

Deprivation of Liberty Safeguards

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Towards the Liberty Protection Safeguards

*Present practice and Implications of
the 2017 Law Commission Report*

Friday 14 July 2017 De Vere West One 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
- Liberty Protection Safeguards: Ensuring effective use and compliance with the recommendations in practice
- Stream A: Hospitals
 - DoLS and Intensive Care
 - The bigger picture: Ethical issues and difficult decisions and discussions
- Stream B: Supervisory Bodies
 - Ensuring effective outcomes: The Supervisory Body - Assessments and Authorisations
- Best Interest Assessment Practice
- Monitoring the Deprivation of Liberty Safeguards

Chair and Speakers Include:

Alex Ruck Keene

Barrister & Consultant

Mental Capacity & Deprivation of Liberty Project
The Law Commission

Nicholas Paines QC

Public Law Commissioner

Supporting Organisation



Deprivation of Liberty Safeguards

Towards the Liberty Protection Safeguards

Present practice and Implications of the 2017 Law Commission Report

Friday 14 July 2017 De Vere West One Conference Centre, London

This conference, chaired by **Alex Ruck Keene, Barrister & Consultant, Mental Capacity and Deprivation of Liberty Project The Law Commission**, will update delegates on the implications of the March 2017 Law Commission Report and the practicalities of moving towards Liberty Protection Safeguards in your service.

The conference will provide you with the option of 2 streams specifically designed to focus on your area of expertise with Stream A focusing on Hospitals and Stream B focusing on Supervisory Bodies.

On 13th March 2017, The Law Commission published their Report on the Deprivation of Liberty Safeguards. Following public consultation, the Law Commission is recommending replacing the law with a new scheme, called the Liberty Protection Safeguards. This would mean:

- enhanced rights to advocacy and periodic checks on the care or treatment arrangements for those most in need
- greater prominence given to issues of the person's human rights, and of whether a deprivation of their liberty is necessary and proportionate, at the stage at which arrangements are being devised
- extending protections to all care settings such as supported living and domestic settings –therefore removing the need for costly and impractical applications to the Court of Protection
- widening the scope to cover 16 and 17 year olds and planned moves between settings
- cutting unnecessary duplication by taking into account previous assessments, enabling authorisations to cover more than one setting and allowing renewals for those with long-term conditions
- extending who is responsible for giving authorisations from councils to the NHS if in a hospital or NHS health care setting
- a simplified version of the best interests assessment which emphasises that, in all cases, arrangements must be necessary and proportionate before they can be authorised.

Law Commissioner Nicolas Paines QC said:

"The Deprivation of Liberty Safeguards were designed at a time when considerably fewer people were considered deprived of their liberty. Now they are failing those they were set up to protect. The current system needs to be scrapped and replaced right away."

"We know there are enormous pressures on health and adult social care at the moment and our reforms will not only mean that everyone is given the protections they need, but could also deliver a saving to the taxpayer. That's cash that can then be directly reinvested to support those most in need."

"It's not right that people with dementia and learning disabilities are being denied their freedoms unlawfully. There are unnecessary costs and backlogs at every turn, and all too often family members are left without the support they need."

10.00 Chair's Welcome & Introduction

Alex Ruck Keene *Barrister & Consultant* Mental Capacity and Deprivation of Liberty Project The Law Commission

10.10 Learning from a personal perspective

Sarah Holmes

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

10.30 EXTENDED SESSION: Towards Liberty Protection Safeguards: The Law Commission's DoLS Review The Final Report, Recommendations and Draft Bill

Nicholas Paines QC
Public Law Commissioner

- 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

11.15 *Question and answers, followed by tea & coffee at 11.20*

11.35 EXTENDED SESSION: Liberty Protection Safeguards Ensuring effective use and compliance with the recommendations in practice

Alex Ruck Keene
Barrister & Consultant
Mental Capacity and Deprivation of Liberty Project
The Law Commission

- 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

12.50 *Question and answers, followed by lunch at 13.00*

Conference Splits 14.00 - 15.30

Stream A: Hospitals 14.00 - 15.30

14.00 DoLS and Intensive Care

Dr Maryam Crews
Consultant Quality Improvement Lead
Royal Liverpool University Hospital

- the challenges of DoLS in intensive care
- implications of *Ferreira, R v* Coroner of Inner South London
- Implications of the Law Commission recommendations
- practical advice and moving forward

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

Dr Zoë Fritz
Consultant Physician
Cambridge University Hospitals NHS Foundation Trust
& *Wellcome Fellow in Bioethics*
Universities of Warwick and Cambridge

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

Stream B: Supervisory Bodies 14.00 - 15.30

14.00 EXTENDED SESSION: Ensuring effective outcomes: The Supervisory Body - Assessments and Authorisations

Andy Butler
Principal Social Worker (Adults)
Surrey County Council

- managing high numbers of requests: how do we prioritise?
- what the Supervisory Body looks for from Managing Authorities
- the importance of the Authorisation process - getting it right !
- what the Authoriser looks for from Bests Interests Assessors
- moving forward under the new system
- Liberty Protection Safeguards: what the future holds
- implications for supervisory bodies: interactive group work and discussion

15.30 *Question and answers, followed by tea & coffee at 15.40*

Joint Closing

16.00 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

16.30 Monitoring the Deprivation of Liberty Safeguards

Rachel Griffiths
Mental Capacity and Human Rights Consultant

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

17.00 *Question and answers, followed by close at 17.10*

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Streams

Stream A: Hospitals

Stream B: Supervisory Bodies

Please tick which stream you would like to attend

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

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 Friday 14 July 2017

Conference Fee

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