

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

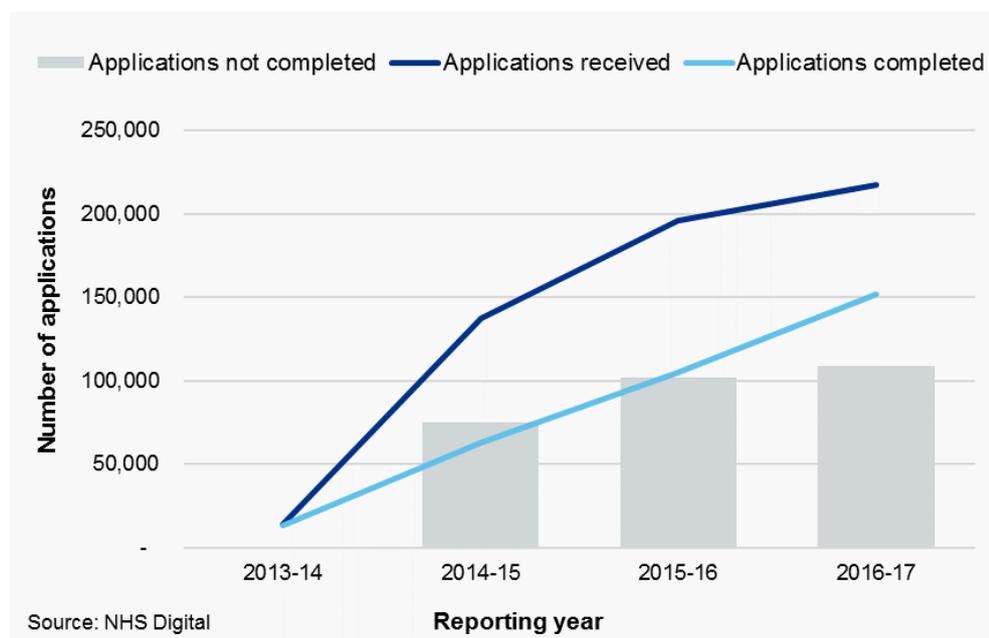
England 2016/17 National Statistics

Published 1 November 2017

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 2016 to 31 March 2017.

Key findings

- There were 217,235 applications for DoLS received during 2016/17; an increase of 11 per cent on 2015/16.
- The number of DoLS applications that were completed increased by 45 per cent to 151,970 during the same period.
- The reported backlog of cases that were not completed as at year end increased by 7 per cent to 108,545 over the year.
- There is variation in reported activity between CASSRs both regionally and locally



Notes – The number of applications not completed was not reported for 2013/14.

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This report may be of interest to members of the public, policy officials and other stakeholders to make local and national comparisons and to monitor the quality and effectiveness of services.

Introduction

What are Deprivation of Liberty Safeguards?

Article 5 of the Human Rights Act states: "Everyone has the right to liberty and security of person. No one shall be deprived of his or her liberty (unless) in accordance with a procedure prescribed in law."

The Deprivation of Liberty Safeguards 2009 (DoLS) is a procedure prescribed in law when a person who lacks mental capacity to consent to their care or treatment is being deprived of their liberty in a care home or hospitals in order to keep them safe from harm. The procedure involves having the arrangements independently assessed to ensure they are in the best interests of the individual concerned.

A Supreme Court judgement in March 2014¹ made reference to the 'acid test' to see whether a person is being deprived of their liberty. The following criteria apply if a person is being deprived of their liberty:

- The person subject to continuous supervision and control?
and
- Is the person free to leave?

Background

This report provides the findings from the Mental Capacity Act 2005, Deprivation of Liberty Safeguards (DoLS) data collection for the period 1 April 2016 to 31 March 2017. It provides analysis of all DoLS applications that were active at any stage during the period. Data was provided by the 152² Councils with Adult Social Services Responsibility (CASSRS) during spring 2017.

Supporting information can be found in the annexes to this report, including:

- Data tables providing supporting data for each chapter at local authority level;
- A data quality assessment, including data completeness and integrity measures;
- Further background to the DoLS legislation and the data collection;
- An interactive comparator visualisation.

These are located on the 2017/18 DoLS publication page:

<http://digital.nhs.uk/pubs/dols1617>

Users are encouraged to refer to these documents to aid their interpretation of this report and to obtain a wider understanding of the DoLS picture in 2016/17.

