

## SURVEY

### THE DEPRIVATION OF LIBERTY SAFEGUARDS

As you will be aware, the Deprivation of Liberty Safeguards are due to come into force in April 2009. Where an individual is deprived of their liberty as a result of their care plan, it will be necessary to apply to the local authority or PCT for a formal "authorisation".

The government have estimated that approximately 5,000 applications per annum are likely to be needed. We think this is likely to be an underestimate.

We thought it might therefore be useful to undertake a survey of clients and contacts to ascertain the likely numbers in respect of whom applications for authorisations will be made.

It would therefore be helpful if you could complete the questions set out below and fax or email this form back to us as soon as possible. We will publish the results of our survey in the near future.

- 
- |   |   |                    |
|---|---|--------------------|
| 1 | Are you registered as a hospital or care home?  | Hospital/Care Home |
| 2 | How many residents do you have?   | _____              |
| 3 | Do your residents include:  |                    |
|   | (a) Those with learning disability  | Yes/No             |
|   | (b) Those suffering from severe dementia  | Yes/No             |
|   | (c) Those suffering from acquired brain injury  | Yes/No             |
| 4 | Are your residents all free to leave your unit whenever they wish?  | Yes/No             |
| 5 | Do you feel that you understand the deprivation of liberty safeguards?  | Yes/No             |
| 6 | Do you consider that any of your residents' care plans amount to a deprivation of liberty?  | Yes/No             |
| 7 | Are you proposing to apply for "authorisation" under the Mental Capacity Act from April 2009?   | Yes/No             |
| 8 | Have you or do you propose to apply to the Court of Protection for an Order under Section 15 authorising a deprivation of liberty in respect of any resident? | Yes/No             |
| 9 | Do you feel you need training on the new law?   | Yes/No             |

Please complete the questions set out above and either email this to [sam.hovey@rlb-law.com](mailto:sam.hovey@rlb-law.com) or fax it to Samantha Hovey at RadcliffesLeBrasseur on 0207 222 6208.