



Health & Social Care
Information Centre

Mental Capacity Act (2005) Deprivation of Liberty Safeguards (England)

Annual Report, 2014-15

Published 29 September 2015



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This report will be relevant to members of the public, government officials and organisations with an interest in social care; allowing local and national comparisons and monitoring the quality and effectiveness of services and policy.

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Executive Summary

Key Findings

- This is the first annual official statistics report since a March 2014 Supreme Court judgment gave new guidance on the use of the Deprivation of Liberty Safeguards (DoLS).
- There were 137,540 DoLS applications received by councils between 1 April 2014 and 31 March 2015, the most since the safeguards were introduced in 2009. This is a tenfold increase from 2013-14 (13,700).
- 62,645 applications were completed by councils during the year, almost five times as many as the previous highest volume – 13,040 in 2013-14. The number of completed applications has increased every year since DoLS were introduced in 2009.
- In 2014-15, there were 147 completed applications per 100,000 adults in England. Application rates varied considerably by region, with a rate of 389 applications per 100,000 adults in the North East, whereas the other eight regions had between 110 (East Midlands) and 150 applications per 100,000.
- There were 52,125 granted applications in 2014-15, 83% of all completed applications. This the highest percentage granted since DoLS were introduced. Between 2010 and 2014 between 55 and 60% of applications were granted.
- There was some regional variation, with only 61% of applications approved in the South West. All other regions saw at least 80% of applications granted, with the highest approval rate in the North East (93%).
- The most frequent reasons for an application to not be granted were not satisfying the mental capacity requirement (cited in 2,895 applications) and the best interests assessment (2,525 applications).
- There were 122,775 individuals with an active DoLS application in 2014-15. People can have multiple DoLS applications made on their behalf in a year and 12,005 individuals had at least two DoLS applications in 2014-15, 10% of people with an application.

Context

This official statistics report provides the findings from the Mental Capacity Act 2005, Deprivation of Liberty Safeguards (DoLS) data collection for the period 1 April 2014 to 31 March 2015. It includes any application that was received and/or completed during the reporting year.

The Deprivation of Liberty Safeguards (DoLS) are a legal framework that exist to ensure that individuals who lack the mental capacity to consent to the arrangements for their care, where such care may (because of restrictions imposed on an individual's freedom of choice or movement) amount to a "deprivation of liberty", have the arrangements independently assessed to ensure they are in the best interests of the individual concerned.

A key element of the safeguards is that health and care providers must formally apply to their local Council with Adult Social Services Responsibilities (CASSR, council or local authority) and satisfy six different assessment criteria.

The Supreme Court's judgment of March 2014 in the case of "Cheshire West" clarified an "acid test" for what constitutes a deprivation of liberty.

The acid test states that an individual who lacks the capacity to consent to the arrangements for their care and is subject to continuous supervision and control and is not free to leave their care setting, is deprived of their liberty and should be the subject of a DoLS application (where they are in a care home or hospital setting).

The Supreme Court also ruled that the individual's objection to the arrangements that amount to a deprivation of liberty is not a relevant consideration (even if the individual is not objecting, a DoLS application is required). The judgment marked a significant change to established practice.

For more detailed information on the safeguards, DoLS process and the Supreme Court judgment, please see [chapter 6](#).

The data used to generate this report are collated by the HSCIC from a mandatory data collection of all councils, for all DoLS applications that were received, processed or considered to be "active" in any way between 1 April 2014 and 31 March 2015.

Explanatory notes

This report provides the findings from the Mental Capacity Act 2005, Deprivation of Liberty Safeguards (DoLS) data collection for the period 1 April 2014 to 31 March 2015. It includes any application that was received and/or completed during the reporting year.

Chapter 1 presents statistics on applications that were received in the reporting year, irrespective of when they were signed off. **Chapters 2, 3 and 4** present statistics on applications that were completed during the reporting year, irrespective of when they were received. **Chapter 3** further analyses applications that were granted, and reviews of authorisations. **Chapter 4** analyses applications that were not granted. **Chapter 5** analyses the demographics of individuals with a DoLS application active during the reporting year – received and completed.

Chapter 6 describes the purpose, process and history of the Deprivation of Liberty Safeguards and metadata around the data collection process, data quality and further reading, including the Supreme Court judgment from March 2014 that have effectively lowered the threshold for what is considered to be a DoL, when compared to previous practice.

The data tables published alongside this report present further analyses and breakdowns of the data, including breakdowns by council and care provider (i.e. a care home, nursing home, hospital etc.). The full list of data tables are in **Appendix A**.

To prevent disclosure, any counts of five or lower have been suppressed and all other counts have been rounded to the nearest five. Any percentages and rates have been presented to the nearest whole number.

All data are as at 31 March 2015.

The effects of the Supreme Court judgment can be seen throughout the report, and any changes in the volume of applications received, the proportions of applications completed and authorisations granted, and the demographics of individuals now subject to DoLS should be interpreted with the judgment in mind. There may of course be other factors that have had an effect, and this report provides narrative context where possible, to aid user interpretation of what these statistics mean.

Chapter 1 – Received Applications

This chapter analyses applications that were received in the 2014-15 reporting year – including those that have not yet been signed off by a council. This is the first year that any analysis only looking at *received* applications has been published – in previous years, the official statistics have focussed solely on applications that were completed in the reporting year.

The proportion of active applications that have not yet been completed is considerably higher in 2014-15 than in previous years, so we have analysed these applications to provide a fuller picture of DoLS activity.

Whilst historic trends have shown an increase in applications every year since DoLS were introduced in 2009, the scale of the increase this year and the increased proportion of applications that have not yet been completed are mostly attributed to the Supreme Court judgment of March 2014. These ruled that some care arrangements that would not previously have been considered to be a deprivation of liberty would require a formal DoL Authorisation.

There were 137,540 DoLS applications received during 2014-15, the most since the DoLS were introduced in 2009. This is a tenfold increase on applications received last year (13,700). Across England, there were 323 DoLS applications received per 100,000 adults in 2014-15.

Applications received by month

Figure 1.1: Volume of DoLS applications received by month, England, 2013-15



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2013-14 and 2014-15
 2013-14 figures are based on 13,715 applications
 2014-15 figures are based on 137,540 applications
 Only includes applications with a valid application received date

Figure 1.1 shows the volume of applications received each month for each of the last two reporting years. There were almost as many applications received in April and May 2014 (13,500) than in the entire previous year.

There is a clear upward trend month by month, still rising by the end of the year, notwithstanding slight contractions in August and December. August 2014 only had 20 working days, fewer than usual and fewer than July and September.

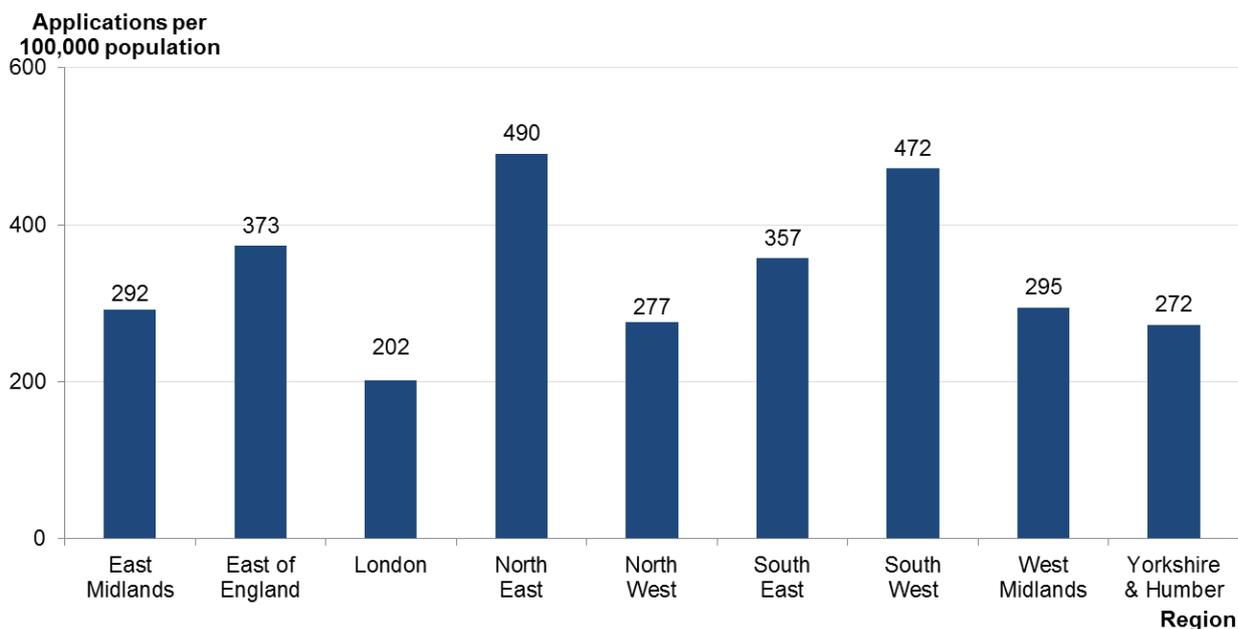
In 2013-14, the number of applications received each month was relatively consistent.

Applications received by region

Figure 1.2 shows the rate of applications received per 100,000 adults for each England region. There was wide variety between regions, with the North East and South West having almost two and a half times as many received applications as in London.

The regional disparity suggests varying structures in populations and different interpretations of the safeguards in each region. The CQC have previously noted that as the DoLS are used most often to protect older people, regions with a younger population would be expected to show a lower rate of applications.¹

Figure 1.2: Received DoLS applications per 100,000 by region, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2014-15

Population data source: Office for National Statistics - 2014 mid-year population estimates

Based on 137,540 applications

Only includes applications received within the reporting year, where the date is a valid entry

Applications received by region and age group

Figure 1.3 shows the rate of applications received by region and age group, standardised to account for the age of the population in each region. As expected, for every region, the

¹ <http://www.cqc.org.uk/content/deprivation-liberty-safeguards-201314>

likelihood of a person having a DoLS application made on their behalf increases with age group, but there are still large regional variations

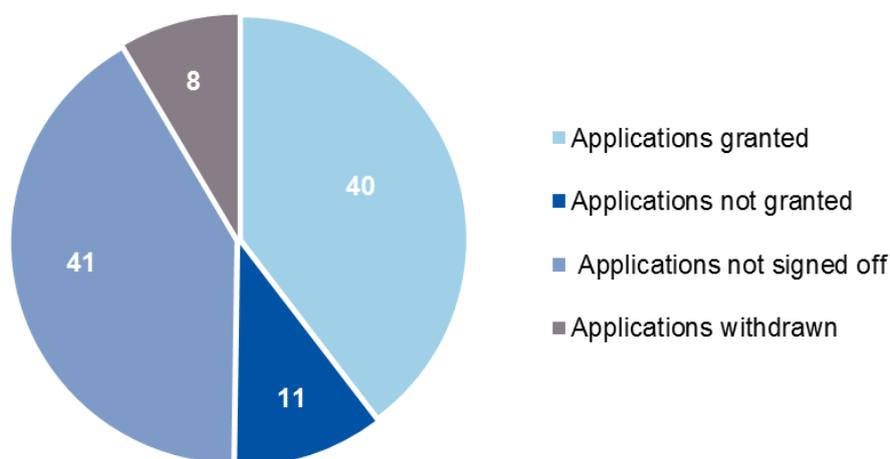
Figure 1.3: DoLS applications per 100,000 adults by region and age, England, 2014-15

Region	Applications per 100,000			
	18-64	65-74	75-84	85 and over
East Midlands	93	259	1,067	3,583
East of England	67	221	2,039	4,024
London	71	317	975	3,423
North East	117	407	2,016	6,635
North West	63	287	1,214	3,595
South East	96	288	1,255	4,493
South West	104	328	1,521	5,843
West Midlands	86	283	1,101	3,650
Yorkshire and the Humber	85	244	1,032	3,456

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2014-15
 Population data source: Office for National Statistics - 2014 mid-year population estimates
 Based on 137,510 applications
 Only includes applications received within the reporting year, where the date is a valid entry
 Only includes applications with a valid entry for age and excludes 30 applications for people aged below 18, aged 115 and where age was left blank

Received applications by outcome

Figure 1.4: DoLS applications by outcome, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2014-15
 Population data source: Office for National Statistics - 2014 mid-year population estimates
 Based on 137,540 applications
 Only includes applications received within the reporting year, where the date is a valid entry

Figure 1.4 shows the outcome status of all received applications at March 31 2015. Over 40% of applications received in the reporting period had not been signed off by the end of the year – although this does include applications received up to March 31.

It was expected that applications would be classified as “withdrawn” only in rare situations, for example if an application had been submitted in error, or ceased due to an administrative matter, or where during an application with an urgent authorisation the person died or was discharged before any assessments had taken place.

