

# DoLS / LPS GROUP

## Terms of Reference

Date January 2021

### **1. INTRODUCTION**

The Liberty Protection Safeguards were introduced in the Mental Capacity (Amendment) Act 2019 and will replace the Deprivation of Liberty Safeguards (DoLS) system. They aim to deliver improved outcomes for people who need to be deprived of their liberty. The Liberty Protection Safeguards should put the rights and wishes of those people at the centre of all decision-making on deprivation of liberty.

The Liberty Protection Safeguards were planned to come into force in April 2022. That date has now been delayed, however the change in legislation means that they must come into place and so this gives the opportunity to ensure all areas of the Health Board are prepared.

### **2. PURPOSE**

The purpose of the GROUP is to review current DoLS processes and progress against the backlog, understand the required changes under the new legislation and ensure the resource and skills are developed to assist the UHB in achieving compliance with Mental Capacity Act (2005), the Mental Capacity

[Amendment] Act (2019), and other related legislation and case law relating to consent and capacity.

### Objectives

The Group will:

- Function as a subgroup of the Mental Health & Legislative Committee feeding in relevant reports and updates
- Ensure the Health Board discharges its responsibilities in respect of current DoLS management
- Receive information relating to the National and Welsh Government legislative changes in relation to the implementation of LPS
- Provide to and receive information from national and regional subgroups relating to MCA & LPS as necessary
- Establish a higher profile for MCA across the HB
- Ensure policy and protocols are developed & ratified.
- Facilitate the exchange of information and best practice within the Health Boards and other agencies and organisations across Wales.
- Develop and ratify an education and training framework to meet health professional needs.
- Ensure statutory guidance is reviewed as required and provide feedback as required.
- Ensure staff are aware of and have opportunity to input to the work as appropriate
- Review current knowledge and skills and identify deficits to plan future training and education resources
- Review current key roles and new roles required and ensure means are in place to provide the key knowledge and skills requirements can be met
- Agree resources for the development of an intranet learning HUB
- Ensure a multidisciplinary approach
- Link with / co-opt Local Authority professionals and feed into the regional development work relating to LPS

- Consider processes and develop the service to meet the needs of those young people ages 16 & 17 Years old
- Receive feedback and reports on the current use of DoLS including Capacity assessments and Best Interest assessments.
- Create a clear action plan to prepare for the transfer from DoLS to LPS when date agreed, working with the comms team to ensure awareness across the HB footprint.

### **3. ORGANISATION**

#### Executive sponsors

Director of Nursing

#### Membership

Chair – Head of LPS

Vice Chair –

Attendees:

Head of LTC

MH / LD operational and Governance

NPT & Singleton DVU and Governance

Morrison DVU and Governance

Children's services

Community Nursing

Therapy reps

Medical reps

All members must ensure they have the authority to speak on behalf of their relevant area and make decisions or have direct access to decision makers. Co-opted members will be invited to attend as appropriate. All members are responsible for the provision of required information and undertaking actions allocated to them as well as dissemination of information back to their relevant areas, in a timely manner.

#### Secretariat

Admin Assistant, DoLS.

### **4. MEETINGS**

The GROUP Committee is authorised by The mental health & Legislative committee to seek assurance, or have oversight, of any activity within the terms of reference and in performing these duties, shall have the right, at all reasonable times, to have assurance and oversight of any documents of the

Health Board. The only exception to this is patient identifiable data that is required to be kept confidential.

The Committee may, by giving reasonable notice, require the attendance of any of the officers or employees and auditors of the Board at any meeting of the Committee.

#### Quorum

- The quorum of the Committee shall be four, which would include the Chair or Vice Chair.

#### Frequency of Meetings

- Meetings shall be held 2 weekly

### **5. KEY RELATIONSHIPS**

- The sub groups will provide updates to the Committee at each meeting.
- The agenda and any relevant papers will be circulated to the Committee members at least five working days prior to the meeting.

### **6. REPORTING AND ASSURANCE ARRANGEMENTS**

- Mental Health & Legislative Committee

### **7. REVIEW**

The Terms of Reference shall be reviewed annually.