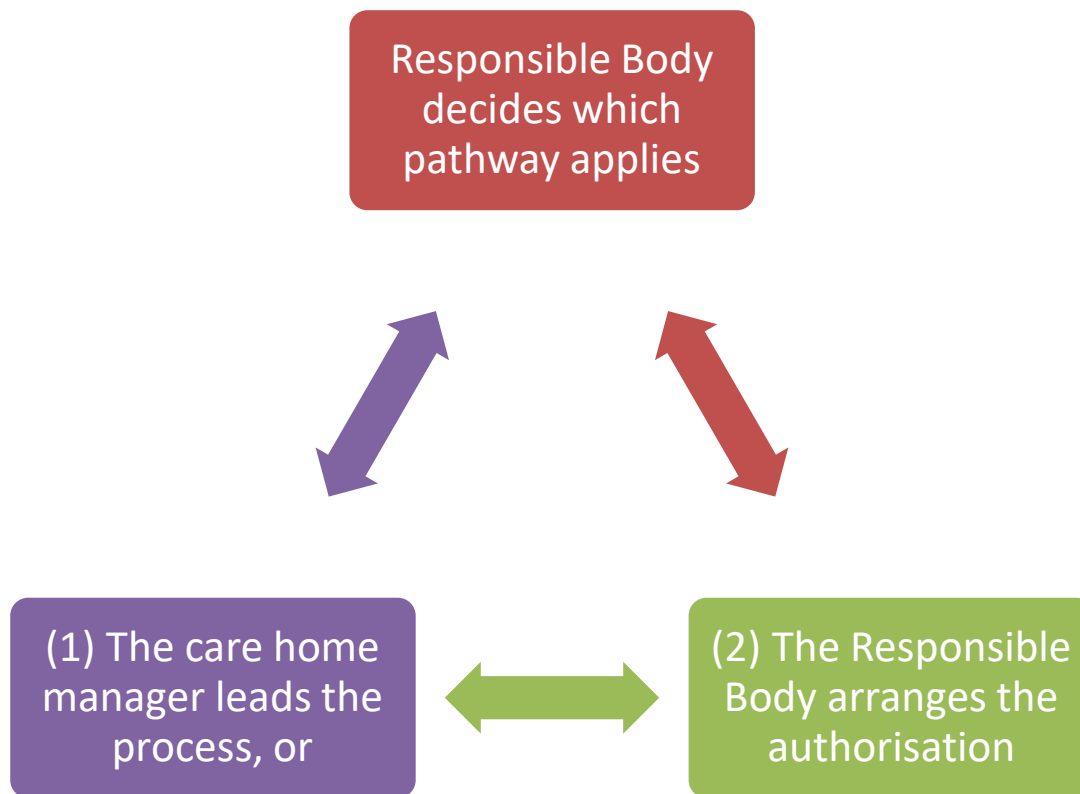
Approved Mental Capacity Professional (AMCP)

In complex cases or when a person is objecting to a deprivation of liberty, the pre-authorisation review is done by an Approved Mental Capacity Professional (an AMCP), who must meet the person.

The Local Authority must approve all the AMCP's for all the Responsible Bodies within the area.



Care Home Arrangements (Applies to those aged 18+)



rights to information

duty to provide **care plan**

rights to
regular **reviews**

rights to legal
challenge to the
Court of Protection

duty on **CQC /
Ofsted** to monitor
& report on the LPS

rights to **IMCA** or
“**appropriate
person**”



Code of Practice

Training &
Workforce
Strategy

Revised
Impact
Assessment

Transitional
Arrangements

