

## Deprivation of Liberty Safeguards update

Reference Number: PAF/12/20

<b>Report title: Deprivation of Liberty Safeguards - update</b>	
<b>Report to:</b> People and Families Policy and Scrutiny Committee	
<b>Report author:</b> Graham Hughes, Senior Democratic Services Officer	
<b>Date:</b> 18 June 2020	<b>For:</b> Consideration and identifying any follow-up scrutiny actions
<b>Enquiries to:</b> Graham Hughes, Senior Democratic Services Officer at graham.hughes@essex.gov.uk.	
<b>County Divisions affected:</b> Not applicable	

### 1. Introduction

This item is a new agenda item that has been suggested by the Audit Governance and Standards Committee and agreed by the Chairman in consultation with senior officers.

### 2. Action required

**The Committee is asked to consider:**

- (i) **the attached update (Appendix 2).**
- (ii) **any follow-up work and how it may wish to continue to monitor the challenges being faced and progress being made.**

### 3. Background

- 3.1 A backlog of Deprivation of Liberty Safeguards assessments was highlighted in an internal audit report presented to Essex County Council's Audit Governance and Standards Committee (AGS) in June last year. At its July 2019 meeting, the AGS concluded that sufficient progress was being made against the Internal Audit recommendations requested that the Chairman of the People and Families Policy and Scrutiny Committee consider if the Safeguarding Service was sufficiently resourced to meet the demands being laid upon it. An extract of the relevant Internal Audit Report presented to the June 2019 meeting, and an extract of the minute of the AGS meeting in July 2019 are attached in **Appendix 1** to this report.
- 3.2 The PAF Chairman has subsequently had discussions with senior officers and agreed that an update item should be presented to the Committee for discussion.
- 3.3 Presenting officers have been asked to update on three aspects:
  - on the management of the backlog referred to in the AGS discussions;
  - to now also update on the impact of the Covid-19 pandemic; and

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- to update on plans for new legislation introducing Liberty Protection Safeguards.

### **4. Update and Next Steps**

The update is attached as Appendix 2.

Fiona Davis, Director of Safeguarding and Quality Assurance, and Giles Goodeve, Service Manager, Safeguarding and Quality Assurance (both Essex County Council) will attend to present the update.

Next steps are as proposed under Action Required.

### **5 List of Appendices**

- Appendix 1 – (page 1) extract of Internal Audit Report presented to 3 June 2019 meeting of the Audit Governance and Standards Committee.
- (page 2) Extract minutes from the Audit Governance and Standards Committee held on 29 July 2019.
- Appendix 2 – update from senior officers

### **6 Further reading**

**Social Care Institute for Excellence – Deprivation of Liberty Safeguards (DoLS) at a glance:** Published: May 2015:

<https://www.scie.org.uk/mca/dols/at-a-glance>

**Social Care Institute for Excellence – Liberty Protection Safeguards - Latest Developments.**

<https://www.scie.org.uk/mca/dols/practice/lps>

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APPENDIX 1 (page 1)

Extract of Internal Audit Report presented to June 2019 meeting of the Audit Governance and Standards Committee:

Audit Review Title	Function	Recommendation	Last Status Update	Owner	Risk Rating
Deprivation of Liberty (DoLS) (ASC6 1718)	Adult Social Care	<p><b>Timeliness of DoLS Decisions</b></p> <p>Best endeavours need to be made to ensure DoLS assessments and decisions are progressed promptly and issued within the statutory timescales, in a cost efficient way, having regard to the financial budget available</p>	<p>Update: 22.11.18: Actions to be taken:</p> <ol style="list-style-type: none"> <li>1. Triage system review: DoLS team are now adding the oldest historic cases to the priority list so this is now up to 2016.</li> <li>2. Work with external agency: Allocation of 40 cases per month since to external agency since December 2017. Current progress means online with projection to complete 500 cases. Regular meetings with ECC DoLS Team and the provider.</li> <li>3. Review of targeted use of BIA's: Frontline staff (social workers) prioritised for this year's training to achieve maximum potential allocations. Due to re-organisation in ASC, some qualified staff were displaced and others moved into new roles resulting in less capacity to complete assessments. Reduced volume of re-approvals BIA's as a result.</li> <li>4. Financial penalty: Learning agreement completed by staff on undertaking the training is now strengthened to support accountability for allocations, awaiting ALT approval.</li> </ol>	Director, Safeguarding & Quality Assurance (Adult Social Care)	Major

See overleaf for extract minute of the update discussion on 29 July 2019

**Extract of the Minutes of the meeting of the Audit, Governance and Standards Committee, held in Committee Room 1, County Hall, Chelmsford, CM1 1QH on Monday, 29 July 2019**

### **5 Update on Implementation of Internal Audit Recommendations**

The committee received an oral update from Fiona Davis, Director and Giles Goodeve, Service Manager, Safeguarding and Quality Assurance, Essex County Council.

Members were given the context for the audit that had been undertaken and informed of the legislative framework that enabled adults to be deprived of their liberty in hospitals and care homes when the person lacks the relevant capacity.

The legislation placed specific responsibilities on the local authority as the supervisory body as it must arrange for assessment to be undertaken and complete the process for authorisation. There had been a significant increase in the number of requests for assessment.

Members were informed that, arising from the Internal Audit there had been three recommendations with management actions and whilst these were either completed or on track, regrettably these updates had not been uploaded on to the 'Team Central' system to inform the Internal Audit service. In consequence it appeared as if the internal audit recommendations had not been addressed. Since the identification of that weakness they had developed a more robust system.

#### **Resolved:**

1. The Committee were satisfied that sufficient progress was being made against the Internal Audit recommendations
2. The Committee requested that the Chairman of the People and Families Policy and Scrutiny Committee consider if the Safeguarding Service was sufficiently resourced to meet the demands being laid upon it.