

Adult Services and Health Select Committee
Review of Deprivation of Liberty Safeguards (DoLS)
Outline Scope

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Which of our strategic corporate objectives does this topic address?	
<p>The Council Plan 2016-19 section on Adults includes:</p> <p>Key Outcome</p> <ul style="list-style-type: none"> - Enhancing the quality of life for people with care and support needs. <p>Key Objectives</p> <ul style="list-style-type: none"> - Ensuring that people have a positive experience of care and support - Safeguarding adults at risk of abuse or neglect <p>Key Activities</p> <ul style="list-style-type: none"> - Ensure that duties under the Mental Capacity Act (MCA) are discharged effectively, including administration of the Deprivation of Liberty Safeguards (DoLS) 	
What are the main issues and overall aim of this review?	
<p>There has been a significant increase in activity to implement the MCA DoLS following a Supreme Court judgment in 2014, leading to workforce pressures across Adult services. As the MCA relates to people from 16 years, there are also implications for Children's services.</p> <p>It is proposed that the review focuses on:</p> <ul style="list-style-type: none"> - overviewing the application of the Mental Capacity Act with specific reference to DoLS in Stockton Borough - considering the Council's responsibilities and functions in relation to DoLS - reviewing the application of the MCA/DoLS in the wider health and care community including 'Managing Authorities', which include care home and NHS providers (i.e all state funded care), and commissioners. <p>Additional funding to support the Council's DoLS function is in place for 2016-17, but substantive funding needs to be determined. Improvement work is in progress to inform this work. A separate update report is scheduled for Cabinet in November 2016.</p>	

The Committee will undertake the following key lines of enquiry:

What are the MCA and Deprivation of Liberty Safeguards?

What are the Council's responsibilities? What are the responsibilities of the wider health and care sector?

What are the resource implications?

How are DoLS applied in local health and care settings? What does good practice look like locally? What needs to improve?

What is the role of the CQC relating to application of DoLS? What do inspection results tell us?

Who will the Committee be trying to influence as part of its work?

Cabinet, Managing Authorities, Commissioners

Expected duration of review and key milestones:

6 months?

What information do we need?

Existing information (background information, existing reports, legislation, central government documents, etc.):

Overview of Local Authority responsibilities

Overview of current Council arrangements for undertaking relevant DoLS functions

(To include Cabinet Report of January 2016 – MCA / DoLS Update, and public leaflet)

Human Rights Training Materials (October 2014)

LGA Peer Review of Personalisation – Final Report

New information:

CQC Inspection Reports

Who can provide us with further relevant evidence? (Cabinet Member, officer, service user, general public, expert witness, etc.)

What specific areas do we want them to cover when they give evidence?

SBC Adult Services/DoLS Team

Delivery of Local Authority DoLS responsibilities

Managing Authorities - care homes and hospitals, including:

- Care Homes
- North Tees and Hartlepool NHS Foundation Trust
- Tees Esk and Wear Valleys NHS Foundation

How Managing Authorities discharge their duties under the Act
How Managing Authorities are supported by the Local Authority to do this

Trust	
Clinical Commissioning Group	
Cllr Jim Beall, Cabinet Member, Adult Services and Health	Executive Member viewpoint
Care Quality Commission (CQC)	Inspection role and expectations relating to DoLS
<p>How will this information be gathered? (eg. financial baselining and analysis, benchmarking, site visits, face-to-face questioning, telephone survey, survey)</p> <p>Committee meetings, site visit to DoLS Team.</p>	
<p>How will key partners and the public be involved in the review?</p> <p>Key partners will be consulted via the Committee process.</p>	
<p>How will the review help the Council meet the Public Sector Equality Duty (PSED)?</p> <p>Liberty is fundamentally a human rights issue, and the Right to Liberty and Security is covered by Article 5 of the Human Rights Act.</p> <p>All those who work in public authorities, whether devising policy or procedures or delivering services directly to the public, must act in a way that is compatible with the Human Rights Act 1998.</p> <p>Public Authorities must act to:</p> <ul style="list-style-type: none"> • Deter conduct that would breach human rights • Prevent human rights breaches – including protecting individuals from the actions of others • Respond to human rights breaches, which may include carrying out an investigation <p>Under the Human Rights Act, public authorities have positive obligations to promote and protect human rights.</p> <p>The separate Equality Act 2010 protects everyone from discrimination on grounds of nine Protected Characteristics, including Disability. (The others are: Age, Gender Reassignment, Pregnancy and Maternity, Marriage and Civil Partnership, Sex, Sexual Orientation, Race, Religion and Belief.)</p> <p>Public bodies must comply with the Public Sector Equality Duty (PSED). Public bodies when exercising functions must have due regard to the need to:</p> <ul style="list-style-type: none"> -Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act -Advance equality of opportunity between people who share a protected characteristic and those who do not -Foster good relations between people who share a protected characteristic and those who do not. 	

How will the review contribute towards the Joint Strategic Needs Assessment, or the implementation of the Health and Wellbeing Strategy?

The Health and Wellbeing Strategy aims to ensure that adults ‘maximise their capabilities and have control over their lives’.

Provide an initial view as to how this review could lead to efficiencies, improvements and/or transformation:

The review will consider possible improvements to the Council DoLS function, and also its application in the wider health and care community in the Borough.

The Committee will consider the financial implications of the current DoLS arrangements and the identified sustainable funding solutions.

Establishment of an acceptable level of risk.

Project Plan

Key Task	Details/Activities	Date	Responsibility
Scoping of Review	Information gathering	Prior to 14 June	Scrutiny Officer Link Officer
Tri-Partite Meeting	Meeting to discuss aims and objectives of review	17 May	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Agree Project Plan	Scope and Project Plan agreed by Committee	14 June	Select Committee
Publicity of Review	Determine whether Communications Plan needed		Link Officer, Scrutiny Officer
Obtaining Evidence	-Briefing on the MCA/DoLS -The Council’s responsibilities and functions in relation to DoLS - Cabinet Update Report	14 June	Select Committee
	Commissioners / Managing Authorities / CQC }	12 July	Select Committee
		13 September	

Appendix 1

Members decide recommendations and findings	Review summary of findings and formulate draft recommendations	4 October	Select Committee
Circulate Draft Report to Stakeholders	Circulation of Report		Scrutiny Officer
Tri-Partite Meeting	Meeting to discuss findings of review and draft recommendations	TBC	Select Committee Chair and Vice Chair, Cabinet Member(s), Director(s), Scrutiny Officer, Link Officer
Final Agreement of Report	Approval of final report by Committee	[Subsequent to 11 October]	Select Committee, Cabinet Member, Director
Consideration of Report by Executive Scrutiny Committee	Consideration of report	25 October	Executive Scrutiny Committee
Report to Cabinet/Approving Body	Presentation of final report with recommendations for approval to Cabinet	10 November	Cabinet/ Approving Body