

DEPRIVATION OF LIBERTY SAFEGUARDS UPDATE**Report of the Director of Adult Services****1. Introduction**

- 1.1 Deprivation of Liberty Safeguards (DOLS) is a schedule under the Mental Capacity Act (MCA) 2005 (DOLS addendum 2009) that places a statutory duty on the Local Authority to assess and authorise the confinement of adults who lack capacity to consent to their care and accommodation in Care Homes and Hospitals.
- 1.2 Deprivation of Liberty Safeguards (DOLS) were due to be replaced with Liberty Protection Safeguards (LPS). Earlier this year the government announced that LPS would not be implemented within the term of this parliament, there will be no changes to DOLS in the foreseeable future.
- 1.3 The purpose of this report is to provide the scrutiny committee with an update in relation to the DOLS action plan which is in place.

2. Current Position

- 2.1 In the past decade all local authorities have seen a significant increase for DOLS authorisations. This is as a result of the Supreme Court establishing a low bar in which Adults meet the criteria for a Deprivation of Liberty. The criteria, known as the "Acid Test" effectively results in most adults in the Care Home sector and significant numbers of people in Hospital meeting the criteria.
- 2.2 For Stockport this has meant an increase from 40 cases in 2013/14 to 1015 cases in 2022/23. There has been an equivalent increase in the volume of work for all Local Authorities. The waiting list for DOLS at 08/09/2023 stands at 1333.
- 2.3 The DOLS service is delivered by Best Interest Assessors (BIAs) who are supported by a small team of administrators, a team leader and a team manager. BIA's hold a specific qualification and can be any professional with a HCPC registration, our BIA's are made up of social workers and occupational therapists. There is also a BIA rota for social workers in our frontline teams who hold the necessary qualification. There are now 20 colleagues who work in our community teams and support the delivery of the rota.

3. Managing DOLS demand

- 3.1 To respond to this increased demand, we are proactively working to bring more assessment capacity, improve the way we use technology and ensure our processes are efficient and effective as possible. The number of individuals on the waiting list consists of both new cases and those DOLS already in place that require a review and reassessment.

Increasing Capacity

- We have recently trained a number of new BIA's and as a result 13 new BIAs joined the rota from 11th September. This is in addition to the existing 7 staff. It is estimated that collectively they will complete **120** assessments per year.
- We have introduced dedicated resource to undertake the triage of cases, this will free up capacity for the existing BIA's allowing them to increase the number of DOLS assessments undertaken. It is anticipated that in one year this will increase capacity by up to **192** cases per year.
- We are increasing our full time BIAs by a further three full time equivalents. This will bring more dedicated expert resource to the team. It is anticipated that in one year this will address **720** cases.
- There is one vacant post on the team which we are recruiting to. This will mean **240** assessments per year can be completed.
- We have commissioned two external agencies to undertake **300** DOLS assessments. The focus of the outsourced work are those cases triaged as high.
- We have increased the number of individuals who are on the DOLS signatory list, as assessment numbers increase we will keep this under review and seek to further increase if necessary.

The additional internal capacity identified will support 1272 assessments over a 12 month period and in addition the external commissioning will enable us to address the cases triaged as high.

3.2 Improving Efficiency.

As part of our transformation programme we have undertaken a full review of the service, the discovery phase has recently completed and we have recently moved into design and implementation.

- There will be a new process for triaging of new cases and management of the waiting list. This will be supported with the introduction of a new standard operating procedure for DOLS.
- Hospital referrals are the highest proportion of demand on the service and due to their nature rarely culminate in an assessment. There will be a new process for dealing with hospital referrals that meets legislative requirements for both organisations but is more efficient.
- We will be moving the completion of the assessment to Liquid Logic and will be supporting our BIA team with new IT kit which will support mobile working. This will also help us to improve our data reporting around DOLS. The assessments are currently being developed and will go live in Liquid Logic in January 2024.

Through our workforce development programme we will further embed the Mental Capacity Act Legislation across our Adult Social Care Workforce.

4. Conclusions and Recommendations

- 4.1 Stockport, like many other authorities continues to face significant demand within the DOLS service. A programme of work is in place to increase capacity and ensure that our processes are as efficient and effective as possible. The success of the increase capacity is based on a quick and successful recruitment campaign, should this fail it may be necessary to seek recruitment through an external agency. As this programme of work matures progress updates will be provided.

BACKGROUND PAPERS

There are none

Anyone wishing to inspect the above background papers or requiring further information should contact David Eckersley on 0161 218 1754 or by email on david.eckersley@stockport.gov.uk or Emma Bowe on 0161 218 1026 or by email on emma.bowe@stockport.gov.uk