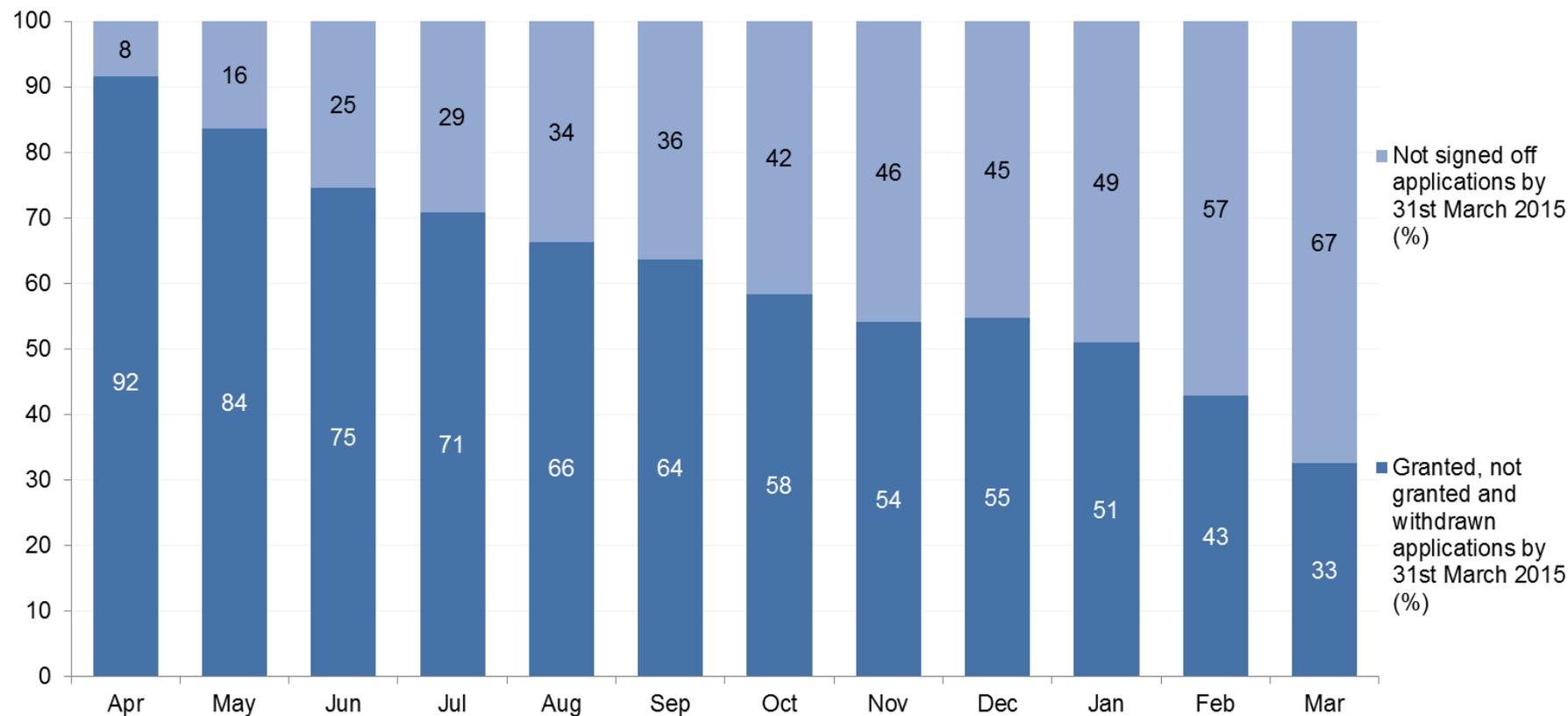
The proportions of applications granted and not granted are only for those applications received in the reporting year, and do not include any applications completed in 2014-15 but received before 1 April 2014, so they will not fully correspond to figures from chapters 2, 3 and 4 of this report.

Received applications not yet signed off

Figure 1.5, below, shows the proportion of applications received each month by whether they had been signed off or not at the end of the reporting year. As expected, applications received later in the year were less likely to have been completed.

When a standard application relates to an urgent authorisation, councils have to complete the assessments within 7 days. If the standard application does not relate to an urgent authorisation, councils have 21 days to complete the assessments.

Figure 1.5: Proportion of DoLS applications by month and signoff status, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2014-15
 Based on 137,540 applications
 Only includes applications received within the reporting year, where the date is a valid entry
 May not add up to 100 per cent due to rounding

Chapter 2 – Completed Applications

This section contains information about DoLS applications that were completed by councils during the 2014-15 reporting year. An application is classed as “completed” when the relevant assessments are complete, a decision about the outcome has been made and the appropriate paperwork has been completed.

Whilst historic trends have shown an increase in applications every year since DoLS were introduced in 2009, the scale of the increase this year and the increased proportion of applications that have not yet been completed are mostly attributed to the Supreme Court judgment of March 2014. These ruled that some care arrangements that would not previously have been considered to be a deprivation of liberty would require a formal DoL Authorisation.

The large increase in received applications has understandably led to a higher proportion of applications not signed off by the end of the reporting year. Differences between received and completed applications for regions and local authorities may therefore be affected by available resources, local prioritisation approaches and the complexities of each application.

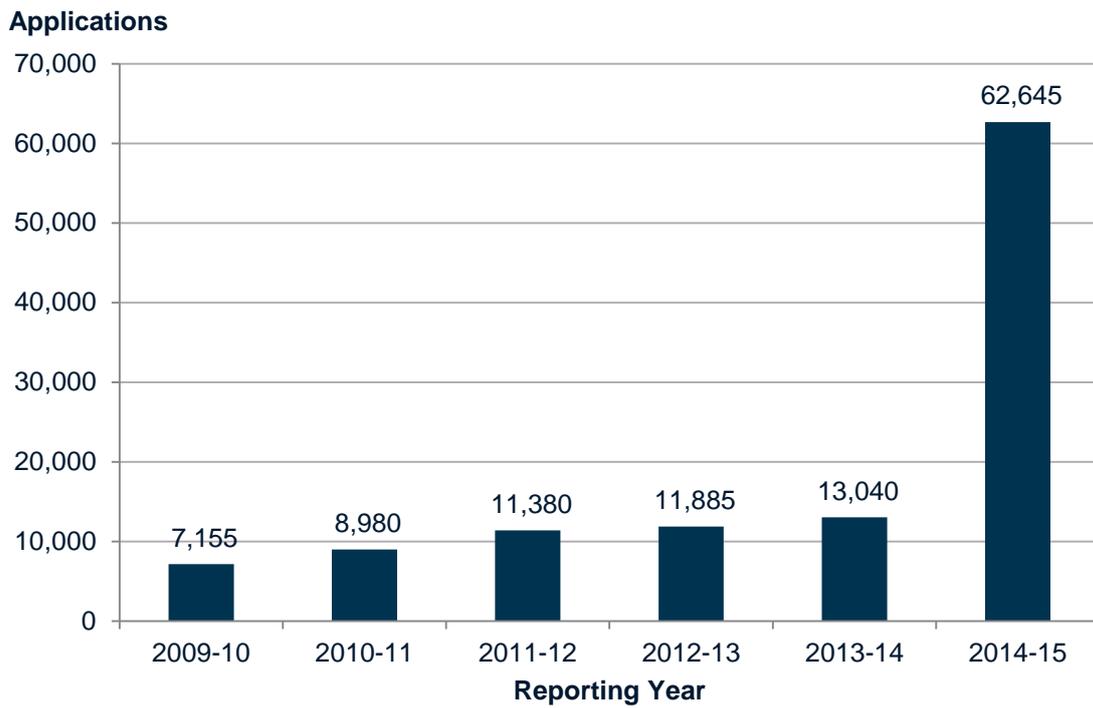
In 2014-15, there were 62,645 completed applications. This is almost five times as many as in 2013-14, the previous highest volume with 13,000. There were 147 completed applications per 100,000 adults in 2014-15.

Applications by year

Figure 2.1 shows the volume of DoLS applications completed each year since the safeguards were introduced in 2009. Applications have increased every year, although the rate of increase between 2012 and 2014 was slowing.

Whilst almost all of the large increase this year can be attributed to the effects of the Supreme Court judgment, the continued upward trend may also reflect increased awareness of the safeguards, and willingness to use them, by local authorities.

Figure 2.1 Number of Completed DoLS applications by year, England, 2009-2015



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15
Only includes applications with a sign-off date within the reporting year

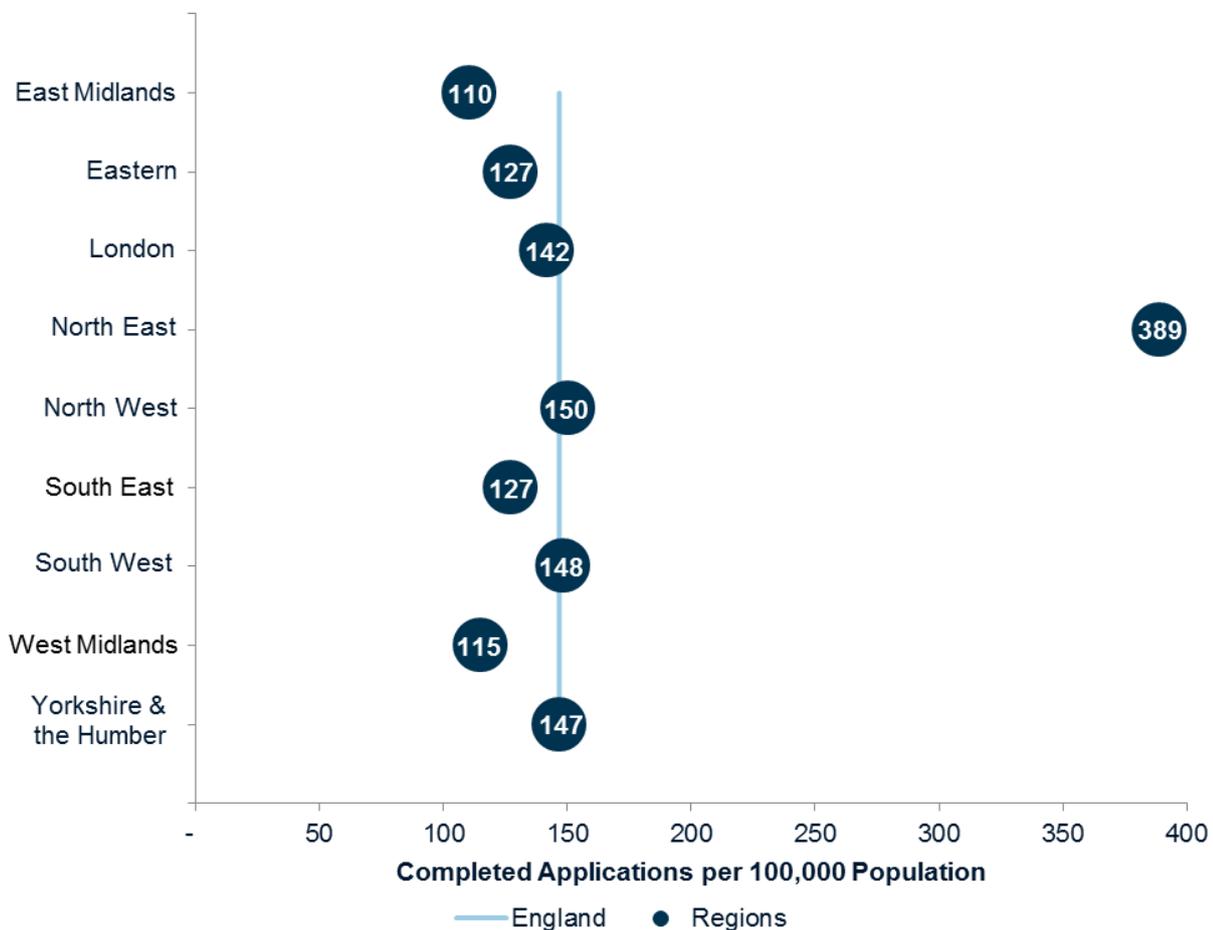
Applications by region

Figure 2.2 shows the number of completed applications by region and benchmarks that against the population of each region, to allow more accurate comparisons.

The North East has the highest rate of applications by far, with 389 applications per 100,000 residents. This is more than double the next highest region, the North West. The other eight regions still display relatively wide variation, although the East Midlands had the lowest rate of completed applications.

The regional disparity suggests varying structures in populations and different interpretations of the safeguards in each region. The CQC have previously noted that as the DoLS are used most often to protect older people, regions with a younger population would be expected to show a lower rate of applications.²

Figure 2.2: Completed DoLS applications per 100,000 adults by region, England 2014-15

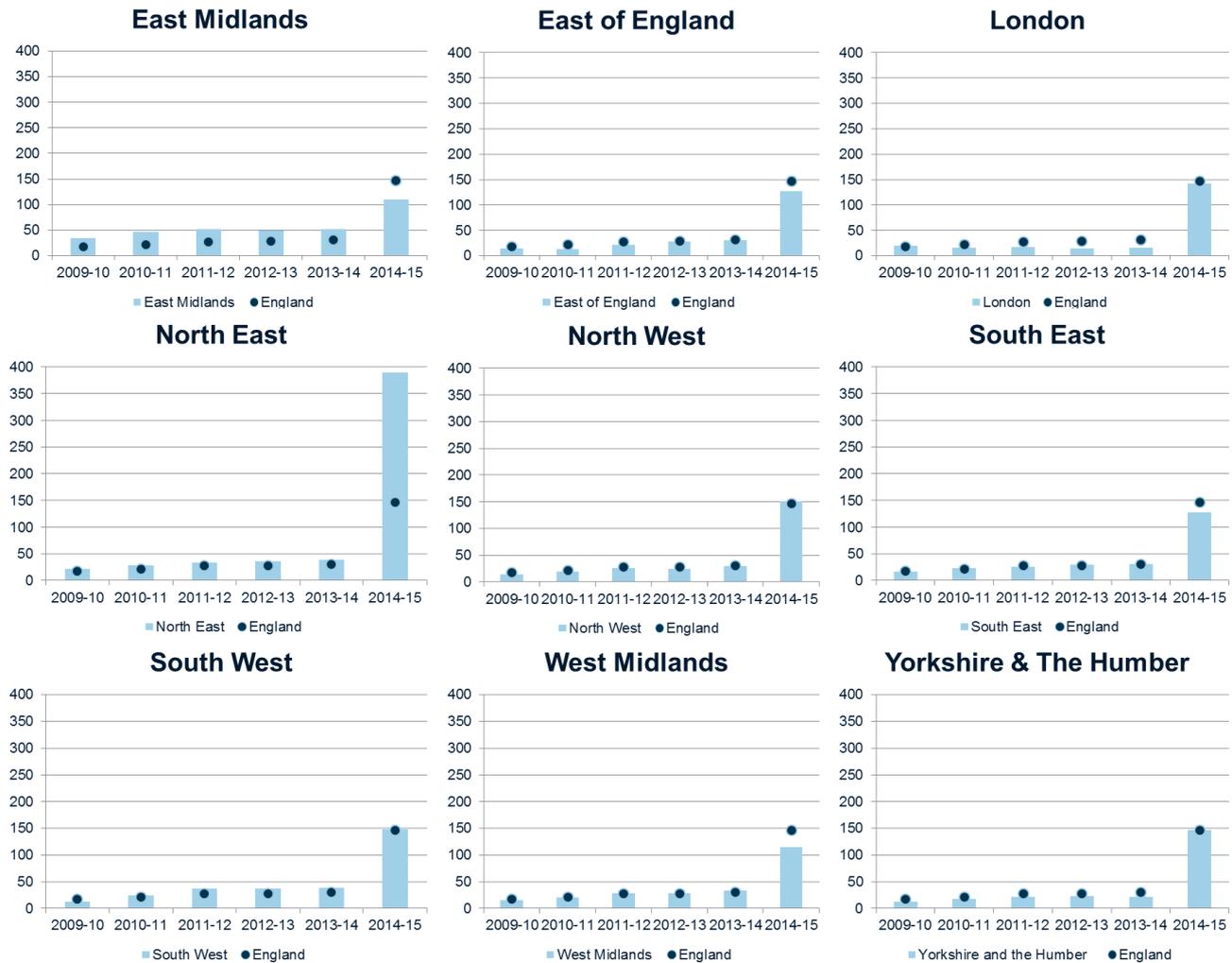


Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 62,645 completed DoLS applications
 Only includes applications with a sign-off date within the reporting year
 Population data source: Office for National Statistics - 2014 mid-year population estimates

² <http://www.cqc.org.uk/content/deprivation-liberty-safeguards-201314>

Figure 2.3 shows how the rate of applications by region has changed since the DoLS were introduced in 2009. Whilst the statistics from 2014-15 dwarf any previous trends, up to 2014, there was a consistent slight upward trend across all regions except London. The region with the highest rate of completed applications in every year up to 2013-14, East Midlands, now has the lowest.

