



Changes to the law and guidance about making your own decisions

What do you think?



**easy
read**

Easy Read version of 'Consultation on proposed changes to the Mental Capacity Act 2005 Code of Practice and implementation of the Liberty Protection Safeguards: Including the Liberty Protection Safeguards secondary legislation'

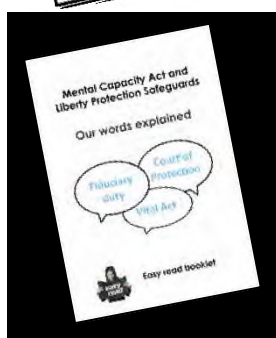
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In this Easy Read document, difficult words are in **bold**. We explain what these words mean in the sentence after they have been used.



You can get more help to understand certain words in the separate Easy Read Booklet called 'Our words explained'.

What this booklet tells you about



Mental Capacity Act 2005

Some people need help to make decisions about their lives because they might not have **capacity**.



Capacity means you are able to make decisions about your life at the time that you need to make them.



The Mental Capacity Act 2005 is a law in England and Wales that helps people make their own decisions and says what happens when people don't have **capacity**.

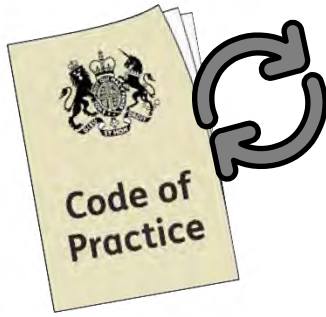


Code of practice

The law says a **Code of Practice** must be written.



A **Code of Practice** explains how people should carry out the rules in the law.



The Government is making changes to the Mental Capacity Act Code of Practice.



Liberty Protection Safeguards

When care or treatment needs to be given to a person who doesn't have capacity, sometimes they will lose some of their **rights** and freedoms.



Rights are things you are allowed to have and do by law. For example, you have the right to get married and the right to vote.



There are rules that must be followed when someone is going to lose some of their rights and freedoms.



These rules used to be called Deprivation of Liberty Safeguards (DoLS).



We are improving these rules. The new rules will now be called **Liberty Protection Safeguards** or LPS for short.



Liberty Protection Safeguards are about making sure people who do not have capacity have the proper **protections** that they should have.

Protection means keeping you safe.

What do you think?



The Government is:

- updating the Mental Capacity Act Code of Practice.
- introducing the Liberty Protection safeguards.



We want to know what you think about these changes.



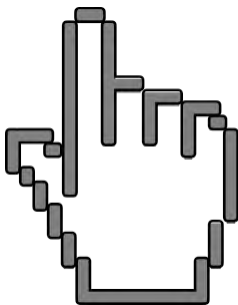
Please tell us what you think by answering the questions in this booklet.

Please give us your answers by using the online Easy Read [consultation survey](#)



You can also answer the questions in the non-Easy Read consultation document.

These questions are different to those found in this booklet and ask about the finer detail in the full Code of Practice.



The non-Easy Read consultation booklet can be found on the [GOV.UK consultation page.](#)

About you



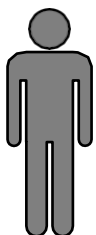
Are you..

16 or 17



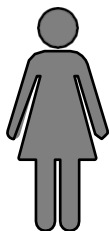
18 to 64

65 or over



Are you..

Male

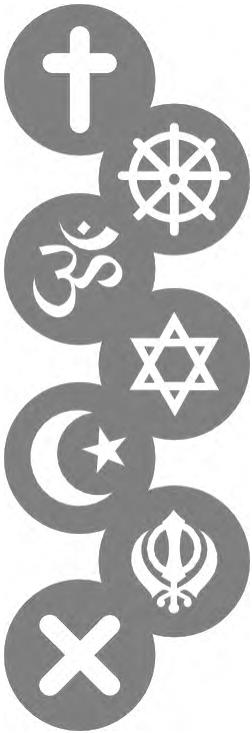


Female



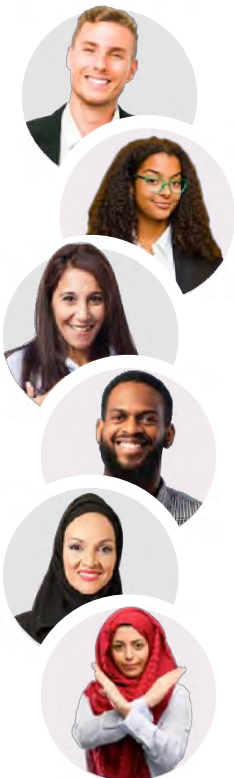
Prefer not to say

What is your religion?



