

Liberty Protection Safeguards newsletter

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Mental Capacity (Amendment) Act 2019

Liberty Protection Safeguards Implementation



26 March

2021

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We are pleased to share with you the fifth edition of the LPS newsletter, which contains key updates on our progress to implement LPS.

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All significant announcements and publications can be found on our [‘LPS documents collection page’](#), which we keep updated.

The National Steering Group for LPS met on the 10th February to discuss the updated [Impact Assessment](#) (IA) for the Mental Capacity (Amendment) Act 2019 (MC(A)A) which was published on 29th January. At the meeting, Steering Group

- What does the Act say about the Lasting Powers of Attorney?
- What does the Act say about Deputies?
- What is the Independent Mental Capacity Advocate (IMCA) Service? (Also covering 'LPS IMCAs'.)
- What does the Act say about advance decisions to refuse treatment?
- What is a Deprivation of Liberty?
- What is the Overall LPS Process? (Also covering 'If I think there is a DoL'.)
- What is the role of the Responsible Body? (Also covering 'Correct Responsible Body, Responsible Body Oversight of LPS' and 'Cross Border Working'.)
- What is the role of the Appropriate Person?
- What are the Assessments and Determinations for LPS?
- What is the LPS Consultation?
- What is the role of the Approved Mental Capacity Professionals (AMCP)?
- What is Section 4B, and how is it applied?
- How is the LPS system Monitored and Reported on?
- How does the Act apply to children and young people? (Also covering 'LPS 16-17 Year Olds'.)
- What is the relationship between the Mental Capacity Act and the Mental Health Act 1983? (Also covering 'Interface between LPS and the MHA'.)
- What are the best ways to settle disagreements and disputes about issues covered in the Act? (Also covering 'LPS Challenging Arrangements'.)
- What rules govern access to information about a person who lacks the relevant capacity?
- How does the Act affect research projects involving a person who lacks the relevant capacity?

The content, titles and ordering of chapters may change slightly as we finalise the draft Code for public consultation.

Integration and Innovation: working together to improve health and social care for all

The White Paper: Integration and Innovation: working together to improve health and social care for all was published on the 11th of February. In this, the Government set out its intention to establish statutory Integrated Care Systems (ICSs). These plans propose that ICSs will carry over many of the core functions of Clinical Commissioning Groups (CCGs), whilst also taking on new roles to move towards a more integrated health and care service, at a local level.

The role of CCGs as the Responsible Bodies in England under LPS is tied to their commissioning role for Continuing Health Care (CHC). As a core function of CCGs, we expect CHC to become the responsibility of the new ICSs, and therefore the Responsible Body function under LPS will also transfer to ICSs.

LPS and DoLS mailing list, please contact the email address above – we will add you to it.

Best wishes,

Yours sincerely,

We are contacting you because we understand you have shown an interest in receiving updates regarding the LPS implementation progress. You can [change your preferences](#) or [unsubscribe](#) at any point.

