

STOCKTON-ON-TEES BOROUGH COUNCIL

CABINET RECOMMENDATIONS

PROFORMA

Cabinet Meeting12th February 2015

1. Title of Item/Report

Mental Capacity Act Deprivation of Liberty Safeguards update

2. Record of the Decision

Consideration was given to a report on the Mental Capacity Act Deprivation of Liberty Safeguards – Update.

A report to Cabinet in October 2014 provided details of the changes to the Mental Capacity Act Deprivation of Liberty Safeguards following the Supreme Court Judgement on the Cheshire West and Cheshire Council and Surrey County Council cases. The implications for the Council in relation to this were also outlined, including details of the work in progress to identify the risks and resource implications of the revised legal framework. The report provided an update on operational activity and financial projections for 2015-16.

Following an initial scoping exercise, a work programme was in progress to ensure that clients were not unlawfully deprived of their liberty. Working practices had also been reviewed to ensure that the new test was embedded in practice and risks to vulnerable clients and the Council were mitigated as far as is reasonably practicable.

Client assessments were being prioritised by client group and care and support arrangements. It had been recognised that the additional work resulting from the Supreme Court Judgement was creating workload pressures across Adult Services and the 0-25 team. The following dedicated staffing resource was in place until the end of March 2015, with the expectation that this resource would continue to be required for the full 2015/2016 financial year in order to meet demand.

- 1 WTE Commissioning manager to oversee the administrative function of the Safeguards
- 2 WTE x Senior Administrators to administer each application for authorisation of a DoL

- 3 WTE Best Interest Assessors
- A project Manager had also been appointed until 31 March 2016 in order to support the Deprivation of Liberty Safeguards function and develop a sustainable process, which would incorporate monitoring and quality assurance requirements. An additional 3 WTE Social Workers were also being recruited so that the required 3-monthly (minimum) care-management reviews for all clients subject to a DoL authorisation were completed. This was to ensure that the authorisation continued to be needed, and that it was the least restrictive way of providing the care and support. The need for additional legal staff resource was also being considered. The additional staff resource needed to be in place until 31st March 2016 in the first instance to enable monitoring and review to inform substantive arrangements.

It was acknowledged in the previous Cabinet report that there were additional direct costs relating to:-

- Payments to Mental Health Act s.12 approved doctors, who were commissioned to carry out the required mental capacity assessments for clients.
- Payments to Independent Mental Capacity Advocates (IMCAs)
- Court of Protection applications for clients living in supported living arrangements. These costs were associated with the application, the hearing and the mental capacity assessment.

Attached to the report were details of the costs for 2014-15 and the projected costs for 2015-16.

The next steps were:-

- The action plan would continue to be implemented.
- Options to incorporate the additional work and potential new ways of working are being explored and would be considered at Adult Care Management Team and the Adult Board in due course.
- The Local Executive Committee (Safeguarding Adults) would continue to be informed of progress against the action plan.
- The Local Safeguarding Children's Board would continue to receive updates on the elements of the operational plan that related to young people aged between 16 and 18 years.
- Consideration of the requirements for Quality Assurance of the whole process would be incorporated into the operational plan.

RESOLVED that:-

1. The content of the report, the implications of the judgement and

the requirement for additional work to be carried out be noted.

2. Cabinet receive regular updates on progress against the operational plan, with the next update planned for October 2015.

3. The requirement for 'one off' funding of £450,000 to be considered as part of the Medium Term Financial Plan be noted.

3. Reasons for the Decision

To keep Cabinet informed of progress with respect to the related plan of work.

4. Alternative Options Considered and Rejected

None

5. Declared (Cabinet Member) Conflicts of Interest

None

6. Details of any Dispensations

N/A

7. Date and Time by which Call In must be executed

Midnight on Friday, 20th February 2015

Proper Officer
16 February 2015