- Christian
- Buddhist
- Hindu
- Jewish
- Muslim
- Sikh
- No religion
- Other
- Prefer not to say

Are you...



- White
- From more than one ethnic background
- Asian
- Black
- Other ethnic background
- Prefer not to say



What part of the UK do you live in?

- England
- Wales
- Scotland
- Northern Ireland
- Outside the UK



Are you a parent or guardian for a child under the age of 16?

- Yes
- No



Have you, or someone close to you, ever not had the capacity to make your own decisions?



Yes, me personally



Yes, I am a family member or friend



Yes, I am doing this on behalf of someone I care for.

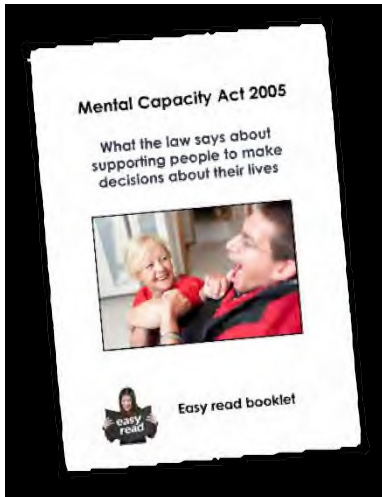


No



I'd rather not say

Changes to the Mental Capacity Act Code of Practice



There is a separate Easy Read booklet that explains the Mental Capacity Act.



You should read this, and then answer these questions.



Question 1a: Does this booklet help to explain how the Mental Capacity Act works?

- Yes
- No



Question 1b: Is there anything that could make the Mental Capacity Act Easy Read booklet more helpful? Please give your suggestions.



Question 2a: Is there anything else that should be in the Mental Capacity Act Easy Read booklet?

Yes

No



Question 2b: Please say what should be included.

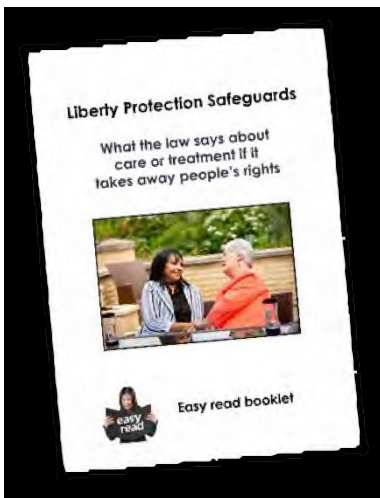


Question 3: Is there anything else that you would like to say about the Mental Capacity Act Easy Read booklet?

Liberty Protection Safeguards (LPS)



Sometimes a person who does not have capacity may need to have extra protections around them to keep them safe. This may mean they lose some of their freedoms and rights.



Please also look at our Easy Read booklet about the Liberty Protection Safeguards.

You can see this on the Government [website](#)



Liberty Protection Safeguards are the rules that people must follow if:

- someone is not able to leave the place they are in.



- someone is not able to choose how to spend their time and is not left alone for long parts of the day.



- the Government or the courts have decided these protections are necessary.



The government are also making new laws around these 6 areas:

1. The Approved Mental Capacity Professional (AMCP)



This is only for England.



There will be a new role called the Approved Mental Capacity Professional (AMCP).



This person will be responsible for checking that the rules about Liberty Protection are being followed in certain cases.



The local council has to agree before someone can be an AMCP.



Before you start to train to be an AMCP you need to have worked for 2 years as one of these:



- Nurse.
- Social Worker.
- Psychologist.
- Speech and Language Therapist.
- Occupational Therapist.



AMCPs will have training to do the job. They will need to do more training every year.



The council can stop someone being an AMCP if they do not go to the training.



You can read more about AMCPs in the Liberty Protection Safeguards Easy Read booklet.



2. Assessments

This is only for England.



To decide if you need extra protections, there need to be 3 assessments.

Assessments means checks.

Determinations means decisions.

There are 3 assessments in the LPS process and a determination is made for each one.



The 3 assessments are:

- 1) Capacity. This means being able to make a decision about your life at the time when the decision needs to be made.



If someone lacks capacity they might not be able to make that decision.



A social worker or certain health professionals can do this assessment.



2) Arrangements. This is how the person is cared for or treated which may mean they lose some of their rights or freedoms.



A social worker or certain health professionals can do this assessment.



3) Medical. This is to find out if you have a **mental disorder**.

A **mental disorder** is a mental health condition that affects how you think and behave.



Only a doctor or psychologist can do this assessment.



The assessments cannot be done by someone who has a connection to a care home.



The assessments cannot be done by someone who may make money from you having protections.



3. Independent Mental Capacity Advocate (IMCA)

This is only for England.



