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**Portsmouth
CITY COUNCIL**

Title of meeting:

Subject: Dols Update

Date of meeting: 24th Jan 17

Report by: Cher Brazier
AMHP/Dols Team Manager

Wards affected: All

1. Requested by Angela Dryer

2. Purpose - To provide update about Dols Service

3. Information Requested - Dols Update

Deprivation of Liberty Safeguards

The Mental Capacity Act sought to address the needs of people who lacked capacity to consent to being where they were and to agree any care or treatment arrangements. It was decided to use Deprivation of Liberty Safeguards to ensure that this group of people had some oversight and independent scrutiny of their needs. This would ensure that each person has a 6 element assessment carried by an Approved Medic and a Best Interests Assessor to ensure the level of restriction imposed is appropriate, proportionate and where possible, is the least restrictive option.

A Supreme Court judgement in March 2014 ruled that even if people were not objecting to their care and treatment arrangements, if they lacked capacity, were subject to continuous supervision and were not free to leave, they would be deprived. This was highlighted by Lady Hale who stated in the judgment that

"a gilded cage is still a cage"

This judgement created a situation where the number of referrals for PCC increased from 72 in 2013/14 to 383 in 2014/15 and 1460 in 2015/16.

This number is set to rise as deprivations can only be in situ for a maximum 12 months so anyone who is, for example, in Care Home will need to be reassessed each year. In addition Deprivation of Liberty is not portable so if a person moves from a General Hospital

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to a Care Home, a new assessment will need to be completed. This has resource implications as each assessment requires a medic who needs to be paid.

PCC has responded to an increasing number of requests under Dols over the last 12 months.

Our Administration team (2 WTE) manage the referrals coming in and allocate the assessments to BIA's and medics having ensured that they fall under our remit to complete. This involves dealing with MHA Section 12 Approved Medics, Care Homes and Hospitals where a person is viewed as being deprived of their liberty and their previous residence was in Portsmouth or are Self-Funding, In addition the Senior Co-ordinator monitors the cases where Dols is being challenged and ensures all information is sent to PCC Legal Department who have formed a team in recognition of the increased activity being referred to them from both Dols and AMHP teams and ASC as a whole,

In order to cope with demand we have a main team of AMHP/ BIA's (9) who carry out assessments under DoLS when not working on AMHP rota. In addition we have 1 full time and 2 part time BIA's to manage the volume of assessments required who are based within the AMHP DoLS Team. The team complete all urgent requests for assessment under DoLS (within 7 days incl weekends). Section 12 Approved Medics also complete an Assessment of Mental Health, Eligibility and Mental Capacity and discuss their findings with the BIA who completes the Age Assessment, No Refusals and the Best Interests Assessment (6 elements).

We have 17 BIA's who are based in Community Teams who carry out 1 standard request for assessment under DoLS (within 21 days incl weekends) every 6 weeks (pro rata) as an addition to their main workload. We seek to increase the number of BIA's by offering training each year.

We have a number of independent BIA's who carry out assessments under DoLS in locations where PCC are the Managing Authority. They are paid £220 per assessment in line with agreements with our regional partners (Hampshire and Southampton). They are sometimes used if our own BIA's cannot respond and there is, in the view of the AMHP/DoLS Manager, a need for urgent allocation. We are seeking to reduce this action where we can to save money.

In the context of what is happening within other LA's PCC have worked hard to ensure that waiting lists are short and that we can complete the assessments required. However, it would be true to note that over the last 6 months the number of assessments waiting has increased and that this has led to some people being unlawfully deprived of their liberty. The Manager of the team has advised Service Manager and our Legal Team of this so that action can be taken if challenged

Referrals Received as at 10/01/2017 - 1630
Current waiting list - 48
Hospital - 33
Care Homes - 15

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For information we have spent the following amounts in payment for DoLS

Amount paid to Section 12 Medics & Independent BIA's 2015/16 - £367,990.00

Amount paid to Section 12 Medics & Independent BIA's 2016/17 - £208,809.00 (to date)

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location