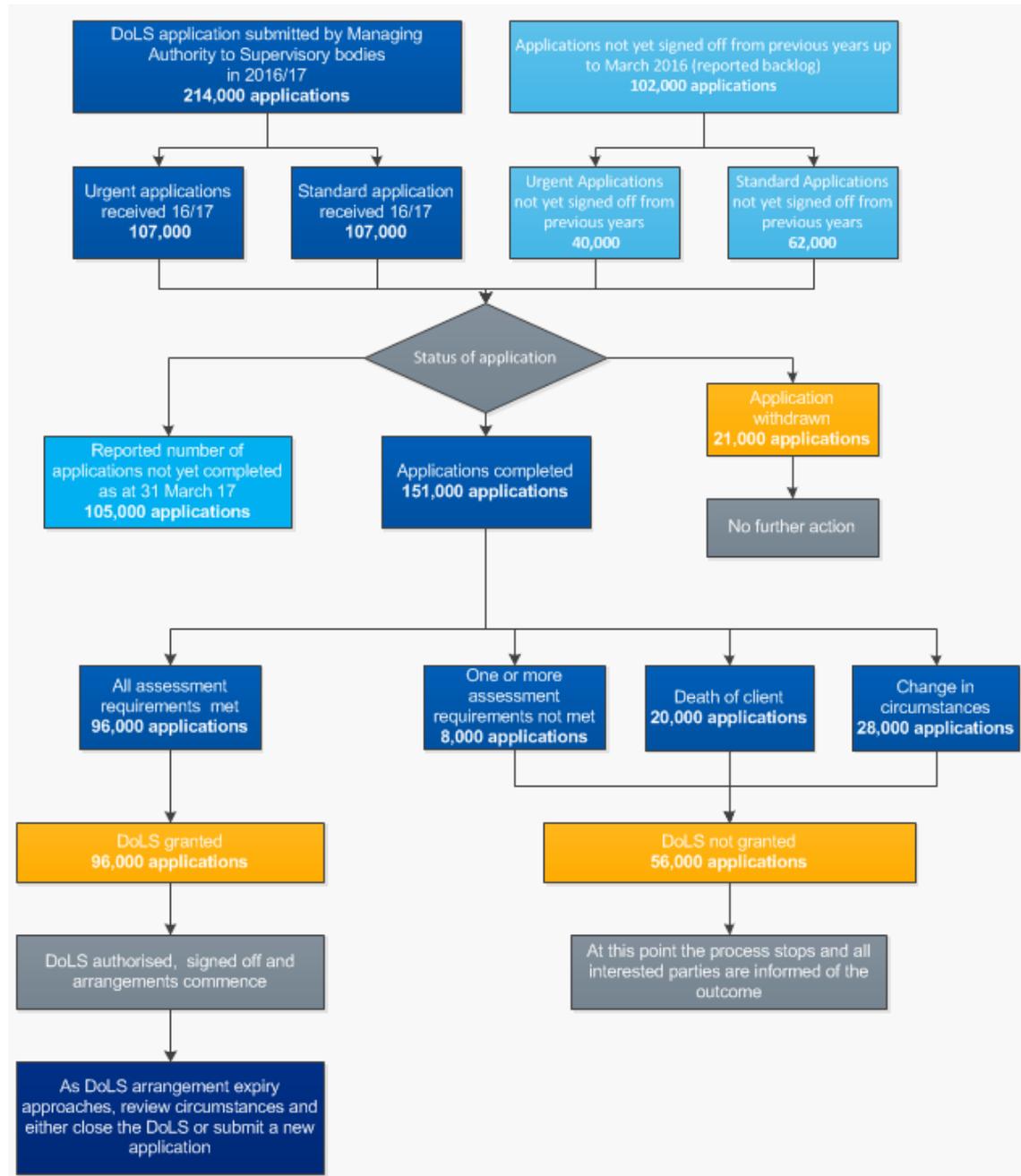
¹ <https://www.gov.uk/government/publications/deprivation-of-liberty-safeguards-supreme-court-judgments>

² See data quality note on page 8

For ease of reading and consistency 'local authority' will be used subsequently in this report to refer to CASSRs.

The DoLS process

Figure 0.1: Flow chart outlining the DoLS process and the activity associated with the various stages of the process during 2016/17



Source: NHS Digital

Please note these figures do not include data for Northamptonshire as these were not available.

All numbers in this diagram are rounded to the nearest 1,000 for ease of reading.

Main findings

This report concentrates on four main areas of DoLS activity:

- The demographic profile of people for whom a DoLS application was submitted
- All applications received during the year, regardless of the status of the application at the end of the period.
- All applications completed (i.e. signed off) during the year, regardless of when the application was received.
- All applications not completed as at 31/03/2017.

The report also includes analysis of the length of the application process and the duration (proposed and actual) of granted authorisations.

On the 31st March 2017 there were 66,550 active DoLS authorisations in place in England.

The number of DoLS applications increased by 11 per cent to 217,235 during 2016/17. Although the rate of increase was not as great as in previous years the number of applications for DoLS continues to grow.