An **advocate** is an independent person who helps you to speak up or who can speak for you. They help to make sure that you get your rights.



An IMCA is someone who has had training to help people who have lost some of their rights and freedoms.



The IMCA can support you.



The IMCA can support your **Appropriate Person** if you have one.

You can read more about your **Appropriate Person** in the separate Easy Read Booklet called 'Our words explained'.



The local council must do everything they can to make sure you have support from an Appropriate Person or an IMCA.



Your ICMA will, or help your Appropriate Person to:

- help you to take part in making any decisions
- ask you about what you want and how you feel about things
- think about other ways to support and help you
- keep in touch with you.
- contact the **Responsible Body** for you.



The **Responsible Body** is the organisation in the Liberty Protection Safeguard process that decides about arrangements for someone who lacks capacity.



4. Checking and reporting

This is just for England.



It is important that there is a proper way of checking and reporting on how the Liberty Protection Safeguards are working.



We want the Care Quality Commission (CQC) to check and report on how the safeguards are working with adults.



We want the Office for Standards in Education, Children's Services and Skills (Ofsted) to check and report on how the safeguards are working with young people.



The Responsible Body will send information about people with Liberty Protection Safeguards to CQC and Ofsted.



CQC and Ofsted will be able to visit places where people have extra protections.



They will be able to meet each person and see their records about their health and care.



5. Moving from the old rules to the new rules

This new law explains when the new rules will start.



It is for England and Wales.



It will also explain what happens if you are not able to leave the place you are in under the old rules in the first year.



You will carry on living under the old rules until your situation has to be reviewed and changed.



The new rules will apply to you after your review.



6. The effect on other laws

This explains what other laws may be affected.



It is for England and Wales.



It explains if any other laws will have to change because of these new rules.

Setting up the Liberty Protection Safeguards



Setting up the Liberty Protection Safeguards will mean a big change for health and social care services.



Local councils and health services should make sure that there is training for staff about the changes.



The Government is helping organisations to be ready by giving guidance.

Being fair to everyone



We have looked to see if these changes are being unfair to anyone.



We must make sure that we are not unfair to people because of their age, disability, gender, race, religion or because of **sexual orientation**.

Sexual orientation means what gender you attracted to. For example male, female or both.



We think that with these changes:

- there will be fewer assessments, which is good for the people involved and their families
- the arrangements will last for a longer time, so people don't have to have so many assessments
- people who have no friends or family who are able to support them will get an advocate. This is better for older people who may not have many family members.



What do you think about the Liberty Protection Safeguards?



The Liberty Protection Safeguards explain what happens if someone is not able to leave the place they are in, and maybe lose some of their freedoms and rights.



The Liberty Protection Safeguards will keep you at the centre of the decisions that are being made about you.



It is important that you understand how the Liberty Protection Safeguards work and what it will be like for you.



It is also important that we understand what you think so we can improve the way people work with you.



Question 4: Do you think the Liberty Protection Safeguards will apply to you in the future?

For example, you may have had experience of the Deprivation of Liberty Safeguards before.

Yes

No

Question 5: Do you think the Liberty Protection Safeguards Easy Read Summary Booklet helps you to understand the Safeguards, what the process is and how it might affect you?



Yes

No



Please explain your answer if you want.



Question 6: If you are caring for someone who may be affected by the Liberty Protection Safeguards, do you understand the Safeguards, what the process is and how it might affect them?

Yes

No



Please explain your answer if you want.



Question 7: Can the Government make it easier for you to understand the Liberty Protection Safeguards?

Yes

No



Please tell us ways that we could make it easier.



Question 8: When care or treatment needs to be given to a person who doesn't have capacity, sometimes they will lose some of their rights and freedoms.



This loss of freedom is known as a deprivation of liberty.



Does the Liberty Protection Safeguards Easy Read Summary Booklet help you to understand what we mean by 'deprivation of liberty'?

Yes

No



Please explain your answer if you want.



Question 9: Can the Government do more to help you understand what we mean by 'deprivation of liberty'?

Yes

No

Please tell us ways that we could make it easier.



Making sure you have your say in the Liberty Protection Safeguards process



We want to make sure you are supported and listened to during the Liberty Protection Safeguards process.



To do this you will have:

- an Appropriate Person - this is someone who is close to you who will understand your wishes and feelings, or
- an Independent Mental Capacity Advocate - this is an independent person who has been trained in the LPS system and will help you to speak up, and

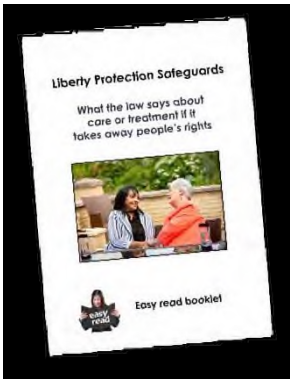


- Consultation - The process of talking to people.



