



Department
of Health &
Social Care

Liberty Protection Safeguards Training Framework (England)

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Introduction

Background

In March 2014, the 'Cheshire West' Supreme Court judgment widened the definition of a deprivation of liberty. The court stated that an individual who lacks the capacity to consent to the arrangements for their care, is subject to continuous supervision and control, and is not free to leave their care, is deprived of their liberty. Therefore, where the individual is in a hospital or a care home, they should be subject to the Deprivation of Liberty Safeguards (DoLS). This definition created a backlog for local authorities and meant that individuals were not accessing the safeguards when they needed them.

The Liberty Protection Safeguards (LPS) were proposed by the Law Commission, following a review commissioned by the Department of Health and Social Care (DHSC) after a Select Committee on the Mental Capacity Act found, in 2014, that the predecessor scheme, the DoLS were "frequently not used when they should be, leaving individuals without the safeguards Parliament intended" and care providers "vulnerable to legal challenge". The Liberty Protection Safeguards (LPS) are designed to be more streamlined than DoLS, operating alongside existing care planning. The scheme is intended to enable people who need to be deprived of their liberty to access vital protections more quickly, putting the person at the centre of decision making. The Liberty Protection Safeguards extend protections to 16 and 17-year-olds and those deprived of their liberty in settings other than care homes and hospitals, without having to seek authorisation from the Court of Protection.

This LPS Training Framework was developed for use in England, in collaboration with several government departments, the Association of Directors of Social Services (ADASS), the Association of Directors of Children's Services (ADCS), Health Education England (HEE), Skills for Care, the Social Care Institute for Excellence (SCIE), Social Work England and other stakeholders. It supports workforce development specific to operation of the LPS. The aim of the framework is to support the development and delivery of appropriate and consistent education and training to support the implementation and operation of the LPS. A Workforce and Training Strategy has also been developed to support Responsible Bodies and other organisations to plan for the learning and development needs of their staff. This framework is intended to complement that strategy. Organisations that are implementing the LPS may find it useful to read both documents alongside each other.

This framework is in draft. This draft is endorsed by the DHSC for the purposes of public consultation, with a view to endorsing a final version ahead of full implementation of the LPS following a public consultation on the draft regulations and Code of Practice for LPS in 2021. The Government is committed to supporting all relevant sectors to prepare for

implementation. The Workforce and Training Strategy and the Training Framework constitute non-statutory guidance from Government, about the skills and knowledge that the LPS workforce will need.

Scope of the framework

The framework describes the core skills and knowledge relevant to the LPS workforce which are common and transferable across different types of relevant organisations. Additional learning outcomes may be locally determined to meet education and training needs in specific settings, for example, according to local context, risk assessment or policy.

This framework is for individuals who will provide care and treatment for people from the age of 16 years upwards, and throughout this document we use the words 'person' or 'people' to encompass young people, working-age adults and older people whose arrangements are being considered under the LPS. The framework includes a 'subject' area aimed specifically at services for young people (aged 16 and 17 years of age).

The operation of the LPS involves a workforce that is extensive and diverse, since LPS will apply in a broad variety of settings including a person's own home (including supported living and shared lives, community settings, care homes, fostering provision and acute hospitals). It includes those closely engaged in providing social care, education and health care as well as those offering information, support, assistance and advocacy. It will also include support staff and other individuals outside the health and care sectors (for example, justice, police, schools, housing and employment) who may interact with those who are deprived of their liberty, and therefore need to have an awareness and understanding of the LPS in the context of the wider Mental Capacity Act 2005 (MCA).

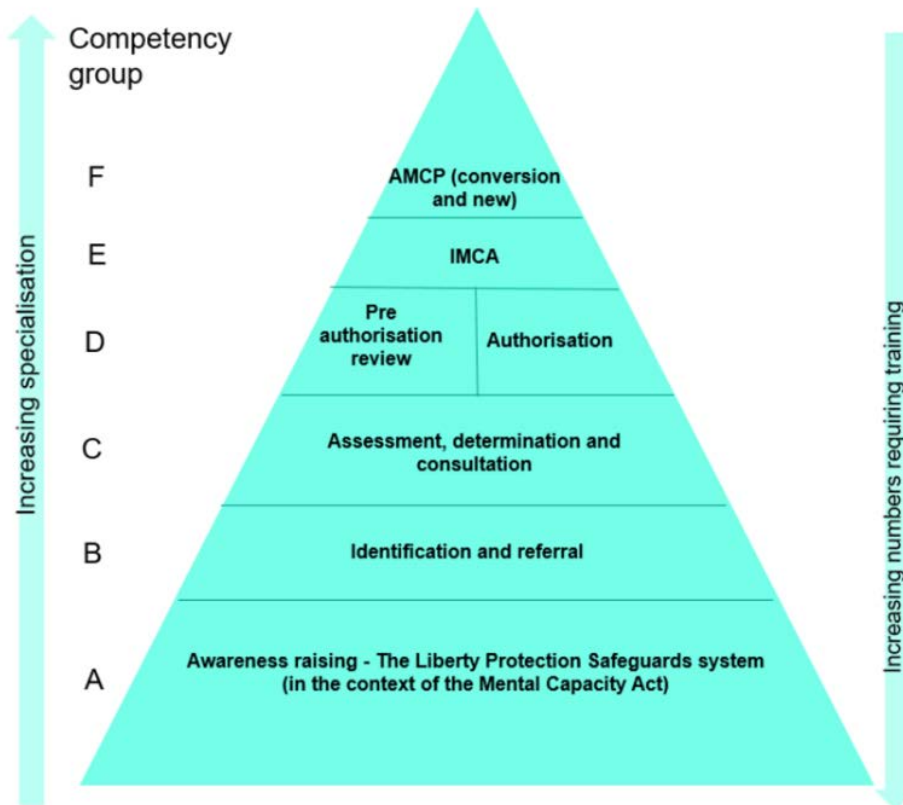
The core skills and knowledge described in this framework are defined for six competency groups, labelled A to F. This framework divides most of the workforce who will be affected by LPS into these six groups, based on the extent of their involvement or role in the process, and therefore the depth of knowledge they will need. The competency groups range from people who will need a general awareness of the LPS (Group A), through to those who will undertake specialist, statutory roles in the new system (Group F).

