Deprivation of Liberty Safeguards
Towards the Liberty Protection Safeguards

Present practice and Implications of the 2017 Law Commission Report

Friday 14 July 2017 De Vere West One Conference Centre, London

Topics Include:
• Learning from a personal perspective
• Towards the Liberty Protection Safeguards: The Law Commission’s DoLS Review: The Final Report, Recommendations and Draft Bill
• 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 & Consultant
Mental Capacity & Deprivation of Liberty Project
The Law Commission

Nicholas Paines QC
Public Law Commissioner

Supporting Organisation

NCF
The National Care Forum

BASW
The British Association of Social Workers

Essex Chambers

Social Care Conference UK
Deprivation of Liberty Safeguards
Towards the Liberty Protection Safeguards
Present practice and Implications of the 2017 Law Commission Report

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This conference, chaired by Alex Ruck Keene, Barrister & Consultant, Mental Capacity and Deprivation of Liberty Project The Law Commission, 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.

The 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.

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.”
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<tr>
<th>Time</th>
<th>Session Title</th>
<th>Speaker(s)</th>
<th>Content</th>
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<tbody>
<tr>
<td>10.00</td>
<td>Chair’s Welcome &amp; Introduction</td>
<td>Alex Ruck Keene (Barrister &amp; Consultant, Mental Capacity and Deprivation of Liberty Project, The Law Commission)</td>
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<tr>
<td>10.10</td>
<td>Learning from a personal perspective</td>
<td>Sarah Holmes</td>
<td>DoLS from a service user perspective, how it feels in practice, my experience</td>
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<td>10.30</td>
<td>EXTENDED SESSION: Towards Liberty Protection Safeguards: The Law Commission’s DoLS Review, The Final Report, Recommendations and Draft Bill</td>
<td>Nicholas Paines QC (Public Law Commissioner)</td>
<td>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 look like under a new system, the levels of safeguards under the proposed system, moving forward: implications for practice</td>
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<td>11.15</td>
<td>Question and answers, followed by tea &amp; coffee at 11.20</td>
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<td>11.35</td>
<td>EXTENDED SESSION: Liberty Protection Safeguards</td>
<td>Alex Ruck Keene (Barrister &amp; Consultant, Mental Capacity and Deprivation of Liberty Project, The Law Commission)</td>
<td>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</td>
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<tr>
<td>11.35</td>
<td>Question and answers, followed by lunch at 13.00</td>
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<td>12.00</td>
<td>Conference Splits 14.00 - 15.30</td>
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<td>14.00</td>
<td>DoLS and Intensive Care</td>
<td>Speaker to be announced</td>
<td>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</td>
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<td>14.45</td>
<td>The bigger picture: Ethical issues and difficult decisions and discussions</td>
<td>Dr Zoë Fritz (Consultant Physician, Cambridge University Hospitals NHS Foundation Trust &amp; Wellcome Fellow in Bioethics, Universities of Warwick and Cambridge)</td>
<td>ethics and the law, a practical guide to ethical decision making, difficult issues: examples in practice</td>
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<td>15.30</td>
<td>Question and answers, followed by tea &amp; coffee at 15.40</td>
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<td>16.00</td>
<td>Best Interest Assessment Practice</td>
<td>Chris Pearson (Director CPMCA Ltd, Best Interest Assessor/NHS Social Worker and DoLS Supervisory Body, BCUHB)</td>
<td>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</td>
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<td>16.30</td>
<td>Monitoring the Deprivation of Liberty Safeguards</td>
<td>Speaker to be announced</td>
<td>strengthening monitoring, how the CQC inspects against the MCA including DoLS, findings from inspection: what can be done better</td>
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<td>17.00</td>
<td>Question and answers, followed by close at 17.10</td>
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Friday 14 July 2017  
De Vere West One Conference Centre, London

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