Figure 2.3: Completed DoLS applications per 100,000 by region, England, 2009-2015



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15

Only includes applications with a sign-off date within the reporting year

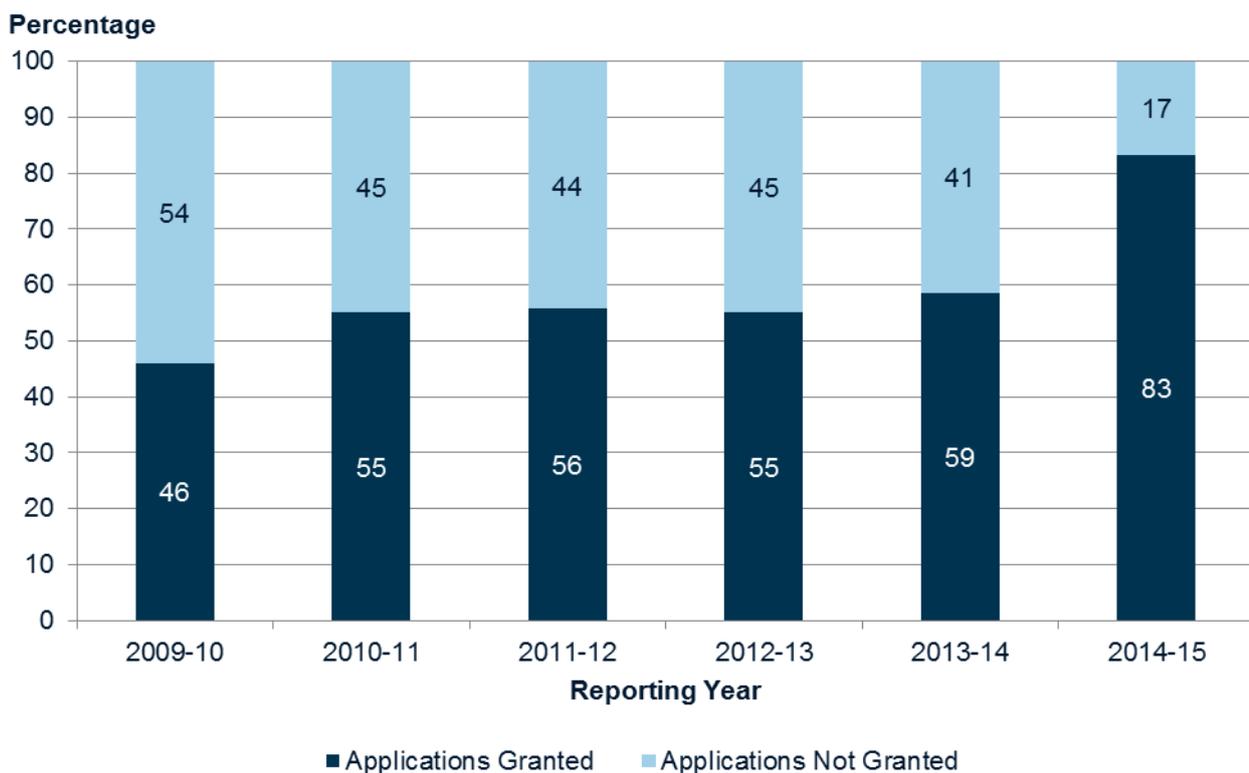
Population data source: Office for National Statistics - 2014 mid-year population estimates

Application outcomes by year

The outcome of a DoLS application is the decision on whether to grant, or not grant a Deprivation of Liberty authorisation (DoL).

Figure 2.4 shows the proportion of completed applications by outcome since the introduction of DoLS. Of the 62,645 completed applications, 52,125 were granted and 10,520 were not granted.

Figure 2.4: Proportion of completed DoLS applications by outcome, England, 2009-2015.



Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15

Only includes applications with a sign-off date within the reporting year

Whilst the proportion of completed applications that have been authorised has generally shown an upward trend since DoLS were introduced in 2009, the proportion of granted applications in 2014-15 (83%) is markedly higher than in 2013-14 (59%). The historic increases can be partly attributed to an increased understanding of the safeguards by care providers and local authorities, with more cases where a DoL authorisation would be appropriate taken through the process.

Despite the large increase, many of the same reasons underlie the proportion of granted applications in 2014-15, with the Supreme Court judgment giving clear guidance on the type of care arrangements that should be subject to the safeguards. For more information on the judgment, please see [Chapter 6](#).

Figure 2.5: Application outcomes by region, England, 2014-15

	Applications Granted	Percent Granted	Applications Not Granted	Percent Not Granted
East Midlands	3,235	80	815	20
East of England	4,800	80	1,205	20
London	8,355	89	1,025	11
North East	7,555	93	590	7
North West	7,110	84	1,330	16
South East	7,495	85	1,365	15
South West	3,920	61	2,530	39
West Midlands	4,315	84	795	16
Yorkshire and the Humber	5,340	86	860	14
England	52,125	83	10,520	17

Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
Based on 62,645 completed DoLS applications with application status Granted or Not Granted
Only includes applications with a sign-off date within the reporting year

Figure 2.5 shows that whilst the proportion of applications granted was relatively consistent across most regions, only 61% were granted in the South West, and 93% were granted in the North East.

Applications with urgent authorisations

A care provider can grant itself an urgent authorisation if an individual needs to be immediately deprived of their liberty to protect them from harm. The CQC have noted that this route can also be followed where a care provider recognises that it is already depriving a person of their liberty without it being foreseen³.

When an urgent authorisation is used, details still need to be sent to the council and a standard application form must also be submitted. Where an application relates to an urgent authorisation, councils have to complete the assessments within 7 days.

In 2013-14, roughly 65% of applications were accompanied by an urgent authorisation, with the regional proportions varying between 52 and 73 per cent.

Figure 2.6 shows the proportion of applications that were accompanied by an urgent authorisation in 2014-15. The national proportion was 59%, a reduction from last year, although there were large regional variations, with the proportions varying from 35% (in London) up to 79% (in the North East).

Figure 2.6: Proportion of applications with urgent authorisations by region, England, 2014-15

Region	Completed Applications	With Urgent Authorisation	Percent Urgent
East Midlands	4,045	2,835	70
East of England	6,005	3,730	62
London	9,380	3,300	35
North East	8,145	6,455	79
North West	8,445	4,910	58
South East	8,865	5,100	58
South West	6,450	4,940	77
West Midlands	5,110	3,425	67
Yorkshire and the Humber	6,200	2,410	39
England	62,645	37,110	59

Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 62,645 completed DoLS applications

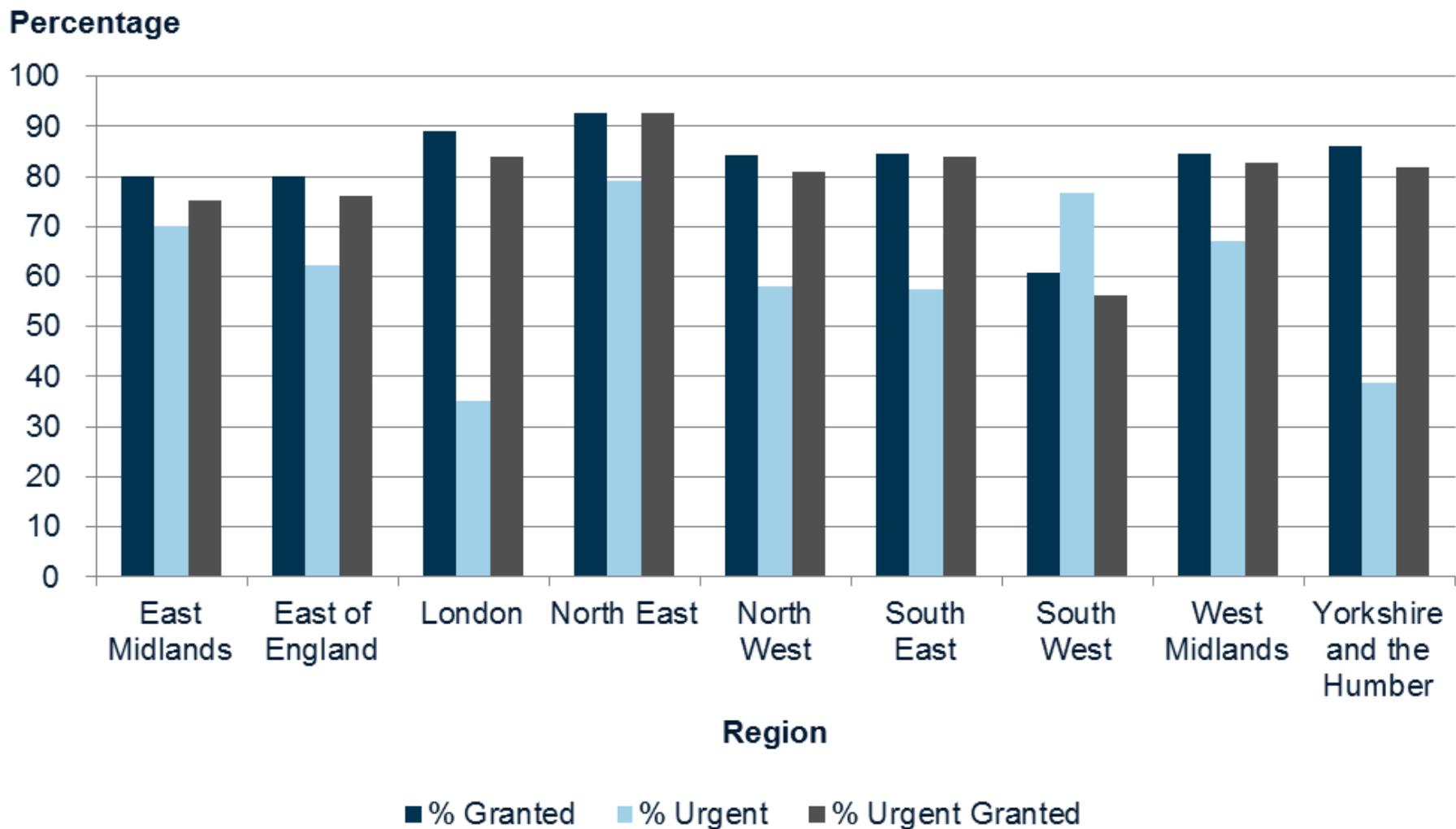
Only includes applications with a sign-off date within the reporting year

Figure 2.7, below, compares the differences across regions for the proportion of applications with urgent authorisations and how many were granted, and proportion of all granted application.

For every region, the proportion of applications that were granted is equal to or greater than the proportion of urgent authorisation applications that were granted.

³ <http://www.cqc.org.uk/content/deprivation-liberty-safeguards-201314>

Figure 2.7: Proportion of Urgent Applications Granted by region, England, 2014-15



Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 62,645 completed DoLS applications
 Only includes applications with a sign-off date within the reporting year

Completed Application time frames

Once an application has been received, the supervisory body has 21 days to complete all assessments and reach a decision (applications with an urgent authorisation must be completed in seven days).

Whilst in previous years we have presented statistics on application time frames in terms of the proportion meeting required timescales, this year our analysis has only looked at the number of days required to complete an application (i.e. not analysing urgent applications separately). In 2013-14, 81% of applications were completed within the required timescale, with 78% of urgent applications completed within seven days and 86% of standard applications completed within 21 days.

In England in 2014-15, 56% of all applications for which we have data were completed within 21 days. **Figures 2.8** and **2.9** show the wide regional variation, with 83% completed in the North East. The next highest proportion was 61%, in both London and the North West.