Roles not separately identified in the framework include strategic managers within Responsible Bodies and inspectors from the monitoring bodies (Care Quality Commission (CQC) and Ofsted in England). These roles will require awareness about LPS and may be involved in overseeing or inspecting its operation. Learning outcomes included in this framework will be of value for these roles, along with other role-specific training not directly linked to the LPS. Further guidance for Responsible Bodies and monitoring bodies can be found in the MCA Code of Practice ('the Code').

About the six competency groups

It is important to note that the level of knowledge and skills people require is governed by their role in the LPS process and is not necessarily reflected by their job title.

Liberty Protection Safeguards (LPS) Workforce and Training Triangle



The following provides a description of who might be included in each competency group:

Competency group	Description
Competency Group A: Awareness raising	All stakeholders, including staff in health, care, education or other services, who may in the course of their work encounter a person who might lack the capacity to consent to arrangements that may give rise to a deprivation of their liberty, and who require general awareness of the LPS within the context of the wider MCA. This competency group may include non-operational roles that would benefit from a general understanding of the LPS and other roles, including carers, family, friends or advocates of a person who is subject to the LPS process and may wish to learn more about it.
Competency Group B: Identification and referral	Clinical staff and supervisors or managers of staff or volunteers in Competency Group A, who may need to identify when a person may be deprived of their liberty, and when authorisation may be required to protect their rights under the LPS. Whilst the LPS process may be triggered as part of care or treatment planning, some individuals may need to know how to make a referral to the Responsible Body, so that it can arrange for the relevant assessments to be carried out. This might include managers of care homes or other adult social care services, children's residential care home managers or clinical staff in health services.
Competency Group C: Assessment, determination and consultation	All roles that under the regulations might undertake assessments, determinations and consultation on behalf of a Responsible Body, within the LPS process (for details of who may fall into this competency group, see Assessment, Determination and pre-authorisation review (England) regulations and the Code). This includes certain registered clinicians who may confirm a diagnosis of a mental disorder, and other staff groups who may contribute to the assessments.
Competency Group D: Pre-authorisation review and authorisation	Designated staff in Responsible Bodies who might undertake pre-authorisation reviews or make the decision whether or not to authorise a deprivation of liberty under the LPS on behalf of the Responsible Body.
Competency Group E: IMCA	Existing and new Independent Mental Capacity Advocates (IMCAs)
Competency Group F: AMCP	People who meet the requirements set out in regulations to undertake full Approved Mental Capacity Professional (AMCP) training, or best interests assessor (BIA) to AMCP conversion training and to be approved as an AMCP by the relevant local authority in line with the relevant regulations.

Structure of the framework

The framework presents learning outcomes for each competency group in five subject areas. The subject areas in this framework are:

1. Human rights as a basis for the LPS
2. Concepts of the MCA
3. The LPS process
4. Understanding deprivation of liberty
5. Young people

A separate Annex has also been developed to support the transition from DoLS to the LPS, covering training.

The subject areas are numbered (1 to 5) for ease of reference. This does not indicate a prescribed process or subject hierarchy. The learning outcomes are intended to provide a clear focus on what a learner should know, understand or be able to apply in practice following completion of any learning activity.

The framework considers the learning outcomes relating to general awareness (Competency Group A) first. Thereafter, the learning outcomes for other competency groups are provided, in turn. These are incremental, that is, Competency Group C expects learners to have achieved the learning outcomes of the preceding competency groups (to minimise unnecessary repetition). It is anticipated that learning outcomes will be applied as appropriate by each competency group.

Learning outcomes

Each learning outcome in the framework aims to describe what the learner will know, understand or be able to do as a result of their learning. This approach is derived from Bloom's Taxonomy, updated in 2001¹, that is:

- Remember
- Understand
- Apply

¹ Anderson, L. W. & Krathwohl, D. R. (2001). A Taxonomy for learning, teaching, and assessing.

- Analyse
- Evaluate
- Create

The majority of learning outcomes for people in competency groups A and B are about remembering and understanding, this is to enable learners to know when action may be required under the LPS to ensure that nobody is deprived of their liberty unlawfully. For practitioners in competency groups C to F, learning outcomes are also likely to include applying, analysing and evaluating, to enable learners to follow due process appropriately in each person's situation.

The learning outcomes for each subject area should together indicate the minimum content for the design and delivery of teaching and learning for each competency group in that subject. However, it is important to reiterate that this is a core training framework outlining the learning outcomes that are common and applicable to all settings. Additional content may also be required for some roles and contexts.

The learning outcomes are written as broad statements e.g. 'The Learner will: be aware of / know / understand / be able to...' This provides scope for the framework to be applicable across a wide range of contexts and settings.

How to use this framework

The framework is particularly relevant to employers, their employees and educational organisations that educate and train learners who will be employed in the health, social care, education and other sectors. Use of the framework will support organisations to:

- standardise the interpretation of mental capacity and the LPS education and training
- guide the focus and aims of mental capacity and the LPS education and training delivery
- improve the quality and consistency of education and training provision.