There was a 45 per cent increase in the number of DoLS applications that were completed during the year. There was a 26 per cent increase in the number of completed applications that were granted (from 76,530 to 96,340) and a 95 per cent increase in the number of completed applications that were not granted (from 28,530 to 55,630). Applications not granted due to either a change in circumstance or the death of the individual were the reasons behind this increase, as local authorities completed a greater number of long-standing applications, some of which pre-dated 1 April 2015.

For the third consecutive year there were more applications received than were completed; in 2016/17 for every three applications that were completed or withdrawn, four applications were received.

The reported number of applications not completed at the end of the reporting period increased by 7 per cent on the previous year (from 101,740 to 108,545).

Analysis of the 2016/17 data shows a wide range of variation across the country in the volumes of DoLS applications, their outcomes and how they were administered.

Data quality note

Northamptonshire County Council was unable to supply a full dataset before the mandated deadline, although they were subsequently able to provide high level numbers for the key activity metrics.

These numbers have been included in the analyses shown in the Introduction and Main Findings chapters of this report, except where otherwise stated, in order that a like-for-like comparison can be made at a national level with 2015/16 data.

All subsequent analyses in this report do not include Northamptonshire's data as they were not provided in sufficient detail. All 2015/16 data included in the report includes Northamptonshire – users should be aware when comparing data between years for England and the East Midlands region.

Figure 0.3: Data submitted by Northamptonshire County Council 2016/17

Activity Measure	Northamptonshire County Council	England Total (excluding Northamptonshire)
Applications received	3,425	213,805
Applications completed – granted	460	95,880
Applications completed – not granted	50	55,580
Applications withdrawn	1,175	21,000
Applications not completed at year end	3,220	105,325

Source: NHS Digital

Notes: Data have been rounded to the nearest multiple of 5. Figures may not total due to rounding

Chapter 1 – Demographic Profile

This chapter profiles the demographic breakdown of the DoLS applications received by local authorities during 2016/17. It analyses data on the applications received for individuals during the period rather than the total number of applications received. The 213,805 applications received during the year related to 180,075 individuals.

Age

DoLS were predominantly requested for people aged 75 and over; almost three quarters of DoLS applications received during 2016/17 were for people aged 75 and over. One in every 17 adults over the age of 85 was subject to a DoLS application in the period.

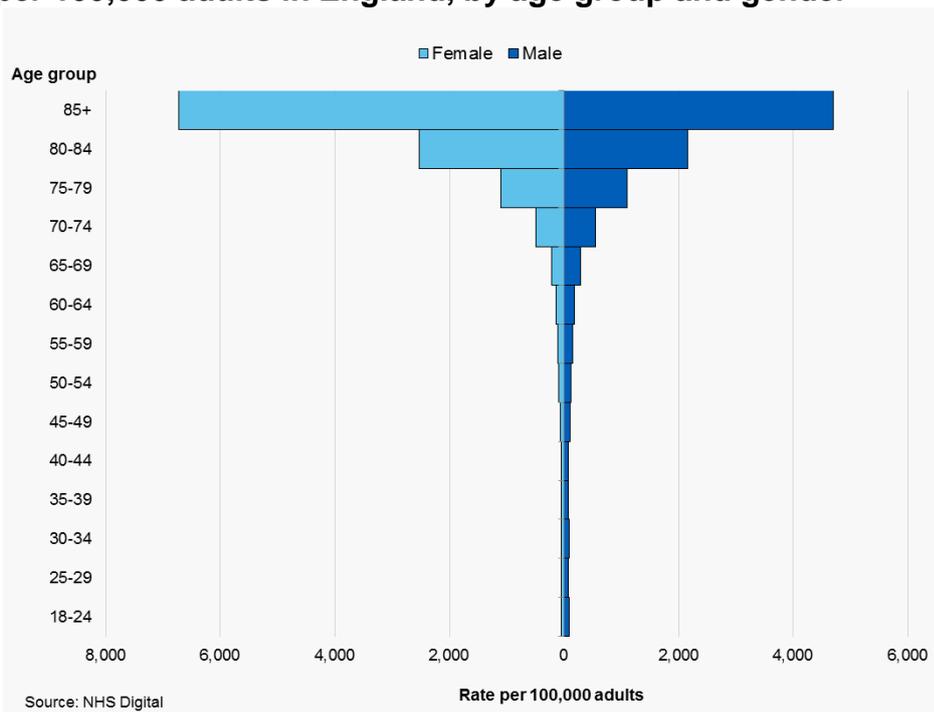
Age profiles are broadly similar across the regions although London has a greater proportion of younger people: 23 per cent of individuals for whom an application was made in 2016/17 were aged between 18 and 64 compared to the national figure of 16 per cent.

Gender

Nationally, females accounted for 60 per cent of the individuals for whom an application was received during the year. This proportion was broadly similar across the regions although London had a slightly higher proportion of applications for males with 44 per cent, compared to the national figure of 40 per cent.

