

Summary of the Regulatory Impact Assessment for Regulations for Wales which support the implementation of the Mental Capacity (Amendment) Act 2019



This is an Easy Read document from the Welsh Government

Mental Capacity (Amendment) Act 2019



The UK Government are bringing in a new law: the Mental Capacity (Amendment) Act 2019.



It is about protecting people who lack the **capacity** to make decisions.

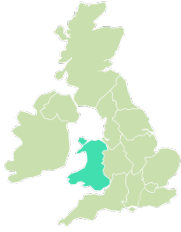
DoLS 

The Deprivation of Liberty Safeguards (DoLS) scheme will stop.

LPS



The new **LPS** scheme will start. **LPS** stands for **Liberty Protection Safeguards**.



Wales will have new laws (**Regulations**) about how the **LPS** will work.



There are 4 new **Regulations**.



Welsh Government is asking people what they think about these new **Regulations**.



To help people understand the **Regulations**, Welsh Government writes a Regulatory Impact Assessment.



This is the easy read version of the Regulatory Impact Assessment.

**Liberty
Protection
Safeguards**

At the end of this document there is a list of the words in **blue** that have a particular meaning.



This Regulatory Impact Assessment says



- How things will be better.



- How much money it will cost.



- How it will affect people.



Please tell us if you agree or disagree.

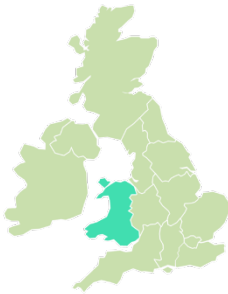
Comparing DoLS to the new LPS



1. Money



We have based our numbers on what the UK Government says.



This has helped us work out what we think it will cost for Wales.

Getting ready for the **LPS**

£5 million



We think that it will cost £5 million to get ready for the **LPS**.

£4 million



- This will include £4 million to train staff to be ready, and

£0.5 million



- £0.5 million to prepare the systems that will check if the **LPS** are working well.

Running the **LPS**

£17 million



We think the **LPS** will cost £17 million a year to run.

£7.5 million



- This includes £7.5 million on **advocacy**,

£3 million



- £3 million on assessments,

£1 million



- £1 million to make sure **Approved Mental Capacity Professionals** are ready,

£1 million



- £1 million on legal costs, and

£1 million



- £1 million checking the **LPS** works well.

Continuing **DoLS**

£28 million



We think **DoLS** would cost £28 million a year if they continued.

LPS

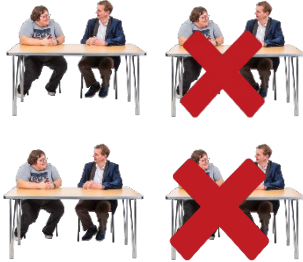


We think the **LPS** will cost less.

LPS



2. How will the LPS be better than DoLS?



There will be fewer assessments for each person who lacks **capacity**.



More professionals can carry out assessments.

16+



The **LPS** cover everyone who is 16 and over who lacks **capacity**.



The **LPS** protect people who lack **capacity** living at home.



Everyone who lacks **capacity** can have an **Appropriate Person** to support them.



People who lack **capacity** and their **Appropriate Person** can ask for help from the **Independent Mental Capacity Advocate**.



A new person, the **Approved Mental Capacity Professional**, will give extra help with the LPS process.



3. Impact on children's rights

0-15



Children aged 15 and under who lack **capacity** will see no change.

16-17



LPS

Children aged 16-17 who lack **capacity** will be included in the **LPS**.

16-17



Applications for them will not go to the Court of Protection.

16-17



Children aged 16-17 who lack **capacity** will have more say.



4. Impact on people with protected characteristics



The **LPS** will help people with protected characteristics, including:



- Older people who lack **capacity**.



- People with disabilities who lack **capacity**.



- People from ethnic minorities who lack **capacity**.



They will have:



- More **advocacy** rights.



- Better protection of human rights.



- More say in the process.



5. Impact on people who speak Welsh



Assessments and **advocacy** support will be available in Welsh.

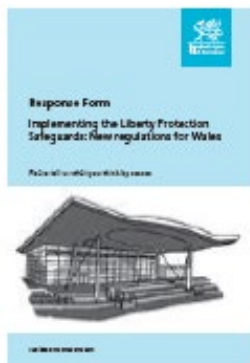




What to do next

We have an Easy Read Consultation Response Form which you can find here:

<https://gov.wales/liberty-protection-safeguards>



Please fill in and send to:

MentalHealthandVulnerableGroups@
gov.wales

Mental Health and Vulnerable Groups
Team
Welsh Government
4th Floor Cathays Park
Cardiff
CF10 3NQ



Words or phrases that have a particular meaning

Advocacy

Advocacy means giving a person support to have their voice heard

Appropriate Person

This is the person who is chosen to help and speak for someone who lacks capacity.

The Appropriate Person can be an unpaid carer, relative, friend, a person with power of attorney, or a court deputy.

Approved Mental Capacity Professional (AMCP)

A person chosen by the Responsible Body to give extra help with the LPS process. They will decide if the rules have been followed when someone loses some of their rights and freedoms.

Under the Liberty Protection Safeguards checks must be done before plans that may deprive a person of their liberty can be authorised. Sometimes (for

example – if the person lives in an independent hospital or who does not agree with the plans being put in place) this check will be carried out by an Approved Mental Capacity Professional.

Capacity

Capacity or Mental Capacity is the ability to make certain decisions for yourself.

Independent Mental Capacity Advocate (IMCA)

A person who helps the person or the Appropriate Person. They support them to be involved, can speak for them and help them challenge decisions.

Liberty Protection Safeguards (LPS)

The Liberty Protection Safeguards give rules that will safeguard the Article 5 rights of a person (aged 16 or more) if they need to be deprived of their liberty.

Regulations

A law.