



Department
of Health &
Social Care

Caroline Dinanage
Minister of State for Care

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10th June 2019

Dear Colleagues,

As you will be aware, the Mental Capacity (Amendment) Act 2019 received Royal Assent on 16 May 2019. I am writing to provide an update on the implementation of the Liberty Protection Safeguards system introduced by that Act, as per the commitment made by Baroness Blackwood of North Oxford.

The Liberty Protection Safeguards will replace the current Deprivation of Liberty Safeguards system, which is broken and bureaucratic, and currently leaving thousands without protection.

Our intention is for the new Liberty Protection Safeguards system to come into force on 1st October 2020, subject to our ongoing implementation planning with delivery partners and the Welsh Government and the progress of our work on developing the Code of Practice and statutory instruments for this reform.

The Government is currently working closely with stakeholders across the sector in England and Wales on developing draft chapters for the Code of Practice. The Code of Practice will be a vital document for practitioners, the people who rely on these protections and their families. My absolute priority is to ensure the Code of Practice delivers on providing detailed and easy to understand guidance which will ensure the successful implementation of the new system. Our focus must be on getting this right.

Good progress is being made and we expect initial outputs from the working groups contributing to this work by summer 2019. We plan to do further work with expert groups and those with lived experience over the coming months and following this there will be a full public consultation. We expect the final draft of the Code to be laid before Parliament in spring 2020. We are working closely with the Ministry of Justice to align this work with the review of the Mental Capacity Act Code of Practice.

We are also in the process of drafting the statutory instruments under the Act. We will engage with the sector on the development of the regulations and we expect that these will also be laid before Parliament in spring 2020.

Alongside the work on the Code of Practice and statutory instruments, the Government is taking forward a range of activity to prepare for implementation of the Liberty Protection Safeguards, working closely with key delivery partners and stakeholders. We will shortly publish some initial materials which will be publicly available and can be used by the sector as a starting point in the preparations for the new system. We are also in the process of developing training both to support staff in the sector with the change to the new system, and to approve people to become Approved Mental Capacity Professionals.

There will still be people who have an authorisation in place under the current Deprivation of Liberty Safeguards system on the date the new system comes into force. We will work with delivery partners and stakeholders on developing transitional arrangements, but it is our expectation that such people will remain under their existing authorisation until it expires.

I have placed a copy of this letter in the House of Commons Library.

A handwritten signature in black ink, appearing to read 'Caroline Dinénage', with a large, stylized flourish at the end.

CAROLINE DINENAGE

CAROLINE DINENAGE MP