

# **The Liberty Protection Safeguards: the Development of a Monitoring and Reporting Strategy for Wales and a National Minimum Data Set**

There are three monitoring bodies.

- Healthcare Inspectorate Wales monitors the use of the Liberty Protection Safeguards in health services
- Care Inspectorate Wales monitors the use of the Liberty Protection Safeguards in social care and support services
- Estyn monitors the use of the Liberty Protection Safeguards in education settings.

# Liberty Protection Safeguards Monitoring and Reporting Strategy for Wales

The three monitoring bodies are developing a Liberty Protection Safeguards Monitoring and Reporting Strategy for Wales.

The aim of the Strategy is to check that:

- Health boards and local authorities are protecting people's rights
- No-one's freedom is limited without the right authorisation
- The only reason for limiting the person's freedom is to keep people safe
- Any limits to a person's freedom are only the limits written in the authorisation.

Monitoring and reporting the new Liberty Protection Safeguards will:

- Give a picture of how Liberty Protection Safeguards are being used across Wales
- Help keep standards high.

Using the Liberty Protection Safeguards is a human rights issue. This means the monitoring bodies must look at the big picture and not just collect information.

Health boards and local authorities authorise, review, and manage the use of the Liberty Protection Safeguards. They must provide the monitoring bodies with information about their use of Liberty Protection Safeguards. There is a list of the information they will need to collect. This is called the National Minimum Data Set.

Each health board and local authority must check for themselves how the Liberty Protection Safeguards are working locally.

Inspections by the monitoring bodies may include questions about the Liberty Protection Safeguards. The questions will be about whether the Liberty Protection Safeguards are supporting people's wellbeing.

The new Monitoring and Reporting Strategy will be developed by talking to everyone who is affected by the Liberty Protection Safeguards.

## **National Minimum Data Set for Wales**

There will be a list of information that will need to be collected in Wales for each person who has their freedom limited under Liberty Protection Safeguards. This will be called the National Minimum Data Set.

Digital Health and Care Wales have been running workshops to agree exactly what information needs to be collected and how to collect it.

These are the items that are being considered for the National Minimum Data Set for Wales.

1. Liberty Protection Safeguards Episode Reference ID
2. Is it an initial authorisation or renewal?
3. If it's a renewal, the number of times renewed
4. NHS Number (for health boards) / Person Reference (for local authorities)
5. Name of the health board or local authority (Responsible Body)
6. Total number of separate locations / settings included in the authorised arrangements
7. The location identification reference number
8. Unique Property Reference Number
9. Date of birth
10. Gender
11. Ethnicity
12. Preferred Language
13. Did you receive a service in your preferred language?
14. Disability
15. Sexual Orientation
16. Start date for when the LPS process began

17. If the application was started under Deprivation of Liberty Safeguards or involved the Court of Protection, what date did the application start?
18. Is there an Appropriate Person representing and supporting the person?
19. Was an Independent Mental Capacity Advocate appointed?
20. Reason for an Independent Mental Capacity Advocate appointed or not appointed
21. Was a Pre-Authorisation Review completed by an Approved Mental Capacity Professional?
22. If it was, what was the reason?
23. Authorisation Decision / Date signed
24. Authorisation status
25. If not authorised – what is the reason for this?
26. Start date of Authorisation Period
27. Planned end date
28. Actual end date
29. Reason for actual end of authorisation
30. Where relevant, is there a S21ZA application to the Court of Protection?
31. Was the authorisation record given or sent to the person within 72 hours of the decision being made. If not, what was the reason for the delay?