



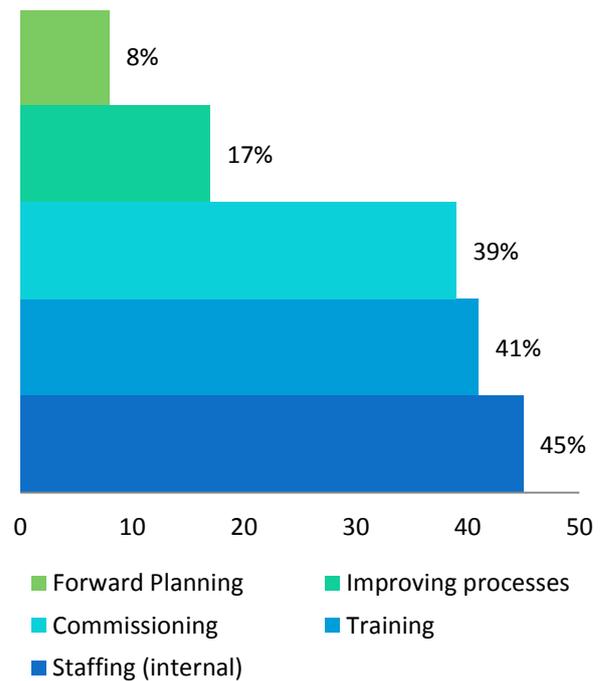
Local Authority DoLS Funding – Additional 2015/16 Grant

1. Background

1.1 If individuals who lack mental capacity have their freedom of movement and choice significantly restricted then a scheme known as the Deprivation of Liberty Safeguards (DoLS) exists to ensure local authorities review the individual’s care to check such restrictions are proportionate, appropriate and in the individual’s best interests.

1.2 The March 2014 Supreme Court judgment in the case of ‘Cheshire West’ clarified an ‘acid test’ used to determine whether someone should be assessed under the DoLS scheme. This has resulted in considerably more applications submitted to local authorities. In recognition of this and the potential benefit of DoLS for service-users, the Department of Health provided a one-off contribution of £25m in July 2015 to local authorities to support their DoLS work.

Breakdown of how councils chose to spend their DoLS grant



2. Overview

2.1 The Department requested that local authorities send back a short report detailing how they spent/ intended to spend their funding allocation. This paper presents a short analysis of that data. It also highlights examples of good practice identified by local authorities.

2.2 The graph on the right illustrates that a majority of local authorities are using their allocation towards internal staffing costs and training. Commissioning is also prominent and includes section 12 doctors and external/ independent Best Interest Assessors (BIAs). The significant focus on training will help improve the MCA and DoLS skill base and have potentially significant long-term benefits.

3. Governance

3.1 From the responses received from local authorities, there are a number of examples of good practice in relation to DoLS governance structures. 14 LAs used the grant money to fund training to increase the pool of DoLS signatories so that bottle necks at this stage of the process are reduced.

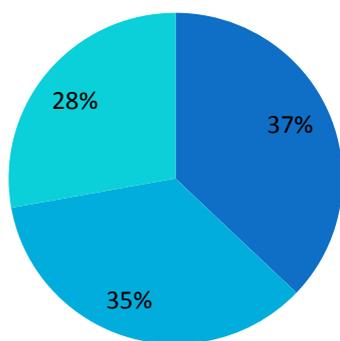
In Bath and North East Somerset a multi-agency task and finish group was established who met regularly after the Cheshire West judgment. The group contained all relevant agencies as well as legal support which enabled them to make an accurate prediction as to the number of DoLS cases they would expect to be submitted and adjust their resources accordingly.

4. Best Interests Assessors (BIAs)

4.1 The recruitment and training of Best Interests Assessors (BIAs) has been a significant focus for local authorities following the Cheshire West judgment. 70% of local authorities who responded to our request said that they had spent part of their allocation recruiting BIAs. A number of LAs had focussed on specifically training their own BIAs and have linked BIA training to their internal pay and promotion

Percentage breakdown of LA spend on BIAs

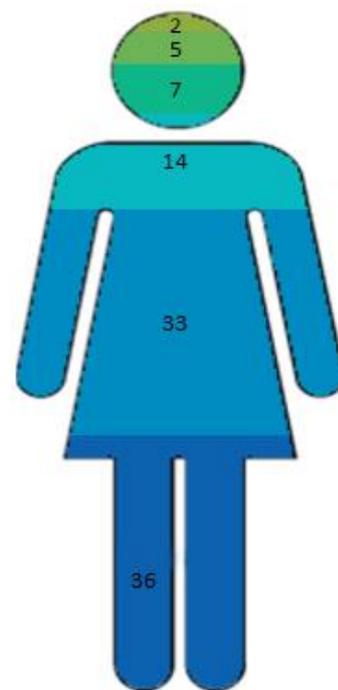
■ Internal BIAs ■ Training BIAs
■ Commissioning BIAs



scales. BIA training hence becomes an integral part of social worker career progression and enables LAs to create a bigger pool of BIAs.

