



# Considering deprivation of liberty after AGNI

— THIS IS NOW A MULTIFACTORIAL TEST (3 Cs) —

1



## What are the **concrete** circumstances

- What are the type, duration, effects and manner of implementation of the measures
- Is the person compliant or objecting, expressing a wish to leave, trying to leave
- What are the persons current or prior wishes and do these suggest that they would want to leave

2



## What is the **context**

- Is coercion present or the use of sedative medication
- Do the measures in place go beyond what you would expect in that setting
- What is the purpose of the measure/s
- Could the person physically leave or would a wish to leave be facilitated

3



## Can the person give valid **consent**

- Do the arrangements accord with the persons wishes and feelings
- Can they/do they give positive assent to the measures in place which amount to confinement



*All three elements (concrete, context and consent) must be carefully considered together in order to determine whether there is a deprivation of liberty.*