

Appendix 2: Deprivation of Liberty Protection Safeguards and Liberty Protection Safeguards

Deprivation of Liberty Safeguards	Liberty Protection Safeguards
Local authority authorises all arrangements	<p>NHS Acute Trusts and CCG's authorise arrangements.</p> <p>Local authorities and NHS bodies will be 'Responsible Bodies' under the LPS. Responsible bodies will organise the assessments needed under the scheme and ensure that there is sufficient evidence to justify a case for deprivation of liberty. Ultimately, the responsible body is responsible for authorising any deprivation of liberty in certain settings</p>
6 assessments	<p>3 assessments:</p> <ul style="list-style-type: none"> • A capacity assessment • Medical assessment to determine whether the person has a mental disorder and; • A 'necessary and proportionate' assessment to determine if the arrangements are necessary to prevent harm to the person and proportionate to the likelihood and seriousness of harm <p>The assessment process will be embedded into existing care planning e.g. Care Act</p>
Current maximum length of authorisation is 12 months	Extension period renewal from 12 months to 3 years (for individuals with long term stable conditions)
Role of Responsible Persons Representative (paid or unpaid advocate)	Ensure person is supported by an 'Appropriate Person' and if no one is available Independent Mental Capacity Professional (IMCA) to be appointed
Families / carers may be consulted	Explicit duty to consult with carers and families

Disputed cases go to the Court of Protection	An Independent Approved Mental Capacity Professional (AMCP), previously known as a BIA (Best Interest Assessor) will review arrangements. To note AMCP will undertake a of the information on which the responsible body relies and determine whether the authorisation conditions are met but it will still be possible for an appeal to be made to the Court of Appeal
Two separate processes for DoLS and DiDS (Deprivation of Liberty in domestic setting)	<p>LPS will cover a wider range of settings, such as :</p> <ul style="list-style-type: none"> • Individuals residing in domestic settings who need to be deprived of their liberty. Domestic settings include for example: <ul style="list-style-type: none"> • The person's own home and family home • Shared lives • Supported living. <p>This change ensures that all individuals who need to be deprived of their liberty will be protected under LPS, regardless of where they reside, without the need to go to court.</p>
DoLS is applicable to people aged 18+	LPS is applicable to people aged 16+

(The current role of the signatory disappears under the Liberty Protection Safeguards).