

TOPIC BRIEF

Topic Title:	Deprivation of Liberty Safeguards
Officer Lead:	Helen Moir – Divisional Manager – Independent Living
Planned Start Date:	June 2019
Target PPB Meeting:	February 2020

Topic Description and Scope:

This scrutiny review will examine the topic of Deprivation of Liberty Safeguards (DoLS). The study will look at the Council's duties under legislation, the processes for fulfilling these duties and the protection arrangements that safeguards adults who lack mental capacity from risk of harm. The Board intends to understand the impact of DoLS on the Council, the plans to embed legislative reform in light of the proposed Liberty Protection Safeguards and feedback on the propose service improvement recommendations.

Why this topic was chosen:

Following landmark case law in 2014 the threshold for authorisation of a DoL was broadened resulting in a significant increase in applications to Halton Borough Council. This has created an ongoing pressure in relation to volume and capacity for case work, which has been highlighted as an area of risk by the HPPB. As such DoLS consistently remains a factors highlighted on the Council's Corporate Risk Register.

This Board aims to examine the risk factors associated with DoLS both in terms of impact on individuals and on the Council.

The Deprivation of Liberty Safeguards are embedded into the Mental Capacity Act 2005, being introduced as amendments in 2007 and brought into practice in 2009. The safeguards are aimed at protecting people's human rights and personal liberty in situations where mental capacity has been lost. The legal framework underpinning DoLS ensures that any decisions made on behalf of a person or actions being taken are in their 'best interests' and that they are not subjected to any unnecessary supervision, control or restrictions.

As part of its Adult Social Care functions the Local Authority authorises DoLS as the 'Supervisory Body' in the legally binding process. This involves a range of responsibilities within the assessment process and the development of Adults' Social Workers as 'Best Interests Assessors', a designated role within the process which requires ongoing maintenance of knowledge and experience.

The Board will examine Halton Borough Council's role within DoLS, looking at resource requirements and efficiency of process, with the view of ensuring those most vulnerable in our community have their rights protected and their liberty safeguarded.

Key outputs and outcomes sought:

- To understand the DoLS, when and why they are enacted and what protections they offer individuals who lack mental capacity.
- To appreciate the Council’s role in authorising DoLS and examine the resource implications of this.
- To consider the risks associated with non-fulfilment of DoLS authorisation duties and the control measures in place to mitigate risk.
- To recognise the performance monitoring processes for maintaining an overview of fulfilment of DoLS and the mechanisms for reporting back to Senior Management Team.
- To ensure the process and procedures for achievement of the Council’s duties are effective and efficient.
- To reflect on those at risk of unlawful deprivation and the need to offer protection through interim processes (emergency authorisation).
- To evaluate the Council’s work in partnership with care setting across the borough in communicating the legal requirements associated with DoLS.
- To benchmark Halton Borough Council’s performance in the authorisation of DoLS in comparison to neighbouring authorities.
- To identify the change management process required to implement impending legislative changes.

Which of Halton’s 5 strategic priorities this topic addresses and the key objectives and improvement targets it will be help to achieve:

A Healthy Halton – To create a healthier community and work to promote wellbeing and a positive experience of life with good health, not simply an absence of disease, and offer opportunities for people to take responsibility for their health with the necessary support available.

- Promote independence of older people and vulnerable groups
- Improve Safety, Equality and Efficiency: Planned and Urgent Care
- To safeguard adults who are more vulnerable to physical, financial, sexual and emotional abuse

Nature of expected/ desired PPB input:

Member-led scrutiny review of the Health Improvement Team service and the difference it makes to the health and wellbeing of local residents.

Preferred mode of operation:

- Meetings with/presentations from relevant officers from within the Council and partner agencies to examine current services.
- Visit to community-based intervention sessions.
- Interviews with those who have accessed services.
- Desk top research in relation to outcome measures and best practice delivery methods.

Agreed and signed by:

PPB chair **Officer**

Date **Date**