

Deprivation of Liberty Safeguards

Ensuring Compliance in Practice

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Tuesday 17 November 2015 Hallam Conference Centre London



Chair & Speakers include

Anne Mercer
Past President Advisor
The College of Social Work

Niall Fry
MCA & DoLS Lead
Department of Health

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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

"There has been a ten fold rise in applications in 2014/15"

Niall Fry MCA and DoLS Lead Department of Health May 2015

"There are many people in different settings who are deprived of their liberty by virtue of the type of care or treatment that they are receiving, or the level of restrictive practices that they are subject to, but they cannot consent to it because they lack the mental capacity to do so. In March 2014, the Supreme Court handed down judgment in two cases: P v Cheshire West and Chester Council and P & Q v Surrey County Council [2014] UKSC 19. That judgment, commonly known as Cheshire West, has led to a considerable increase in the numbers of people in England and Wales who are considered to be "deprived" of their liberty for the purposes of receiving care and treatment. The judgment also emphasised the importance of identifying those who are deprived of their liberty so that their circumstances can be the subject of regular independent checks to ensure that decisions being made about them are actually being made in their best interests."

The Law Commission, April 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

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.

Follow the conference on twitter using #DOLS

10.00 Chairman's Welcome and Introduction

Anne Mercer

Past Professional Advisor
The College of Social Work

10.10 Deprivation of Liberty Safeguards: Ensuring effective use and compliance in practice

Niall Fry

MCA and DoLS Lead
Department of Health

- the implications of the Supreme Court ruling in March 2014
- implications of the Parliamentary Committee findings & the government response
- DoLS: ensuring compliance
- challenges, grey areas and difficult issues in practice
- current issues and what the future holds for DoLS

10.50 Monitoring the Deprivation of Liberty Safeguards: An update from the Care Quality Commission

Speaker to be announced

- strengthening monitoring
- findings from inspection and lessons for compliance
- the role of CQC in ensuring DoLS Compliance

11.20 *Question and answers, followed by coffee and exhibition*

11.50 EXTENDED SESSION

Implications of the recent judgements, House of Lords Report, government response and the Care Act 2014

Simon Robinson

Barrister
Five Paper Chambers

- the legal framework that governs Deprivation of Liberty
- what should a managing authority consider before applying for authorisation of deprivation of liberty?
- continuous / complete supervision and control, and freedom to leave – issues and grey areas
- the Court of Protection's system for handling deprivation of liberty safeguards
- current UK and European case law on deprivation of liberty
- 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*

13.50 EXTENDED SESSION: The Supervisory Body - Assessments and Authorisations

Andy Butler

Principal Social Worker (Adults)
Surrey County Council

- managing increased numbers of applications: how do we prioritise?
- what the Supervisory Body looks for from Managing Authorities
- the importance of the Authorisation process - getting it right !
- what the Authorising Officer looks for from Bests Interests Assessors
- hints and tips for being an efficient and effective Supervisory Body

14.30 DoLS identification, application and compliance: Case Study: DoLS in the Hospital Setting

Nick Rudling

Safeguarding Adult 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

15.00 Quality Assurance of Best Interests Assessment Practice

Speaker to be announced

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

15.30 *Question and answers, followed by tea*

16.00 Evidencing compliance in practice

Greg Slay

Quality Assurance Lead for Adults Services
West Sussex County Council

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

16.30 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

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

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

Date

Tuesday 17 November 2015

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.

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