Note: The framework intentionally includes learning outcomes relating to the wider MCA and human rights, in addition to those relating to the LPS. These learning outcomes may be achieved via prior learning and development. Some of those commissioning and delivering learning and development for the LPS may choose to require these wider learning outcomes as pre-requisite to any LPS training and may deliver these separately, in advance of any LPS training. Others, especially when targeting learners where knowledge of the MCA is more limited, may choose to design courses where these

learning outcomes are included with the specific LPS learning outcomes in the same courses. This framework does not dictate how the learning outcomes should be achieved but suggests the range of learning that will support each competency group.

The framework supports training needs analysis, the assessment of competence and provision of minimum standards of performance within performance management systems (for example, as part of quality audit, supervision or appraisal).

Some learning outcomes may need to be adapted to reflect local processes and procedures.

Training and assessment

The framework does not prescribe a particular training/teaching method. These may vary and training providers will develop these according to the particular context or setting. Similarly, the framework does not seek to prescribe assessment methods. For application in a specific context, relevant learning objectives or assessment criteria may be developed to measure achievement of the learning outcomes. In a given context, more specific verbs may be applied to each learning outcome for example, 'The learner will: explain / describe / demonstrate / discuss / identify'.

In different organisations or contexts, learning outcomes may be assessed by a range of methods such as e-assessment, group discussion, observation of performance, products of work, testimony from witnesses, project/case study work etc. The learning outcomes in the framework are intended to be adaptable to this variety of assessment methods. In addition to the achievement of learning outcomes, some roles will also benefit from practice supervision, observation or shadowing, or a combination of these.

Who is this framework for?

The framework provides a focus on the skills, knowledge and behaviours expected for the operation of the LPS. It should be of particular value to:

Individuals and teams

The framework sets out clear expectations for learners and in particular, the core learning outcomes that specific tiers of the workforce should be able to demonstrate, depending on the competency group and role they are carrying out. The training framework supports individuals and teams to:

- be clear about the requirements of their roles and recognise their own transferable skills

- conduct formal or informal training needs analysis, comparing current skills and knowledge with required skills and knowledge
- plan future education and training requirements to enable continuing professional development and career progression.

Subject matter experts / trainers

The framework helps those who design education and training opportunities to focus on the key outcomes that learners need to achieve, which in turn will guide the content to be included and the use of appropriate teaching strategies. This includes co-production of training with people who have or may have experience of the Mental Capacity Act and their families and carers.

The specific learning outcomes also support the effective evaluation of education and training. Approaches to evaluation can include:

- evaluating whether learners have achieved the required learning outcomes immediately following a learning intervention (for example, through assessment of knowledge and/or competence)
- evaluating whether the learning is being applied in the workplace (for example, through longer-term evaluation of impact on practice, possibly as part of supervision or appraisal processes)
- evaluating the impact on quality of care (for example, measuring outcomes and/or levels of satisfaction from individuals with learning disabilities and their families). Such evaluation will require data collection to measure what changes.

Assessors of occupational standards

Relevant national occupational standards and national skills frameworks indicate how the framework relates to national standards. For example, a learner working towards the requirements of a national occupational standard could use this framework as a guide to the skills and knowledge they would need to demonstrate in achieving the national occupational standard in the specific context of the LPS within the wider MCA and/or human rights law.

Managers in organisations / commissioners of training

This framework enables managers and commissioners to be clear about the specific outcomes required from staff development interventions. Use of the framework within an organisation enables managers to demonstrate that LPS training has been planned and

delivered in accordance with a nationally recognised framework. Similarly, commissioners can use the framework to provide education and training providers with a quality assurance specification for LPS skills, education and training.

Education providers designing training

Universities, colleges and training providers can use this framework to design their learning programmes, so that the required learning outcomes are integrated and/or mapped to overall achievement of curriculum aims. Learners undertaking health, social care and education programmes will then acquire specific knowledge and competencies required to implement the LPS within the wider MCA and human rights best practice.

Note: In support of the implementation of LPS, the subject areas and learning outcomes outlined in Competency Group F will form part of the assessment of the BIA to AMCP conversion course, which the Secretary of State for DHSC will approve. It is expected that local authorities will ensure that this training is available for all BIAs who wish to undertake it.

Regional and national implementation

A further aspiration in providing this framework is that organisations will be able to review their current arrangements for defining and delivering LPS and mental capacity education and training and use the framework to align their approaches. Such alignment would then have benefits in ensuring consistent approaches, which, through the use of learning outcomes, could be more educationally focused and valued. This has the potential to promote organisational and system-wide efficiencies by encouraging the adoption of education and training which meet recognised standards, and in doing so help to prevent unnecessary duplication of education and training delivery.

The framework also supports the increasing integration between health and social care services and their respective workforces. In particular, a training framework can help to develop synergies such as improved communication, collaborative working and potentially providing opportunities for joint education and training.

Learning outcomes

Competency Group A – Awareness Raising

Ref No	Learning Outcomes – Human Rights
	The learner will:
1A1	Understand what a human right is.
1A2	Be aware of the European Convention on Human Rights (ECHR) and the UK commitment to its implementation, and that it has a number of "articles" relating to specific rights (including Article 5 - right to liberty).
1A3	Be aware of the United Nations "Convention on the Rights of Persons with Disabilities" (UNCPRD) and the UK commitment to its implementation.
1A4	Understand broadly the key aims of Human Rights legislation, including the UK Human Rights Act 1998 and the Equality Act 2010.
1A5	Be aware that the Mental Capacity Act, including the Liberty Protection Safeguards, is part of wider human rights protection.
1A6	Be aware that the Liberty Protection Safeguards are a protection of basic rights to liberty - sometimes referred to as "Article 5 rights".
1A7	Understand how to recognise when someone's rights are abused.
1A8	Know what to do if someone's human rights are abused.
1A9	Understand the importance of including the person and those who are interested in the person's welfare in any decision-making.

Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	The learner will:
2A1	Understand what mental capacity means, in terms of making decisions and giving or withholding consent.
2A2	Remember the 5 key principles of the Mental Capacity Act, and broadly how they apply within the Liberty Protection Safeguards.
2A3	Understand what supported decision-making is and how to promote this.
2A4	Understand that decision-making is an important skill, which some people, especially young people, may not yet have had the opportunity to develop.
2A5	Recognise the importance of supporting people to make their own decisions, including the importance of positive risk enablement and developing resilience by learning from poor decisions.
2A6	Be aware that with appropriate communication strategies people may be able to learn to make their own decisions about arrangements for care and support.
2A7	Understand what “decision-specific” and “time-specific” means when referring to a person’s mental capacity.
2A8	Understand the Mental Capacity Act concept of Best Interests decision-making.
2A9	Be aware that the Liberty Protection Safeguards scheme is the part of the Mental Capacity Act that is used in England and Wales to authorise a deprivation of liberty.
2A10	Understand that a wide range of conditions may lead to a loss of mental capacity to make specific decisions - for example, dementia, acquired brain injury, a learning disability, autism, and some mental health disorders. Understanding also that there is a presumption that people have the capacity to make their own decisions, unless there is a proper reason to doubt this, in which case it is necessary to assess the person’s capacity.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	The learner will:
3A1	Be able to summarise the Liberty Protection Safeguards process.
3A2	Understand the importance of explaining the Liberty Protection Safeguards process and what to expect, to the person, their family and the Appropriate Person.
3A3	Recognise the duty of local authorities, NHS Trusts and CCGs (and Local Health Boards) to provide information on the Liberty Protection Safeguards process in their area.
3A4	Be aware that Liberty Protection Safeguards can apply in any setting, including settings that are not regulated care settings and that an authorisation can include more than one setting, not only where a person lives.
3A5	Know that everyone involved in the LPS must keep the person at the centre of the process.
3A6	Understand that the person at the centre has a right to representation and support as part of the Liberty Protection Safeguards, from either an Independent Mental Capacity Advocate (IMCA) or an Appropriate Person.
3A7	Understand the role of the Appropriate Person, including the responsibility to support the person to challenge the authorisation, if they wish to, and to challenge the authorisation themselves in other cases.
3A8	Be aware of the role of the IMCA, including the responsibility to support the person to challenge the authorisation, if they wish to, to challenge the authorisation themselves in other cases, and where relevant, to support the Appropriate Person with their role.
3A9	Recognise the benefits of early identification of a deprivation of liberty to improve the chances of finding alternative arrangements, which may prevent a deprivation of liberty occurring.
3A10	Understand that the Liberty Protection Safeguards require consultation with specified individuals, who may be familiar with the wishes and feelings of the person at the centre.
3A11	Understand that a decision to authorise a deprivation of liberty is not “for life” and should be revisited regularly, through scheduled reviews and, only where appropriate, renewed.
3A12	Understand that it is the role of the Responsible Body to arrange for assessments of the person to determine if they meet the conditions for the authorisation of a deprivation of liberty.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3A13	Recognise the different settings where the Liberty Protection Safeguards scheme is relevant across all ages. For young people this will include foster homes, children's homes, including secure homes, care homes, schools and colleges (including residential special schools and colleges), hospitals, transport providers and other settings where arrangements amounting to a deprivation of liberty may be authorised.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	The learner will:
4A1	Recognise a possible deprivation of liberty.

Ref No	Learning Outcomes – Young People aged 16 or 17
	The learner will:
5A1	Be aware that although the Mental Capacity Act applies for people aged 16 and above, it is essential to introduce its provisions (particularly the importance of starting with a presumption of capacity, and the legal duty to support the young person to make their own decision whenever possible) to parents, carers and others in advance of the young person attaining the age of 16, to enable the Mental Capacity Act to be taken into account during planning.
5A2	Be aware that depriving a person aged 16 or above of their liberty without authorisation is unlawful and that a Liberty Protection Safeguards authorisation may be needed even if other legal powers are already in place, for example, orders under the Children Act 1989.
5A3	Be able to support those with parental responsibility to understand the broad legal requirement that any deprivation of liberty must be authorised under the Liberty Protection Safeguards, once a young person reaches the age of 16 and that a parent cannot consent to this on their behalf.
5A4	Recognise the importance of family, and what this might mean for young people.
5A5	Have a broad understanding of agencies (including children's services, education, health) that may be involved with young people where mental capacity is an issue.

Ref No	Learning Outcomes – Young People aged 16 or 17
5A6	Recognise that any deprivation of liberty authorisation needs to be considered as part of assessment, care planning and transition planning for a young person.

