

# Deprivation of Liberty Safeguards

*So the LPS scheme isn't being implemented - what should we do?*

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Wednesday 27th September 2023

Virtual Masterclass



Facilitated by:

Alex Ruck Keene KC (Hon)  
Barrister, 39 Essex Chambers  
Writer and Educator

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## OUTLINE

This masterclass will look at how to operate DoLS at present, when and how to make applications for community deprivation of liberty, and how to incorporate what we can of the policy thinking underpinning the Liberty Protection Safeguards notwithstanding the indefinite delay to the scheme being implemented.

*“Every person who is deprived of their liberty without the completion of an application within statutory timeframes is unlawfully deprived of their liberty. Where this happens, it is clearly unacceptable and constitutes a breach of the right to liberty and security. While Liberty Protection Safeguards (LPS) are not fully implemented, the Government must work with the regulator and all stakeholders to ensure that providers fully understand the functioning of the Deprivation of Liberty Safeguards (DoLS) and comply with statutory requirements.”*

[Joint Committee on Human Rights, Protecting human rights in care settings, July 2022: Protecting human rights in care settings \(parliament.uk\)](#)

The challenge identified by the Joint Committee on Human Rights has been made all the more difficult to meet by the Government’s announcement in April 2023 that it is not implementing the Liberty Protection Safeguards.

This half day masterclass, facilitated by barrister Alex Ruck Keene, will look in detail at all aspects of deprivation of liberty at present, and give very practical advice as to the legal framework as it stands, including navigating the implications of the indefinite delay to the LPS. The masterclass will also look at how to apply the policy thinking underpinning LPS, to implement its core message: that deprivation of liberty is everyone’s business.

## WHO SHOULD ATTEND

Those required to secure that care and treatment being delivered in institutional or community settings to those aged 16 and above is lawful, including local authorities, those working in hospitals and care homes, and Integrated Care Boards should attend.

## KEY LEARNING OBJECTIVES

- Confidence in understanding the scope of deprivation of liberty, including in the hospital setting, and in relation to 16-17 year olds
- Confidence in applying DoLS at present
- Confidence in making applications for ‘community DoL’ orders
- How to apply the policy thinking under the LPS
- An understanding of what developments might be coming down the line

## VIRTUAL PROGRAMME

9.30am	Introduction and aims
9.45am	Deprivation of liberty: The law at present
10.15am	Acting lawfully under DoLS and community deprivation of liberty (1)
11.00am	COMFORT BREAK
11.15am	Acting lawfully under DoLS and community deprivation of liberty (2)
12.15pm	What might be coming down the line, and applying LPS thinking even without the LPS
1.00pm	CLOSE

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## FACILITATOR

Facilitator Alex Ruck Keene is an experienced barrister, writer and educator. His practice is focused on mental capacity and mental health law, in which he is able to provide specialist advice and representation, as well as delivering expert training for front line professionals.

He also writes extensively in the field, editing and contributing to leading textbooks and (amongst many other publications) the 39 Essex Chambers Mental Capacity Law Report, the 'bible' for solicitors (and others) working in the area. He is the creator of the website - [www.mentalcapacitylawandpolicy.org.uk](http://www.mentalcapacitylawandpolicy.org.uk), providing resources and expert commentary on some of the most difficult mental capacity issues.

Alex is a Visiting Professor at King's College London, a Visiting Senior Lecturer at the Institute of Psychiatry, Psychology and Neuroscience, King's College London and a Research Affiliate at the Essex Autonomy Project, University of Essex. He spent 2016 on secondment to the Law Commission as a consultant to their Mental Capacity and Deprivation of Liberty Project and throughout 2018 was legal adviser to the Independent Review of the Mental Health Act 1983. In 2020, he was a specialist adviser to the Joint Committee on Human Rights for its inquiry into the human rights implications of the Government response to COVID-19, and in 2021-2 for its inquiry into human rights in care settings.



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#### Venue

The virtual masterclass is a live stream and interactive breakout rooms on Zoom, and a dedicated landing page with resources available for three months after the event date.

#### Date

Wednesday 27th September 2023

#### Conference Fee

£195 + VAT (£234.00) for NHS, Social care, private healthcare organisations and universities.

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