The Responsible Body must talk to the person who lacks capacity and everyone involved with their care.

This is so they can find out what the person wants and how they feel.



Question 10: Does the Liberty Protection Safeguards Easy Read summary booklet help you to understand the role of the Appropriate Person?

- Yes
- No



Please tell us how we could make it easier.

If you think you will be an Appropriate Person under the Liberty Protection Safeguards, we would like to know what you think.



Question 11: Does the Liberty Protection Safeguards Easy Read summary booklet help you to understand the role of the Independent Mental Capacity Advocate?

Yes

No



Please tell us how we could make it easier.



Question 12: We want to make sure that the people who work with you in the Liberty Protection Safeguards process can help you speak up about your wishes and feelings.

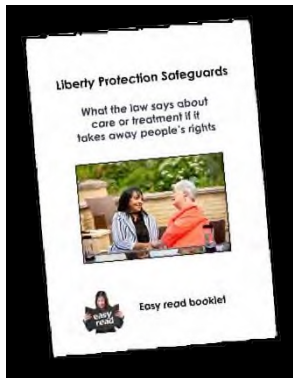


What is the most helpful thing that people who work with you can do to help you talk about your wishes and feelings?

If you are not happy about how the Liberty Protection Safeguards are being used with you



If you are not happy with the way the Liberty Protection Safeguards are being used with you, you and your Appropriate Person or IMCA should talk to your local council or NHS.

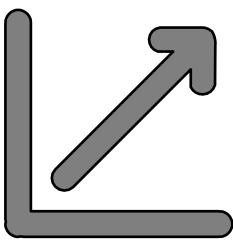


Question 13: Does the Liberty Protection Safeguards Easy Read summary booklet help you to know what to do if you are unhappy about how the Safeguards are being used with you?

Yes

No

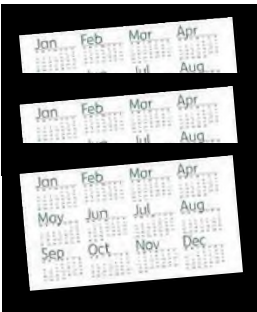
How could it be better?



How long do you have Liberty Protection Safeguards arrangements?



The first Liberty Protection Safeguards arrangement will last for up to 1 year.

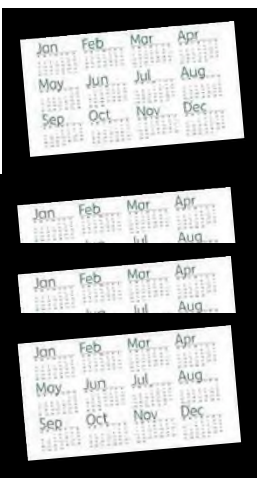


If there have been no changes and the arrangements are working well, they can be **renewed**.

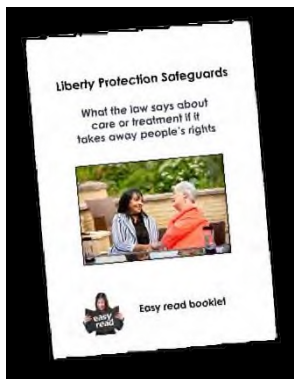
Renewed means they carry on for another period of time.



It might be possible to change the arrangements. Sometimes new assessments will be needed.



The first renewal can be for up to 1 year. After that any more renewals can be for up to 3 years.

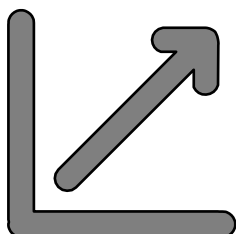


Question 14: Does the Liberty Protection Safeguards Easy Read summary booklet help you to understand how and when the Safeguards arrangements can be renewed?

Yes

No

How could it be better?



Finally

Question 15: What do you think about this questionnaire?



Very happy



Happy

Neither happy nor unhappy

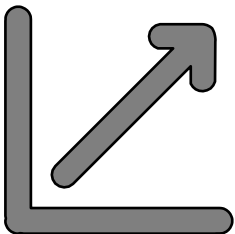


Unhappy

Very unhappy



Question 16: How did you hear about this questionnaire?



Question 17: What could we do better?

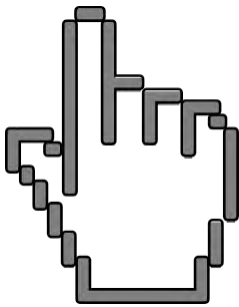
Thank you



Thank you for your answers.



Please give us your answers by using the online Easy Read consultation survey.



You can get to it by clicking this [link](#)