

SCHEDULES

SCHEDULE 1

Authorisation by panel of certain serious interventions

Part 3

The criteria for authorisation

Criteria for detention amounting to deprivation of liberty

10. In relation to detention of P in a place in circumstances amounting to a deprivation of liberty, the criteria for authorisation are that—

- (a) appropriate care or treatment is available for P in the place in question;
- (b) failure to detain P in circumstances amounting to a deprivation of liberty in a place in which appropriate care or treatment is available for P would create a risk of serious harm to P or of serious physical harm to other persons;
- (c) detaining P in the place in question in circumstances amounting to a deprivation of liberty would be a proportionate response to—
 - (i) the likelihood of harm to P, or of physical harm to other persons; and
 - (ii) the seriousness of the harm concerned;
- (d) P lacks capacity in relation to whether he or she should be detained in the place in question; and
- (e) it would be in P's best interests to be so detained.