

## Board of Directors (in Public)

### Item 2.3

**Subject:** Deprivation of Liberty Safeguards (DoLS) Annual Report 2022/23  
**Date of meeting:** Wednesday 26<sup>th</sup> April 2023  
**Presented by:** Sue Pemberton, Director of Nursing and Quality  
**Purpose:** For Assurance

BAF Reference	Impact on BAF
BAF 1	Assurance on the Trust's compliance with DoLS.

#### Level of assurance (please tick one)

*To be used when the content of the report provides evidence of assurance*

<input checked="" type="checkbox"/>	<b>Acceptable assurance</b> Controls are suitably designed, with evidence of them being consistently applied and effective in practice	<input type="checkbox"/>	<b>Partial assurance</b> Controls are still maturing – evidence shows that further action is required to improve their effectiveness	<input type="checkbox"/>	<b>Low assurance</b> Evidence indicates poor effectiveness of controls
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### 1. Executive Summary

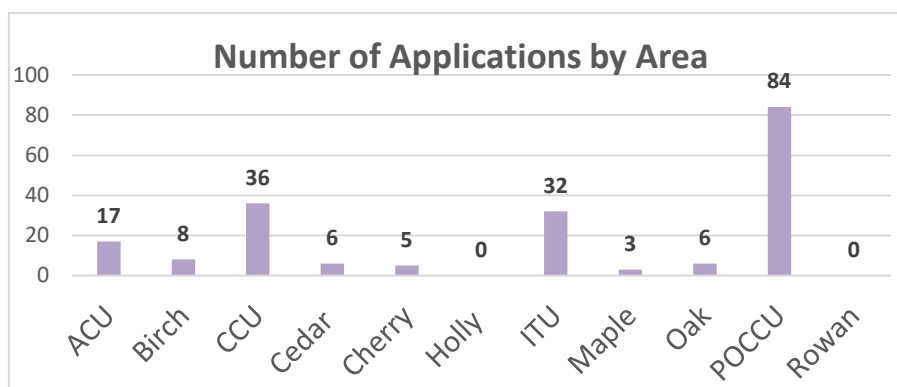
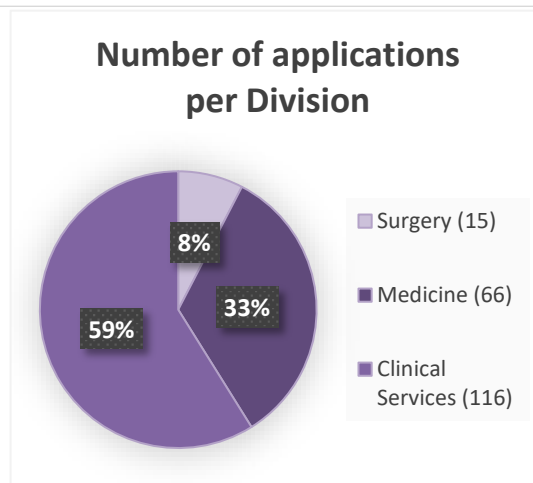
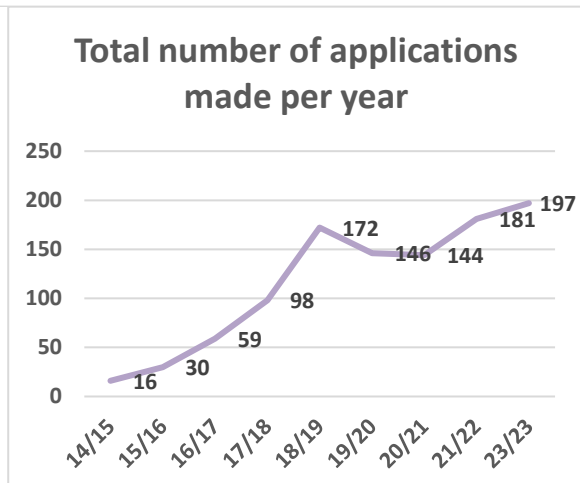
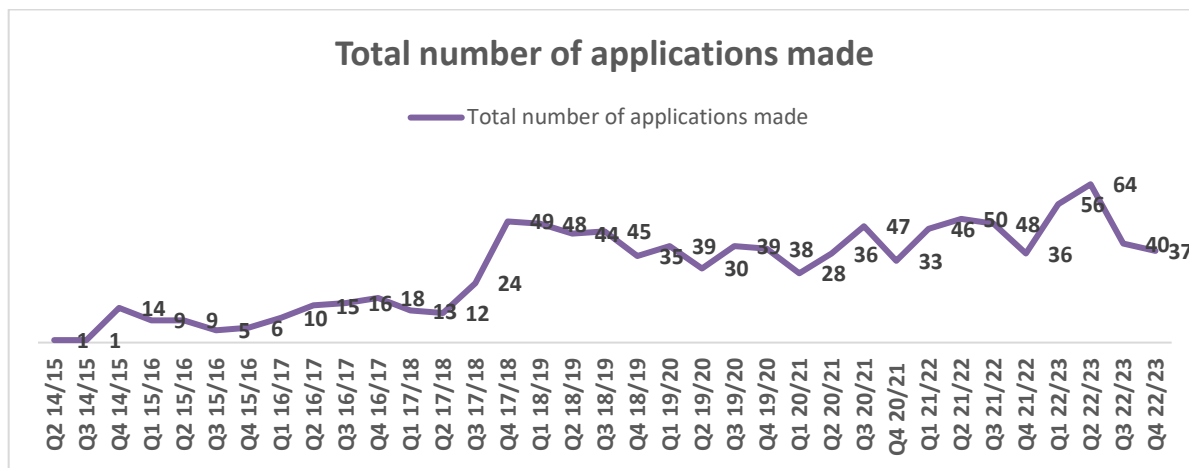
The purpose of this paper is to update the Board of Directors of the number of applications made for the year 2022/2023 in relation to the Deprivation of Liberty Safeguards (DoLS).

