

## ***Newsletter, Autumn 2017***

We hope this newsletter contains some items of interest – please feel free to ask us about anything in it, and/or to forward it to anyone else who you think might like to receive it.

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### **We have completely redesigned our website**

Our brand new website is now up and running. We hope you like the new design. The site is now fully optimised for mobile devices. Please do have a browse around it to find details of our [in-house training](#) sessions, information about [e-learning](#) and copies of [previous e-newsletters](#).

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### **Update to, and review of, the Mental Health Act**

Important [changes to Sections 135 and 136](#) of the Mental Health Act (which relate to the powers of the police) will come into effect in December 2017. Also the Prime Minister announced last month that there was to be a [review of the Mental Health Act](#) in England and Wales. There will be an interim report in Spring 2018, followed by a full report and recommendations in Autumn 2018.

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### **New law and policy database**

Our new website [now contains a database](#) of Court of Protection cases, Safeguarding Adults Reviews and general health & social care policy and issues. We will add to this as new items occur. We hope you will find this a useful place to check up on current developments. And if you have any suggestions for items to be included – please let us know.

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## Government responds to Law Commission's proposals to replace DoLS and amend the Mental Capacity Act

As you probably know, the [Law Commission published its long-awaited proposals](#) on 13<sup>th</sup> March 2017. At that time it was hoped that Parliament would begin to debate the proposals quickly, with a view to them becoming law in due course. Then the General Election intervened. However the Department of Health [has now welcomed the proposals](#) and has promised a detailed response by Spring 2018.

Tim Spencer-Lane, who headed the Law Commission's review of the DoLS and the MCA, delivered a series of briefing sessions for us in different locations around the country during the Summer. If you would like Tim to come to you and deliver a session especially for your organisation, just give us a call, or reply to this email, and we'll sort it out for you. For example a hospital trust has just booked him to deliver a session on the interface between the Mental Health Act and the Mental Capacity Act.

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## Modern Slavery report

A [recent report](#) by HM Inspectorate of Constabulary found that the response to cases of Modern Slavery was inconsistent across the country.

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## Open courses on Mental Capacity Act and Safeguarding Adults

We still have a few places left on some sessions in some venues in Autumn/Spring 2017-18. The topics are: "Learning Lessons from Safeguarding Adults Reviews", "Sexual Activity and the Mental Capacity Act", "Safeguarding Adults for Provider Managers and Senior Staff" and "Learning Lessons from Court of Protection Cases". [Click here for more details and to book places online](#).

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## Deprivation of Liberty for people under 18

There is a long-running case involving Birmingham City Council which is trying to clarify who can authorise a deprivation of the liberty of a young person under the age of 18. The latest ruling comes from the Court of

Appeal. [Click here for details](#), but beware, it's rather long and complicated, and the case may well go further to the Supreme Court. In a nutshell the Court of Appeal says that parents can, in some circumstances, consent to their child being deprived of his/her liberty, which would mean that a formal authorisation from the Court would not be necessary.

This is an area in which Tim Spencer-Lane from the Law Commission is particularly well-informed, and again if you would like us to arrange for Tim to deliver some training for you then just let us know.

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