

Deprivation of Liberty Safeguards Towards Liberty Protection Safeguards

*Implications of the Law Commission Report
& 2018 Government Response*

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Monday 24 September 2018 De Vere W1 Conference Centre, London

Topics Include:

- Learning from a personal perspective
- Towards the Liberty Protection Safeguards: The Law Commission's DoLS Review: The Final Report, Recommendations and Draft Bill
- Implications for practice
- Liberty Protection Safeguards: Ensuring effective use and compliance with the recommendations in practice
- The bigger picture: Ethical issues and difficult decisions and discussions
- Case Study: DoLS at the end of life
- Ensuring effective outcomes: The Supervisory Body - Assessments and Authorisations, Principles and Process
- Best Interest Assessment Practice
- Monitoring the Deprivation of Liberty Safeguards

Chair and Speakers Include:

Ulele Burnham

*Barrister, Doughty Street Chambers
Chair, The Discrimination Law Association*

Tim Spencer Lane

*Lawyer
Law Commission for England and Wales*

Supporting Organisations



Deprivation of Liberty Safeguards

Towards Liberty Protection Safeguards

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The Mental Capacity (Amendment) Bill has been introduced to the House of Lords to replace the current Deprivation of Liberty Safeguards (DoLS)

The current DoLS system was criticised by a 2017 Law Commission review for being too complex and bureaucratic:

"Select Committees of both Houses of Parliament have criticised the Deprivation of Liberty Safeguards (DoLS) and called for the system to be reviewed. In addition, the Supreme Court's judgment in the case of Cheshire West has led to a 10 fold increase in DoLS applications." Department of Health April 2018

The government has now developed a new system, known as 'Liberty Protection Safeguards', which will become law through the bill.

"This Government is committed to take action to reform mental health, and transform care for people with learning difficulties and / or autism. Taking action to reform the current DoLS regime is an important contribution towards achieving these aims and providing greater protection for some of the most vulnerable people in our society.... We have set out in detail our provisional view of each individual proposal in our response, and we broadly agree with the Liberty Protection Safeguards model." Final Government Response to the Law Commission's review of Deprivation of Liberty Safeguards and Mental Capacity, March 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 Law Commission Report, and 2018 Government response and the practicalities of moving towards Liberty Protection Safeguards in your service. Sessions will cover; strengthening monitoring; ensuring compliance; DoLS at the end of life; implications for current Supervisory Bodies and Assessors; ethical issues; implications for Best Interest Assessment.

Follow this conference on Twitter #DoLS

10.00 Chair's Welcome & Introduction

Ulele Burnham *Barrister* Doughty Street Chambers and *Chair* The Discrimination Law Association,

10.05 Learning from a personal perspective

Nigel Hullah
Expert by Experience

- DoLS from a service user perspective
- how it feels in practice
- my experience

10.30 Towards Liberty Protection Safeguards

The Law Commission's DoLS Review: The Final Report, Recommendations and Draft Bill

Tim Spencer Lane
Lawyer
Law Commission for England and Wales

- The Law Commission's final report and draft bill was published in March 2017
- the flaws with the current system, and case law examples
 - 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: a look at the Law Commission's final report and proposals for DoLS reform
 - what could provisions look like under a new system?
 - the levels of safeguards under the proposed system
 - moving forward: implications for practice

11.00 Monitoring the Deprivation of Liberty Safeguards

Rachel Griffiths
Consultant Rachel Griffiths Consultancy Ltd

- strengthening monitoring
- monitoring against the MCA including DoLS
- what can be done better?

11.30 *Question and answers, followed by tea & coffee at 11.40*

11.50 EXTENDED SESSION: Liberty Protection Safeguards

Ensuring effective use and compliance with the recommendations in practice

Ulele Burnham
Chair The Discrimination Law Association,
& *Barrister* Doughty Street Chambers

- practical implications of the Law Commission Review
- ensuring compliance
- implications for current and future cases
- challenges, grey areas and difficult issues in practice
- current DoLS issues and what the future holds for Liberty Protection Safeguards
- Interactive discussion and group work

12.40 Implications for practice

Lorraine Currie
MCA and DoLS Manager
Shropshire Council

- how can we prepare for a new system?
- managing the interim
- moving forward: implications for practice

13.10 *Question and answers, followed by lunch at 13.15*

13.45 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!

15.15 The bigger picture: Ethical issues and difficult decisions and discussions

Christopher Fincken
Independent Member
UK Caldicott Guardian Council (*Chairman 2012-2017*)

- ethics and the law
- a practical guide to ethical decision making
- difficult issues: examples in practice

15.45 *Question and answers, followed by tea & coffee at 15.50*

16.00 Case Study: DoLS at the end of life

Speaker to be advised

- the challenges of DoLS at the end of life
- best interests decisions
- Implications of the Law Commission recommendations
- practical advice and moving forward

16.30 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 Law Commission recommendation for authorisation: the BIA perspective

17.00 *Question and answers, followed by close*

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Monday 24th September 2018

De Vere West One Conference Centre, London

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Venue

De Vere West One Conference Centre, 9-10 Portland Place, London, W1B 1PR. A map of the venue will be sent with confirmation of your booking.

Date Monday 24 September 2018

Conference Fee

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