



Department
of Health

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To: MCA-DoLS leads in local authorities and the NHS

Dear Colleagues,

As you know, there has been a very significant increase in Deprivation of Liberty Safeguard (DoLS) applications over the last year. Official data from the Health and Social Care Information Centre (HSCIC) show that in the nine months since March 2014 there have been approximately 90,000 DoLS applications – a ten-fold increase on previous activity levels.

The response that you and your colleagues have mounted over the last year is impressive. It has maintained the focus on the needs of the individual and the ethos of the wider Mental Capacity Act. DoLS is not simply paperwork. Every application processed is a person receiving independent scrutiny of the conditions of their care – in some cases resulting in a real improvement in their well-being.

Such scrutiny is not without cost and clearly the public sector continues to operate within a challenging financial environment. It is clear that those responsible for implementing DoLS must continue to strive – as I know you are – to apply best practice and find efficiencies within the current system to ensure we maximise value for taxpayer's money.

The Government continues to value the importance of DoLS as part of the wider drive to less restrictive care and putting the views of the individual first and foremost. Especially now, we have an opportunity with DoLS to push this important agenda forwards.

As such, the Minister for Care and Support, Norman Lamb MP, has today announced that the Department of Health will provide local authorities with a one-off non-recurrent contribution to the cost of DoLS of £25m for the upcoming financial year (2015/16). This will be made available through the Relative Needs Formula. The Minister's announcement can be found at:

<http://www.communitycare.co.uk/2015/03/27/lamb-providing-25m-help-staff-deliver-deprivation-liberty-safeguards/>

I hope you will agree with me that in the current financial climate this sum of money is a real recognition of the value of DoLS for vulnerable individuals. Details as to the allocation for individual local authorities will follow shortly. This additional funding, like current MCA-DoLS funding, is not ring-fenced. Local authorities have the flexibility to decide how this money is spent according to local circumstances.

The Department would suggest though that it may be worth having local discussions about how this extra funding could be used sustainably for long-term benefit. We will be asking local authorities to make short returns to us as to how this additional funding is used – which will provide an opportunity for determining

best practice on use of the DoLS and gathering more information on the benefits use of DoLS has had for service users.

I hope you will welcome this announcement. In the context of the wider Government finances this is a real testament to the person-centred care you and your teams are working tirelessly to deliver.

Finally, I would take this opportunity to highlight:

- The **Law Commission's** work to review the DoLS legislation is gathering pace. Their public consultation goes live in July and it will be essential that you feed into this process to ensure a future system is developed that works as best as it can on the ground.
- The launch of the **new on-line MCA Directory**: <http://www.scie.org.uk/mca-directory/>. There is an impressive range of MCA materials to support you in implementing the Act. Please do continue to submit materials to SCIE.
- The **new DoLS forms** produced by ADASS. Guidance on their use is to be published imminently – and I would urge you to begin using these new forms as the new financial year begins. Search the ADASS website for these early next week.
- **New guidance as to what represents a deprivation of liberty** in different health and care settings will be published very soon by the Law Society. Again, search the Law Society's website early next week.
- The Government has launched the **recruitment for the Chair of our proposed new National Mental Capacity Forum**. See the following link: <http://publicappointments.cabinetoffice.gov.uk/appointment/chair-national-mental-capacity-forum/>
- The Department's **annual report on the Independent Mental Capacity Advocate Service** has now been published. I hope this will be a useful basis to discuss priorities for the IMCA service with your partners. <https://www.gov.uk/government/publications/independent-mental-capacity-advocacy-service-7th-annual-report>

Thank you again for all you are doing. Latest updates posted on Twitter: @NiallatDH.

Yours sincerely



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