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**Role of the G.P in supporting LPS Process:**

* GPs should support the LPS process by sharing relevant information from the medical record with the Responsible Body (Local Authority/CCG/ICB/NHS Trust).
* The GP can share information either via the auto-populated letter or, if a diagnosis has not yet been made, via an assessment template.
* Where a permanent? diagnosis of an impairment or disorder of the mind or brain, or mental disorder is already made and documented in the medical record, the GP will be able to use the auto-populated letter to supply this.
* If a diagnosis of either an impairment or disorder of the mind or brain, or a mental disorder has not been made previously, or may change or not be current then an assessment template will need to be completed. This will likely to be the role of a psychiatrist or geriatrician to establish whether the person has a mental disorder.

**Resources and Support for G.Ps**

* An auto populated letter is in development that will be available when LPS is implemented.
* Guidance on how to develop local lists on of codes for any diagnoses indicating that a patient may lack capacity are being developed.
* G. Ps will be able to access LPS awareness training being developed by Health Education England.
* GPs can undertake specialist training in assessing care and support needs to be able to contract to do the Capacity Assessments for the LPS on behalf of the relevant agency. Is this in place/ agreed?
* Each Integrated Care Board has an identified Liberty Protection Safeguards lead who can be contacted for support.

**Introduction**

The Mental Capacity (Amendment) Act 2019 introduced a scheme called the Liberty Protection Safeguards (LPS), which is yet to be implemented. This system will replace the Deprivation of Liberty Safeguards (DoLS)

The function of LPS is to legally authorise arrangements that amount to a DoL to provide care and treatment for a person who can’t consent to receive them. This is in line with Article 5 - the ‘Right to Liberty’ - of the European Convention on Human Rights (ECHR).

An implementation date for LPS is yet to be confirmed.

**Who will Liberty Protection Safeguards apply to?**

Everyone aged 16 and over with a mental disorder or who lacks mental capacity that meets the criteria of what a deprivation of liberty is through the criteria of the Acid Test which involves 2 key questions:

* Is the person subject to continuous supervision and control?
* Is the person free to leave?

**N.B:** for a person to be deprived of their liberty, they must be subject both

to continuous supervision and control and not be free to leave

**What settings will Liberty Protection Safeguards apply in?**

LPS will apply to people in care homes, hospitals, supported accommodation, transport. Shared Lives accommodation and their own homes.

**Further Information:**

* [LPS Factsheets](https://www.gov.uk/government/publications/liberty-protection-safeguards-factsheets)
* [MCA Toolkit](https://mentalcapacitytoolkit.co.uk/)
* [SCIE LPS Resources](https://www.scie.org.uk/mca/lps)
* [BMA Best Interest Toolkit](https://www.bma.org.uk/media/1850/bma-best-interests-toolkit-2019.pdf)
* [Mental Capacity &Law LPS Resources](https://www.mentalcapacitylawandpolicy.org.uk/resources-2/liberty-protection-safeguards-resources/)

**Whilst awaiting the Implementation of LPS G. P’s should:**

* Be aware Deprivation of Liberties still apply using [the Acid Test criteria](https://www.39essex.com/docs/newsletters/deprivation_of_liberty_after_cheshire_west_-_a_guide_for_front-line_staff.pdf).
* Undertake good-quality mental capacity assessments and robust recording.
* Undertake good-quality, best-interest decision-making, and appropriate recording. This will reduce the work needed when it comes to evidencing an authorisation under LPS.
* Should know what a deprivation of liberty is, and the threshold set by the Supreme Court in 2014. Acid Test

**What will the LPS Scheme Do?**

Like Deprivation of Liberty Safeguards the LPS scheme will be about safeguarding the rights of people who are under high levels of care and supervision but lack the mental capacity to consent to those arrangements for their care.

LPS aims to provide a more streamlined process which will deliver a more efficient system which will result in a better experience of care for the people involved.