



10 June 2022

Dear Colleagues

Phase 2 Funding for Mental Capacity Act 2005 / Liberty Protection Safeguards (LPS) for financial year 2022/23

Welsh Government previously wrote to you in March to provide opportunity for you to bid for funding to support preparation for the implementation of the Liberty Protection Safeguards (LPS). The funding provided in phase 1 was targeted to support work to address Deprivation of Liberty Safeguards (DoLS) backlogs and deliver MCA training. I am now writing to you to make you aware of funding in phase 2.

Draft LPS Workforce and Training Plan for Wales

This funding is being provided to support the wider preparations needed in order to prepare for the LPS. I am attaching the draft LPS Workforce and Training Plan for Wales. This national workforce planning document is designed to support local, regional and national employers, including the NHS, independent hospitals, local authorities, advocacy and education settings, in planning their staffing requirements in readiness for the implementation of the LPS. It sets out the steps that organisations will need to take to evaluate their current workforce, the likely level of demand under the LPS, and future workforce needs. Local areas will need to prepare local workforce plans to develop their existing workforce to meet the predicted workforce needs resulting from the introduction of the LPS, taking into account the training of current staff and any necessary recruitment.

This planning document should be read alongside the draft regulations for Wales and the draft Code of Practice for England and Wales, which were recently issued for consultation by the Welsh Government and the UK Government respectively. This is a draft document which will be finalised following the analysis of consultation responses and the preparation of final regulations and Code of Practice.

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We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Appendix 1 of this document includes a repeat of a baseline data exercise undertaken previously in early 2021. I have attached this as a separate document for you to complete and return to mentalhealthandvulnerablegroups@gov.wales by 7 July.

I would also welcome your views on the draft LPS Workforce and Training Plan for Wales. These should be provided via email.

General Funding Principles

In addition to the funding being made available for the development of local workforce plans and the recruitment of staff, funding can also be utilised for:

- Development of data capacity
- Additional DoLS backlog work
- Additional advocacy arrangements
- Additional training needs identified through development of local workforce and training plans

Please note the following when considering spending of the funding under phase 2.

Data Capacity

Welsh Government is agreeing an MOU with Digital Health and Care Wales (DHCW) to support the collection of data needed for the monitoring and reporting of the LPS. Local authorities and health boards will need to ensure their systems capture the required data, which will be defined in the Data Set Change Notice mandating the collection of data to underpin ongoing monitoring by CIW, HIW and Estyn – as set out in the draft regulations for Wales and the LPS code of practice.

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The proposed LPS National Minimum Data Set consists of approximately 30 data items.¹ For those organisations who are using the Welsh Community Care Information System, the DHCW Community Information Services team will lead on ensuring this is in place to capture the LPS data items.

A DHCW Data Engineer will be responsible (subject to Information Governance approval) for extracting the required data from the systems being used to collect this data and loading these data extracts onto a National Liberty Protection Safeguarding Database, hosted by DHCW, from which the national reporting is derived by the DHCW Information Analyst.

Your planning to develop data capacity should take these arrangements into account.

Training

The workforce and training plan sets out the training that is being commissioned by Social Care Wales at each competency level. Training materials will be provided to local authorities and health boards for you to deliver locally. However, full training resources will not be made available until the regulations and Code of Practice are finalised. Welsh Government continues to strongly recommend not buying external training services for the LPS as training will need to be delivered based on the regulations and code as amended.

£152,000 (total) is being made available to you to work towards these outcomes. In order to accept this funding please complete the funding proforma and respond to mentalhealthandvulnerablegroups@gov.wales by 7th July setting out the total amount of funding you would like to access, and a summary of the activities you wish to undertake. Funding will be confirmed upon receipt of the proforma.

¹ The proposed National Minimum Data Set for the LPS is set out in Annex 3 of the [Explanatory Memorandum and Regulatory Impact Assessment](#) of the draft LPS regulations for Wales.

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Advocacy Funding

In addition to the funding to support the outcomes listed above, funding is being provided to health boards to secure additional Independent Mental Capacity Advocate (IMCA) resourcing ahead of the implementation of the LPS. There will be greater demand for IMCAs under the LPS than the existing DoLS system, and it is important to start to build capacity ahead of implementation. This funding is being provided to health boards as they have a responsibility to commission IMCA services on behalf of their geographical area. It is expected that health boards will engage with geographical partners in estimating likely demand.

£292,000 is being made available to you for spending on additional IMCA services. Where it is not possible to extend services by this amount, this funding can be used for wider advocacy arrangements supporting the Mental Capacity Act. As this funding is being provided to deliver services across your geographical area, if there is likely to be an underspend then you should make arrangements with local authorities in your geographical area for alternative use in line with the outcomes set out in general funding above, and contact the Mental Health Mailbox to request a variation in use. Please respond to the Mental Health Mailbox by 7 July to confirm you require this funding and it will be provided to you via resource uplift.

Future funding

Budget provision has been confirmed for implementation of the LPS for three financial years. Information relating to 2023/24 and 2024/25 will be made available to you following the development of final regulations and Code of Practice. However, in order to support longer term planning, I am able to confirm that funding levels in years 2 and 3 will be at least as much as has been made available to you this financial year.

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In summary, it is requested that you;

- Consider the LPS Workforce and Training Plan for Wales to
 - Complete the workforce data form attached
 - Provide any comments on the draft document
 - Start to develop local workforce plans for LPS implementation
- Return the proforma to confirm the amount of funding you are requesting within your allocation and to set out a high level summary of intended use
- Confirm that you wish to receive the full allocated amount for IMCA services as a resource uplift to the health board

For any queries regarding the workforce and training plan or this funding, please email the Mental Health Mailbox, for the attention of Padraig McNamara and Rhiannon Baker.

MentalHealthandVulnerableGroups@gov.wales

Yours sincerely

Padraig McNamara
Mental Health and Vulnerable Groups
Welsh Government

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Annex A – Pro-forma

Funding pro-forma for phase 2 LPS funding

Name of health board / local authority	
Allocation amount for full year (please see covering letter).	
Please provide a general description of the intended activity. This needs to include a clear case for proposed activity, evidencing how this will provide additionality and added value to current assessment capacity / training. (Max. 400 words).	
Please provide detail on the key milestones that will need to be achieved following approval of funding. (Max. 150 words)	
Please provide detail on how you expect the proposal to achieve the expectations laid out in the covering letter. Please include how you will ensure that these are measured and monitored. (Max. 200 words)	
Please provide a broad breakdown of costs for this proposal.	

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Please use this space to provide a high level overview of how the funding received in 2021/22 was utilised to address the DoLS backlog / deliver further training.

(Max. 300 words)

An electronic version of this form should be submitted to mentalhealthandvulnerablegroups@gov.wales for consideration once completed.

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