



Committee report

Committee	POLICY AND SCRUTINY COMMITTEE FOR ADULT SOCIAL CARE AND HEALTH
Date	22 JANUARY 2018
Title	BRIEFING ON DEPRIVATION OF LIBERTY SAFEGUARDS
Report of	COUNCILLOR CLARE MOSDELL / DR CAROL TOZER

SUMMARY

In common with other areas of the country the Isle of Wight Council has a considerable backlog of outstanding assessments under the Deprivation of Liberty safeguards (DoLS) and this briefing sets out plans for addressing this issue.

BACKGROUND

1. INTRODUCTION

The Mental Capacity Act and Deprivation of Liberty Safeguards provide a statutory framework to authorise deprivations of liberty in care homes and hospitals. In 2014 the Supreme Court issued a formal definition of 'deprivation of liberty' (the acid test), which resulted in a significant increase of applications for Managing Authorities under the DoLS.

As at 30 November 2017 the backlog stood at 759 cases, 12 high, 107 medium and 640 low priority (based on ADASS screening guidance), of which 10 high and 11 medium priority cases are currently under assessment.

Nationally as of 31 March 2017 there had been 217,235 DoLS requests during the preceding year and there was a backlog of 108,545 outstanding assessments.

Funding has been identified within Adult Social Care to address these outstanding DoLS requests and Counsel's advice was sought to inform the best approach to developing a project.

2. COUNSEL'S ADVICE

- a) to ensure that there is an effective working system in place to deal with DoLS applications, to reduce risks to people affected as well as the Council;
- b) to develop a clear strategy is required to deal with the current backlog;
- c) Urgent cases involving objecting persons must be dealt with as they arise, including reference to the Court.
- d) The Council will need to invest more resources into DoLS

3. STRATEGY FOR ADDRESSING THE BACKLOG

The Isle of Wight Council will address the DoLS backlog in two parts:

- a) To increase capacity to manage new requests coming in:
 - i. by training all eligible ASC staff as DoLS assessors
 - ii. creating additional DoLS assessor post, (18 month contract)
 - iii. increasing DoLS management capacity and backfilling BIA post
 - iv. increase capacity by streamlining processes and monitoring assessor performance;
 - v. using freelance assessors until in house capacity is sufficient

Capacity within ASC to complete new requests to be achieved by July 2018.

- b) to commission an external provider to complete outstanding historic requests.
 - i. All out of area assessments allocated to external provider, for completion by 12 February 2018;
 - ii. All outstanding requests from Council run homes to be completed by independent assessors by 31 January 2018
 - iii. Procurement of assessments by external provider of an initial tranche of around 300 assessments in progress with view to completion by 31 March 2018. (The procurement activity to engage an agency has begun with a closure date of 25 January 2018).

4. COSTINGS

Funding of £275,000 has been identified for the current year, of which around £220,000 remains available for the project to begin clearing the backlog.

Increased DoLS activity for 2018-19 will have cost implications: additional medical assessments, management and admin time, year-on year impact, and the requirement of formal paid representatives/advocates. The attached appendices outline legal counsel's advice and the overarching action plan to support the delivery of reduction in DoLS on the IOW. The Action Plan will be

subject to amendments based upon the success of the procurement and tendering evaluation: which will propose a deliverable timeframe.

APPENDICES ATTACHED

[Appendix 1](#): DoLS Action Plan

[Appendix 2](#): Counsel's Advice to the Isle of Wight Council

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