

Mental Capacity Act (2005) Subgroup

Liberty Protection Safeguards - Where do we go from here?

After the long-awaited update on Liberty Protection Safeguards the Government announced on the 5th April 2023 that plans for its implementation would be delayed “beyond the life of this Parliament”.

The announcement made reference needing to take this decision with regret to prioritise work on social care.

The Government acknowledged the work undertaken up until this point, in various forums and confirmed that a summary of feedback to the LPS Consultation, which concluded on the 14th of July 2022, will be provided.

Across Derby and Derbyshire significant amounts of work has been undertaken to plan for this new legislation, which was to replace Deprivation of Liberty Safeguards, with it offering a more streamlined and person-centred approach for people aged 16 and above who lack capacity to make decisions about their accommodation, care and support. Throughout the planning work undertaken in anticipation of LPS, concerns were identified about the feasibility of LPS and how proposals would work in day-to-day practice.

Despite the delay to LPS, work can continue to ensure preparedness for what may come next, with the focus on continuing to support and develop, knowledge, skills and practice in the area of Mental Capacity assessments and best interests decisions making, across workforces in the Local authorities, the NHS, Partner agencies and with users of services and carers.

Deprivation of Liberty Safeguards will continue for the foreseeable future. As a result of the significant increase in numbers of referrals since the Cheshire West ruling and the ongoing volume of referrals, the DOLS teams locally are working hard to ensure they are as efficient as possible.

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In this issue

Liberty Protection Safeguards
- Where do we go from here?
| Page 01

The Oliver McGowan
Mandatory Training | Page 02

National Safeguarding Adults
Awareness Week | Page 02

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The team prioritise work, to ensure those who are objecting, are subject to high levels of restrictions or are unbefriended are assessed as a matter of urgency.

We look forward to receiving the summary of Consultation feedback from the Government and updates regarding what may happen next with DOLS and proposals for LPS.

The Oliver McGowan Mandatory Training on Learning Disability and Autism – e-Learning for Health and Social Care staff

The Oliver McGowan Mandatory Training on Learning Disability and Autism and is a mandatory requirement, as stated in the Health and Care Act 2022.

The training is named after Oliver McGowan. Oliver was a young man whose death shone a light on the need for health and social care staff to have better skills, knowledge and understanding of the needs for autistic people and people with a learning disability.

The Oliver McGowan Mandatory Training on Learning Disability and Autism is the government's preferred and recommended training for health and social care staff.

Oliver's training is delivered in 2 Tiers. Staff need to complete either Tier 1 or Tier 2.

Both tiers consist of 2 parts:

- The first part of both Tier 1 and Tier 2 is this e-Learning.
- Everyone will need the e-Learning regardless of where they work and the Tier of training they require. It is free to access.

For further information please visit: [The Oliver McGowan Mandatory Training](#)

National Safeguarding Adults Awareness Week – Monday 20th – Friday 24th November 2023

The Ann Craft Trust is working in partnership with Safeguarding Adults Boards across the country, to promote National Safeguarding Adults Week 2023.

Derby and Derbyshire Safeguarding Adults Boards will be coordinating a practice development week to present briefing events focussing on Mental Capacity Act. The briefings will provide attendees with knowledge to promote awareness, discussion and reflection on how practice can be adapted to promote the six principles of Safeguarding Adults: Empowerment, Prevention, Proportionality, Protection, Partnership and Accountability.

If anyone would like to assist with running a workshop during the week to support the Boards with delivering key information to the partnership, please contact Sana Farah: DSAB@derby.gov.uk or Nat Gee: Derbyshiresab@derbyshire.gov.uk.