

SOCIAL CARE SERVICES BOARD

Item under consideration: DEPRIVATION OF LIBERTY SAFEGUARDS (DOLS)

Date Considered: 9 July 2015

1. At its meeting of 9 July 2015 the Social Care Services Board considered the impact of the Supreme Court judgement of March 2014 [*P v Cheshire West and P and Q v Surrey County Council*]. It was highlighted that this had led to an increase on the workload of the Adult Social Care staff responsible for the process of assessing, and authorising arrangements under the Deprivation of Liberty Safeguards (DOLS) provisions of the Mental Capacity Act.
2. The March 2014 judgement effectively lowered the threshold for what constitutes deprivation of liberty. This has increased the likelihood of the council, as the Supervisory Body in this field, having to respond to requests from Managing Authorities (such as Care Homes or Hospitals) for assessment and authorisation to deprive someone of their liberty.
3. Officers outlined the unprecedented increase in the number of authorisations under the new threshold - a rise from 113 in 2013/14 to 3,045 this year – to which the Board expressed concerns about the directorate's capacity to meet such demand in the long-term. Logistically, there are significant challenges in recruiting sufficient numbers of Best Interest Assessors to meet the increased demand. This is a problem nationwide not just in Surrey.
4. The Board discussed the challenges now faced by the directorate, which include: responding to increased demand pressures, recruiting to specialist, qualified roles to ensure assessment duties could be met and the future cost of meeting its increased responsibilities.
5. Officers advised the Board that the council had received £426,000 in additional funding from the Government but that their estimates show that the cost of meeting demand are likely to exceed £4 million per year based on the potential number of authorisations required annually. The Board was advised that the cost of meeting this gap poses a significant financial challenge for the Directorate. As a result, an additional £1.8m was built into the Directorate's budget as a pressure in the 2015-20 Medium Term Financial Plan (MTFP) and a further £1.4m was proposed in the summer refresh of the MTFP.
6. The additional demand and attendant costs, coupled with mandatory completion of DOLS assessments to strict statutory timescales, mean that the Directorate faces significant pressures in a time of continuing financial austerity. Therefore, the Board recommends that the Cabinet raise these concerns with central government as a matter of urgency.

Recommendation

The Board recommends that the Cabinet raise these concerns regarding the new responsibilities placed on the council with central government, and the insufficient funding made available to meet their duties.

Keith Witham

