



# Liberty Protection Safeguards (LPS) Briefing Note June 2022

The Liberty Protection Safeguards were introduced in the Mental Capacity (Amendment) Act 2019 and will replace the Deprivation of Liberty Safeguards (DoLS) system. The Liberty Protection Safeguards will deliver improved outcomes for people who are or who need to be deprived of their liberty. The Liberty Protection Safeguards have been designed to put the rights and wishes of those people at the centre of all decision-making on deprivation of liberty.

The Liberty Protection Safeguards will provide protection for people aged 16 and above who are or who need to be deprived of their liberty to enable their care or treatment and lack the mental capacity to consent to their arrangements. People who might have a Liberty Protection Safeguards authorisation include those with dementia, autism and learning disabilities who lack the relevant capacity.

## Key messages

- LPS (formerly DoLS) is rooted firmly within the Mental Capacity Act 2005 (MCA) and all the key principles of the MCA fully apply.
- LPS will be about safeguarding the rights of people who are under high levels of care and supervision but lack the mental capacity to consent to those arrangements for their care.
- LPS will apply to people in care homes, hospitals, supported accommodation, Shared Lives accommodation and their own homes.

- LPS will apply to everyone from the age of 16 years.
- LPS will need to be authorised in advance where possible by what will be termed ‘the Responsible Body’
- Where a person is deprived of their liberty before an authorisation has been given, the MCA has been amended to provide the authority to continue to care for the person.

## **It is intended that the new LPS will:**

- Create a new simplified legal framework that is accessible and clear to all affected parties.
- Deliver improved outcomes for persons deprived of their liberty and their family/unpaid carers.
- Provide a simplified authorisation process capable of operating effectively in all settings.
- Ensure that the Mental Capacity Act works as intended, by placing the person at the heart of decision-making and is compliant with Articles 5 and 8 of the European Convention on Human Rights.
- Provide a comprehensive, proportionate and lawful mechanism by which deprivations of liberty for young people aged 16 and 17 can be authorised.
- Ensure increased compliance with the law, improve care and treatment for people lacking mental capacity and provide a system of authorisation in a cost-effective manner.

On 17 March 2022, the Government published a new draft Mental Capacity Act Code of Practice. The updated draft Code has two main purposes. Firstly, to update the original Code, which has remained unchanged since 2007. Secondly, this draft Code explains the Liberty Protection Safeguards (LPS), which will replace the Deprivation of Liberty Safeguards (DoLS). You can respond to the national consultation which closes on 7 July 2022 by clicking [here](#).