Competency Group B – Identification and Referral

Ref No	Learning Outcomes – Human Rights
	Learning outcomes for Competency Group A, plus the learner will:
1B1	Know what the risks to human rights are of NOT making an appropriate referral.
1B2	Be able to act within organisational policies and procedures about human rights abuses.
Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	Learning Outcomes of Group A, plus the learner will:
2B1	Apply the principles of the Mental Capacity Act.
2B2	Understand broadly when the Mental Capacity Act might be the correct legal framework to protect or promote an individual's rights.
2B3	Understand broadly the role of the "decision maker" under the Mental Capacity Act and be able to identify the decision maker in different circumstances, to provide clarity in the Liberty Protection Safeguards process.
2B4	Understand when restraint may be necessary and proportionate.
2B5	Understand the general difference between restrictions, restraint and a deprivation of liberty.
Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	Learning outcomes for Group A, plus the learner will:
3B1	Explore alternative available options for day-to-day care, considering less restrictive options.
3B2	Know when to make a referral to the Liberty Protection Safeguards process and what information is required by the Responsible Body.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3B3	Know and understand the Liberty Protection Safeguards referral processes, including what format the Responsible Body requires the referrer to use to make a referral (such as web-forms, standard templates).
3B4	Understand that the Responsible Body will decide whether an IMCA is required and if an individual is suitable to be an Appropriate Person.
3B5	Be aware that the Responsible Body may require information to help identify family members and friends who may be suitable to be an Appropriate Person.
3B6	Understand the importance of clear evidenced-based record-keeping.
3B7	Be aware of the role of Monitoring Bodies (CQC and Ofsted in England) in the Liberty Protection Safeguards scheme.
3B8	Be aware of the need to avoid restrictions wherever possible and to be informed by the wishes and feelings of the person.
3B9	Ensure that when there is an authorisation of a deprivation of liberty in place, any proposed additional restriction is always notified to the Responsible Body, to consider whether a variation of the authorisation is possible or if a new authorisation is required.
3B10	Be aware that if the responsibility for care changes from the Local Authority to the CCG or vice versa, there may need to be a change of Responsible Body, even if there has been no change to the authorised arrangements.
3B11	Understand the relationship between Safeguarding (for adults and young people aged 16 or 17) and the Liberty Protection Safeguards scheme.
3B12	Ensure that where an IMCA is appointed, information is provided to enable them to fulfil the statutory LPS IMCA role.
3B13	Understand that care, health and education staff should do all they can to enhance and support the person to make relevant decisions for themselves.
3B14	Demonstrate knowledge of where to find out more on the interface between Liberty Protection Safeguards and the Mental Health Act.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3B15	Know where to make links with other processes where applicable, such as care and support planning and education health and care (EHC) plans.
3B16	Understand that if steps become necessary for life-sustaining treatment or for a vital act, either whilst awaiting an authorisation decision from the Responsible Body or in an emergency, these steps may be authorised under Section 4B of the Mental Capacity Act.
3B17	Understand the interface between the Mental Health Act 1983 and the Mental Capacity Act 2005 in the context of medical treatment for a mental disorder and also when arrangements are excluded from the Liberty Protection Safeguards by Part 7 of Schedule AA1 (Excluded Arrangements: Mental Health).
3B18	Identify whether an IMCA is required and make referrals to an IMCA, if required.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Learning outcomes as for Group A, plus the learner will:
4B1	Be able to describe what a deprivation of liberty is, in line with the Code of Practice.
4B2	Know how to recognise a potential deprivation of liberty, including in the context of medical care for either a mental disorder or a physical health need.

Ref No	Learning Outcomes – Young People aged 16 or 17
	Learning outcomes for Competency Group A, plus the learner will:
5B1	Know how to assess if the arrangements proposed will be safe and effective for the young person.
5B2	Understand in some case the potential enormity for a young person of being deprived of their liberty and what it might mean for their future.

Ref No	Learning Outcomes – Young People aged 16 or 17
5B3	Be aware of the need to enable the social skills of young people to support them to be as independent as possible.
5B4	Be able to describe which decisions the Mental Capacity Act says a young person aged under 18 (with capacity) can make, and those they can't (such as making advance decisions to refuse treatment and appointing lasting power of attorneys).

Competency Group C – Assessment, Determination and Consultation

Ref No	Learning Outcomes – Human Rights
	Learning outcomes for Competency Group A and B, plus the learner will:
1C1	Be able to identify ways in which the Liberty Protection Safeguards protect a person's human rights, including an understanding of the key concepts of “necessity” and “proportionality”.
1C2	Know when it is necessary to challenge the understanding of others.
1C3	Know how and when to challenge possible stereotyping or bias in decision-making, making reasonable adjustments where necessary.
1C4	Be able to analyse the care options being considered to determine whether a less restrictive option may be possible.
1C5	Be able to describe a person's right to challenge decisions (to both the person and those who represent and support the person).
1C6	Be able to explain a deprivation of liberty in the context of human rights.
1C7	Be able to explain the role of the Court of Protection in protecting the human rights of the individual.
1C8	Understand the importance of communicating with a person using their preferred method or style, to ensure they are afforded their human rights.
1C9	Be able to describe Articles 5 and 8 of the European Convention of Human Rights and how these articles relate to the Liberty Protection Safeguards.

Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	Learning Outcomes of Group B, plus the learner will:
2C1	Understand that people need opportunities to develop decision-making skills, recognising that a lack of such skill can be confused with a lack of capacity, and offering suggestions to enable the person to develop capacity – now or in the future.

Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
2C2	Assess capacity to make specific decisions relating to care or treatment (including arrangements that may amount to a deprivation of liberty).
2C3	Ensure that the process never loses sight of the need to lessen restrictions and promote autonomy, wherever possible.
2C4	Identify the less restrictive options from amongst the available options.
2C5	Use consultation and advocacy to hear the voice of the person and to understand the person's wishes and feelings.
2C6	Acknowledge and weigh different opinions about a person and know how to incorporate them into decision-making.
2C7	Take a person's wishes and feelings into consideration to inform arrangements for care and treatment, including those that may amount to a deprivation of liberty.
2C8	Recognise the powers of donees of Lasting Power of Attorney (LPA) and court-appointed deputies for both Health and Welfare, Finance and Property, and the role of attorneys and deputies in relation to the Liberty Protection Safeguards.
2C9	Understand the relevance of any advance decisions to refuse treatment made under the Mental Capacity Act, including in relation to the Liberty Protection Safeguards and be able to take these into account.
2C10	Understand when a person may be entitled to support from an Independent Mental Capacity Advocate.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	Learning outcomes for groups A and B, plus the learner will:
3C1	Demonstrate the ability to apply the five key principles of the Mental Capacity Act while carrying out assessments and determinations for the Liberty Protection Safeguards process.
3C2	Be aware of broad history of deprivation of liberty law, and how we arrived at the current understanding of deprivation of liberty through European judgements as set out in the Code of Practice.
3C3	Demonstrate an understanding of how Liberty Protection Safeguards assessments and determinations should be undertaken where appropriate as part of, for example, needs assessment, reviews and care planning under the Care Act 2014, Children Act 1989 or as part of Continuing Healthcare assessments or education, health and care (EHC)