Figure 1.1 below illustrates the spread of applications for individuals by age and gender, standardised by age and population.

Figure 1.1: Rate of individuals with at least one DoLS application per 100,000 adults in England, by age group and gender



Notes: Rates are to the nearest whole number.

Ethnic origin

Applications are predominantly received for individuals whose ethnic origin is white, although in London there are a greater proportion of applications for individuals from Asian and Black ethnic groups.

Figure 1.3 Proportions of applications received by ethnic origin by region, 2016/17

	White	Mixed / Multiple ethnic groups	Asian / Asian British	Black / Black British	Other Ethnic Origin	Not Stated	Undeclared / Not Known / Invalid
England	88	1	2	2	1	3	4
North East	95	0	0	0	0	1	3
North West	88	0	1	1	0	1	9
Yorkshire and The Humber	93	1	1	1	1	1	3
East Midlands	93	0	2	1	0	1	2
West Midlands	88	0	2	2	0	1	6
East of England	91	0	1	1	0	4	2
London	70	1	6	10	4	8	2
South East	91	0	1	0	1	2	5
South West	92	1	0	0	0	3	3

Source: NHS Digital

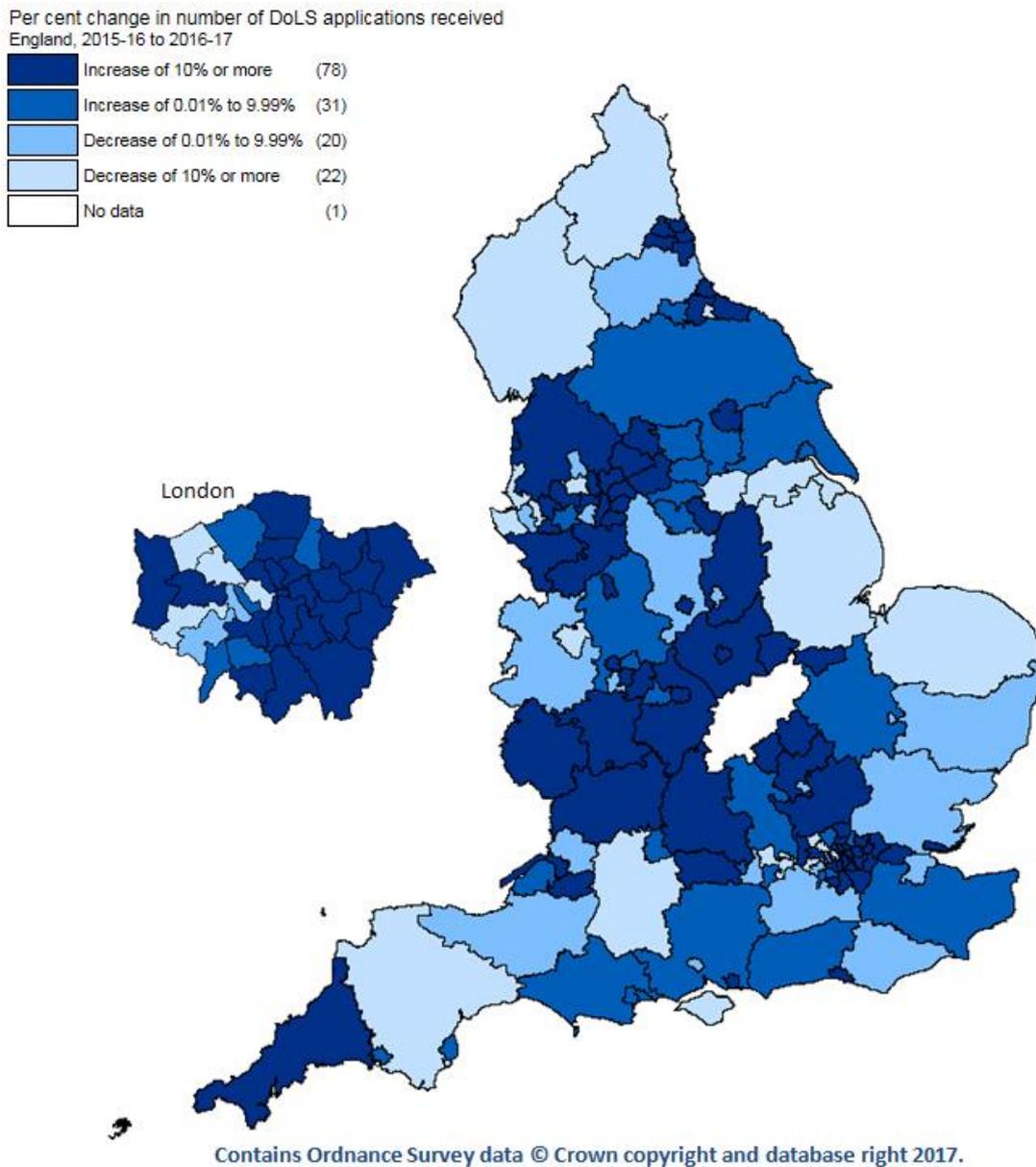
Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex A Table 2 to view the data in further detail.

