

THE VALE OF GLAMORGAN COUNCIL

GOVERNANCE AND AUDIT COMMITTEE: 24TH OCTOBER 2022

REFERENCE FROM HEALTHY LIVING AND SOCIAL CARE SCRUTINY
COMMITTEE: 4TH OCTOBER 2022

“ DEPRIVATION OF LIBERTY SAFEGUARDS (DoLS) ANNUAL UPDATE
(DSS) –

The Operational Manager for Safeguarding & Service Outcomes advised that Liberty Protection Safeguards (LPS) were anticipated to replace the Deprivation of Liberty Safeguards (DoLS) in England and Wales, in April 2022. However, the consultation process for the associated Codes of Practice were delayed and therefore the implementation date was not achieved and was still being determined by UK and Welsh Government.

LPS represented a significant overhaul to the law concerning the care and treatment of people over 16 who lacked capacity to consent to care or treatment that deprived them of their liberty. Workers across the adult social care system would need to prepare for the LPS: the changes would affect direct work with adults, and in some cases young people, carried out by multi-agency practitioners and would require new systems and ways of working at all levels across organisations.

In preparation of the new LPS, the Council had been successful in bids for additional funding from Welsh Government to address the backlog of applications. A small project team was put together and significant progress had been made in reducing the Council's backlog of applications. The current number of applications specifically for the Vale of Glamorgan area awaiting consideration was 75, down from 322 for 2020/21, and the longest time waiting of any application dated from June 2022.

In response to a question raised by Councillor Helen Payne in relation to the proportional funding split between the three partners, the Operational Manager advised that the Vale of Glamorgan received 17%, Cardiff Council 45% and the remaining 38% to the University Health Board. It was recognised that the funding would need to significantly increase to meet future demand.

With no further comments or questions, the Committee subsequently

RECOMMENDED –

(1) T H A T the continued implications of the Cheshire West judgement in respect of arrangements for Safeguarding adults who are unable to consent to their care and accommodation needs be noted.

(2) T H A T the report be referred to the Governance and Audit Committee for its consideration.

Reasons for recommendations

(1) Having regard to the content of the report and the risk to the Council of legal challenge where statutory timescales are not met.

(2) Members are aware of the future planning for the Liberty Protection Safeguards and changes this will bring to the Council's responsibilities for individuals who are deprived of their liberty through their care and support needs as well as progress made with the backlog of applications and the expected legislative changes."