Our report on how services used the Deprivation of Liberty Safeguards last year (April 2014 to March 2015)

An EasyRead version of:
Monitoring the Deprivation of Liberty Safeguards
2014/15
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About this report

Some of the words we use might be difficult to understand.

There is a list at the back of this report to explain any words that are in **bold**.

The CQC (Care Quality Commission) wrote this report.

It is our job to make sure adults in England get good, safe care from health and social care services.

We check services run by the **NHS** (National Health Service), **councils**, **private companies** and **voluntary groups**.
We check that services use the **Deprivation of Liberty Safeguards** (or **safeguards** for short) to keep people safe.

The **Safeguards** are rules services must follow if they need to support you to make choices and stay safe. They can only use them when you cannot make a decision for yourself.

These **Safeguards** are used for people who are in a hospital or a care home.

Services have to ask the local **Council** for permission to make decisions for someone.

It is our job to check how well these **Safeguards** are being used and write a report each year.

This report is about how the Safeguards were used last year up to March 2015.
What happened last year

Services have had to ask Councils for permission to make decisions for someone else since 2009. The number of services asking for permission has always been low.

But last year, the number of services asking Councils for permission to make decisions for someone went up by 10 times.

This is mainly due to the law being made clearer. Now more services know they must ask for permission.

This meant **Councils** suddenly had 10 times as much paperwork to sort out, which has caused delays.
We found nearly 57,000 papers had not been looked at.

We are pleased that the Association of Directors of Adult Social Services and some Councils are doing things to deal with this extra work.

But we are very worried to hear some Councils are telling services to slow down sending in their papers.

This means some people might not be getting their rights under the law.
Some services are better than others at using the Deprivation of Liberty Safeguards

We found:

- Some staff had been trained and knew about the Deprivation of Liberty Safeguards, others did not.
- Some services did not have up to date rules about what to do, or they were not followed.
- Some services might not have been following the law properly in the way they made decisions for people about their care and treatment.

This means people who use services did not always get their human rights and their rights under the Deprivation of Liberty Safeguards.

Some people may be getting poor care that is making them have treatment or stay in places they do not need.
We did see how the Safeguards can make people's lives better in this story.

Arthur has been living in a care home for more than 30 years.

The home asked for permission under the Deprivation of Liberty Safeguards to stop Arthur doing some things.

An Independent Mental Capacity Advocate (IMCA) visited Arthur.

Staff said Arthur would not go back into the home after trips out.

Sometimes it took them an hour to get him back in.
He would also try to leave the home every time the front door was opened for other people.

He was allowed to go out with support once a week.

The IMCA said the home should make sure Arthur went out more often.

Arthur now goes out 5 times a week with staff he likes.

He now goes straight back into the home after going out and doesn’t try to leave when the front door is opened.

The advocate keeps checking to make sure he is still going out.
What we want to happen and what we will do

We want care services to make sure that:

- Their staff are trained.
- They are following the law and have rules about what to do.
- They tell CQC when they have asked for permission to make decisions for someone else.

We would like to see:

- **Councils** continue to learn from other **councils** about how to do things well.
• **Councils** not telling services to slow down sending in their papers.

• The law to be made clearer and simpler.

We will:

• Be clear about how services should do things well.

• Encourage services to get better.

• Make sure we continue to get better at checking how services are following the law.
What these words mean

The words we explain here are in **bold** type in the report.

**Best interests**
Making the best decision for someone who can't decide something for themselves.

**Council**
A group of people who are chosen to run a local area and make sure people get the services they need.

**Court**
A court is where a judge or jury listens to a case and decide what is fair and what will happen.

**Deprivation of Liberty Safeguards**
These rules are part of a law called the Mental Capacity Act. They help protect people when they cannot make a choice for themselves.

**Human rights**
The law gives everyone the same rights to a list of basic things like freedom, marrying and voting.

**Independent Mental Capacity Advocate**
An Independent Mental Capacity Advocate can speak up for you if you cannot make choices for yourself.

**Law**
A law is a rule that the government says everyone must follow. Laws keep us all safe and make things fair.
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