

LPS delay is a benefit not a burden

The news before Christmas that the April 2022 implementation date for LPS was no longer viable, didn't surprise anyone. Rather than despair at the delay we should focus on the gift of time this has given us. Everyone said there's too much work to do, so now we have longer to do it. We have longer to plan, to firm up the foundations and to scope the extent of the impact on front line practitioners.



What can we do whilst we wait

- We expect the consultation at some future point and we need to be ready to respond.
- Have you read the Act (Mental Capacity Amendment Act 2019) [Mental Capacity \(Amendment\) Act 2019 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2019/12/section-1) it is short and worth a read
- Have you read the last Impact Assessment containing the basis of the Governments figures for DoLS, fully funded DoLS and LPS. Although we expect a new one when consultation begins you can familiarise yourself with the thinking, do you agree or disagree [Impact assessment of the Mental Capacity \(Amendment\) Act 2019 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414444/Impact_Assessment_of_the_Mental_Capacity_(Amendment)_Act_2019_-_GOV.UK.pdf)
- Government Factsheets give us some high-level detail [Liberty Protection Safeguards factsheets - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/414444/Liberty_Protection_Safeguards_factsheets_-_GOV.UK.pdf)
- Keep up to date, sign up for DHSC LPS newsletters email lps.cop@dhsc.gov.uk

What can we spend time on that won't be wasted

- MCA, MCA, MCA embed the MCA principles through training, briefings, webinars and case law.
- Focus on necessity and proportionality a requirement of the MCA now not just in the future LPS world.
- Consider shadowing roles Best Interests Assessors (BIA), Adult social care staff and Children's social workers shadowing the BIA role and vice versa.
- Continue to scope and cost the impact of LPS so that you are ready to challenge any assumptions in the new Impact Assessment or the Code of Practice.

Lorraine Currie, West Midlands ADASS LPS Co-ordinator, January 2022

