

## KENT COUNTY COUNCIL – PROPOSED RECORD OF DECISION

**DECISION TO BE TAKEN BY:**  
Cabinet Member for Adult Social Care

**DECISION NO:**  
18/00021

### For publication

### Key decision

Affects more than 2 Electoral Divisions and expenditure of more than £1m.

### Subject: COMMISSIONING OF NEW SERVICES FOR DEPRIVATION OF LIBERTY SAFEGUARDS ASSESSMENTS (NON-PRIORITY)

**Decision:** As Cabinet Member for Adult Social Care, I propose to:

- a) **COMMISSION** new services for Deprivation of Liberty Safeguards (DOLS) assessments to reduce size of the backlog of non-priority assessments; and
- b) **DELEGATE** authority to the Interim Corporate Director of Adult Social Care and Health, or other nominated officer, to undertake the necessary actions to implement the decision.

**Reason(s) for decision:** The total number of Deprivation of Liberty Safeguards (DOLS) applications has increase from under 300 in 2013/14 to 2866 in 2014/15, 5113 in 2015-16 and 5069 in 2016-17. As of 1 February 2018, KCC has received a total of 4,402 applications since 1 April 2017. It is necessary for additional capacity to be sourced to help reduce size of the Deprivation of Liberty Safeguards applications yet to be completed which make up the backlog of non-priority assessments.

**Financial Implications:** On 20 February 2018, Kent County Council agreed a budget for 2018/19 that identifies an additional funding of £1.54m for processing non-prioritised DOLS applications from care homes and hospitals.

**Legal Implications:** The Deprivation of Liberty Safeguards are the legal framework to ensure independent assessment of the best interests of individuals who lack the mental capacity to consent to care arrangements, which involve a restriction on their liberty. The Council has a statutory responsibility to complete assessments for Deprivation of Liberty Safeguards applications for relevant people living in its area.

The risk of exposure to legal repercussions for failing to meet statutory obligations under the Deprivation of Liberty Safeguards that is claim under the Human Rights Act 1998 is reduced significantly by the Council undertaking the proposed backlog project.

**Equality Implications:** An equalities impact assessment is being completed and will be included in Executive Decision paperwork

**Cabinet Committee recommendations and other consultation:** The proposed decision will be discussed at the Adult Social Care Cabinet Committee on 18 May 2018, and the outcome included in the paperwork which the Cabinet Member will be asked to sign.

### Any alternatives considered:

- Recruit dedicated in-house resource on fixed term contract;
- Leverage local IBAs, and temporarily increase in-house support;
- Commission new service for non-priority DOLS assessments (excluding mental health

assessment), while leveraging the contract with current provider for non-priority mental health assessments;

- Commission new service for non-priority DOLS assessments (including mental health assessment); and
- Do nothing, managing risk using the ADASS prioritisation tool.

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signed

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date