

**From:** [REDACTED] (HSS - Directorate of Primary Care & Mental Health) <[REDACTED]@gov.wales>  
**Sent:** 21 October 2021 12:47  
**Subject:** LPS Update for Stakeholders

Annwyl Gyfaill

Rwyf yn ysgrifennu atoch yn dilyn fy ngohebiaeth 11 Awst ynghylch parodrwydd i roi'r Diogeliadau Amddiffyn Rhyddid ar waith. Fel y byddwch yn gwybod, nid yw'r ymgynghoriad wedi'i gyhoeddi eto. Rydym yn dal mewn cysylltiad yn wythnosol â'n cydweithwyr yn Llywodraeth y DU a byddwn yn rhoi gwybod ichi am unrhyw gyhoeddiad ffurfiol am y dyddiad ymgynghori cyn gynted â phosibl. Gallaf gadarnhau ein bod wedi rhannu'ch pryderon am yr ansicrwydd parhaus ynghylch amseriad yr ymgynghoriad a'r effaith y bydd hyn yn ei chael ar roi'r ymgynghoriad ar waith yn effeithiol.

Yn y cyfamser rydym yn sicrhau bod yr holl gynhyrchion a chynlluniau yn eu lle i'r ymgynghoriad gael ei gyhoeddi cyn gynted ag y bydd ymgynghoriad y DU sy'n cynnwys y Cod Ymarfer ar gael. Byddwn yn cynnal cyfres o ddigwyddiadau ymgysylltu yng Nghymru i gefnogi rhanddeiliaid i gymryd rhan yn yr ymgynghoriad ar y rheoliadau yng Nghymru ac i ymateb iddo - a byddwn yn cadarnhau'r dyddiadau cyn gynted â phosibl ar ôl i Lywodraeth y DU gyhoeddi'r dyddiad ffurfiol i'r ymgynghoriad ddechrau.

Mae'n amlwg bod yr oedi yn achos yr ymgynghoriad wedi cymhlethu'r heriau wrth gadw at ddyddiad gweithredu o fis Ebrill 2022 a grybwyllais pan ysgrifennai atoch ym mis Awst. Nid yw Llywodraeth Cymru bellach yn credu bod dyddiad gweithredu o Ebrill 2022 yn ymarferol, o gofio'r amserlenni ar gyfer ymgynghori, dadansoddi'r ymatebion, gwerthuso a newidiadau i'r rheoliadau, a gosod rheoliadau yn y Senedd. Mae hyn wedi'i gyfleu i Lywodraeth y DU yn ein trafodaethau rheolaidd. Mae'r dyddiad gweithredu yn cael ei adolygu a byddwn yn sicrhau eich bod yn cael gwybod am unrhyw gyhoeddiad ffurfiol am roi'r ymgynghoriad ar waith cyn gynted â phosibl.

Dear colleague,

I am writing to you following my correspondence of 11 August relating to preparedness to implement the Liberty Protection Safeguards. As you will be aware, the consultation has not yet been published. We continue to be in contact on a weekly basis with colleagues in UK Government and we will inform you of any formal announcement on the consultation date as soon as possible. I can confirm that we have shared your concerns about the continuing uncertainty on the timing of the consultation and the consequent impact this has for effective implementation.

In the meantime we are ensuring that all products and plans are in place for the consultation in Wales to be published as soon as the UK consultation containing the Code of Practice is available. We will be running a series of engagement events in Wales to support stakeholders to engage in and respond to the consultation on the regulations for Wales – and we will confirm dates as soon as possible after the UK Government has published the formal date for the consultation to commence.

Obviously, this delay to the consultation has exacerbated the challenges in meeting an implementation date of April 2022 that I spoke of when I wrote to you in August. Welsh Government no longer considers that an April 2022 implementation date is feasible, given the timescales for consultation, analysis of responses, evaluation and changes to the regulations, and the laying of regulations in the Senedd. This has been communicated to UK Government in our regular discussions. This implementation date is under review, and we will ensure that you are made aware of any formal announcement on implementation as soon as possible.

We continue to advise that you wait for the publication of the consultation materials before commencing related training on the Liberty Protection Safeguards. We are fully supportive of any planned training on the Mental Capacity Act and its core principles – given the importance of these to care, support and treatment planning and the future delivery of the LPS. A number of bids were approved from local authorities and health boards in the recent round of funding towards delivering MCA training, and it is hoped that this will provide a solid foundation to build upon, with the planned LPS training. Further detail on the resources to be made available for LPS training will be included in the workforce plan and training framework, which will be shared alongside the formal consultation.

I remain grateful for your continued commitment to support our workstreams and preparations for consultation and implementation, and for your patience in awaiting the publication of the consultation.

***Tracey Breheny***  
***Deputy Director/Dirprwy Gyfarwyddwr***

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