



## Health and Wellbeing Board 10 October 2014

### ANNUAL SAFEGUARDING REPORT

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#### Summary

This report provides introduction and context for the Shropshire and Telford & Wrekin Safeguarding Adults Board Annual Report 2013-14.

#### Content

- a) Introduction & Context
- b) Deprivation of Liberty Safeguards (DoLS) (summarised content taken from the Safeguarding Adults Board Annual Report 2013-14).

#### Recommendations

It is recommended that the content of this report is noted alongside the Safeguarding Adults Board Annual Report 2013-14. Particular attention should be paid to the information highlighted in this report concerning the Supreme Court's decision in March 2014 concerning Deprivation of Liberty Safeguards (DoLS).

#### 1. Introduction and Context

During 2013/14, Shropshire Council and its partners have continued to build upon the strong adult safeguarding foundations developed during the preceding years. Collaborative working is at the core of effective safeguarding, and the positive engagement with partner agencies operationally, and strategically through the Board, has ensured that safeguarding remains an organisational priority for all. The Safeguarding Adults Board continues to demonstrate its commitment to making sure that everyone in the community stays as safe and healthy as possible, with the agreed common aim of protecting adults at risk from harm.

#### 2. Deprivation of Liberty Safeguards (DoLS)

The deprivation of Liberty Safeguards were introduced in April 2009. These are essentially a way to keep someone in a hospital or in a care home when the person needs to receive care and treatment but they are unable to make this decision themselves.

The process is complex and time consuming to grant an authorisation and requires six assessments that are completed by the Council (the supervisory body).

The Supreme Court issued a decision in March 2014 on 3 cases (2 different people). That decision changed the face of Deprivation of Liberty Safeguards (DoLS) and has significant implications for local authorities as supervisory bodies.

Following this decision, an acid test was established for deprivation of liberty which is that –

**The person is under continuous supervision and control and is not free to leave.**

This 'acid test' has significant implications in terms of the increase in numbers of people who will require assessments and the settings in which deprivation of liberty becomes applicable.

Most Local Authorities in the West Midlands report having carried out their previous full year's number of assessments in the first 10 weeks of this year. Last full year Shropshire did **165** assessments, however, have received over 500 requests so far in 2013/14.

#### Shropshire figures to date

Last three months	Referrals
March 14	15
April 14	41
May 14	92
June 14	85
July 14	148
August 14	200

Looking more widely the implications extend to settings outside of care homes and hospitals where the acid test is met. This includes supported living, foster care, shared lives schemes and domiciliary settings. These are cases which will now need to go to the Court of Protection for authorisation of deprivation of liberty.

There is an ADASS led task force which has been set up to consider the impact of the Supreme Court judgement, this group contains DoLS Leads from most regions in England and members from NHS England and CCG's. The MCA/DoLS Manager from Shropshire (a jointly funded post) has a lead role with this task force.

A formal approach for funding for this new cost burden has been made to DH to the treasury by ADASS and the LGA.

**List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)**

**Cabinet Member (Portfolio Holder)**

Cllrs Karen Calder & Lee Chapman

**Local Member**

**Appendices**

Appendix 1 – Shropshire and Telford & Wrekin Annual Safeguarding Report  
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