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	planning, as relevant.
3C4	Know what constitutes a "good care plan".
3C5	Understand what "necessary and proportionate" means within the Liberty Protection Safeguards.
3C6	Be able to describe the whole Liberty Protection Safeguards process (who, what, where and when) and how it is carried out where appropriate alongside, for example, any needs assessment, review and care planning, keeping the person at the centre of the process.
3C7	Be aware of local arrangements and how the roles and responsibilities for Liberty Protection Safeguards are carried out within Responsible Bodies.
3C8	Provide information to the person and the Appropriate Person or IMCA about the Liberty Protection Safeguards process, explaining their rights and what authorisation means in their particular case.
3C9	Be able to ascertain whether an individual is suitable to be an Appropriate Person in each case.
3C10	Be able to identify who should be consulted, including anybody named by the person at the centre.
3C11	Be able to distinguish between the wishes and feelings of the person and those of others who are consulted.
3C12	Know that it is the Responsible Body's duty to undertake consultation.
3C13	Know how to undertake the required consultation for the purposes of the Liberty Protection Safeguards, providing clear written evidence about the person's wishes and feelings, and the views of others about those wishes and feelings.
3C14	Ensure that, where appropriate, the findings of the consultation are shared with the person and those who represent and support the person in a form that is accessible to them.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3C15	Following initial consultation, demonstrate the importance of ongoing consultation with the person and those who know them well by maintaining effective communication with the person and Appropriate Person throughout the process.
3C16	<p>Know the purpose, within the context of the Liberty Protection Safeguards, of:</p> <ul style="list-style-type: none"> • a mental capacity assessment and determination • a medical assessment and determination of a mental disorder • a necessary and proportionate assessment and the determination of whether the arrangements are necessary and proportionate.
3C17	Understand that support for decision-making should be provided, where relevant, and evidenced in a capacity assessment.
3C18	Be able to describe when arrangements are both "necessary" and "proportionate" (and when they are not), for example in order to ensure that regards have been had to less restrictive options.
3C19	Understand what must be considered when relying on a previous or equivalent assessment undertaken for a different purpose, and when it is appropriate to do so.
3C20	Show in practice the importance of writing evidenced based assessments, which are clear and transparent and focussed on the wishes and feelings of the person, which will withstand scrutiny in the court, noting any requirements from the Responsible Body to utilise standardised templates.
3C21	Be aware that Liberty Protection Safeguards assessors might have to defend their decision-making in Court of Protection.
3C22	Recognise the European Court of Human Rights case law and domestic case law on deprivation of liberty.
3C23	Know how to recognise disputes and disagreements, and how to do everything possible to resolve them by listening to others.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3C24	Collate assessments and determinations and consultation evidence and pass them to the Responsible Body in a timely way.
3C25	Recognise when a pre-authorisation review is required to be undertaken by an AMCP.
3C26	Be able to demonstrate an up-to-date understanding of relevant case law and guidance, and to reference it appropriately in written assessments and determinations, including those relating to the Mental Capacity Act 2005, Equality Act 2010, the Human Rights Act 1998 and health and social care legislation, such as the Care Act 2014, and guidance.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Learning outcomes as for Group A and B, plus the learner will:
4C1	<p>Demonstrate an understanding of what amounts to a deprivation of liberty, based on the Code of Practice. That is, that a deprivation of liberty includes the following elements:</p> <ul style="list-style-type: none"> • objective element – the arrangements include confinement for a non-negligible period • subjective element – there is a lack of valid consent from the person who is subject to the arrangements • state imputability - the arrangements can be attributed to the State.
4C2	Be able to describe the relationship between restriction, restraint and deprivation of liberty.
4C3	Be able to apply and discuss deprivation of liberty, for example, during needs assessments and care planning (for example, under the Care Act), Continuing Health Care assessments, treatment planning and Liberty Protection Safeguards assessments and determinations and consultation, as required.
4C4	Be aware what amounts to a deprivation of liberty in the context of medical treatment and apply the guidance in the

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Code of Practice for medical treatment for physical health need.
4C5	Understand the concept of advance consent and how it can apply in the context of the Liberty Protection Safeguards.

Ref No	Learning Outcomes – Young People aged 16 or 17
	Learning outcomes for Competency Group B, plus the learner will:
5C1	Be able to explain to those with parental responsibility that making an unwise decision is not on its own enough to evidence lack of capacity, and ensure that a young person is not stereotyped due to their age or disability, supporting the young person's development and ability to change.
5C2	Be able to explain to those with parental responsibility, and others, the legal differences for young people aged under 16 years and those aged 16 or 17 years, and that those with parental responsibility cannot consent to restrictions that would otherwise be a deprivation of liberty on behalf of their child once they are aged 16 or 17. Be able to apply a range of approaches to involving those with parental responsibility.
5C3	Be able to explain, based on age, that it is appropriate to use the Mental Capacity Act to determine a child's or young person's capacity to make a decision from the age of 16.
5C4	Be aware that conversations about capacity to make decisions, deprivation of liberty and less restrictive options should be embedded in EHCP reviews and Care Act transition assessments.
5C5	Understand possible interactions between the Liberty Protection Safeguards and other children's legislation, quality standards and guidance, including the Children Act, Children and Families Act, and the relevant parts of the Care Act and be able to align the Liberty Protection Safeguards with EHCP processes (such as Annual Reviews).
5C6	Be able to analyse existing case law (including cases relating to adults) in order to establish how it might apply to young people.
5C7	Be able to distinguish between when to use the Mental Health Act and when to use the Mental Capacity Act in relation to under 18's.

