Deprivation of Liberty in Practice: Article 5, DoLS and the 2026 Supreme Court Ruling: Facilitator Pack

THE TALKING THERAPIES UK FACILITATOR PACKS



Deprivation of Liberty in Practice: Article 5, DoLS and the 2026 Supreme Court Ruling: Facilitator Pack

Teaching the course to a group

A facilitator pack · 6 sessions · for trainers

TALKING THERAPIES UK

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First edition, 2026.

This pack accompanies the course “Deprivation of Liberty in Practice: Article 5, DoLS and the 2026 Supreme Court Ruling” on Talking Therapies UK Training & CPD and its course book. It is drawn from the course and is kept current with it: whenever the course changes, the pack is set again.

This printing was set on 27 October 2026 from the course as it stood that day.

A note on teaching from this pack. It supports qualified trainers and supervisors teaching within their competence. Running the course from it does not award the course’s CPD certificate, which participants gain by completing the course online.

Set in Poppins and Roboto, the Talking Therapies UK typefaces.

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How to use this pack

This pack is for trainers and supervisors who teach the Talking Therapies UK course “Deprivation of Liberty in Practice: Article 5, DoLS and the 2026 Supreme Court Ruling” to a group: a session for each of its 6 modules, with timed plans, the points to draw out, group activities and discussion questions, the course’s assessment with answers, an attendance register and an evaluation form.

Part 1 sets out the course and how to plan it. Part 2 has a timed plan for each session, built from the course’s own modules, lessons and practice tasks; read it with the module it teaches. Part 3 holds the course’s assessment with its answers, an attendance register and an evaluation form.

What this pack covers

- Plan the course as 6 sessions
- Follow a timed plan for each session
- Draw out each lesson’s key points
- Run each lesson’s practice task as a group activity
- Check understanding with the course’s own questions
- Keep a register and gather evaluations

PART 1

Planning the course

What the course covers, who it is for, and how to run it.

CHAPTER 1

About Deprivation of Liberty in Practice: Article 5, DoLS and the 2026 Supreme Court Ruling

This premium programme is a comprehensive, practice-focused course on deprivation of liberty for therapists, best interests assessors, social workers, nurses and other practitioners in England and Wales who work with people whose care may restrict their liberty. It is written for practitioners who need to decide whether a person is deprived of their liberty, how any deprivation should be authorised and reviewed, how the person's voice can be heard and how restrictions can be reduced.

The course is current to October 2026. It is built around the Supreme Court's judgment of 2 June 2026 in the reference by the Attorney General for Northern Ireland, which departed from the Cheshire West acid test, restored a multifactorial assessment of the objective element and recognised valid consent as a distinct concept, so that some people who lack capacity may nonetheless consent to their arrangements. It teaches the Department of Health and Social Care's guidance of June 2026, updated in September 2026, including the two-stage assessment, the advice to continue using the safeguards where there is doubt, and the recording of decisions to let authorisations lapse. It uses the official statistics for 2024 to 2025 and states clearly that the Liberty Protection Safeguards have not been implemented.

Across six modules and thirty lessons you will study why the law protects liberty and the structure of Article 5; the path from Guzzardi to Cheshire West and the 2026 judgment; the scope, processes, assessments, eligibility rules and representatives of the Deprivation of Liberty Safeguards; how to assess the objective element and valid consent, including serious doubt and medication; how the framework applies across settings; reviews, section 21A challenges, community authorisation by the Court of Protection, children and young people, and state responsibility; least restriction, the person's voice, families and psychological practice in restrictive settings; and reform, other United Kingdom jurisdictions, governance, ethics and supervision-level practice.

Every lesson contains a worked clinical example, the common pitfalls in practice and a reflective question, together with key points, a practice task for the week, study activities and further reading. The course includes an extended case study, a glossary and a 25-question assessment with a pass mark of 80 per cent. Every reference has been checked against its publisher, legislation.gov.uk, the National Archives, the European Court of Human Rights or the issuing body.

The course treats liberty as a matter of people's lives as well as of law. It is clear about what the law requires, who decides and what remains uncertain after the 2026 judgment, and it emphasises the contribution therapists and other practitioners make by hearing the person's voice and reducing restriction. It asks you at each stage to check the current position, because guidance and case law continue to develop.

By the end of the course, participants will be able to

- Explain why the law protects liberty, the structure of Article 5 and the three components of a deprivation of liberty.
- Trace the development of the law from Guzzardi to Cheshire West and explain what the Supreme Court decided on 2 June 2026.
- Apply the multifactorial assessment of the objective element to people in different settings.
- Assess valid consent, recognising serious doubt, the effects of medication and the position of people who cannot express a view.
- Describe the scope, processes, assessments, eligibility rules, representatives and advocacy of the Deprivation of Liberty Safeguards.
- Explain reviews, suspension, termination and section 21A challenges, and make sure that a person's objection reaches the court.
- Identify when the Court of Protection must authorise a deprivation of liberty, including for 16 and 17-year-olds, and the routes for younger children.
- Apply the principles of state responsibility to private and family arrangements.
- Reduce restriction and elicit the person's voice, working with families and contributing psychological understanding.
- Record defensible decisions, contribute to governance and explain the status of reform, including the unimplemented Liberty Protection Safeguards.

Who it is for

The course is pitched at experienced practitioners working with complex presentations, who already use the approach in their practice.

At a glance

- 6 sessions of about 210 minutes, one for each of the course's modules.
- The online course is accredited for 30 hours of CPD.
- Each participant needs the course book, or access to the online course, for reading between sessions.

CHAPTER 2

Planning the sessions

Run one session for each module, a week or a fortnight apart, so that participants can read the module and try its practice task between sessions. The sessions can also be run as a block over two or three days.

OVERVIEW

The course at a glance

Session	Module	Lessons	Time
1	Liberty, Article 5 and the 2026 reset	5	210 minutes
2	The DoLS scheme in detail	5	210 minutes
3	Assessing deprivation of liberty after AGNI	5	210 minutes
4	Challenges, reviews and the courts	5	210 minutes
5	Practice, relationships and least restriction	5	210 minutes
6	Reform, governance and supervision-level practice	5	210 minutes

The group

- Six to sixteen participants: enough for small-group work, few enough for everyone to contribute.
- Agree ground rules at the first session: confidentiality, respect for different experience, and how participants will speak about their own clients (with nothing that could identify them).
- Ask before the course about access needs, and send any reading a week ahead.

What you need

- A copy of this pack, and the course book or the online course for each participant.
- A flipchart or whiteboard, and space for groups of three or four to work.
- Printed copies of the attendance register and the evaluation form in Part 3, which you may copy for the groups you run.

Keeping it safe

Training about psychological difficulties can bring up participants' own experience. Say at the start that anyone may step out, have someone available to talk to afterwards, and know where to point a participant who is struggling: their GP, their own supervisor or employee assistance programme, or Samaritans on 116 123.