Figure 2.8: Applications completed within time frame, England, 2014-15

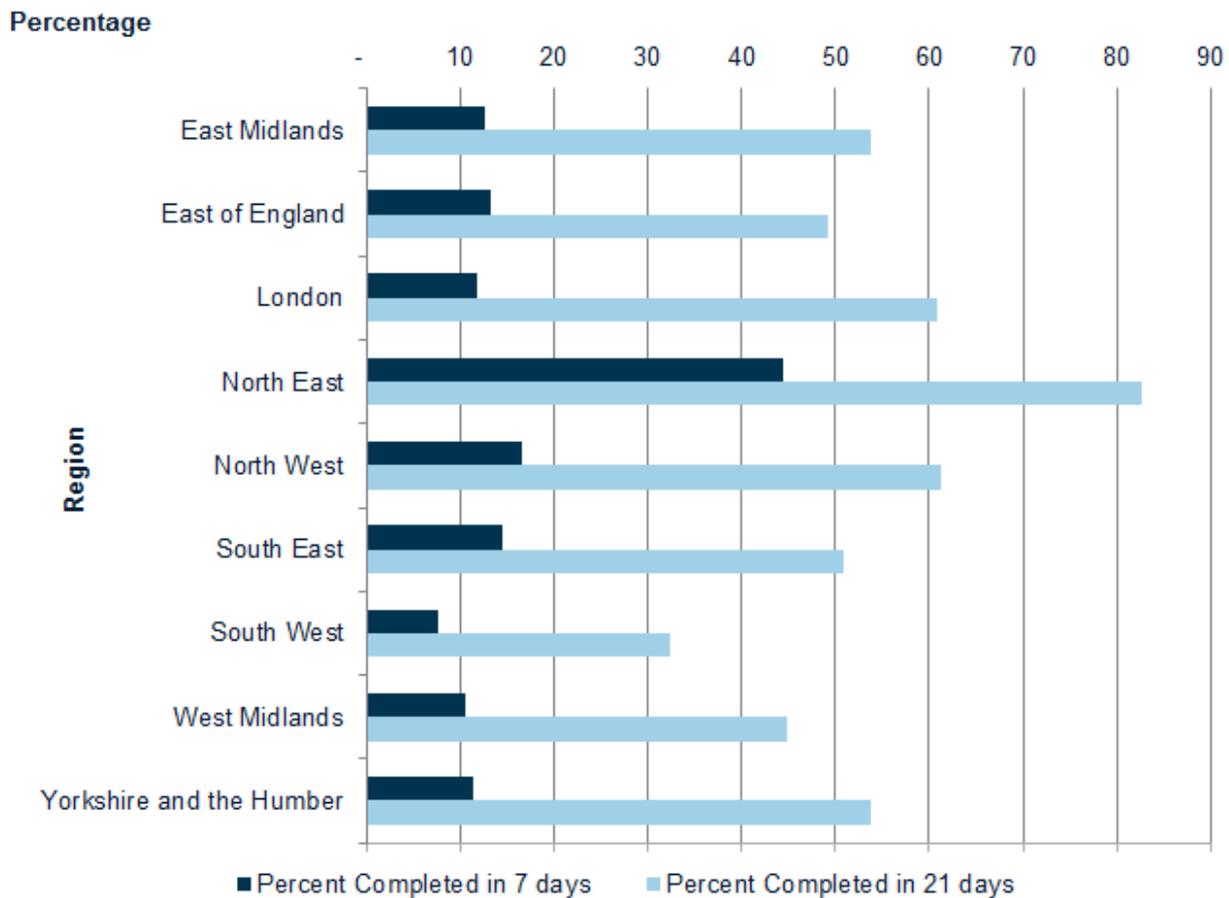
2014-15	Completed Applications	Completed in 7 days	Percent Completed in 7 days	Completed in 21 days	Percent Completed in 21 days
East Midlands	4,045	510	13	2,175	54
East of England	6,005	800	13	2,955	49
London	9,380	1,110	12	5,700	61
North East	8,145	3,625	45	6,735	83
North West	8,445	1,405	17	5,170	61
South East	8,865	1,290	15	4,515	51
South West	6,450	495	8	2,090	32
West Midlands	5,110	540	11	2,295	45
Yorkshire and the Humber	6,200	710	11	3,340	54
England	62,645	10,485	17	34,980	56

Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 62,645 completed DoLS applications

Only includes applications with a sign-off date within the reporting year

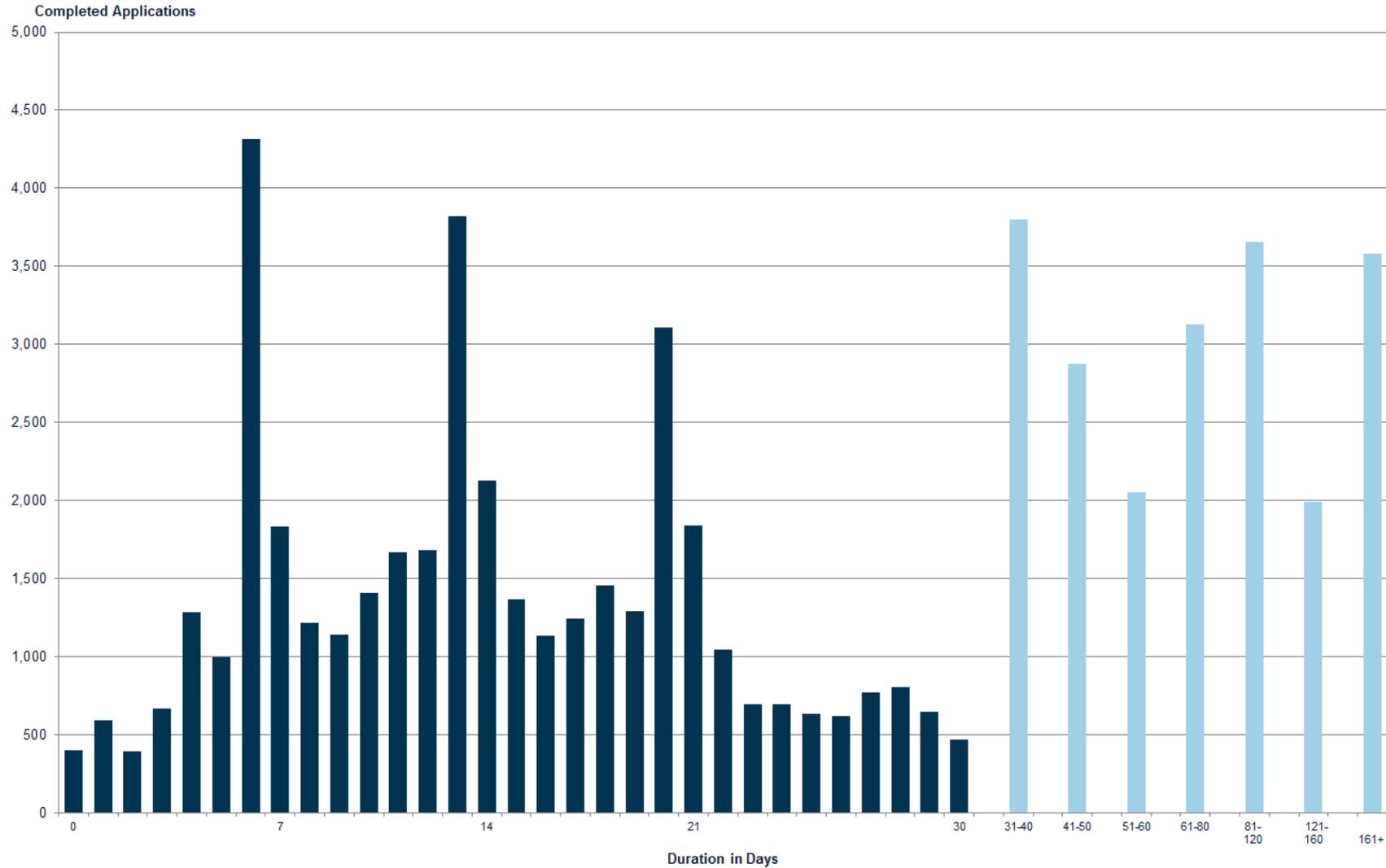
Figure 2.9: Assessment time frames by region, England, 2014-15



Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 62,645 completed DoLS applications
 Only includes applications with a sign-off date within the reporting year

Figure 2.10, below, shows the number of applications completed each day after being received. The day an application is received is classed as day 0. For an application received on, for example, a Wednesday, the next Wednesday would be day 7, the Wednesday after would be day 14, etc. The chart shows a clear pattern, with more applications completed on 6, 13 and 20 days after being received

Figure 2.10: Completed Applications time frame, 2014-15 England



Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 62,440 completed DoLS applications with a completion date on or after the received date
 Only includes applications with a sign-off date within the reporting year

Chapter 3 – Granted Applications

Whilst headline figures on the number of applications granted in 2014-15 are to be found in **Chapter 2**, this chapter looks at granted applications in more detail.

When an application is *granted*, a care provider then has an *authorisation* to deprive an individual of their liberty. The start and end dates for the DoL are part of the authorisation.

There were 52,125 applications granted in 2014-15, an overall rate of 122 granted applications per 100,000 adults in England. This includes applications that can have been made in previous reporting years. In 2013-14, there were 7,600 granted applications.

Granted Applications by region

Figure 3.1: Granted DoLS applications by Region, England, 2010-15

Region	2014-15	
	Granted Applications	Granted Applications Per 100,000 Adults
East Midlands	3,235	88
East of England	4,800	101
London	8,355	126
North East	7,555	361
North West	7,110	127
South East	7,495	108
South West	3,920	90
West Midlands	4,315	97
Yorkshire & Humber	5,340	127
England	52,125	122

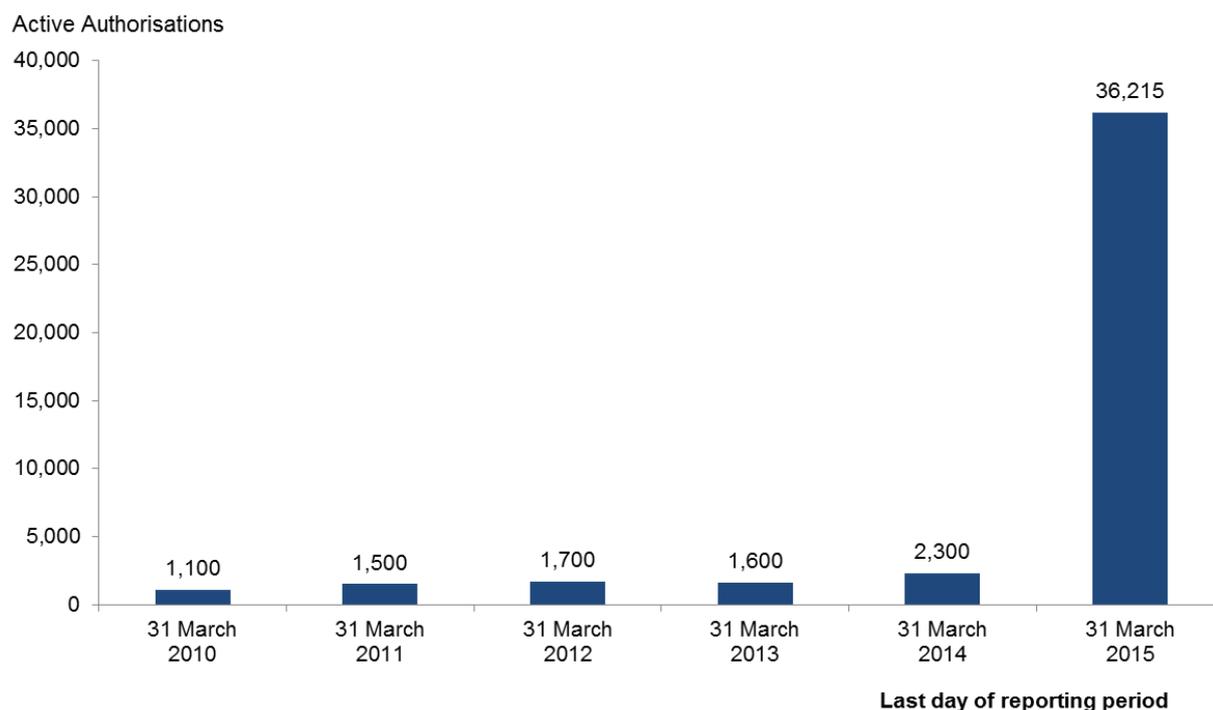
Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
Based on the granted applications which were signed off within the reporting year
Applications are rounded to the nearest 5
Application rates are rounded to the nearest whole number

As with other analyses, there is clear regional variation in the use of the DoLS, seen in **Figure 3.1**. As before, the North East has a far higher rate of granted applications than all other regions.

Active authorisations

Figure 3.2 shows the number of authorised DoLS that were in place on March 31 2015. The increase in the number of active authorisations can obviously be largely explained by the Supreme Court judgment, but the scale of increase this year may be unexpected.

Whilst granted applications and authorisations are subtly different, in 2013-14, there were 7,600 granted applications and 2,300 authorisations active at the end of the reporting year (a ratio of about 30%). This year, there were 36,215 authorisations active at 31 March, as compared to 52,125 granted applications (a ratio of almost 70%). Some of this variation can possibly be explained by more applications being completed toward the end of the year.

