

Deprivation of Liberty Safeguards

Ensuring Compliance in Practice

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Monday 13 October 2014 Hallam Conference Centre London



Chair & Speakers include

Lucy Bonnerjea
Policy Lead for Mental Capacity Act
Department of Health

Rachel Griffiths
Mental Capacity Act Policy Manager
Care Quality Commission

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The recent landmark Supreme Court ruling on Deprivation of Liberty Safeguards in March 2014, combined with the Parliamentary Select Committee findings, the Government Response published on 11th June 2014 and Care Quality Commission fourth annual report on DOLS all suggest that much more can be done to ensure the safeguards are implemented and used effectively in practice.

Lord Hardie, Chairman of the Parliamentary Committee stated in March 2014 that “The intention of the safeguards is to provide legal protection for people who are being deprived of their liberty for their own safety. The evidence suggests that tens of thousands of people are being deprived of their liberty without the protection of the law, and without the protection that Parliament intended.”

The recent Supreme Court ruling in the cases of P v Cheshire West and Cheshire Council, and P&Q v Surrey County Council which found that people who lack the capacity to make decisions about their care and residence and, under the responsibility of the state, are subject to continuous supervision and control and lack the option to leave their care setting are deprived of their liberty, means that many people are likely to have been deprived of their liberty unlawfully and as a result a increase in DOLS applications and cases has been seen in the last few months.

The Government response to the Parliamentary Select Committee findings agreed that implementation of DoLS are not at the level they would have expected and stated that “A major barrier to widespread successful implementation of the current system is a lack of awareness and understanding of it. Too few professionals are aware of their responsibility under the MCA to reduce wherever possible, the restrictions and restraint placed on individuals who may lack capacity. Likewise, too many are unaware of their responsibility to be alert to situations when the conditions of an individual’s care may unavoidably amount to a deprivation of liberty...DoLS should be regarded as a hugely positive tool that shines a light on the circumstances of an individual’s care to determine if a deprivation of liberty is necessary to deliver the care envisaged and in the best interests of the individual...We do not believe that there is a fundamental flaw in the legislative framework underpinning the current deprivation of liberty system. However, in the light of recent developments, we need to make the current system work better in the short to medium term, whilst putting in place a sustainable, effective system in the long-term. “scrapping DoLS” and starting from scratch is not the simple solution that some would suggest” *Valuing every voice, respecting every right: Making the case for the Mental Capacity Act*

Through expert sessions and case studies, this conference will discuss the Deprivation of Liberty Safeguards and where they sit following these new developments, ensuring compliance locally.

10.00 Chairman's Welcome and Introduction

10.10 Protecting and promoting liberty: implications

Lucy Bonnerjea

*Policy Lead for Mental Capacity Act
Department of Health*

- the implications of the recent Supreme Court ruling in March 2014
- implications of the Parliamentary Committee findings & the government response
- key points for local authorities, NHS bodies, care homes, managing authorities and supervisory bodies
- updates and changes under the new 2014 Care Bill and what the future holds for DOLS

10.50 Ensuring effective use and compliance of DoLS in practice: Monitoring and an update from CQC

Rachel Griffiths

*Mental Capacity Act Policy Manager
The Care Quality Commission*

- DoLS: ensuring compliance
- findings from the Care Quality Commission Fourth annual report into the use of the Mental Capacity Act
- improving understanding of DOLS and reducing the restraint and restriction of vulnerable people lacking capacity
- moving forward: strengthening monitoring

11.20 Question and answers, followed by coffee and exhibition

11.50 Applications and authorisations: implications of the recent judgements, House of Lords Report and Government Response

Paula Scully

*Adult Care Solicitor
Derbyshire County Council*

- what should a managing authority consider before applying for authorisation of deprivation of liberty?
- implications of the recent judgements: what has changed?
- coping with increased number of applications
- urgent authorisations

12.20 The Supervisory Body - Assessments and Authorisations

Andy Butler

*Principal Social Worker (Adults)
Surrey County Council*

- the assessment and authorisation process
- managing increased numbers of applications
- what the Supervisory Body looks for from Managing Authorities
- what the Authorising Officer looks for from Bests Interests Assessors
- conditions and Reviews

12.50 Question and answers, followed by lunch and exhibition

13.50 EXTENDED INTERACTIVE LEGAL MASTERCLASS Deprivation of Liberty Safeguards: Making an application

Rebecca Clark

*Barrister
Exchange Chambers*

This interactive masterclass session will focus on

- current UK and European case law on deprivation of liberty including the March 2014 Supreme Court ruling
- making a DOLS application
- restraint v duties of care conflict: overlap with the Mental Capacity and Mental Health Acts and common law
- how courts will distinguish between lawful and unlawful detention
- working through a DOLS application in practice:

Group work and discussion

15.20 Question and answers, followed by coffee and exhibition

15.40 Ensuring compliance in practice: Panel Case Studies

The impact of the supreme court ruling in practice

Speaker to be announced

- ensuring compliance with DOLS for patients beyond the supreme court ruling in practice
- key issues and challenges

DoLS and Dementia

Greg Slay

*Quality Assurance Lead for Adult Services
West Sussex County Council*

- ensuring compliance with DOLS for people with Dementia
- key issues and challenges

DoLS and Care Homes

Andrea Metcalfe

*Quality & Patient Safety manager
Lead for safeguarding adults/ DoLS/MCA /Care Homes
South Essex CCGs*

- training and educating frontline staff
- ensuring compliance in care homes

17.00 Question and answers, followed by close

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Hallam Conference Centre, 44 Hallam Street
London, W1W 6JJ. A map of the venue will be sent with confirmation of your booking.

Date

Tuesday 25 February 2014

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