Chapter 2 – Applications Received

The national picture

Nationally the number of applications for DoLS continues to grow. There were 213,805 applications received by councils in 2016/17, an increase of 9 per cent on 2015/16, and an increase of 55 per cent on 2014/15; the first year following the Cheshire West High Court judgement that led to a sharp rise in the number of DoLS applications.³

Figure 2.1: Percentage rates of change in DoLS applications received between 2015/16 and 2016/17, by local authority.



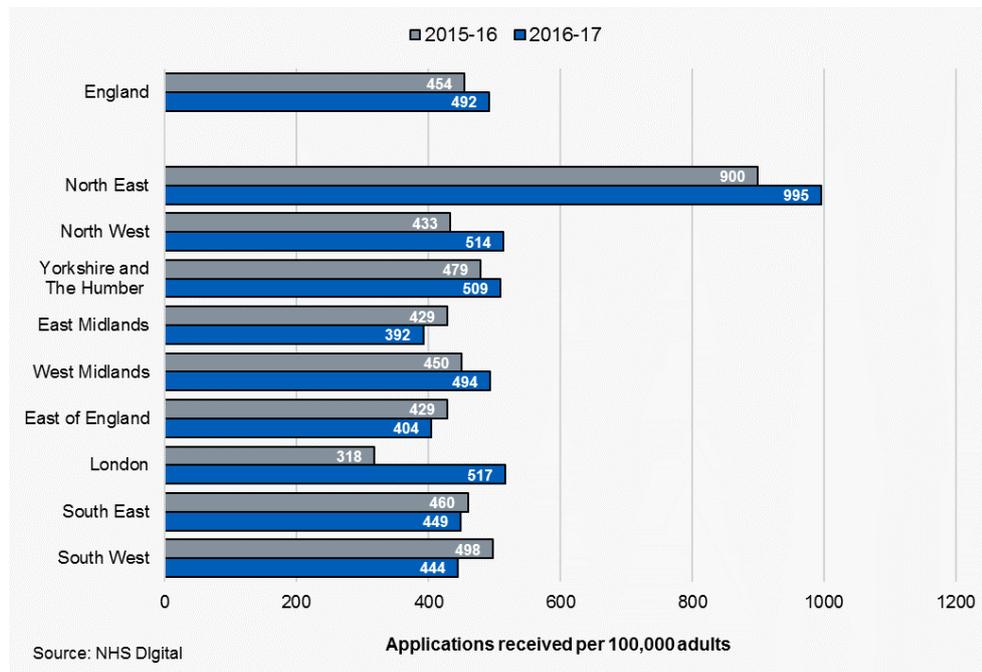
Source of underlying data: NHS Digital

³ See Annex H for further details. <http://digital.nhs.uk/pubs/dols1617>

Received applications by region

At a regional level, when the applications are directly standardised by age and population there was a mix of growth and decrease. The greatest rate of growth was 62 per cent in London; the greatest decrease was in the South West, which saw an 11 per cent fall. At local authority level 107 local authorities (71 per cent) reported an increase in applications when standardised for age and population.

Figure 2.2: Number of applications received during 2016/17 per 100,000 adults (age standardised) by reporting period and region



Notes: Rates are to the nearest whole number and have been standardised to the England population structure. Please see Annex B Table 4 to view the 2016-17 data in further detail.

The North East

The North East region continues to report more DoLS applications compared to the other regions when standardised for age and population. We have looked into possible reasons for this variance in order to provide some context for interpreting the data.