Figure 3.2: Active DoLS authorisations on the last day of reporting period, England, 2010-15

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2009-10, 2010-11, 2011-12, 2012-13, 2013-14 and 2014-15

Based on granted applications that were active on the last day of the reporting period

Authorisation numbers are rounded to the nearest 5

Completed authorisations by region

Figure 3.3: Completed DoLS authorisations for the reporting period, England, 2014-15

Region	2014-15	
	Completed Authorisations	Completed Authorisations Per 100,000 Adults
East Midlands	1,400	38
East of England	2,395	51
London	1,910	29
North East	2,140	102
North West	3,085	55
South East	2,380	34
South West	1,640	38
West Midlands	1,485	33
Yorkshire & Humber	1,380	33
England	17,820	42

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on the Granted applications that were completed at some point during the reporting period

Authorisations could not be included in this table if they did not have a valid Actual end date populated

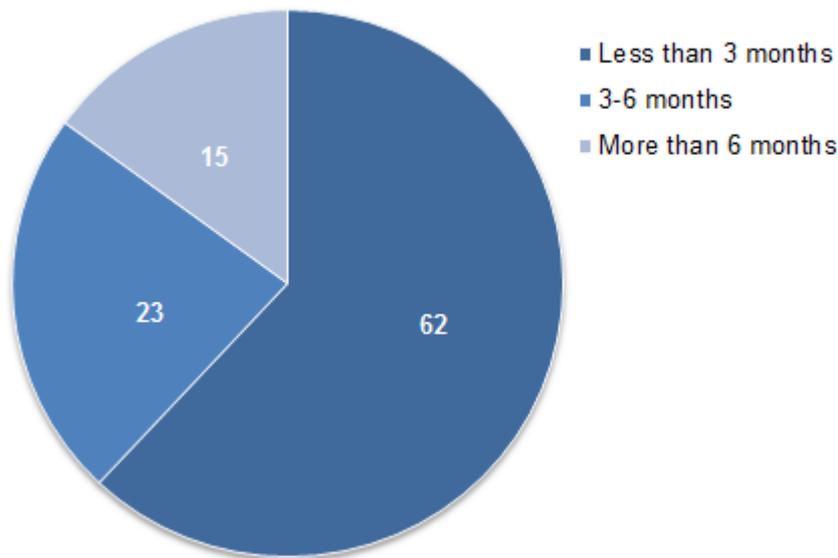
Authorisation numbers are rounded to the nearest 5

Authorisation Rates are rounded to the nearest whole number

Figure 3.3 shows the number of DoL authorisations that finished in 2014-15. Some of these may have been in place before the start of the year. As before, the North East has a much higher rate of completed authorisations than any other region

Duration of completed authorisations

Figure 3.4: Percentage of completed DoLS authorisations in each duration category, England, 2014-15



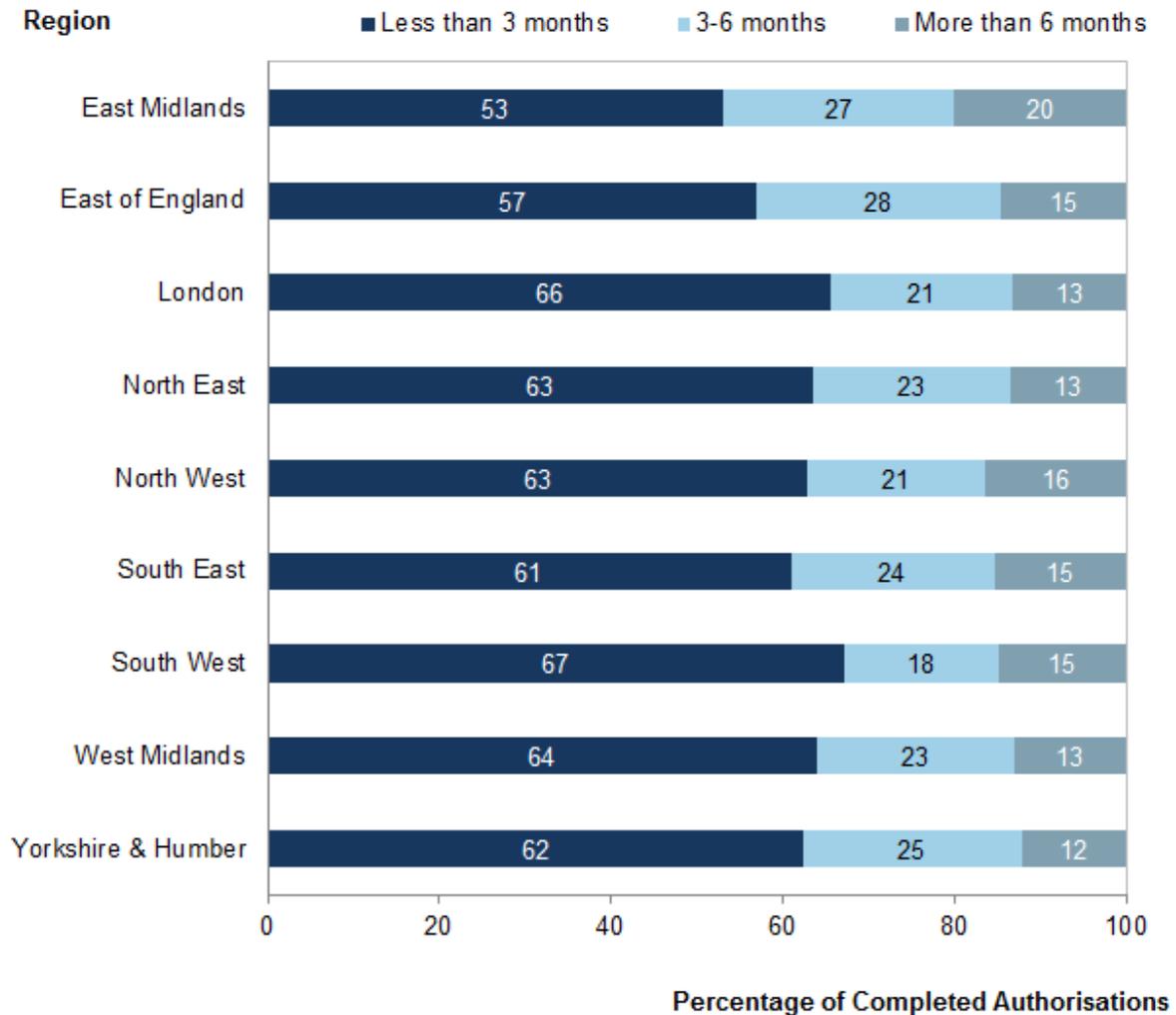
Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 17,780 authorisations that were completed at some point during the reporting period
 Authorisation numbers are rounded to the nearest five
 Applications could not be included for this chart if they did not have Duration populated
 Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

The duration of an authorisation is the number of calendar days between the start and actual end date of the deprivation of liberty. Although a planned end date is part of a DoLS authorisation, it is possible for a DoL to end early if, for example, a care home may feel that circumstances have changed and instigate a review which concludes that the deprivation is no longer necessary.

Figure 3.4 shows that most DoL authorisations are for less than three months. Compared to 2013-14, there is an increase in the volume and proportion of authorisations that have lasted more than 6 months - 15% in 2014-15 (2,650 authorisations) compared to just 8% in 2013-14 (fewer than 500 authorisations).

Figure 3.5 shows the regional distribution of completed authorisation durations, which shows little variation.

Figure 3.5: Percentage of completed DoLS authorisations in each duration category by region, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 17,780 authorisations that were completed at some point during the reporting period
 Authorisation numbers are rounded to the nearest five
 Applications could not be included in this table if they did not have Duration populated
 Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Reviews

For the first time, data are available on reviews of authorisations. There were 2,000 reviews of authorisations that were signed off during the reporting period. **Figures 3.6** and **3.7** compare the number of reviews across age groups and region. Whilst there was no difference in the percentage of reviews by age group, some regions were more slightly likely to have reviews than others. Eight percent of authorisations in the West Midlands were reviewed, compared to only 1% in Yorkshire and the Humber.

Figure 3.6: Authorisations with reviews by Region, England, 2014-15

Region	2014-15		
	Authorisations	Authorisations with at least one review	Percentage of Authorisations with at least one review
East Midlands	3,235	155	5
East of England	4,800	130	3
London	8,355	495	6
North East	7,555	220	3
North West	7,110	135	2
South East	7,495	340	5
South West	3,920	120	3
West Midlands	4,315	325	8
Yorkshire & Humber	5,340	80	1
England	52,125	2,000	4

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
Based on authorisations that were signed off within the reporting period
Only includes authorisations which had a review during the reporting period
Authorisation numbers are rounded to the nearest five
Percentages are rounded to the nearest whole number

Figure 3.7: Authorisations with reviews by age range, England, 2014-15

Age range	2014-15		
	Authorisations	Authorisations with at least one review	Percentage of Authorisations with at least one review
18-64 Years	12,795	505	4
65-74 Years	6,135	290	5
75-84 Years	15,025	555	4
85 Years or Over	18,170	655	4
All Ages 18 or Over	52,125	2,000	4

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
Based on authorisations that were signed off within the reporting period and which had a review during the reporting period
Authorisation numbers are rounded to the nearest five
Percentages are rounded to the nearest whole number

Review outcomes

For authorisations with completed reviews, over half (54%) resulted in the deprivation of liberty continuing as no review criteria failed. Only six percent of reviews were upheld and the DoL authorisation ended due to the assessment requirements not being met.

Figure 3.8: Outcome of the latest review for the authorisations, England, 2014-15

Outcome of the latest Review	2014-15	
	Authorisations	Percentage of completed reviews
Mental Health Requirement not met	15	1
Mental Capacity Requirement not met	55	3
Eligibility Requirement not met	10	1
Best Interests Requirement not met	30	1
Change in client circumstances	480	25
Death of client	295	15
No criteria failed, DoLS remains	1,040	54
Applications with outcome for the review	1,925	100

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on authorisations that were signed off within the reporting period and which had a review during the reporting period

Authorisations could not be included in this table if they did not have a valid Outcome of the review populated

Authorisation numbers are rounded to the nearest five

Percentages are rounded to the nearest whole number

Authorisations ending early

As noted when discussing figure 3.4, an authorisation can end earlier than originally planned, for example if the individual's care needs change, or if the person dies whilst subject to a DoL. Figure 3.9 shows the number of authorisations that ended early by region. It is possible that some of the regional variation can be explained by different population structures and the nature of the care needs of each region's population.

Figure 3.9: Authorisations ended earlier than planned, England, 2014-15

Region	2014-15		
	Authorisations	Authorisations ended earlier than planned	Percentage of Authorisations ended earlier than planned
East Midlands	3,235	490	15
East of England	4,800	1,245	26
London	8,355	700	8
North East	7,555	1,345	18
North West	7,110	1,235	17
South East	7,495	700	9
South West	3,920	895	23
West Midlands	4,315	560	13
Yorkshire & Humber	5,340	635	12
England	52,125	7,810	15

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on authorisations that were signed off at within the reporting period

Only includes authorisations which ended earlier than the planned end date

Authorisations could not be included in this table if they did not have valid date populated for Planned End date/Actual End date

Authorisation numbers are rounded to the nearest five; percentages are rounded to the nearest whole number

Chapter 4 – Not Granted Applications

If any of the six assessment criteria are failed during the application process, the application cannot be granted. Of the 62,645 applications that were completed by councils in 2014-15, 10,520 were not granted. In 2013-14, there were 5,400 not granted applications, out of the 13,000 that were completed.

Reasons for not granting applications

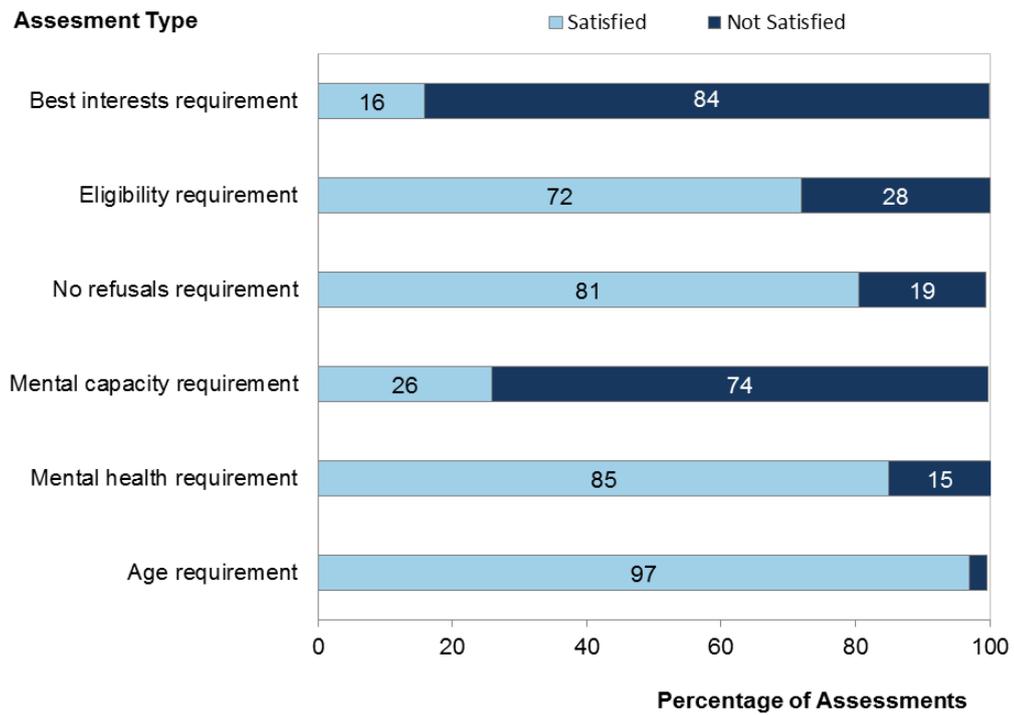
56% of applications were not granted due to any of the six assessment criteria not being met, 29% were not granted due to the individual's circumstances changing between the application being made and completed and 16% were not granted due to the individuals dying before the assessments could be completed.

Figure 4.1 shows the proportions of assessment outcomes that were satisfied only for those applications that were not granted due to an assessment criterion not being met.

As in 2013-14, the most frequent reason for not granting an application was failing to satisfy the best interests assessment. There were 3,000 best interests assessments completed for not granted applications in 2014-15 and in 84% per cent of cases (2,525 assessments) the Best Interests Assessor was not satisfied that the requirements for a DoL to be put in place were met.

