

Liberty Protection Safeguards Implementation Steering Group 04/09/2019

Update note

- The Liberty Protection Safeguards Implementation Steering Group met for the second time on 4 September, 2019.
- In attendance were: Department of Health and Social Care, Department for Education, Ministry of Justice, Welsh Government, NHS England and Improvement, NHS Providers, Local Government Association, Association of Directors of Adults Social Services, Association of Directors of Children's Social Services, Care Provider Alliance, Skills for Care, Health Education England, Care Quality Commission and Ofsted. Think Local Act Personal and NHS Clinical Commissioners sent apologies.
- The group discussed overall progress towards implementation. It noted successful delivery of key milestones to develop the Code of Practice and regulations for the Liberty Protection Safeguards scheme. On the Code of Practice, initial content has been developed on each chapter and DHSC has been looking at it from a policy perspective over the summer, with the aim of sending it back out to stakeholders to continue an iterative process of development over the autumn in advance of full public consultation. On the regulations, it was agreed a note setting out the proposed content of the regulations would be helpful for stakeholders.
- The group noted that the overall timescale for delivery of the Liberty Protection Safeguards is challenging and there are some key interdependencies, for example between development of the Code of Practice and the workforce development strategy. Timescales will continue to be discussed by the group, and the risk register will help monitor overall progress towards delivery. Overall affordability of the Liberty Protection Safeguards was flagged as a key risk to deliverability and will be returned to in future discussions of the risk register.
- The group agreed the following as priorities for the coming period:
 - Finalising and publishing the Impact Assessment for the Liberty Protection Safeguards
 - Publishing factsheets explaining the Mental Capacity (Amendment) Act, as well as more regular DHSC newsletters on overall implementation progress
 - Working on next steps on the Code of Practice once DHSC has worked through the chapters provided by the working groups
 - Planning the next round of engagement on the Code of Practice with people with lived experience, and with wider stakeholders, over the autumn
 - Exploring the idea of regional networks across local authorities, the NHS and care providers, with the aim for a proposal to be discussed at the next Steering Group
 - Working on the workforce development strategy, including mapping the work required for conversion from Best Interest Assessors to Approved Mental Capacity Professionals
 - Developing the overall communications strategy for the work
 - Accelerating work to design the monitoring regime for CQC and Ofsted
- It was agreed DHSC would finalise a 'plan on a page' setting out the overall implementation programme, to help organisations involved in delivery of the Liberty Protection Safeguards to understand how implementation work is being taken forward, and the key milestones from now until implementation.