

# Deprivation of Liberty

## Deprivation of Liberty Resource Guide

Welcome to this Deprivation of Liberty Resource Guide.

This is a LIVE online resource; updated and maintained by tri.x as and when it needs to be in response to changes in legislation and case law.

**These resources are not intended to provide legal advice and you are encouraged to seek your own legal counsel when considering the area of Deprivation of Liberty.**

### Update on the Liberty Protection Safeguards interim note

On the 16th May 2019, the Mental Capacity (Amendment) Act 2019 received Royal Assent.

The Act will replace the current Deprivation of Liberty Safeguards with a whole new authorisation framework, namely the Liberty Protection Safeguards.

The Act will be accompanied by a single new Code of Practice which will replace both the current Code of Practice for the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards Supplementary Code of Practice. Work on this is currently underway.

This procedure will be developed when the Code of Practice has been finalised and the processes necessary to implement the framework are clarified. In the interim period you should refer to any guidance developed locally to ensure that your practice in the area of deprivation of liberty continues to meet local requirements.

[Click here](#) to read a tri.x briefing paper that highlights some of the key differences between the two frameworks.

Anyone with responsibility for wider implementation of the new Act can read the Mental Capacity (Amendment) Act 2019 in full [here](#).

## Contents

1. [Mental Capacity](#)

1.1 [Overview](#)

---

1.2 [Children Under 16 Years](#)

---

1.3 [Young People Aged 16 - 17 Years](#)

---

1.4 [Care or Treatment for Young People Aged 16-17](#)

---

2. [Deprivation of Liberty](#)

---

2.1 [Deprivation of Liberty Safeguards](#)

---

2.2 [What is a Deprivation of Liberty?](#)

---

2.3 [Deprivations of Liberty in Relation to Children and Young People](#)

---

2.4 [Legal Basis for Deprivations of Liberty in Relation to Children and Young People](#)

---

Last Updated: November 10, 2021

v24



---

Copyright © tri.x