Deprivation of Liberty Safeguards

Towards Liberty

Protection Safeguards

Implications of the 2017 Law Commission Report

Friday 8 December 2017 De Vere West One Conference Centre, London

Topics Include:
- Learning from a personal perspective
- 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 39 Essex Chambers
& Former Consultant, Mental Capacity & Deprivation of Liberty Project The Law Commission

Tim Spencer Lane
Lawyer
Law Commission for England and Wales

Supporting Organisations
“The Law Commission recommends that DoLS are repealed as a matter of urgency, and are replaced by a new scheme called the Liberty Protection Safeguards. This intends to streamline the process for assessing whether a deprivation of liberty is necessary, and obtaining the required authorisation. The Liberty Protection Safeguards would also authorise particular arrangements and conditions for a person’s care or treatment, rather than simply authorising a deprivation of liberty... Under the new scheme, when there is a potential deprivation of liberty, the responsible body – the NHS body or local authority - arranges three assessments: a capacity assessment, a medical assessment, and a ‘necessary and proportionate’ assessment. They must also consult with friends and family of the relevant person. Each case is verified by an “independent reviewer”, and those where the placement are contrary to the person’s wishes are referred to an Approved Mental Capacity Profession (AMCP).” House of Commons Briefing Paper, 2nd October 2017

Chaired by Alex Ruck Keene Barrister, 39 Essex Chambers & Former Consultant, Mental Capacity and Deprivation of Liberty Project, The Law Commission this conference 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.

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

“We continue to see variation in the practical application of the Deprivation of Liberty Safeguards (DoLS) with uneven use across the health and social care sector – this can lead to people being at risk of having their rights and liberty restricted without a lawful process” Care Quality Commission 10th October 2017

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.”

The final report with recommendations to government for reform is published here: http://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/
10.00 Chair’s Welcome & Introduction
Alex Ruck Keene Barrister 39 Essex Chambers and Former Consultant, Mental Capacity and Deprivation of Liberty Project The Law Commission

10.10 Learning from a personal perspective
Paul Scates
Senior Peer Specialist, Campaigner and Ambassador
• 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
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 e look like under a new system?
• the levels of safeguards under the proposed system
• moving forward: implications for practice

11.00 EXTENDED SESSION: Liberty Protection Safeguards
Ensuring effective use and compliance with the recommendations in practice
Alex Ruck Keene
Barrister 39 Essex Chambers
and Former 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

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 39 Essex Chambers
and Former Consultant, Mental Capacity and Deprivation of Liberty Project The Law Commission

11.45 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 Chris Danbury
Consultant in Anaesthetics & Intensive Care Medicine
Royal Berkshire Hospital
Visiting Fellow in Health Law University of Reading
& Chair Legal and Ethical Policy Unit Faculty of Intensive Care Medicine
• 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 Ethical decision making and DOLs in the acute Trust
Dr Premila Fade
Consultant Geriatrician
Northwick Park Hospital
and Harrow London North West Healthcare NHS Trust
• 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: Assessments and Authorisations
Andy Butler
Principal Social Worker (Adults)
Surrey County Council
• Liberty Protection Safeguards: What the future may hold
• Implications for current Supervisory Bodies and Assessors
• Practical, Professional and Procedural Issues
• Preparing for future – Getting it right now
• The Big Issue: Accommodation moves!

15.30 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
Consultant
Rachel Griffiths Consultancy Ltd
• strengthening monitoring
• monitoring against the MCA including DoLS
• what can be done better?

17.00 Question and answers, followed by close at 17.10
Deprivation of Liberty Safeguards
Friday 8 December 2017
De Vere West One Conference Centre, London

How to book Book online via credit card and receive a 10% discount*
www.healthcareconferencesuk.co.uk Fax the booking form to 0208 181 6491
Post this form to Healthcare Conferences UK 8 Wilson Drive, Ottershaw, Surrey, KT16 0NT

> Your Details (please complete a new form for each delegate. Photocopies are acceptable)

Dr Mr Mrs Ms (Please Circle)
First Name
Surname
Job Title
Department
Organisation
Address

Please write your address clearly as confirmation will be sent by email, if you prefer confirmation by post please tick this box. Please also ensure you complete your full postal address details for our records.

Please specify any special dietary or access requirements

This form must be signed by the delegate or an authorised person before we can accept the booking
(By signing this form you are accepting the terms and conditions below)

Name
Signature
Date

> Payment

By Cheque A cheque for is enclosed
Please make Cheques Payable to Healthcare Conferences UK Ltd.

By Invoice Please send an invoice to

Name
Organisation
Address
Postcode
PURCHASE ORDER NUMBER
(If Applicable)

Please note if you are requesting an invoice many NHS organisations now require a Purchase Order Number to be provided. If you do not provide this number this may slow down the processing of this delegate place.

By B A C S
For Payments in £: Sort Code 40-46-22 Account No. 21553690

Please send your BACS remittance form as confirmation of payment

Your BACS Reference

By credit card Please debit my Visa/Mastercard/Switch

Cardholder’s Name
Card No.
Valid From
Expire Date
Issue No. (switch only)

You will be contacted during the processing of your booking to confirm the payment card security code. (This is the last three digits of the number printed on the back of your card)

Signature
Card billing address

Promotional Code

I cannot attend the conference but would like to receive a PDF containing the conference handbook material, which includes speaker slides, at £49 each.

The PDF will be emailed out after the conference, please fill in the ‘Your Details’ section above, ensuring your email address is clear and the ‘Payment’ section.

Conference Registration

Devere 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 8 December 2017

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%.

*Credit card Discount
10% discount when you book via credit card. This offer is exclusive to card bookings and cannot be used in conjunction with any other Healthcare Conferences UK offer.

**Group Rates
A discount of 15% is available to all but the first delegate from the same organisation, booked at the same time, for the same conference.

Terms & Conditions
A refund, less a 20% administration fee, will be made if cancellations are received, in writing, at least 4 weeks before the conference. We regret that any cancellation after this cannot be refunded, and that refunds for failure to attend the conference cannot be made, but substitute delegates are welcome at any time.

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.

Accommodation
On confirmation of your booking you will receive information for booking accommodation should you require it.

Confirmation of Booking
All bookings will be confirmed by email, unless stated otherwise. Please contact us if you have not received confirmation 7-10 days after submitting your booking.

Exhibition
If you are interested in exhibiting at this event, please contact Carolyn Goodbody on 01932 429933, or email carolyn@hc-uk.org.uk

Credits
CPD Certified. Recognised by the Good Governance Institute.
Conference Producer is a member of the British Association for Professional Conference Organisers.

The information provided will be held on the Healthcare Conference UK’s database and may be used to update you with details of other events that we organise. If you DO NOT wish to receive information from these companies, please tick this box.

We occasionally release your details to companies sponsoring or exhibiting at our events. If you DO NOT wish to receive information from these companies, please tick this box.

Healthcare Conferences UK reserve the right to make changes to speakers and programmes without prior notice.

©Healthcare Conferences UK Ltd 2011