



Cyngor Castell-nedd Port Talbot  
Neath Port Talbot Council

## **NEATH PORT TALBOT COUNTY BOROUGH COUNCIL SOCIAL CARE, HEALTH AND WELLBEING CABINET BOARD**

**3 March 2022**

**Report of the Director of Social Services, Health and Housing -  
Andrew Jarrett**

**Matter for Monitoring & Information**

**Wards Affected All Wards**

### **DEPRIVATION OF LIBERTY SAFEGUARDS TO LIBERTY PROTECTION SAFEGUARDS: AN OVERVIEW**

#### **Purpose of the Report**

This report is intended to provide an overview of the Liberty Protection Safeguards (LPS) and the work currently underway to prepare for its implementation and the anticipated implications for the Local Authority.

#### **Executive Summary**

A review of the Mental Capacity Act 2005 undertaken by the House of Lords Select Committee in 2014 concluded that Deprivation of Liberty Safeguards (DoLS) were “not fit for purpose” and so it followed that DoLS be replaced by the Liberty Protection Safeguards (LPS) (Mental Capacity (Amendment) Act 2019). This Act, however, has yet to be implemented across England and Wales.

#### **Background**

To prepare for the implementation of LPS, for which there is currently no implementation date, the Local Authority has been working with the City and County of Swansea and the Health Board to plan for

implementation. This includes: reviewing the current DoLS team structure (In-house versus Agency); a consideration as to where the team sits within the current system (as a separate entity or across the newly formed patch-based teams); and, how it – the Local Authority - responds to the broader implications that LPS will likely have upon service delivery across Adults and Children's Services: training, IT, financial, additional supports, care providers etc.

### **Financial Impacts**

As is noted within the body of the report there will be financial implications for the Local Authority pre- and post-implementation of LPS.

### **Integrated Impact Assessment**

There is no requirement to undertake an Integrated Impact Assessment as this report is for monitoring/information purposes.

### **Valleys Communities Impacts**

This report covers over activities undertaken across the County Borough per se.

### **Workforce Impacts**

The implementation of LPS, specifically the increase in demand on the current DOLS Team, will likely impact upon the workforce i.e. the existing team may need to be expanded.

### **Legal Impacts**

The implementation of this new legal framework may increase the demands on the Local Authority's legal department.

### **Risk Management Impacts**

As work progresses to fully understand the implications LPS will have on the Local Authority the Operational and Strategic risk registers will be updated to reflect risk and mitigations.

## **Crime and Disorder Impacts**

Not applicable.

## **Counter Terrorism Impacts**

Not applicable.

## **Violence Against Women, Domestic Abuse and Sexual Violence Impacts**

Not applicable.

## **Consultation**

There is no requirement for external consultation on this item; however, awareness raising and training will need to be rolled out across the Local Authority to providers to ensure they are compliant with LPS when introduced.

## **Recommendations**

This report is for information only.

## **Appendices**

**Appendix 1** – Deprivation of Liberty Safeguards to Liberty Protection Safeguards: An overview

## **Officer Contact**

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