



# Provider Bulletin

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## Introduction

Happy New Year!

It's been a very busy few months for us at the DoLS Team with some changes to our staffing with Sylvie Barrett Care Service Manager retiring at the end of July and Claire Webster returning from maternity leave in November. Charlotte Scott has also joined the team.

## Liberty Protection Safeguards Update

As you may be aware, the Liberty Protection Safeguards (LPS) are due to replace DoLS no sooner than the 1<sup>st</sup> October 2020. The Code of Practice and Regulations are still awaiting publication and this is expected at some time over the summer, with a period of consultation before the final version is published. Due to these extended deadlines LPS is not expected to be 'live' on the 1<sup>st</sup> October, with a date in 2021 being more likely, although we are awaiting guidance on exact timescales.

NYCC are working with partner agencies and regional groups to plan and prepare for LPS and as we know more we will share to ensure you are as up to date as possible and kept involved with the process. In the meantime, questions or queries should be directed to Claire Webster who is leading the LPS project within our team: [Claire.webster@northyorks.gov.uk](mailto:Claire.webster@northyorks.gov.uk)

## Changes to Form 1

Thank you for using the amended Form 1 we sent out some time ago. This now includes a 'checklist' which takes into account the guidance from ADASS that we use when prioritising referrals. This has helped us to process referrals more effectively and to pick up on issues such as when a person is objecting to some element of their care.

## Electronic Distribution of Paperwork

When completing Form 1 please include an up to date email address for the Managing Authority and if possible the email address of any family/friends who are involved, as we are aiming to distribute the majority of DoLS paperwork electronically. Please also ensure that you sign and date the form and use the full name of the person and their date of birth.

## ADASS Prioritisation

We have recently started to review cases that have been classed as low priority that are awaiting assessments to be completed, and ensuring that cases are re-prioritised as required. In the meantime, please inform the team of any changes that may require us to re-prioritise a referral (e.g. the person becomes 'unbefriended', the person is experiencing increased distress).

We are also now prioritising all individuals who do not have involvement from social care or a health authority.  
Covert medication – all referrals that include information about covert medication are prioritised as high.

### **CQC Inspections**

We have noticed that in some cases a visit from the CQC correlates with an increase in referrals from a Managing Authority. Just a reminder that in order to be eligible for DoLS assessment there has to be a reasonable belief that the person lacks capacity to make their own decision in relation to care and accommodation arrangements and they are subject to continuous supervision and control and not free to leave. On occasion a care home has sent in referrals for all residents irrespective of whether or not they have capacity to consent to their care and accommodation arrangements.

### **Visits From RPR's**

As you are aware, anyone who is subject to a DoLS has a Representative (RPR) appointed for them by the Local Authority. Some people have paid RPRs. We ask that all RPRs physically visit the person at least every 8 weeks. If this is not happening, as the MA could you please inform the DoLS team. Also when referring someone for a renewal of their DoLS authorisation and the person has a paid RPR, can you please add this to the Form 2, as this information has an influence on the way we prioritise cases.

### **Conditions And The Managing Authority Responsibility**

A recent CQC inspection report on a care home highlighted the failure to ensure that conditions on people's DoLS were met. This was found to be a breach of Regulation 13 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 leading in part to the inadequate rating for the provider.

Just a reminder to check for any conditions that may be attached to an authorisation and to ensure that these are met. Any questions about this, please contact the team.

The team always welcome queries and discussion about DoLS and The Mental Capacity Act more generally. Please get in touch with any questions you may have to [dols@northyorks.gov.uk](mailto:dols@northyorks.gov.uk) or on 01609 536829.