The second most common reason for not granting an application was the failure of the mental capacity assessment – i.e. whether the individual concerned lacked the mental capacity to make their own decisions. In 2013-14, 27% of mental capacity requirement assessments were failed. In 2014-15, the proportion was considerably higher, with 74% of mental capacity requirement assessments not being satisfied (2,895 out of 3,900),

Figure 4.1: Percentage of DoLS assessments satisfied and not satisfied, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 10,520 not granted applications signed off in the reporting year

Application numbers are rounded to the nearest five

Only includes applications not granted due to any of the assessment criteria not being satisfied

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Chapter 5 – Individuals

Over the course of a reporting year, an individual can have multiple DoLS applications made on their behalf. A typical example of why this is case is that as DoLS authorisations are typically less than three months long, the individual's circumstances may not have changed sufficiently at the end of the authorisation period. Their care provider may believe that the duration of the deprivation of liberty needs to be extended – this would require a new application.

In 2014-15, there were 122,775 individuals who had at least one active DoLS application made on their behalf. An active application is one that was either received or completed in the reporting year. Most of this chapter analyses demographics of individuals with active applications only. Similar analyses for individuals with granted and not granted applications can be found in Annex C.

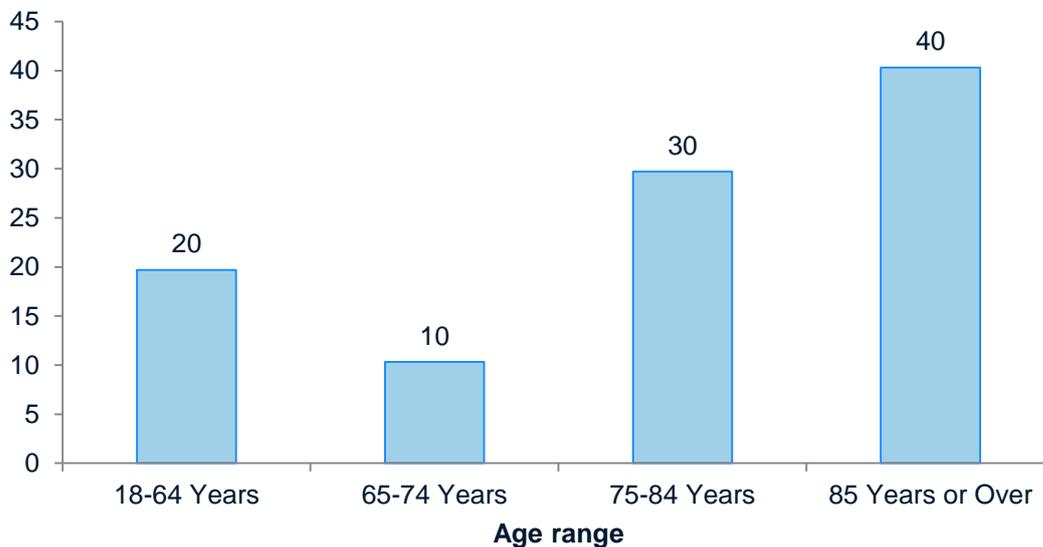
Individuals with applications by gender, age and ethnicity

Of the 122,775 individuals with active applications, 61% were female (74,895 individuals) and 39% were male (47,875).

Figure 5.1 shows that, as expected, the individuals with DoLS applications are more likely to be in older age groups, with 40% aged 85 or over.

Figure 5.1: Distribution of individuals with DoLS applications by age, England, 2014-15

Percentage of individuals with DoLS applications



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 122,775 individuals with at least one application received or signed off within the reporting year. Applications that did not have a valid age populated are not included in this table

Percentages are rounded to the nearest whole number

Figure 5.2: Individuals with DoLS applications by ethnicity, England, 2014-15

Ethnicity	2014-15	
	Individuals with at least one DoLS application	Percentage of individuals with at least one DoLS application
White	111,655	91
Mixed/Multiple	765	1
Asian/Asian British	1,570	1
Black/Black British	1,780	1
Other Ethnic origin	1,060	1
Not stated	1,965	2
Undeclared/Not Known	3,975	3
Total	122,775	100

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 122,775 individuals with at least one application received or signed off within the reporting year

Individual counts are rounded to the nearest five

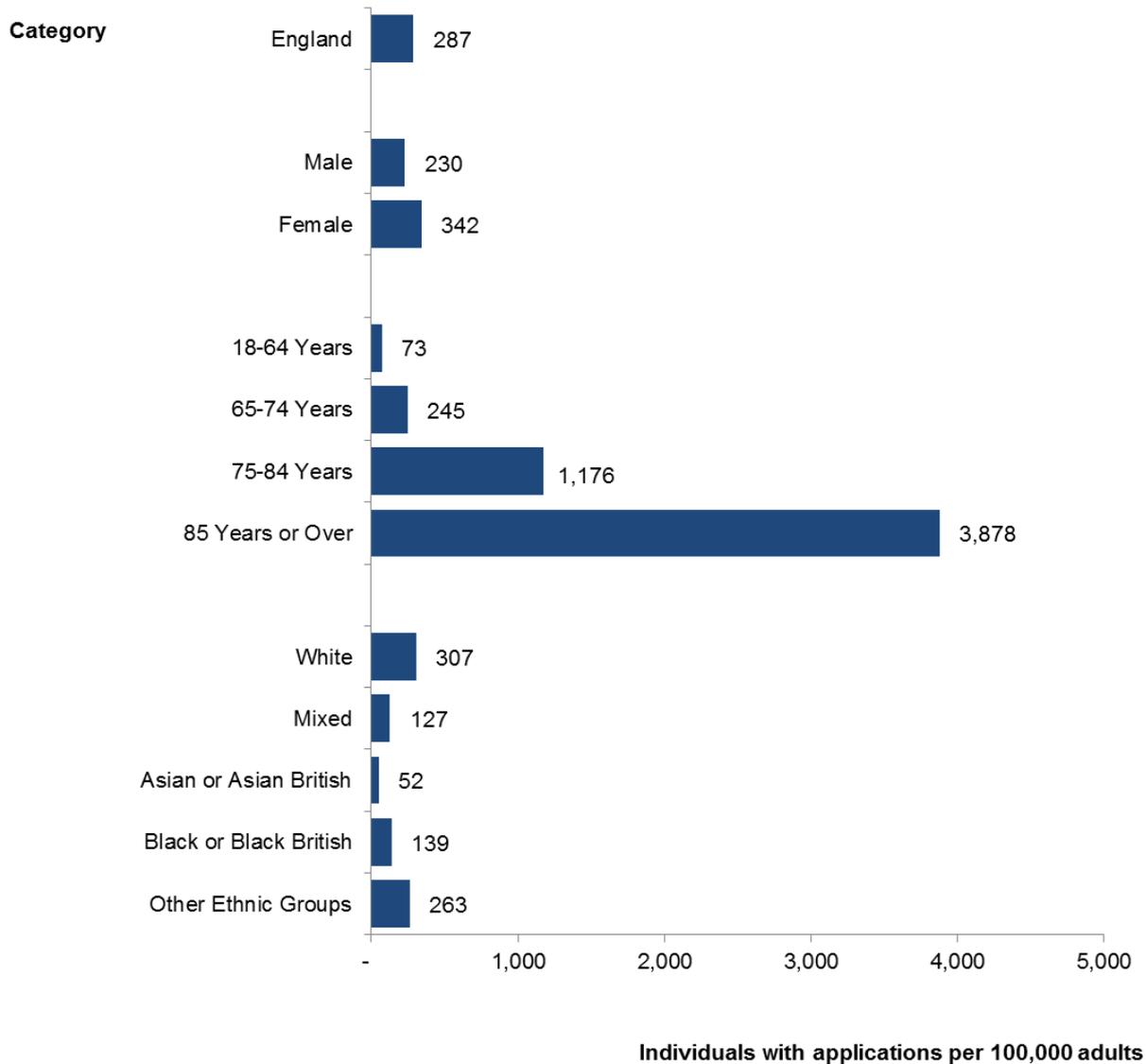
Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Figure 5.2 shows the number of individuals with DoLS applications by ethnicity. This analysis does not look at the ethnicity of the population, so as it is to be expected that over 91% of people with DoLS applications are identified as White.

Figure 5.3 benchmarks these demographics as rates per 100,000 adults to show the likelihood of each demographic group having a DoLS application.

The rates for ethnicity do not take into account differences in the population structure, such as the proportion of older people in an ethnic group. For the ethnic groups with higher than average rates per 100,000 people, this could be due to the group having a higher proportion of older people. The differences could also be affected by cultural behaviours, for example if older people from particular ethnic groups tend to live with other family members rather than in care homes, it is likely that these groups would have fewer applications.

Figure 5.3: Demographics of individuals with DoLS applications per 100,000 adults, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on 122,775 individuals with at least one application received or signed off within the reporting year
 Age and gender population data source: Office for National Statistics, Mid-2014 Population Estimates
 Ethnicity population data source: Office for National Statistics, 2011 Census

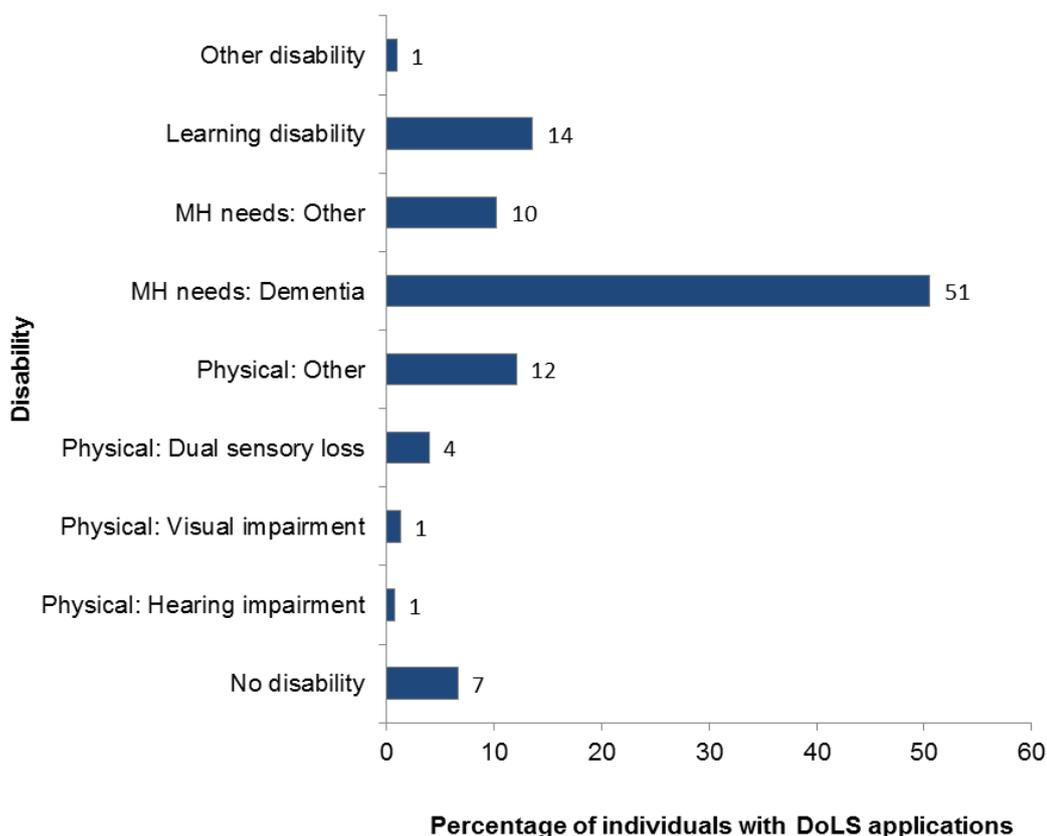
Individuals with applications by disability

In order for a person to be eligible for the DoLS process, they must be subject to the Mental Capacity Act and lack the ability to make their own decisions. Many people eligible for a DoL authorisation, therefore, will have mental health needs. However, a mental health need on its own is not sufficient for a deprivation of liberty authorisation – there must be a lack of mental capacity to make a specific decision

This means that many of the individuals subject to DoLS can have more than one disability or care need. As data are only available on the “primary” disability, caution must be exercised in concluding how “primary disability” has been determined. If appropriate, some practitioners may record the mental health need that has caused the lack of mental capacity, even if the person also has e.g. a learning disability. Some other practitioners for the same case may have recorded learning disability if that is the disability that has the greatest impact on the person’s daily life.

Figure 5.4 shows that over half those with DoLS applications have had dementia recorded as their primary disability.

Figure 5.4: Individuals with DoLS applications by disability, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Applications data source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on 122,775 individuals with at least one application received or signed off within the reporting year

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Individuals with multiple applications

As noted previously, it is possible for a person to be subject to more than one DoLS application in a reporting year. Authorisations are typically short and if a person's care needs do not change in that time, their care provider may make another application on their behalf to extend the deprivation of liberty.

It is also conceivable that an application may be not granted before the person's care needs become more severe, or they may improve during the course of the DoL authorisation.

There were 12,005 people who were the subject of more than one application in 2014-15, 10% of people with an active application.