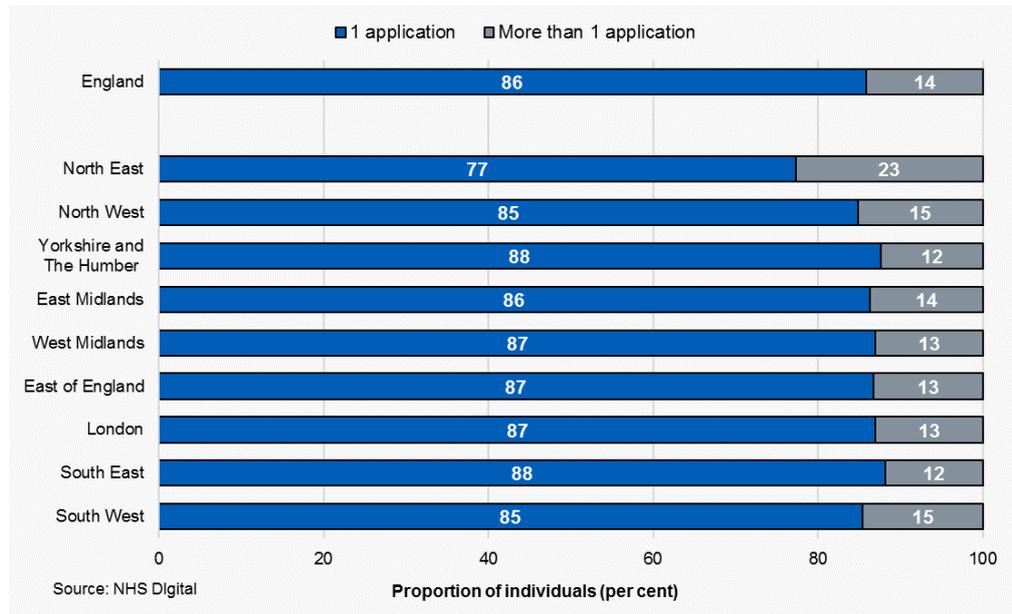
Analysis of 2016/17 data shows that local authorities in the North East are receiving more applications per individual compared to the rest of the country. Figure 2.3 below shows that 23 per cent of individuals in the North East received more than one DoLS application during 2016/17, compared to 14 per cent nationally.

Furthermore, the proportion of authorisations granted during the year for less than 90 days duration was 24 per cent in the North East, compared to 17 per cent nationally, as seen in figure 2.4 below.

Subsequently the greater number of applications received in the North East compared to other regions can be partially ascribed to supervisory bodies granting authorisations for shorter lengths of time, thereby requiring more frequent applications as each authorisation ceases.

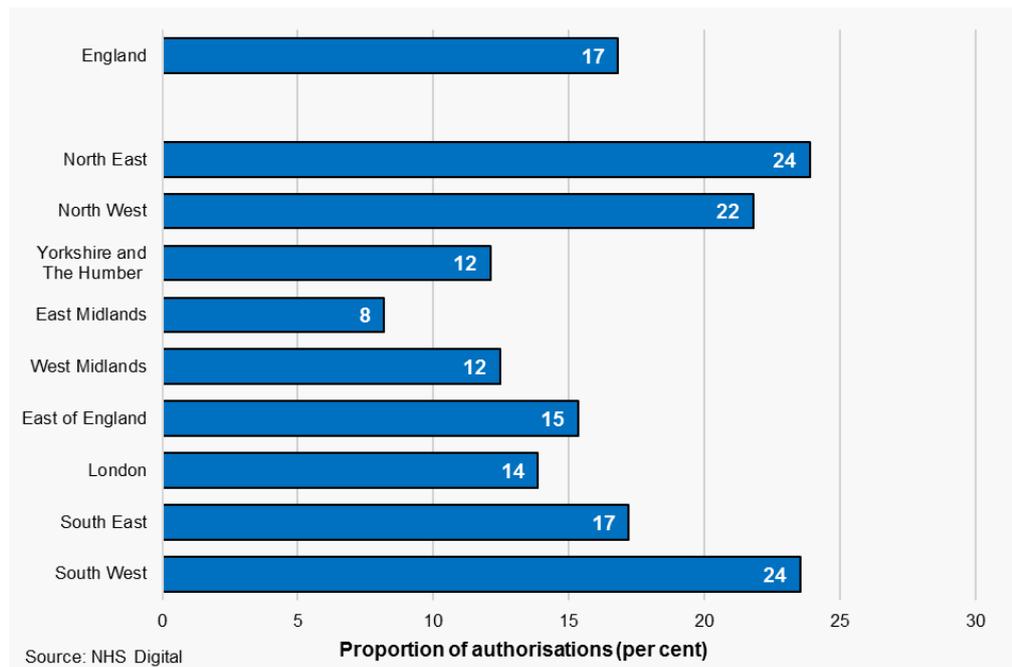
This reflects practice across the region; 10 out of 12 local authorities in the North East are in the upper quartile of local authorities nationally for the proportion of individuals who received more than one application in the year.

Figure 2.3: Proportion of individuals (per cent) who had multiple applications submitted on their behalf, which were received by the local authority during 2016/17



Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex B Table 3 for further details.

Figure 2.4: Proportion of authorisations (per cent) where the application was received by the local authority during 2016/17 where the planned duration was up to 90 days



Notes: Proportions (percentages) are based on the unrounded figures.

Received applications with urgent authorisations

A person may need to be deprived of their liberty before the local authority can respond to a request for a standard authorisation. In these situations the hospital or care home can grant an urgent authorisation for 7 days and at the same time request a standard authorisation from the local authority to assess and authorise before the urgent application expires. Where there is no requirement for an urgent request, the application can be made to the local authority as a standard request in a situation where it is likely at some point within the next 28 days that the person will be deprived of their liberty. The DoLS code of practice⁴ states that assessments must be completed within 21 days for a standard deprivation of liberty authorisation.