Ref No	Learning Outcomes – Young People aged 16 or 17
5C8	Demonstrate the need for a timely transition and the importance of planning for authorisation under the Liberty Protection Safeguards in advance of the young person's 16th birthday.
5C9	Understand that “less restrictive options” and types of restraint could look different for different age groups (specifically for 16 and 17-year-olds).
5C10	Understand that the LPS can apply to educational settings and certain SEND and CAMHS provisions.
5C11	Be aware of the benefits in many cases for reviews to be more frequent than for adults (as younger people's needs may evolve as they mature), and to recommend appropriate review periods as part of the draft authorisation record.

Competency Group D – Pre-authorisation Review and Authorisation

Ref No	Learning Outcomes – Human Rights
	Learning Outcomes as for Competency Group C, plus the learner will:
1D1	Take appropriate action if human rights issues arise.
Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	Learning Outcomes of Group C, plus the learner will:
2D1	Review practice against the requirements of the Mental Capacity Act and offer advice on practice improvement.
Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	Learning outcomes for groups A to C, plus the learner will:
3D1	Scrutinise and evaluate the quality of the assessments and, determinations and other documents to ensure there is satisfactory evidence that it is reasonable for the Responsible Body to conclude that the authorisation conditions are or that the authorisation conditions are met.
3D2	During the pre-authorisation review, recognise when a determination is appropriately made on the evidence available and when to request further work, to improve the quality of the evidence.
3D3	Understand and demonstrate competence in resolving disputes in the context of the Liberty Protection Safeguards.
3D4	Know when there may be a need to meet face-to-face with the person who is subject to the deprivation of liberty.
3D5	Judge whether the proposed review schedule is satisfactory and propose a revised schedule if necessary.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3D6	Identify who undertakes the pre-authorisation reviewer role within the relevant Responsible Body, when an AMCP is required.
3D7	Understand the boundaries of the pre-authorisation reviewer role and the distinction between pre-authorisation review and authorisation.
3D8	Understand the necessity of a separation of roles between the pre-authorisation reviewer and the person doing the assessments and making the determinations in each case.
3D9	Recognise when the pre-authorisation review must be, or should be, referred to an AMCP, and take appropriate action.
3D10	Demonstrate the ability to scrutinise the case law referred to by those undertaking Liberty Protection Safeguards assessments and determinations or IMCAs in individual cases, and knowledge of when to question this or request further work.
3C27	Explain to the person or those who represent and support the person, such as the Appropriate Person, their rights to apply to the Court of Protection to challenge the authorisation, and that the Court is there to support and protect the person's human rights.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Learning outcomes for Group C, plus the learner will:
4D1	Ensure that the pre-authorisation review includes a consideration of whether the proposed arrangements amount to a deprivation of liberty.
4D2	Take appropriate action, if it is not believed that the proposed arrangements amount to a deprivation of liberty and a deprivation of liberty is taking place.

Ref No	Learning Outcomes – Young People aged 16 or 17
	Learning outcomes for Competency Group C, plus the learner will:
5D1	Ensure that the arrangements and review dates in the draft Liberty Protection Safeguards authorisation record take into account the requirements for transition planning, recognising the needs of both those young people who have an EHC plan and those who do not.
5D2	Ensure that renewal and review periods are set to take account of the age of the young person and where appropriate the likely progress of their capacity/ability development between the age of 16 and adulthood.
5D3	Demonstrate the ability to scrutinise the submitted documentation taking account of the specific and holistic needs of an individual aged 16 or 17.

Competency Group E – Independent Mental Capacity Advocate (IMCA)

Ref No	Learning Outcomes – Human Rights
	Learning Outcomes as for Competency Group C, plus the learner will:
1E1	Explain the IMCA role to check compliance with human rights requirements and to challenge where necessary.
1E2	Take appropriate action if human rights issues arise.
1E3	Explain the person's rights under the Liberty Protection Safeguards, to the person or, where relevant, their Appropriate Person, including the right to challenge the authorised arrangements.
Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	Learning outcomes of Groups A and B, plus the learner will:
2E1	Understand when an IMCA must be appointed.
2E2	Be able to identify as far as possible a person's ascertainable wishes and feelings.
2E3	Understand the use of non-instructed advocacy and use it, where appropriate, to understand the person's wishes and feelings.
2E4	Be able to weigh differing views and perspectives that contribute to an understanding of the person's wishes and feelings.
2E5	Help to ensure where appropriate and possible the person's wishes and feelings inform the arrangements for their care and treatment, including those that may amount to a deprivation of liberty.
2E6	Know when to request and challenge an assessment of capacity, a medical assessment, or necessary and proportionate assessment.
2E7	Critically evaluate care and support plans in the light of the person's wishes and feelings and identify available, less restrictive options.

Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
2E8	Recognise the powers of donees of Lasting Power of Attorney (LPA) and court-appointed deputies for either Health and Welfare or Finance and Property, or an enduring power of attorney, in relation to Liberty Protection Safeguards.
2E9	Understand the importance of any advance decisions to refuse treatment, including in relation to Liberty Protection Safeguards.
2E10	Know when the Mental Capacity Act requires the IMCA to take issues to the Court of Protection or support someone to challenge decisions.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	Learning outcomes for groups A and B, plus the learner will:
3E1	Be able to describe a summary of the whole Liberty Protection Safeguards process to the person or their Appropriate Person.
3E2	Understand the specific advocacy role at each stage of the process.
3E3	Be aware of the responsibility to respond promptly to IMCA referrals - flagging up concerns regarding inappropriate use of, or failure to use, advocacy in the Liberty Protection Safeguards process.
3E4	Maintain the operational independence of the IMCA role, acting independently of all others in the Liberty Protection Safeguards process.
3E5	Be able to recognise at each stage of the process if concerns should be raised on behalf of the person being represented.
3E6	Understand when and how the person's wishes and feelings should be sought and considered.
3E7	Understand best practice in meeting with the person and supporting their decision making.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3E8	Ensure that the process never loses sight of the need to lessen restrictions and promote autonomy wherever possible, for the person.
3E9	Encourage personalisation of care and support plans, advocate where appropriate for reducing restrictions, and champion the wishes and feelings of the person in relation to how the arrangements are carried out.
3E10	Be able to share information appropriately with assessors, and those undertaking pre-authorisation reviews.
3E11	Be able to describe the role of IMCA in the Liberty Protection Safeguards to the person, or their Appropriate Person.
3E12	Understand the role of supporting the Appropriate Person as well as representing and supporting the person who may be deprived of their liberty.
3E13	Be able to provide information to the Responsible Body for the purposes of the Liberty Protection Safeguards process, both verbally and in written reports.
3E14	Demonstrate the ability to apply case law relevant to individual cases.
3E15	Be aware of the risks of sharing information (for example, when family members are present), and when it is not appropriate (for example, due to safeguarding concerns).
3E16	Understand the importance of checking and auditing the decision-making process.
3E17	Be aware of overlap with other types of advocacy present in other decision-making processes, including Care Act advocacy and independent mental health advocacy (IMHA).
3E18	Understand that a major function of the Liberty Protection Safeguards is to enable the person to challenge their authorisation, and that this should be supported and enabled where appropriate.
3E19	Know when and how to support the person to raise concerns or challenge decisions, or both.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3E20	Understand what might trigger an application to the Court of Protection to challenge an authorisation or in other cases.
3E21	Be able to support a person to apply to the Court of Protection, where appropriate, or make an application on their behalf for example if their Article 5 rights are breached.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Learning outcomes as for Group A and B, plus the learner will:
4E1	Demonstrate an understanding of what amounts to a deprivation of liberty.
4E2	Demonstrate the ability to explain to the person or their Appropriate Person what a deprivation of liberty is.

Ref No	Learning Outcomes – Young People aged 16 or 17
	Learning outcomes for Competency Group B, plus the learner will:
5E1	Demonstrate best practice in advocating for young people.
5E2	Understand and promote family involvement in a young person's care and treatment arrangements, as appropriate.
5E3	Be able to understand existing case law on mental capacity and deprivation of liberty to young people.

Competency Group F – Approved Mental Capacity Professional (AMCP)

Ref No	Learning Outcomes – Human Rights
	Learning Outcomes as for Competency Group D, plus the learner will:
1F1	Be able to apply human rights law to resolve complex issues and support colleagues to develop their understanding of human rights.
Ref No	Learning Outcomes – Concepts of the Mental Capacity Act
	Learning outcomes of A - D, plus the learner will:
2F1	Work with people who lack the relevant capacity and those who represent and support them, to identify issues and align solutions as far as possible with the rights, wishes and feelings of the person.
2F2	Know when to support practitioners with their application of the Mental Capacity Act principles, including supported decision-making.
Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
	Learning outcomes for groups A - D, plus the learner will:
3F1	Be able to judge when an AMCP must and should not accept a referral for a pre-authorisation review.
3F2	Advise the Responsible Body as required, regarding when an AMCP is required to complete a pre-authorisation review.
3F3	Be able to work with Responsible Bodies to ensure operational independence of the AMCP role, acting independently of those undertaking the assessment, determination and consultation process, care providers and the Responsible Body authorisation process.
3F4	Understand the tasks that must be carried out by an AMCP doing the pre-authorisation reviews.

Ref No	Learning Outcomes – The Liberty Protection Safeguards (LPS) Process
3F5	Meet face-to-face with person who is subject to the deprivation of liberty where practical and appropriate.
3F6	Determine whether the Liberty Protection Safeguards authorisation conditions are met.
3F7	Be confident when working with people who lack the relevant capacity and understand their ascertainable wishes and feelings as far as possible.
3F8	Be able to listen actively to the person and others, and to seek out pertinent issues with an independent/fresh eye.
3F9	Analyse complex and contradictory information.
3F10	Be aware of the importance of the rights of the person to challenge decisions and be able to seek ways to negotiate and resolve conflicts or differences of opinion and find mutually acceptable solutions, where possible.
3F12	Demonstrate detailed knowledge of relevant case law in relation to deprivation of liberty and the Mental Capacity Act and be able to apply this in relevant cases.
3F13	Advise when an application possibly should be made by the Responsible Body to the Court of Protection.
3F14	Understand when to seek legal advice.
3F15	Be able to assist generally and signpost practitioners on relevant case law, legislation and guidance.

Ref No	Learning Outcomes – Understanding Deprivation of Liberty
	Learning outcomes for Group D, plus the learner will:
4F1	Be able to discuss the arrangements that amount to a deprivation of liberty with the person or those who represent and support the person, and why they may be required.

Ref No	Learning Outcomes – Young People aged 16 or 17
	Learning outcomes for Competency Group D, plus the learner will:
5F1	Be able to demonstrate a clear understanding of how Liberty Protection Safeguards and other legislation and case law applies to young people.
5F2	Be able to set the Liberty Protection Safeguards clearly within the context of other children's legislation and case law for young people.

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