

Gateway reference number: 9114

*Richmond House
79 Whitehall
London
SW1A 2NS*

21 November 2007

To: All Directors of Adult Services
CC: All Chief Executives of NHS Trusts
All Chief Executives of NHS Foundation Trusts
All Chief Executives of PCTs

Dear Director,

Deprivation of Liberty Safeguards and Mental Capacity Act 2005 local implementation networks.

Following recent legislative changes you are invited to extend the work of local Mental Capacity Act implementation networks to incorporate the implementation of the Deprivation of Liberty Safeguards.

In March and August 2006, you were invited to establish local Mental Capacity Act implementation networks. All 150 councils with social services responsibilities set up such networks across all health and social care services in their geographical area across statutory, independent and voluntary sectors.

The Department of Health provided funding for education, training and awareness raising between 2006 and 2008. The networks, who received that funding on behalf of their local health and social care communities, continue to provide a focus for facilitating such training, awareness raising and information in relation to the Mental Capacity Act that came fully into force on 1st October 2007.

In July 2007, the Mental Health Act 2007 received Royal Assent. That Act has amended the Mental Capacity Act and introduced Deprivation of Liberty Safeguards that are planned to come into force in April 2009. Local Mental Capacity Act implementation networks in continuing their work throughout 2008 and 2009 will consolidate the successful implementation of the Act and deliver a successful implementation of the Safeguards.

The draft Code of Practice and draft Regulations relating to the Safeguards are both currently the subject of formal public consultation.

http://www.dh.gov.uk/en/Consultations/Liveconsultations/DH_078052

The Safeguards give new statutory responsibilities to local authorities, PCTs, hospitals and care homes. Local implementation networks will want to include representation from each of these organisations. This may require a fresh look at the membership of current networks and a decision as to whether current networks are expanded and / or whether a Deprivation of Liberty Safeguards sub-group would be a more efficient way to achieve this.

Chief Executives of PCTs, NHS Trusts and NHS Foundation Trusts will wish to nominate their staff to contribute to this work.

Close contact with representatives of care homes in your area will be critical to the success of your local implementation of the Safeguards.

The implementation team at the Department of Health, as with the Mental Capacity Act, are working closely with the Care Services Improvement Partnership (CSIP). Contact details of regional CSIP Deprivation of Liberty Safeguards leads are included in this letter. Plans for the training of assessors and the support to other staff delivering the Safeguards, including the funding secured from the recent comprehensive spending review, will be provided by the implementation team at the Department of Health over the coming weeks.

A briefing sheet for the Deprivation of Liberty Safeguards is appended to this letter. If you require any further information please email dols@doh

Yours Sincerely

David Behan
Director General, Social Care, Local Government and Care Partnerships

CSIP Regional Leads DOLS – Contact Details

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