Nationally the proportion of applications accompanied by urgent authorisations was 50 per cent. At a regional and local level there was variation in the proportion of applications with urgent authorisations; ranging from 33 per cent in London to 71 per cent in the East Midlands. At local authority level the variation ranged between 4 per cent (Wakefield Council) and 93 per cent (South Gloucestershire Council).

Figure 2.5: Number and proportion of applications (per cent) received by councils during 2016-17 by urgent / standard status and region

Region	Number of applications		Proportion of applications (per cent)	
	Urgent	Standard	Urgent	Standard
England	106,630	107,165	50	50
North East	12,970	8,350	61	39
North West	12,600	16,460	43	57
Yorkshire and The Humber	7,975	13,655	37	63
East Midlands	10,520	4,380	71	29
West Midlands	11,150	11,665	49	51
East of England	12,125	8,880	58	42
London	8,565	17,325	33	67
South East	14,870	19,400	43	57
South West	15,850	7,050	69	31

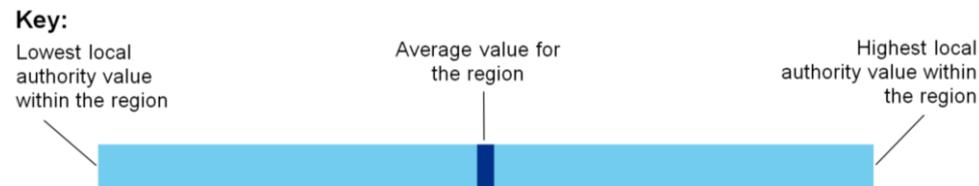
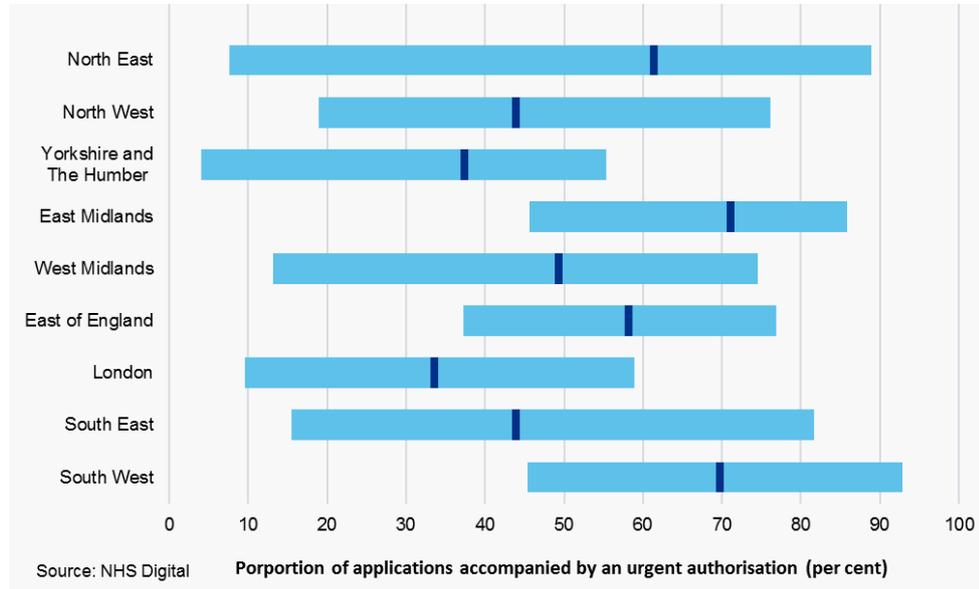
Source: NHS Digital

Notes: Counts of applications have been rounded to the nearest multiple of 5. Proportions (percentages) were calculated based on the unrounded figures.

⁴<https://www.cqc.org.uk/sites/default/files/Deprivation-of-liberty-safeguards-code-of-practice.pdf>

Figure 2.6 illustrates the variation in the proportion of urgent authorisations during 2016/17, both within and between regions.

