

## Liberty Protection Safeguards: Client-wide support

### Update report no.1 – September 2021

360 Assurance provides internal audit and independent assurance to 28 NHS organisations across the East Midlands and South Yorkshire. This paper provides an update on the work being done by 360 Assurance to support our clients' preparation for implementing the Liberty Protection Safeguards.

#### Current position

In May 2019 the Mental Capacity (Amendment) Act 2019 became statutory legislation. This replaces the Deprivation of Liberty Safeguards (DoLS) with what is being termed the Liberty Protection Safeguards (LPS). Initially it was intended that it would come into force on 1 October 2020. In July 2020 it was announced that the timeframe for implementation would be delayed.

The new safeguards are now set to come into force on 1 April 2022.

The draft Code of Practice and Regulations are expected 'imminently'. Once these are published there is likely to be a flurry of activity, but it is worth remembering that these documents are *for consultation*. Therefore, they should be used to further inform planning and preparation for implementation but may be subject to amendment.

#### What 360 Assurance are doing

We are committing a significant amount of resource to undertaking work around LPS that will benefit all of our clients and also (hopefully) the wider NHS and health and social care sector.

The first piece of work we are undertaking is to facilitate the sharing of ideas, suggestions and information between organisations.

#### Work completed so far

We have:

- set up a page on our website to hold information produced and links to useful sources: [www.360assurance.co.uk/services/clinical-quality/lps](http://www.360assurance.co.uk/services/clinical-quality/lps)
- met with LPS operational leads in 27 of our clients to discuss their current position and plans
- met with leads in a number of other organisations (Local Authorities and NHS organisations) who are not 360 Assurance clients to gather additional insight into plans being considered
- gathered input on current position from the East Midlands MCA DoLS Forum members via discussion and slido questions

- partnered with Hill Dickinson LLP to deliver a webinar on 7 July. [Video](#) and [slides](#) are freely available
- arranged a further webinar with Hill Dickinson on 7 October (being done under TIAN branding) – link to register is [here](#)
- become a member of the Nottinghamshire, Derbyshire and Leicestershire LPS Steering Groups
- set up an initial meeting between NHS leads across the South Yorkshire ICS – to be held on 5 October
- joined the NHSE Midlands LPS group and requested membership of the NHSE North LPS group
- on the back of these conversations and sharing of information, produced a ‘sharing ideas’ paper: [LPS – Sharing ideas v.1](#) (will be iteratively updated)
- developed a list of questions that need to be answered at an ICS/ICP level to enable individual organisations to identify their next steps: [LPS – Questions for ICS/ICP v.1](#)
- worked with the Nottinghamshire LPS Steering Group to produce a template Project Plan which can be adapted and tailored to different organisations: [LPS – Template project plan v.1](#) (will be iteratively updated)
- produced an overview flowchart and list of corresponding questions that will need to be answered in process/procedural documents: [LPS – Overview flowchart v.1](#) and [LPS – Process and procedure questions v.1](#) (will be iteratively updated).

## Next Steps

We will be continuing to meet client and partner organisations over the coming months, especially once we have all had time to digest the draft Code of Practice and Regulations. The documents referenced above are not intended to be definitive and will be iteratively updated in light of new information and as discussions progress.

We will also be working with organisations, NHSE and regional leads as they are appointed to gather ideas and input into the kinds of things we could use our time to do or produce, to prevent duplication and hopefully save our clients’ time. This might include: data analysis of projected numbers at system level, development of a database for capturing LPS information (at an organisational or system-wide level with web hosting and secure log-in), production of short (10 min) training videos on mental capacity, production of a competency assessment workbook, drafting of template policies, flowcharts and non-statutory forms, development of audit tools for internal assurance, production of information leaflets for patients / families / representatives.

If you would like to get involved or have any ideas to suggest, please contact Elaine Dower ([elaine.dower@nhs.net](mailto:elaine.dower@nhs.net), 07342 081522) or Kristina Dickinson ([Kristina.dickinson@nhs.net](mailto:Kristina.dickinson@nhs.net), 07748 622985).