Figure 5.5: Individuals by number of DoLS applications, England, 2014-15

Number of applications per person	2014-15	
	Number of Individuals	Percentage of individuals
1 application	110,765	90
2 applications	9,645	8
3 or more applications	2,360	2
Total	122,775	100

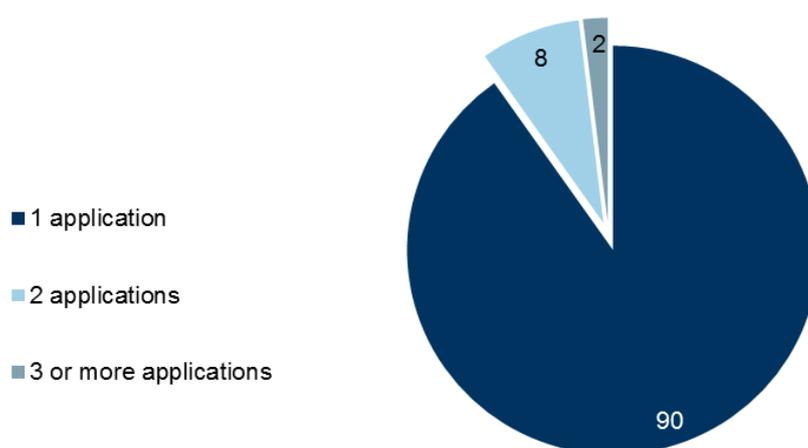
Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on individuals with applications either received or signed off within the reporting year

Individual counts are rounded to the nearest five

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Figure 5.6: Percentage of Individuals by number of DoLS applications in year, England, 2014-15



Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on individuals with applications either received or signed off within the reporting year

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Individuals with multiple granted applications

Figure 5.7: Individuals by number of Granted DoLS applications, England, 2014-15

2014-15		
Number of granted applications per person	Number of individuals	Percentage of individuals
1 application	40,200	88
2 applications	4,405	10
3 or more applications	960	2
Total	45,570	100

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on individuals with at least one granted application signed off within the reporting year

Count of individuals are rounded to the nearest five

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Individuals with multiple not granted applications

Figure 5.8: Individuals by number of not granted applications, England, 2014-15

2014-15		
Number of not granted applications per person	Number of individuals	Percentage of individuals
1 application	9,590	96
2 applications	415	4
3 or more applications	35	0
Total	10,035	100

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15

Based on individuals with at least one not granted application signed off within the reporting year

Count of individuals are rounded to nearest five

Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Individuals with both granted and not granted applications

Figure 5.9: Individuals with both granted and not granted applications by Region, England, 2014-15

Region	2014-15
	Number of individuals with both granted and not granted applications
East Midlands	85
East of England	130
London	120
North East	85
North West	130
South East	175
South West	105
West Midlands	105
Yorkshire and The Humber	105
England	1,035

Source: Deprivation of Liberty Safeguards (DoLS) data collection 2014-15
 Based on applications signed off within the reporting year
 Count of individuals are rounded to nearest five

Chapter 6 – Background to the Deprivation of Liberty Safeguards

Overview

The Deprivation of Liberty Safeguards (DoLS) were introduced as an amendment to the Mental Capacity Act 2005 (MCA) and came into force on 1 April 2009.

The MCA protects and empowers individuals, aged 16 and over, who may lack the mental capacity to make their own decisions about their care and treatment. The legislation stipulates that people who support or make decisions on behalf of someone who may lack mental capacity must follow five main principles:

- Everyone has the right to make decisions for themselves. It must be assumed that an individual can make a decision themselves unless it is proved otherwise through a capacity assessment.
- Individuals must be given help to make a decision themselves. This might include, for example, providing the person with information in a format that is easier for them to understand.
- Just because someone makes what those caring for them consider to be an "unwise" decision, they should not be treated as lacking the capacity to make that decision. Everyone has the right to make their own life choices, where they have the capacity to do so.
- Where someone is judged not to have the capacity to make a specific decision (following a capacity assessment), that decision can be taken for them, but it must be in their best interests.
- Treatment and care provided to someone who lacks capacity should be the least restrictive of their basic rights and freedoms possible, while still providing the required treatment and care.

The DoLS legislation was introduced into the MCA after the case *HL v the United Kingdom* (also known as *R v Bournewood Community and Mental Health NHS Trust*) was taken to the European Court of Human Rights (ECHR).

The case involved a regular outpatient to a psychiatric hospital with autism and learning difficulties who was deemed by the hospital staff to be unable to make decisions about the best place to receive necessary treatment. The hospital staff felt it was in his best interests to remain in hospital but his carers disagreed and wanted to care for him at home. Because the hospital staff made the ultimate decision to keep him in hospital, the ECHR ruled that this detention did not comply with the European Convention on Human Rights and amounted to him being deprived of his liberty⁴.

This case led to amendments to the MCA in the Mental Health Act 2007, introducing the Deprivation of Liberty Safeguards, which aim to provide legal protection for those vulnerable people who are deprived of their liberty as part of their care, and to prevent arbitrary decisions about deprivations of liberty being taken. In order to achieve this, four key safeguards were developed:

- Organisations wishing to deprive someone of their liberty must seek authorisation to do so
- Where authorisations are granted they must be reviewed regularly
- The individual being deprived should be provided with a representative
- The individual being deprived has the right to challenge a granted authorisation

⁴ <http://www.bailii.org/eu/cases/ECHR/2004/720.html>

This report only provides statistics on the first two safeguards. Statistics on challenges to DoLS authorisations are published by the Ministry of Justice⁵.

The Supreme Court Judgment

The Supreme Court judgment of 19 March 2014 in the case of *Cheshire West* clarified an “acid test” for what constitutes a “deprivation of liberty”⁶.

The acid test states that an individual is deprived of their liberty for the purposes of Article 5 of the European Convention on Human Rights if they:

- Lack the capacity to consent to their care/ treatment arrangements
- Are under continuous supervision and control
- Are not free to leave.

All three elements must be present for the acid test to be met.

A deprivation of liberty for such a person must be authorised in accordance with either the Deprivation of Liberty Safeguards (DoLS – part of the MCA), or by the Court of Protection or, if applicable, under the Mental Health Act 1983 (MHA).

The Supreme Court further held that factors which are NOT relevant to determining whether there is a deprivation of liberty include the person’s compliance or lack of objection to the proposed care/ treatment and the reason or purpose behind a particular placement. It was also held that the relative normality of the placement, given the person’s needs, was not relevant. This means that the person should not be compared with anyone else in determining whether there is a deprivation of liberty.

The Supreme Court also held that a deprivation of liberty can occur in community and domestic settings where the State is responsible for imposing such arrangements. This will include a placement in a supported living arrangement. Hence, where there is, or is likely to be, a deprivation of liberty in such settings, this should be authorised by the Court of Protection.

The Court of Protection has held that the acid test also applies in acute non-psychiatric hospital settings.⁷

The judgment suggests that there may have been care arrangements in place that should have been subject to a formal DoL authorisation but applications had not been made. Consequently, it was expected that there would be a sharp increase in applications since the judgment.

Practical implications of the judgment

The increase in applications reflects significant extra activity for health and care providers (who must submit requests for DoLS authorisations and Court of Protection applications) but particularly for local authority teams who have responsibility for assessing requests for authorisations and where appropriate, authorising any deprivation of liberty.

It has also been clear from speaking with councils and the quarterly DoLS official statistics that due to the considerable increase in requests for authorisations, many local authorities are struggling to process these within the legal time limit.

⁵ <https://www.gov.uk/government/collections/family-court-statistics-quarterly>

⁶ *P v Cheshire West and Chester Council and another and P and Q v Surrey County Council*, http://supremecourt.uk/decided-cases/docs/UKSC_2012_0068_Judgment.pdf

⁷ *NHS Trust & Ors v FG* [2014] EWCOP 30, <http://www.bailii.org/ew/cases/EWCOP/2014/30.html>

The Department of Health have reiterated that its priority is the well-being of individuals in health and care settings who may lack capacity and are subject to restrictive care. It is particularly important, given the level of applications being made, that robust procedures are in place to ensure that particularly vulnerable individuals can be identified rapidly and appropriate action taken. DoLS assessments should continue to be person-centred and consider the unique situation of each individual. “Bulk assessments” for example are not appropriate.

Health and care providers will understandably be concerned should applications made to local authorities not be assessed within statutory time-limits. Whilst this is not ideal, it is an inevitable consequence of the unexpected large increase in applications that local authorities are now charged with processing.

DoLS Application Process

Deprivation of liberty in “community settings”

The DoLS scheme can be used to assess and authorise deprivations of liberty in care home, hospice and hospital settings. However, a “deprivation of liberty” that is “attributable to the state” can occur in other “community settings”. This includes supported living arrangements and domestic settings. In these settings, the DoLS scheme is not available and instead, an application must be made to the Court of Protection.

Following the Supreme Court judgment, the Court of Protection launched a new streamlined procedure in November 2014 with a view to dealing with an increased demand for such applications. This is known as the “Re X procedure” and is supported by a new Court of Protection application form and a new practice direction⁸. The number of applications made under the Re X procedure to-date has been lower than expected.

The DoLS application process begins when a potential deprivation of liberty has occurred or is about to occur. The care home or hospital (also known as managing authorities) must fill out an application form to seek authorisation for the deprivation. Once completed, the application form is sent to the local Council with Adult Social Services Responsibilities (also known as a CASSR, council or supervisory body).

A managing authority can grant itself an urgent authorisation if an individual needs to be immediately deprived of their liberty to protect them from harm. When an urgent authorisation is used, details still need to be sent to the council. In these situations, an urgent authorisation form and a standard application form are completed. When a standard application relates to an urgent authorisation, councils have to complete the assessments within 7 days. If the standard application does not relate to an urgent authorisation, councils have 21 days to complete the assessments.

Once the council receive an application, they must appoint at least two people to carry out the six assessments. These must include a Mental Health Assessor (MHA) and a Best Interest’s Assessor (BIA). The MHA must be a doctor with the necessary skills and experience¹. The BIA could either

⁸ ReX Court of Protection Application Form:
http://hmctsformfinder.justice.gov.uk/courtfinder/forms/cop-dol10-eng.pdf?utm_source=Newsletters&utm_campaign=b59bb46eae-MCL_November_2014_copy_01_11_17_2014&utm_medium=email&utm_term=0_0dd23690b2-b59bb46eae-117005089

be an Approved Mental Health Professional (AMHP), a social worker, a nurse, an occupational therapist or a chartered psychologist with the necessary skills and experience⁹.

There are 6 criteria that need to be assessed and fulfilled for an application to be granted:

- Age Requirement: The person must be 18 years old or over.
- Mental Capacity Requirement: The person should be assessed as lacking the mental capacity to make a decision about the care or treatment they receive in a care home or hospital.
- Mental Health Requirement: The person should be assessed as having a mental disorder as defined under the Mental Health Act 1983 but disregarding any exclusion for people with learning disabilities.
- No Refusals Requirement: The person must not have made a relevant advance decision, nor have someone appointed (donee) under a Lasting Power of Attorney, nor a court appointed deputy, which / who is in opposition to the proposed care or treatment.
- Eligibility Requirement: A person is eligible unless they are subject to a requirement under the Mental Health Act 1983 that conflicts with the authorisation being requested, or object to being in hospital for the purpose of treatment of a mental disorder, or to being given some or all of the treatment in question, and they meet the criteria for detention under the Mental Health Act 1983.
- Best Interests Requirement: The aim of this assessment is to establish whether a deprivation of liberty is occurring or would occur, and if so, whether it is:
 - In the best interests of the individual;
 - Necessary in order to prevent them coming to harm;
 - A proportionate response to the likelihood of them suffering harm and the severity of that harm.

Where all 6 criteria are met, the application is granted and this means that the individual can be legally deprived of their liberty by the hospital or care home. The authorisation can be granted for any length of time up to a year. If any of the 6 criteria are not met, an authorisation cannot be granted.

The DoLS data collection

The 2014-15 DoLS data are collated and processed by HSCIC from an annual mandatory data collection from all CASSRs in England. The collection requires one record per DoLS application with information on the dates that applications were received and processed, details on the key decisions made and demographic information about the individuals involved.

This is the second annual official statistics report to be based on data collected in this current format.

Between April 2009 and March 2013, DoLS applications were processed by both councils and Primary Care Trusts (PCTs). Councils looked after applications from care homes and PCTs looked after those from hospitals. During this time, the HSCIC collected data on a quarterly basis from both councils and PCTs in an aggregated form. Following the abolishment of PCTs in 2013, councils are now the only organisations processing DoLS applications.

⁹ Please see the DoLS Code of Practice for further details about the necessary skills and experience: http://webarchive.nationalarchives.gov.uk/20130107105354/http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085476

The collection methodology changed for the 2013-14 DoLS collection onward, following a “zero-based review” of adult social care data collections. The review considered changes in the delivery of social care and looked into what information should be provided to monitor the most important current and future priorities. The key changes introduced were to move to collecting the data annually and at a case level, rather than quarterly and in aggregate. The 2013-14 DoLS collection was developed following consideration of this feedback and was approved by the Department of Health (DH), the Department of Communities and Local Government (DCLG) and other key stakeholder organisations including the Association of the Directors of Adult Social Services (ADASS).

The 2014-15 data collection continued with the new methodology and added further fields to allow analysis of reviews of DoLS authorisations and the duration of cases.

More information on the data collection, data validation processes and known issues with the data are discussed in **Appendix B – Data Quality**.

Quarterly DoLS data collection

As a result of the Supreme Court judgment and anecdotal reports of increased DoLS applications, the Department of Health (DH) proposed the introduction of a temporary, voluntary data collection to cover the first 18 months of DoLS activity after the judgment.

Data were collected from councils on the number of applications received and signed off each month, on a quarterly basis.

The quarterly official statistics reports that have been published, covering April 2014 to June 2015, are available at <http://www.hscic.gov.uk/pubs/dols1516q1>.

Although some of the information published in this report covers similar ground to the quarterly statistics, the annual report is the authoritative source of DoLS statistics for 2014-15, as it is based on mandatory collection of data from all councils reflecting the final position at the end of the reporting year.

As the quarterly collection is voluntary, only a subset of councils provide data, and they may not update previous data submissions. For example, if a council submitted data in June 2014 showing the number of applications that had been received during the first quarter of 2014-15, but not signed off by the end of that quarter and then did not notify the HSCIC of any changes to those figures, those figures would continue to be reported (with caveats), perhaps giving the false impression that a large number of cases from, for example, June 2014 had still not been signed off by the end of June 2015.

The HSCIC have compared the annual mandatory data submitted by each council with their quarterly submissions as part of data validation checks.