4.2 External/ independent BIAs are an important resource for local authorities. 54% of LAs who responded to our request stated that they had used some of the grant money to fund external BIAs. This comes at a cost to local authorities and many are working together to cap payments to external BIAs.

Of the LAs who chose to recruit staff: Percentage breakdown of which groups they chose to recruit



5. Recruitment

5.1 90% of local authorities who responded had used part of their allocation to recruit additional staff. In addition to recruiting more BIAs, 66% had recruited additional administrative staff. A number of councils have recruited managers to lead dedicated DoLS teams as well as project officers and social workers to help improve systems and support good practice.

Cornwall Council recruited a case co-ordinator who works across their managing authorities to ensure that conditions placed on DoLS are being implemented. This was flagged by a number of local authorities as a concern for their BIAs. Cornwall Council's dedicated case coordinator works with managing authorities to overcome any barriers to compliance. This in turn frees up BIAs to undertaking more assessments.

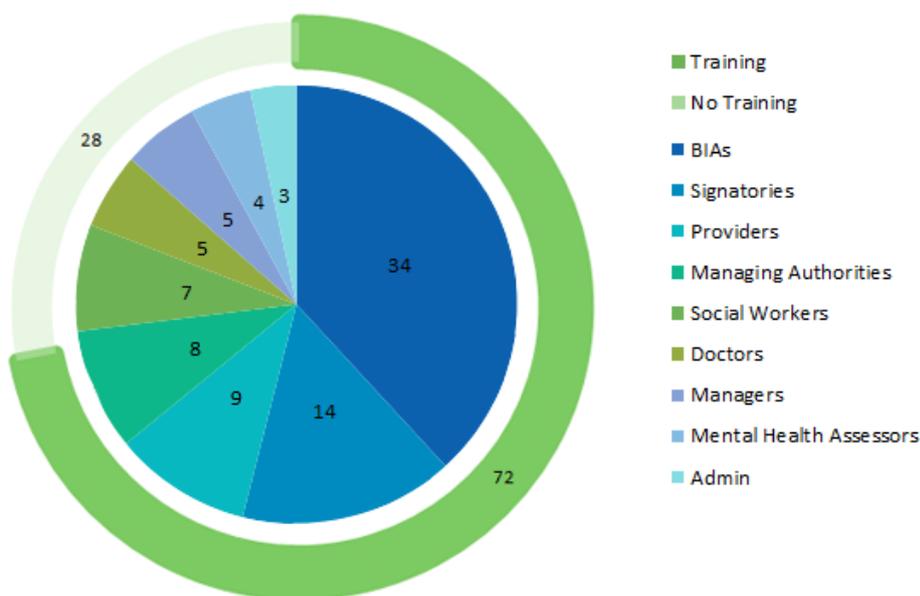
■ BIA ■ Admin
■ Managers ■ Signatories
■ Project Officer ■ Social Workers

6. Training

6.1 Training was a priority for a large number of local authorities. 41 LAs chose to do some form of training with their allocation, 34% of them trained BIA assessors. Many LAs have also chosen to train providers and managing authorities. This training covers not just the DoLS process but the basics of the MCA and expectations in how those individuals who may lack capacity should be cared for.

Bury Council used some of their grant money to re-model their training offer on DoLS and the MCA. Historically they had brought in an external provider to train staff. However, this was not a cost effective option so they have used the funding to train a core group of practitioners from across the health, social care and third sector disciplines. These practitioners will form a collaborative training group who will dedicate a number of days per year to delivering training to practitioners of all disciplines on DoLS and the MCA.

Percentages of LAs who chose to train staff and the groups they trained



7. Systems and Processes

7.1 Working to improve systems and processes around DoLS is a priority for a large proportion of LAs. 41% had used or were planning to use part of their allocation in this way. This included digitalising their DoLS recording to improve efficiency. A number of LAs have also worked on improving back office systems, speeding up authorisations and working with their legal teams to improve the system for cases which are being referred to the Court of Protection. Some LAs have also looked to improve their system for 'triaging' cases to ensure that the most pressing are prioritised.

8. Conclusions

8.1 Local authorities have used their allocation of the Department of Health's additional £25m 2015/16 DoLS funding in a variety of ways; Best Interest Assessors and staff training being particularly prominent.

North East Lincolnshire has integrated MCA and DoLS records into the system which their GPs use to record information. This has resulted in GPs being better informed about their patient's care. One of the many benefits of which is improving communication between GPs and coroners should a service user pass away while under a DoLS authorisation.

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