

Deprivation of Liberty Safeguards

Ensuring Compliance in Practice

Wednesday 25 March 2015 ICO Conference Centre London

10% Card payments discount**
15% Group booking discount**



Chair & Speakers include

Anne Mercer

Professional Advisor
The College of Social Work

Rachel Griffiths

Mental Capacity Act Policy Manager
Care Quality Commission

Supporting Organisations



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"This year marks the fifth anniversary of the introduction of the Deprivation of Liberty Safeguards. It is both striking and concerning that over the last five years we have seen the same themes recurring including, until recently, persistently low numbers of applications for authorisation of the Safeguards. We are also concerned about the continuing lack of understanding and awareness of the MCA, which is a potential barrier to good practice." Care Quality Commission DOLs Report 27th January 2015

"March 2014 was a landmark in the history of the wider Mental Capacity Act (MCA) and within that the Deprivation of Liberty Safeguards. Great changes have followed the House of Lords post-legislative scrutiny committee report on the MCA, and the Supreme Court judgement, both of which occurred in March 2014. The House of Lords reported on how well the MCA was embedded in our culture, particularly in health and social care. They found that that the prevailing cultures of paternalism (in health) and risk aversion (in social care) have prevented the Act from being widely known or embedded. The empowering ethos has not been delivered. The rights conferred by the Act have not been widely realised. The duties imposed by the Act are not widely followed...The Supreme Court then clarified what had become very complicated case-law about deprivation of liberty....Use of the Deprivation of Liberty Safeguards is rising greatly since the judgement. I welcome this growing understanding of deprivation of liberty...Whatever changes may arise, we must all continue to focus on the vulnerable people at the heart of the process, whose wishes about how they are cared for should, where possible, be honoured and whose rights must always be protected." David Behan Chief Executive, Care Quality Commission, 27th January 2015

"The Supreme Court judgement has clearly resulted in a significant increase in DoLS activity but, handled in a manner that puts individuals first and foremost, it provides a real opportunity to provide real benefits to some of the most vulnerable individuals in our society. It is important to remember the fundamental purpose of DoLS. It is not, nor should it be, purely a paper-based exercise to provide the legal authority for depriving an individual of their liberty in their best interests. DoLS is about the individual and ensuring that care, treatment and support arrangements maximise their empowerment and liberty. There are countless examples of how DoLS has led to a real improvement in the care individuals receive. The individual must be central to our response to the Supreme Court judgment." Niall Fry Policy Lead Mental Capacity Act & Deprivation of Liberty Safeguards Department of Health September 2014

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.

The Supreme Court ruling in the cases of *P v Cheshire West and Cheshire Council*, and *P&Q v Surrey County Council* 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.

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 and the implementation of the Care Act 2014.

11.00 Chairman's Welcome and Introduction

Anne Mercer

Professional Advisor
The College of Social Work

10.10 Ensuring effective use and compliance in practice Monitoring the Deprivation of Liberty Safeguards: An update from the Care Quality Commission

Rachel Griffiths

Mental Capacity Act Policy Manager
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

10.50 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: how do we priorities?
- what the Supervisory Body looks for from Managing Authorities
- what the Authorising Officer looks for from Bests Interests Assessors
- conditions and reviews

11.20 Question and answers, followed by coffee and exhibition

11.50 EXTENDED LEGAL SESSION: Implications of the recent judgements, House of Lords Report, Government Response and Care Act 2014

Ashley Irons

Partner
Capsticks Solicitors

- what should a managing authority consider before applying for authorisation of deprivation of liberty?
- current UK and European case law on deprivation of liberty including the March 2014 Supreme Court ruling
- implications of the recent judgements: what has changed?
- coping with increased number of applications: how can you prioritise?
- managing urgent authorisations
- implications of the Care Act 2014

13.00 Question and answers, followed by lunch and exhibition

14.00 Hospital Managing Authority: DoLS identification, application and compliance

Nick Rudling

Safeguarding Adults Lead
Northern Devon Healthcare Trust

- the implications of the recent Supreme Court ruling in healthcare
- how to identify a potential DoLS in healthcare
- how to remain compliant

14.30 Quality Assurance of Best Interests Assessment Practice

Carol Wilkinson

Senior Practitioner and BIA Assessor
East Sussex County Council

- essential elements of the BIA assessor role
- quality assurance of BIA assessment and decisions
- developing reflective practice
- our experience in East Sussex

15.00 Question and answers, followed by tea

15.30 Evidencing compliance in practice

Greg Slay

Quality Assurance Lead for Adults' Services
West Sussex County Council

- ensuring compliance with DoLS
- evidencing compliance in practice
- key issues and challenges

16.00 Training and educating frontline staff: ensuring all staff understand when an application is needed

Penny Davidson

MCA Co-ordinator
Warrington Borough Council

- training and educating frontline staff
- ensuring compliance
- grey areas: case studies and examples in practice

16.30 Question and answers, followed by close

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ICO Conference Centre, 22 Berners Street, London, W1T 3DD. A map of the venue will be sent with confirmation of your booking.

Date

Wednesday 25 March 2015

Conference Fee

- ☐ £365 + VAT (£438.00) for NHS, Social care, private healthcare organisations and universities.
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- ☐ £495 + VAT (£594.00) for commercial organisations.

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