

## Liberty Protection Safeguards (LPS) Postponement

- The UK Government announced in April 2023 that the implementation of LPS will not happen “within the lifetime of the current Parliament”.
- This effectively means that LPS cannot realistically be implemented until 2027, even if it is resurrected in its current form.
- The indefinite postponement of LPS means that the Health Board need to refocus on the effective implementation of the Deprivation of Liberty Safeguards (DoLS).

## Implications

- DoLS is already managed “at risk” by the Health Board as it is not possible to meet demand for assessments which is a national issue.
- Many patients are not able to be assessed and authorised within statutory timescales: 750+ referrals in 2022/23, 200 assessments actually undertaken.
- Risk of Human Rights not being upheld as well as the risk of financial penalties and reputational damage to the Health Board.

## Response

- Some of the work undertaken in preparation for LPS can be used to support a reduction in our DoLS backlog, aiming to reduce unnecessary DoLS referrals and speed up the assessment process
- Improving, understanding and compliance with The Mental Capacity Act (MCA) through training, targeting support for key professionals/teams to improve MCA/DoLS compliance
- The need to update digital support for DoLS/MCA e.g. web based referral process to reduce errors in completion and support monitoring and audit of processes
- Work is in progress led by Welsh Government (WG) to support other ways to improve the DoLS process e.g. amending regulations, national standards for the DoLS processes.
- WG will continue to provide additional funding to reduce DoLS backlogs and improve MCA compliance

# Recommendation

- For the Quality, Safety and Experience Committee to note the update.