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FOR IMMEDIATE RELEASE

Protection for people with mental incapacity – first annual reviews published

When an individual lacks mental capacity to consent to care or treatment, it is sometimes in their best interests to deprive them of their liberty so that they are protected from harm.

Today Care and Social Services Inspectorate Wales (CSSIW) and Healthcare Inspectorate Wales (HIW) have published the findings of their first annual reviews of the Deprivation of Liberty Safeguards (the Safeguards). Introduced in 2009, the Safeguards provide a legal framework to ensure that people are deprived of their liberty only when there is no other way to care for them or safely provide treatment and ensure that, when this is necessary, people's human rights are protected.

The Safeguards can be used for adults over the age of 18 years who are in hospitals or care homes. People who may need the additional protection offered by the Safeguards include those with severe learning disabilities, older people suffering from the range of dementias, and people with neurological conditions such as brain injuries.

CSSIW Chief Inspector Imelda Richardson said:

"The greatest number of deprivations in Wales was found to be in care homes. Although these are relatively small numbers, we have found that people in care and their families still need to know much more about their rights if their freedom is being taken away.

"We also discovered that professionals needed to understand the Mental Capacity Act better so that they were aware of what exactly constituted a deprivation of liberty."

Speaking about hospital settings, **HIW Chief Executive Dr Peter Higson** added:

"It is important to stress that these Safeguards have resulted in real improvements in protecting individuals' human rights but our clear message to medical and social care providers is that they have a vital role in explaining these important safeguards to those individuals.

“Mental incapacity can occur in range of circumstances including stroke, the Safeguards aim to protect individuals, and provide medical and care professionals with assistance in deciding whether depriving someone of their liberty is the only way to safely care for them.”

The main findings of the two reviews are available in a joint summary (attached). The full reports will be available on both organisations' website from 15 March 2011.

Notes to Editors

- The Deprivation of Liberty Safeguards (the Safeguards) add to the Mental Capacity Act 2005 and clarify how individuals can be cared for in care homes or hospitals.
- The use of the Safeguards has to be monitored to make sure they are working properly for those affected by them. This is the responsibility of the two inspectorates for health and social care, HIW and CSSIW.
- CSSIW encourages improvement in social care, early years and social services through inspection, registration and regulation of these services and in providing professional advice to Welsh Ministers and policy makers.
- HIW has been set up to monitor and regulate healthcare in Wales. We also protect the interests of people whose rights are restricted under the Mental Health Act. We regulate and register independent healthcare providers to ensure that they are qualified to carry out their work and that they meet the standards for quality and safety set out in law. We also inspect NHS organisations and report our findings directly to ministers.
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