



## Mental Capacity (Amendment) Act

### Liberty Protection Safeguards Implementation



#### **LPS stakeholders,**

We're pleased to restart communication with you via our newsletter.

Thank you for all the work that you have been doing during the pandemic to treat, care and advocate for people without relevant mental capacity. We know that you will have been working under incredible pressure with and on behalf of vulnerable people in difficult circumstances.

Like you, we have been very busy working on broad range of urgent issues in health and social care, created by the pandemic. We're sorry that we've not been able to update you on the progress of LPS, until now. Thank you for your patience. We're looking forward to updating you more regularly again as we progress work together, with you, on the design and implementation of LPS.

LPS remains an important priority for the Government. Today, Helen Whately MP, Minister of State (Minister for Care) made a statement about the implementation timetable for LPS:

<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2020-07-16/HCWS377/>

It is paramount that implementation of LPS is successful so that the new system provides the safeguards needed. As you'll know, the intention to date, subject to our work with

stakeholders and delivery partners (including you), was for LPS to come into force on 1 October 2020.

It is now clear that successful implementation is not possible by this October. Instead, we aim for full implementation of LPS by April 2022. Some provisions, covering new roles and training, will come into force ahead of that date.

April 2022 remains a challenging ambition. We know that the pressures of COVID-19 remain and that many of you will continue to feel those for the foreseeable future. We are committed to working with you all to ensure that the wider health and social care sector is supported and prepared for the revised date.

The Government is aiming to undertake a public consultation on the draft regulations and Code of Practice for LPS in 2021. The public consultation will run for 12 weeks, allowing sufficient time for all those that are affected, including those with learning disabilities, to engage and have their voices heard. These responses will be considered carefully, and we will publish a formal response.

After we have considered responses to the consultation, the updated Code and regulations will be laid in Parliament. This needs to happen well in advance of the target implementation date to allow for the legislative timetable for scrutiny of the Code and regulations and to ensure sufficient lead-in time for the regulations that need to come into force earlier.

Crucially, we understand that the health and social care sector will need time following the publication of the final Code and regulations to prepare for implementation. Working backwards from implementation date, the ambition is to accommodate a 6-month period to do this.

The government recognises the scale of the work required to deliver LPS by April 2022. As before the pandemic, we will need your input and expertise to make LPS a success. We are restarting policy development work on LPS and growing the team of officials here who will deliver that. To date, we have appointed two new members to the team, Alex Wakefield and Laura Karan. We're pleased to confirm that we are also working with Hilary Paxton and ADASS on specific strands of work. We will be appointing more officials to lead on other aspects of LPS here at DHSC. We will introduce all team members and their responsibilities, in due course.

As we move forward with the next stage of LPS design and implementation, we plan to restart the LPS Steering Group and other working groups with specific remits. We will also be in touch about those groups in due course. In the meantime, we welcome any questions or feedback to our team mailbox - [lps.cop@dhsc.gov.uk](mailto:lps.cop@dhsc.gov.uk).

Thank you again for your support and work to date. We look forward to working with you on the next stage of designing and implementing LPS.

Best wishes,

**LPS policy team at DHSC**