

The Liberty Protection Safeguards – how can we help?

The Liberty Protection Safeguards (LPS) were introduced in the Mental Capacity (Amendment) Act 2019 and will replace the Deprivation of Liberty Safeguards (DoLS) system. The LPS framework aims to deliver improved outcomes for people who are or who need to be deprived of their liberty.

23 June 2022

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The new Safeguards will apply to people aged 16 and above who are or who need to be deprived of their liberty in order to enable their care or treatment and who lack the mental capacity to consent to their arrangements.

The LPS were originally due to be implemented in October 2020. This was put back to April 2022 due to the pandemic. The government have since announced a further delay and we are awaiting confirmation of the final commencement date.

It is our understanding that the LPS will likely be implemented in October 2023, or 2024.

Revised Mental Capacity Act Code of Practice

The Draft Code of Practice and accompanying Regulations providing a lot more of the detail have now been published for consultation and so we are a step closer to the new framework being introduced. All health and social care staff will be required to comply with the new Code of Practice and be familiar with its provisions.

The consultation to the proposals, giving you an opportunity to engage and shape the new LPS process, closes on **14 July 2022**.

How We Can Help

Browne Jacobson's specialist Advisory and Court of Protection team can support you in understanding and implementing the key changes. We will be putting together a response to the consultation and are speaking to our clients to seek their views on some of the key proposals.

Our Advisory & Court of Protection team

Acting for local authorities, NHS bodies, and independent sector providers, our experienced healthcare solicitors have been at the forefront of policy and practice in the Court of Protection since it was established.

We are the leading healthcare law firm in the country working with health and social care providers and commissioners in the Court of Protection.

We are ranked as leaders in Chambers and Partners guide to the legal profession, so you can rest assured that you are in the best hands when you work with us.

The Liberty Protection Safeguards

Amid increasing scrutiny from the CQC, the media, and the public, the Court of Protection has never been busier, and it is more important than ever to ensure the Mental Capacity Act is understood and implemented in your organisation. We know from CQC inspections that a strong result on MCA and Deprivation of Liberty is very closely correlated to a good overall outcomes for patients.

As well as providing a response to the consultation we can assist with the following:

- Supporting you and your staff in understanding and implementing the changes
- Provision of bespoke online or face to face training
- Free online webinars on the Liberty Protection Safeguards and likely impact
- Ensuring your views are heard and fed back as part of the consultation process
- A range of available articles and blogs focusing on key proposed changes
- Guidance and support through our regional forums for MCA / DOL leads in our offices around the country.
- We also deliver regular case law update webinars, free of charge, which are viewed by thousands of health and social care professionals across the country.

Contact

Rebecca Fitzpatrick

Partner

rebecca.fitzpatrick@brownejacobson.com

+44 (0)330 045 2131

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