

Liberty Protection Safeguards



Produced in collaboration with Cwn Taff & Blaenau Gwent People First, Regional Partnership Team and Aneurin Bevan University Health Board

1. Introduction



Everyone has the right to liberty. This means to be free. For example:

- Freedom to go out where you want
- Be able to leave your home



There are some cases when people cannot be free. For example:

- If someone has broken the law
- If it is dangerous for someone to go out and they can't understand risks

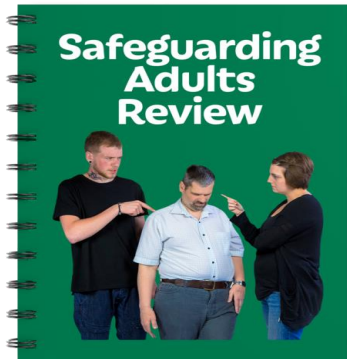


There are laws in place to protect people if they have their freedom taken away. The courts decide if these laws are being followed.



The law is changing.

2. The Mental Capacity Act



The Liberty Protection Safeguards will replace the Deprivation of Liberty(DOL's) Safeguards



Mental Capacity Act 2005

This will add to the Mental Capacity Act



This is because the rules are out of date and are not working



DOLS can be difficult to understand

3. Liberty Protection Safeguards



The Liberty Protection Safeguards will be the new rules



These rules will be for everyone who has their freedom taken away not just for those in care homes and hospitals. Where they don't have capacity

16

It will protect everyone aged 16+



It will recognise people's rights under Article 5 of the European Convention on Human Rights when people are unable to give consent about their care or treatment

4. The Main Changes



Liberty Protection Safeguards can apply when people move from one place to another



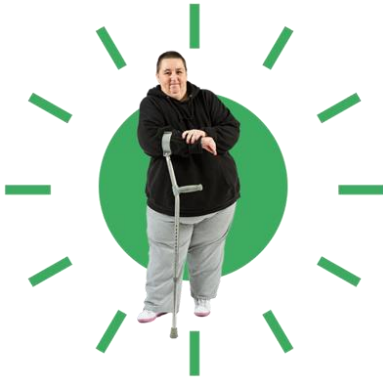
Staff who are working with a person who lacks capacity will be able to do an assessment



If the care or support that someone needs means they are restricted or under continuous control then staff will pass the assessment to another professional



The professional will then will decide if it is necessary to restrict their freedom for their safety



Checks will be made to make sure the decisions made are in the best interest for that person if it is still needed, and there is no other way to keep them safe



There will be guidance about how the Liberty Protection Safeguards will work. This is called a Code of Practice



Training will be given to staff so they will know how Liberty Protection Safeguards work

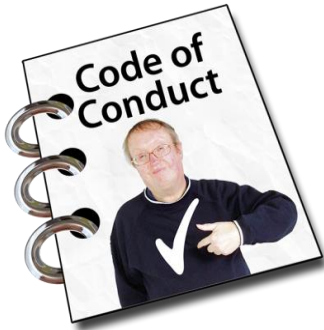


The organisation that looks after the person is responsible for following the Liberty Protection Safeguards. This could be the health board if a person is in hospital or a council when living in their own home or another setting



An advocate can help you to get your voice heard

5. What Happens Next?



The Code of Practice is out now for you to have your say. This will help explain things. Click [here](#) to see the consultation or [here](#) to view the Welsh Government's video's



You can find a presentation [here](#)



There will be online events which you can join to learn more.
16th of June
20th of June 2022.
Ask Sarah or Tom if you want to join these.



Or you can contact
Sarah.livingstone@torfaen.gov.uk call
07929 725242
or Tom.Grace@wales.nhs.uk for more
information

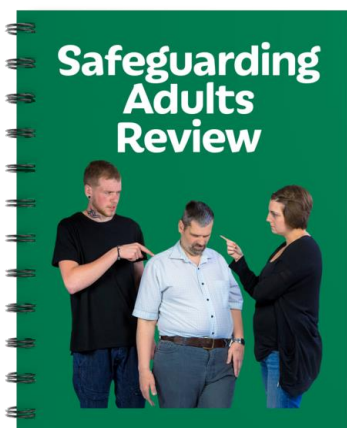


[Listen to the Podcast here produced by Torfaen Voluntary Alliance](#)

[#WordFromTheThird Podcast – Liberty Protection Standards Torfaen – TVA \(tvawales.org.uk\)](#)



[Liberty Protection Safeguards factsheets](#)



Liberty Protection Safeguards resources – mental Capacity Law and Policy can be found on the SCIE website [here](#)