

From **Deprivation of Liberty Safeguards** to

Liberty Protection Safeguards

Implementation of the 2018 Mental Capacity (Amendment) Bill

Friday 15 March 2019 De Vere West One Conference Centre, London

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Chair and Speakers Include:

Stephen Reeder

*Barrister Doughty Street Chambers
Deputy Regional Judge and Designated
Judge The Court of Protection*

Tim Spencer Lane

*Lawyer
Law Commission for England and
Wales*

Supporting Organisations



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"In its report on reforming the Deprivation of Liberty Safeguards (DoLS), the Law Commission estimated (and it was undoubtedly an underestimate) that some 53,000 people were deprived of their liberty outside hospitals and care homes in 2017. According to Court of Protection Data, the requisite steps to obtain authorisation from the Court of Protection was taken in a very small proportion of those cases, with an average of just under 200 a month being made in 2017 (ie a total of just over 2,300 for the year)."

Alex Ruck Keene, barrister at 39 Essex Chambers speaking to Community Care September 2018

The Mental Capacity (Amendment) Bill was introduced to the House of Lords on Tuesday 3 July 2018 and seeks to replace the 'Deprivation of Liberty Safeguards' (DoLS). The government has now developed a new system, known as 'Liberty Protection Safeguards', which will become law through the bill. The Bill had its second day of Committee stage in the Lords on 15 October 2018.

The reforms seek to:

- introduce a simpler process that involves families more and gives swifter access to assessments
- be less burdensome on people, carers, families and local authorities
- allow the NHS, rather than local authorities, to make decisions about their patients, allowing a more efficient and clearly accountable process
- consider restrictions of people's liberties as part of their overall care package
- get rid of repeat assessments and authorisations when someone moves between a care home, hospital and ambulance as part of their treatment

Department of Health July 2018

This conference, developed and produced in association with Alex Ruck Keene Barrister, 39 Essex Chambers & Former Consultant, Mental Capacity and Deprivation of Liberty Project, The Law Commission will update delegates on the implications of the new Bill and the implementation of the Liberty Protection Safeguards in your service.

This conference will enable you to:

- **Network with colleagues who are working to move from DoLS to Liberty Protection Safeguards**
- **Reflect on national developments and understand the implications of the 2018 Mental Capacity Amendment Bill**
- **Improve the way you manage Deprivation of Liberty Safeguards in the interim**
- **Understand what the legal and practical implications of the new system will be and the preparation you will need to do**
- **Reflect on how you can consider restrictions of people's liberties as part of their overall care package**
- **Understand how you can improve outcomes for service users**
- **Identify key strategies for improving process and practice with regard to assessments and authorisations**
- **Ensure you are up to date with the implications for your service**

10.00 Chair's Welcome & Introduction

Stephen Reeder *Barrister Doughty Street Chambers*
Deputy Regional Judge and Designated Judge The Court of Protection

10.10 Towards Liberty Protection Safeguards: The July 2018 Mental Capacity (Amendment) Bill

Tim Spencer Lane
Lawyer
Law Commission for England and Wales

- why the system needed to change
- introducing a simpler process that involves families more and gives swifter access to assessments
- allowing the NHS, rather than local authorities, to make decisions about their patients, allowing a more efficient and clearly accountable process
- providing appropriate care and better outcomes for people who lack mental capacity and helping their family and carers.
- moving from DoLS to Liberty Protection Safeguards: implications of the Mental Capacity (Amendment) Bill
- the levels of safeguards under the proposed system

11.00 The Mental Capacity Act: Current Developments

Rachel Griffiths
Consultant
Mental Capacity Act and Human Rights

- how do the LPS fit within the wider MCA?
- what do we learn about MCA compliance from serious case reviews?
- how should we monitor the MCA including deprivation of liberty?

11.40 Question and answers, followed by tea & coffee at 11.50

12.00 EXTENDED SESSION: Liberty Protection Safeguards Ensuring effective use and compliance with the new Bill in practice

Stephen Reeder
Barrister Doughty Street Chambers
Deputy Regional Judge and Designated Judge The Court of Protection

- practical implications of the Mental Capacity (Amendment) Bill
- ensuring compliance
- implications for current and future cases
- challenges, grey areas and difficult issues in practice
- the impact of the new Bill on number of cases and workload
- Interactive discussion and group work

12.45 Question and answers, followed by lunch at 12.55

13.50 Best Interest Assessment Practice

Chris Pearson
Director CPMCA Ltd
Best Interest Assessor/NHS Social Worker and DoLS Supervisory Body
BCUHB

- essential elements of the BIA assessor role
- quality assurance of BIA assessment and decisions
- implications of the the New Bill - recommendation for authorisation: the BIA perspective

14.20 EXTENDED SESSION: Ensuring Effective Outcomes: Assessments and Authorisations, Principles and Process

Andy Butler
Principal Social Worker (Adults)
Surrey County Council

- Liberty Protection Safeguards: What the future may hold for Local Authorities and the NHS
- implications for current Supervisory Bodies and Assessors
- practical, Professional and Procedural Issues
- preparing for future – Getting it right now
- the Big Issue: Accommodation moves!

15.40 Question and answers, followed by tea & coffee at 15.50

16.00 Implications for the NHS Liberty Protection Safeguards in the acute care setting

Betsey Lau-Robinson
Head of Safeguarding, MCA & Prevent University College London Hospitals
NHS Foundation Trust
Member NHS England Adult MCA Network & National Mental Capacity Forum

- the current systems –challenges & the need for change
- decision making for care, treatment & discharge
- The Responsible Body – new responsibilities for the acute hospitals
- Implications for the NHS: the need for change

16.30 Case Study: Liberty Protection Safeguards at the end of life

Dr Amy Proffitt
Consultant in Palliative Medicine Barts Health NHS Trust
Honorary Secretary The Association for Palliative Medicine

- the challenges of old and new system at the end of life
- best interests decisions
- Implications of the new Bill
- practical advice and moving forward

17.00 Question and answers, followed by close

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For more information contact Healthcare Conferences UK on **01932 429933** or email jayne@hc-uk.org.uk

Venue

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Date Friday 15th March 2019

Conference Fee

- ☐ £365 + VAT (£438.00) for NHS, Social care, private healthcare organisations and universities.
☐ £300 + VAT (£360.00) for voluntary sector / charities.
☐ £495 + VAT (£594.00) for commercial organisations.

The fee includes lunch, refreshments and a copy of the conference handbook. VAT at 20%.

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