Related resources and further reading

Monitoring the use of DoLS

The Care Quality Commission (CQC) has a duty to monitor the use of the Deprivation of Liberty Safeguards and they do this through a programme of inspections and education of care providers. They publish an annual report on their findings. The link below is for the latest report, which also provides an assessment of the five years since the introduction of the safeguards:

<http://www.cqc.org.uk/content/deprivation-liberty-safeguards-201314>

Use of Formal Detentions and Community Treatment Orders

The latest annual report about in-patients formally detained in hospitals under the Mental Health Act 1983 and patients subject to supervised community treatment:

<http://www.hscic.gov.uk/pubs/inpatientdetmha1314>

Use of Guardianship

The latest annual report about cases of guardianship under Sections 7 and 37 of the Mental Health Act 1983 in England:

<http://www.hscic.gov.uk/pubs/guardianmh15>

Mental Health Bulletin

The latest annual report on data extracted from Mental Health Minimum Data Set (MHMDS). This report contains information about individuals in contact with mental health services:

<http://www.hscic.gov.uk/pubs/mhb1314>

Further sources of guidance

The Department commissioned the Law Society to produce guidance for practitioners on what constitutes a deprivation of liberty following the Supreme Court judgment. It contains advice by different health and care setting and useful “key questions” sheets that can help identify a potential deprivation of liberty. This can be found at the following link:

<http://www.lawsociety.org.uk/support-services/advice/articles/deprivation-of-liberty/>

Related to this guidance, in July 2015, the Law Commission opened a consultation on mental capacity law and the DoLS, with a view to publishing their recommendations and a draft Bill in 2016. Their project can be found at <http://www.lawcom.gov.uk/project/mental-capacity-and-deprivation-of-liberty/> .

Acknowledgement

Collation and validation of the data for the DoLS return involves significant work for staff in CASSRs at a busy time. The HSCIC would like to place on record its appreciation to council colleagues, in the work of collating the data and their efforts to ensure that the data reported give a true picture of the activity that has taken place.

Feedback on this report

We are keen to hear from the users of our statistics. If you have any comments or queries regarding this publication or related products, they would be welcome. Please email the DoLS mailbox at: hscicdols@hscic.gov.uk

Appendix A: Data Tables

Alongside this narrative report, the full Deprivation of Liberty safeguards official statistics release includes a large number of data tables, presenting further analysis of the DoLS 2014-15 dataset, including statistics at local authority and care provider (CQC code) level.

The tables available are listed below.

Annex	Table	Area	Title	Coverage
Annex A	Table 1	Applications	Applications received by council	England 2014-15
Annex A	Table 2	Applications	Applications and outcomes by council	England 2014-15
Annex A	Table 3	Applications	Individuals with applications by council	England 2014-15
Annex A	Table 4	Applications	Number of authorisations and individuals with authorisations by council	England 2014-15
Annex A	Table 5	Applications	Applications and related individuals by region	England 2014-15
Annex A	Table 6	Applications	Applications per person by region	England 2014-15
Annex A	Table 7	Applications	Reasons for not granting applications	England 2014-15
Annex A	Table 8	Applications	Applications by LA and CQC Code	England 2014-15
Annex A	Table 9	Applications	Applications by CQC Code	England 2014-15

Annex	Table	Area	Title	Coverage
Annex B	Table 1	Granted Applications	Authorisations active on last day of reporting period by region and year	England 2009-15
Annex B	Table 2	Granted Applications	Granted Applications signed off within the reporting period by region	England 2014-15
Annex B	Table 3	Granted Applications	Granted applications signed off within the reporting period by gender, age group, ethnicity	England 2014-15
Annex B	Table 4	Granted Applications	Granted Applications signed off within the reporting period by disability	England 2014-15
Annex B	Table 5	Granted Applications	Granted Applications signed off within the reporting period and related individuals by council	England 2014-15
Annex B	Table 6	Granted Applications	Granted Applications signed off within the reporting period and related individuals by region	England 2014-15
Annex B	Table 7	Granted Applications	Completed authorisations by region	England 2014-15
Annex B	Table 8	Granted Applications	Durations of completed authorisations	England 2014-15

An additional annex is available that includes all tables and charts used in this report

Appendix B: Data Quality

This appendix will provide users with an evidence-based assessment of the quality of the data used in the DoLS 2014-15 official statistics, reporting against those of the nine European Statistical System (ESS) quality dimensions and principles appropriate to this output.

In doing so, this meets our obligation to comply with the UK Statistics Authority (UKSA) Code of Practice for Official Statistics, particularly Principle 4, Practice 2 which states that producers must: ensure that official statistics are produced to a level of quality that meets users' needs, and that users are informed about the quality of statistical outputs, including estimates of the main sources of bias and other errors, and other aspects of the European Statistical System definition of quality.

Relevance

The purpose of the DoLS reporting is to inform the public and provide information which can help stakeholders make decisions about practice and policy. Information in this report will be of interest to organisations monitoring DoLS applications in England, such as the Department of Health, the Care Quality Commission, hospitals and care homes. It may also be useful to mental health charities, individuals being deprived of their liberty and their families who are interested in more information about DoLS and the extent of its use.

Accuracy and reliability

Steps to ensure accuracy

The HSCIC ran a number of validation checks on the initial submissions of data. Councils were notified of any breaches to these rules through a validation report and submissions were then updated and resubmitted. The validation checks were run on every revised submission of data until all checks were passed or were agreed as valid breaches to data validations.

England coverage

The 2014-15 DoLS data used in this report gives complete coverage for England. All 152 CASSRs in England submitted a return.

Known data quality issues

Some data quality issues were identified subsequent to closing the collection period which could not be corrected before the data analysis began. Many councils were affected by these issues but there were no major problems for any particular council. Any records with data quality issues have been excluded from related analyses and explanations for this are given below. Notes have been provided throughout the report to highlight which records have been included or excluded.

There is a small possibility that individuals could have been counted more than once in any analyses relating to individuals. The person references collected in the DoLS return are not universally used and the methodologies for creating them can differ between councils. Any individuals moving into a new council area would be given a new person reference and therefore would be counted as two separate individuals in this report.

The application received date was used in the report to count a number of application received within the reporting year. There were 1,230 records, which were not counted in relevant analysis as the application received date was either outside of the collection period window (1,210 records), or in a small number of cases was not a valid date (20 records), i.e. did not have the required number of digits or was recorded as "NA"). The records containing invalid dates have been suppressed from some analyses since the correct date cannot be determined and therefore whether the activity took place in the 2014-15 reporting year.

There were 4,010 cases where application sign off date was outside of the collection period window. Where the analysis focused on reporting data for application signed off within the reporting year, these records were excluded (Chapter 2, 3, 4 and 5).

There were 210 records where an application sign off date was recorded before application received date. These were excluded from the timescales analysis as it would produce a negative value when calculating the time period.

The application sign off date has also been used in this report as an approximate Authorisation Start Date where needed, since the start date was not collected in 2014-15. It is acknowledged that the Application Signed off Date will not always be the same as the Authorisation Start Date. It is therefore expected that some variation would exist between the true values and the values presented in this report where an authorisation start date was needed to create the analysis.

Where a Best Interests Assessment did take place, the 'DoLS not granted but BI advises DoL occurring' column should always be populated for not granted applications. There were 6,810 not granted applications where a BIA took place in 2014-15 (10,155 not granted applications where a BIA took place overall, including application signed off outside of the reporting period window). Of these, there were 6,625 (9,840 records if including application signed off outside of the reporting period window) records where 'DoLS not granted but BI advises DoL occurring' column was not populated and therefore these records were not included in related analysis.

Within the 2014-15 DoLS data returns, an active authorisation is regarded as a record with an Application Completed Date on or before the last day of the reporting period or, with an Authorisation End Date which occurs on or after the first day of the reporting period. This is to verify that it was active at some point during the period. Records which did not fulfil either of these criteria have been excluded from related analysis.

Timeliness and punctuality

This report contains data for the 2014-15 reporting year which covers the period 1 April 2014 to 31 March 2015. This report was published on 29 September 2015, which is approximately 3 months after the close of the reporting period.

Various activities took place during the 3 months between the end of the reference period and time of publication. Councils prepared and submitted data to the HSCIC, the HSCIC ran validation checks across every return and councils were able to make corrections to their data and resubmit. Returns were only accepted once all errors were corrected or were agreed as valid breaches to data validations.

The original deadline for councils to submit their 2014-15 DoLS data was 30 June 2015. The validation period started six weeks before the original deadline and continued up until two weeks after the deadline.

The 2014-15 validated DoLS data was made available to CASSRs on a restricted basis for management information and quality assurance purposes in the National Adult Social Care Intelligence Service (NASIS) one week after all validation queries were resolved. HSCIC were not notified of any errors in the restricted dataset.

Accessibility and clarity

Accessibility

This national report is available in pdf format from the HSCIC website at the below address. Annex tables are available in Excel format from the landing page.

Link to the report and supporting documentation:

<http://www.hscic.gov.uk/pubs/mentcap1415annual>

Reuse of our data is subject to conditions outlined here:

<http://www.hscic.gov.uk/data-protection/terms-and-conditions>

The number of applications and authorisations aggregated to council level is available from the annex tables on our website and in the National Adult Social Care Intelligence Service (NASCIS). NASCIS can be accessed from the below link:

<https://nascis.hscic.gov.uk>

Clarity

A list of the data items collected in 2014-15 together with their definitions can be found in **Appendix C** of this report. This can be used to see what data has been collected from councils and to understand the terminology used within the DoLS reporting products.

Coherence and comparability

Coherence

Although some of the information published in this report covers similar ground to the quarterly statistics, the annual report is the authoritative source of DoLS statistics for 2014-15, as it is based on mandatory collection of data from all councils reflecting the final position at the end of the reporting year.

As the quarterly collection is voluntary, only a subset of councils provide data, and they may not update previous data submissions. For example, if a council submitted data in June 2014 showing the number of applications that had been received during the first quarter of 2014-15, but not signed off by the end of that quarter and then did not notify the HSCIC of any changes to those figures, those figures would continue to be reported (with caveats), perhaps giving the false impression that a large number of cases from, for example, June 2014 had still not been signed off by the end of June 2015.

The HSCIC have compared the annual mandatory data submitted by each council with their quarterly submissions as part of data validation checks.

The quarterly official statistics reports that have been published, covering April 2014 to June 2015, are available at <http://www.hscic.gov.uk/pubs/dols1516q1>.

Comparability

In previous collection periods, DoLS applications were processed by both councils and Primary Care Trusts (PCTs) and the HSCIC collected data from both organisation types. Data was submitted in aggregate form and collected on a quarterly basis. From 2013-14 onwards, all applications are processed by councils and the returns are submitted at a case level on a yearly basis. The DoLS collection has remained mandatory for all councils.

The 19 March 2014 Supreme Court judgment in the case of Cheshire West widened the number of individuals who may be considered to be deprived of their liberty and hence require an application in respect of DoLS. This has resulted in a ten-fold increase in the number of DoLS applications compared to the 2013-14 reporting year. While the analysis methodology has remained the same,

this considerable increase in volumes means that the figures for 2014-15 collection period cannot always be compared to the previous reporting year.

Trade-offs between output quality components

The HSCIC ran a number of validation checks on each submission of data and returns were only accepted once all of the validation rules were passed. There were some data quality issues that were identified subsequent to closing the collection period which could not be rectified for this report. These issues are documented in this appendix (in the **Known data quality issues** section) and notes have been provided throughout the report and supporting documentation to highlight which data have been included or excluded from the figures presented.

Assessment of user needs and perceptions

The collection methodology changed for the 2013-14 DoLS collection onward, following a “zero-based review” of adult social care data collections. The review considered changes in the delivery of social care and looked into what information should be provided to monitor the most important current and future priorities. The key changes introduced were to move to collecting the data annually and at a case level, rather than quarterly and in aggregate. The 2013-14 DoLS collection was developed following consideration of this feedback and was approved by the Department of Health (DH), the Department of Communities and Local Government (DCLG) and other key stakeholder organisations including the Association of the Directors of Adult Social Services (ADASS).

The 2014-15 data collection continued with the new methodology and added further fields to allow analysis of reviews of DoLS authorisations and the duration of cases.

Performance, cost and respondent burden

Submission of DoLS data to the HSCIC is a statutory requirement for all 152 CASSRs in England. Councils are required to record details about applications and authorisations throughout the reporting year and submit these data to the HSCIC at the end of the year. Data is submitted via Data Depot, a secure electronic file transfer system. Validation checks are carried out once a file has been received and councils notified of any errors shortly afterwards. Councils resubmit data until all validation queries have been resolved.

Changes to the collection methodology for 2014-15 were intended to ensure that only necessary and useful data were collected as well as making the data source more flexible to the reporting needs of data users.

Confidentiality, transparency and security

All statistics are subject to a standard HSCIC risk assessment prior to issue. The risk assessment considers the sensitivity of the data and whether reporting products might disclose information about specific individuals. Methods of disclosure control are discussed and the most appropriate methods implemented.

The HSCIC aims to be transparent in all its activities. A description of the collection process used by the HSCIC is detailed in **chapter 6** of this report for further information about how we have collected the DoLS data. Any issues with the quality of the 2014-15 DoLS data are documented in the **Accuracy and reliability** section of this appendix.

The DoLS data is returned to the HSCIC through a secure electronic file transfer system called Data Depot. The submitted files are downloaded from Data Depot and stored on a secure network with restricted access folders. Only a limited number of analysts can access the DoLS folders.

Please see links below for more information about related HSCIC policies.

Statistical Governance Policy (see link in 'user documents' on right hand side of page):

<http://www.hscic.gov.uk/pubs/calendar>

Freedom of Information Process:

<http://www.hscic.gov.uk/foi>

Data Access and Information Sharing Policy:

<http://portal/Documents/Policies/DAIS%20Policy%20Final%204.0%20updated.pdf>

Privacy and data Protection:

<http://www.hscic.gov.uk/privacy>

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