### 2. Background

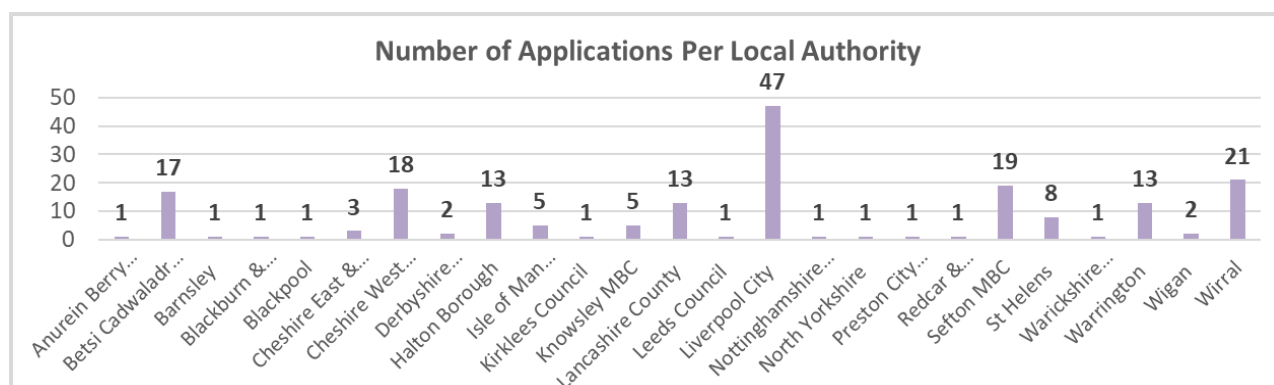
The Deprivation of Liberty Safeguards (DoLS) were introduced in 2009 (as an addendum to the Mental Capacity Act 2005 and a strong link to the Mental Health Act 2007). DoLS aim to prevent the unlawful detention of adults in hospitals and care settings who lack capacity to choose where they live and/or to consent to care and treatment. DoLS are compatible with Article 5 of the European Convention on Human Rights (the right to liberty and security of person).

### 3. Current Position

The number of applications and the breakdown by Divisions and areas is provided below.



The breakdown of applications by Local Authority is set out below.



## **MCA Assessments and DoLS Applications**

During 2022/23 a total of 197 Deprivation of Liberty Applications have been received by the Safeguarding Team for 25 different local authorities across the catchment area. This is a 9% increase in applications received compared with the previous year.

Of the total 197 applications, all were standard and urgent applications. In summary:

- 18 urgent applications were issued, and the standards were not required as the patients were discharged or transferred within the 14-day urgent period, their confusion had settled, or the patient passed away.
- In 11 cases no response or decision was received from the Local Authority.
- 0 applications were rejected by the Authorities.
- In 168 cases, the applications were reviewed, and the patients were assessed by the safeguarding team, but the applications were not sent. This was due to a number of reasons, either the patient's confusion had settled prior to review; the patient met the criteria for a critical care patient and was to be managed under the best interest principles and would be reviewed again once they were ready to be transferred to the ward; the patient was discharged/transferred or passed away prior to review.
- 1 application remained ongoing after the review period; however, the patient has since been discharged.

MCA and DoLS Mandatory training compliance figures are currently at 95.8% across the Trust and this meets the Integrated Care Board (ICB) KPI requirements.

There are no new risks to be highlighted on this report; all applications are reviewed on an individual basis.

## **4. Recommendations**

The Board of Directors is asked to note the numbers of applications made and assessments undertaken to ensure compliance with the Deprivation of Liberty Safeguards.