

Board of Directors (Public)

Item 3.4

Subject: Mental Capacity (MCA) & Deprivation of Liberty Safeguards (DoLS) Update

Date of meeting: 28TH July 2015

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Presented by: Sue Pemberton/Director of Nursing and Quality

Board Report

Data Quality Rating	BAF Ref	Impact on BAF Risk Rating
Bronze	1,2	None

1. Executive Summary

The purpose of this paper is to update the Board of Directors on the number of applications made for the previous quarter in relation to the Deprivation of Liberty Safeguards (DoLS).

2. Background

Following the Supreme Court ruling in March 2014 for the cases of P v Cheshire West and P & Q v Surrey County Council an action plan was produced by the Head of Governance. Following this the Lead Nurse for Patient experience has taken on the role as safeguarding lead for the Trust incorporating DoLS and Mental capacity.

On 7th July 2015 the Law Commission published its consultation paper on Mental Capacity (MCA) and Deprivation of Liberty (DoL). The review was prompted by concern that the current arrangements are not fit for purpose, particularly since the Supreme Court's judgment in Cheshire West was handed down, which has vastly increased the volume of requests for authorisation both via local authorities and the Court of Protection. The consultation is open until 2 November 2015, after which the Commission aims to publish its recommendations to the Government, which may lead to significant changes to the DoLS landscape.

3. Current Position

DoLS & MCA Policy

Following the rulings in 2014 the Department of Health indicated that it would be issuing new codes of practice. The issue date of these continues to be put back therefore the Trust will await this prior to writing its own policy. In the interim a standard operating procedure is in the process of being produced.

Awareness Sessions for Staff

In September & November 2014 awareness sessions for staff took place at the Trust, these sessions were presented by Hill Dickinson, a total of 120 staff attended.

On 4th February & 3rd March 2015 free training days provided by Liverpool City Council took place at the Neuro Support Centre in Liverpool for MCA & DoLS, a total of 12 ward staff attended.

The Safeguarding Lead is currently undertaking face to face training with staff in various areas of the Trust (via preceptorship, Junior Doctors Induction, MCA/DoLS specific training sessions) and dates have been arranged and advertised for the remainder of the year. Over the 5 sessions that have taken place so far, a total of 52 staff have attended. Attendance at these sessions also counts as part of the mandatory training. For those who are unable to attend a session a new electronic mandatory training pack and quiz has been created by the trust lead and is soon to be implemented by L&D.

Safeguarding Ambassadors have also been identified across the Trust including staff from the community team, these staff will be issued with badges so that they can be easily identified should patients, family members and other staff have any questions, to date we have 15 ambassadors identified.

Guidance for staff and Intranet Page

A new page has been created on the staff intranet to make all relevant guidance, forms and codes of practice easily available. This includes Trust guidance on how to assess whether a patient needs to come under the DoLS regime, how to make an application, which forms they need to complete and where to send the forms for the application to be made. The page was made live in October 2014 and is updated on a regular basis.

Information cards have also been issued to all staff for them to keep with their identify badges for them to easily access the key points of identifying a patient who requires a capacity assessment or DoLS application.

MCA and EPR

Following a review of the current process by the lead, all documents other than the DoLS form are now available on the EPR and will ensure accuracy of records. This includes the MCA form and best interest form.

MCA Assessments and DoLS Applications

To date since the new changes have been introduced and the guidance implemented, the Trust has made the following applications to local authorities:

2014/15:

Q3 – 1 application

Q4 – 14 applications

2015/16:

Q1 – 9 applications

In addition to the applications made, Mental Capacity Assessments have also been

undertaken on the following instances to determine whether the patient required a DoLS Application, in all instances it was felt that the patient had capacity and therefore an application was not processed:

2014/15:

Q4 – 9 (including 1 emergency psychiatric referral)

2015/16:

Q1 – 20 (including 3 emergency psychiatric referrals)

4. Recommendations

That the Board of Directors note the update on the work undertaken to date in relation to DOLS and MCA and note the numbers of applications made and assessments undertaken.