Department of Health & Social Care

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Liberty Protection Safeguards (LPS) national steering group members,

**RE: LPS implementation**

As you know, we are working hard to launch a public consultation on the draft regulations and draft Code of Practice for the Mental Capacity Act (MCA) and the LPS. Thank you for your ongoing support and input as we have been developing this work. The consultation will run for 12 weeks, allowing sufficient time for those that are affected, including those with learning disabilities, to engage properly.

We had hoped to launch the consultation in the summer. However, we were not able to do so due to a number of factors outside of our control.

I am pleased to report that we are making good progress towards consultation, and are in the final stages of preparations. We are aiming to launch early in the new year, however, we are monitoring the current situation with the Omicron variant, and therefore the capacity in the sector to engage with a consultation, before we launch.

It is paramount that the implementation of the LPS is successful so that the new system provides the safeguards that are needed. We recognise that without adequate time to prepare, implementation will not be a success. Given the impact of the pandemic on the sectors and professionals who will be called upon to implement these important reforms, along with the unforeseen delay to launching consultation, we recognise that our aim to implement the LPS by April 2022 cannot be met, and I am writing to confirm this formally.

The consultation will say more about our detailed proposals for the design and implementation of the LPS. However, it is likely that when we launch the the consultation we will not set a new target date for implementation. The LPS are a complicated set of reforms and we expect that a wide range of stakeholders will submit detailed consultation responses about our plans. The Government will need time to consider those carefully once the consultation has closed, before making final decisions about the design of the LPS and plans for implementation, including future funding plans. We think it would be premature to set a new implementation date or confirm any funding to support implementation before we have been able to consider responses to the consultation. We will therefore update you on our plans, including any associated funding, after the consultation.

We will contact you again before the consultation launches and either me or the team would be very happy to discuss this with you at the earliest opportunity if that would be useful, please do let me know. It is very important that people with experience of the Mental Capacity Act, their families, and people who work with the MCA can meaningfully engage with the consultation. In the coming months, we will ask for your advice about how to achieve this.

We aim to publish a copy of this letter on the gov.uk website, shortly.

Regards,

Helen Tabiner