Figure 2.6: The highest, lowest and average proportions of applications (per cent) which were accompanied by an urgent authorisation of all applications received in 2016/17 for local authorities in each region



Received applications by location type

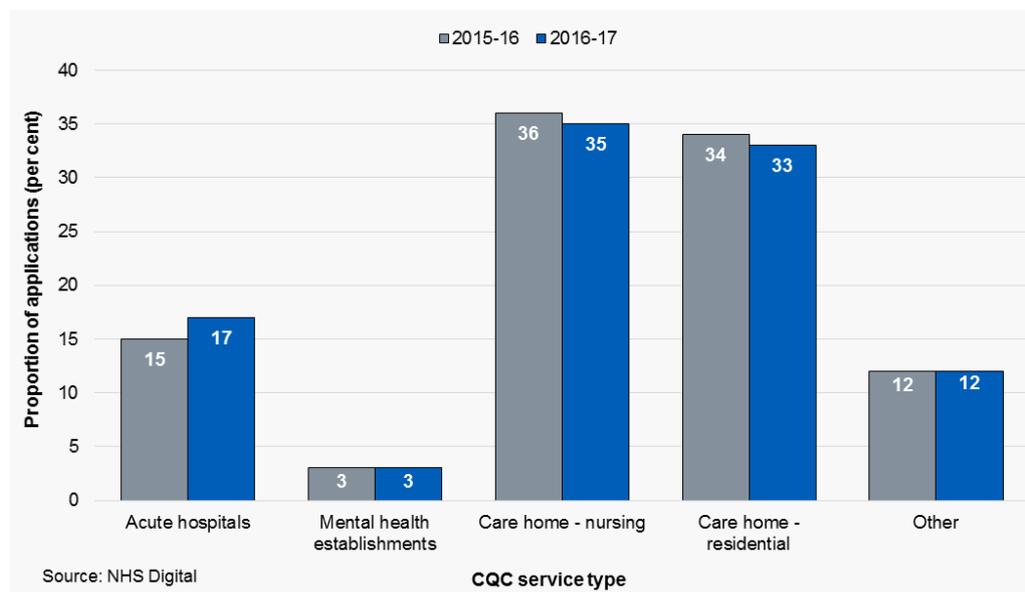
Applications can be received from various types of locations such as acute hospitals and nursing and residential care homes; these are known as the managing authority.

Nursing and residential care homes continue to be the primary source of applications. During 2016/17, 68 per cent of applications across England came from such locations, with little variation between regions.

Compared to the previous year there was a small shift nationally from nursing and residential care homes to acute hospitals.

There is a distinct difference in the nature of applications from these two sources, with 90 per cent of applications received from acute hospitals accompanying an urgent authorisation, compared to 39 per cent from nursing and residential care homes.

Figure 2.7: Proportion of applications (per cent) received in 2015/16 and 2016/17 by CQC service type in England



Notes: Proportions (percentages) are based on the unrounded figures. 'Other' includes applications where either no code or an invalid code was recorded as well as other service types. Please see Annex B Table 2 to view 2016/17 data in further detail.

Figure 2.8: Proportion of applications (per cent) received in 2016/17 by CQC service type and region

Region	Acute hospitals	Mental health establishments	Care home - Nursing	Care home - Residential	Other
England	17	3	35	33	12
North East	19	1	38	33	9
North West	18	4	36	28	15
Yorkshire and The Humber	14	1	34	37	15
East Midlands	15	5	36	33	12
West Midlands	14	3	40	35	9
East of England	20	4	26	38	11
London	18	2	36	29	14
South East	15	2	39	34	11
South West	21	2	32	30	14

Source: NHS Digital

Notes: Proportions (percentages) are based on unrounded figures. 'Other' includes applications where either no code or an invalid code was recorded as well as other service types. Please see Annex B Table 2 to view 2016/17 data in further detail.

Chapter 3 – Completed Applications

The national picture

There were 151,460 DoLS applications that were completed at some point during 2016/17; an increase of 44 per cent (46,400) on the previous year.

The number of granted applications increased by 25 per cent (from 76,530 to 95,880) compared to the previous year, accounting for 63 per cent of all completed applications in 2016/17.

The number of applications that were not granted increased by 95 per cent (from 28,530 to 55,580) compared to the previous year, accounting for 37 per cent of all completed applications in 2016/17.

The assessment process

As soon as the Local Authority has confirmed that the request for a standard authorisation should be pursued, it must obtain the relevant assessments to ascertain whether the qualifying requirements of the DoLS are met.

The assessments are:

1. Age Assessment:
2. Mental Capacity Assessment
3. Mental Health Assessment
4. No Refusals Assessment
5. Eligibility Assessment
6. Best Interests Assessment

Where all 6 requirements 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 six requirements are not met, an authorisation cannot be granted.

Further information about the assessment can be found in Annex H <http://digital.nhs.uk/pubs/dols1617>

Completed applications by region

All regions reported increases in the numbers of completed applications during 2016/17 compared with volumes in 2015/16, although there was great variation in the rate of growth between regions and at a local authority level. At a regional level the rate of growth ranged from 22 per cent in the East of England to 79 per cent in the West Midlands. Figure 3.1 summarises numbers of completed applications by region during 2016/17.

Figure 3.1 –Completed applications by region by reporting period

Region	2015/16	2016/17	Annual Change	Annual Percentage Change
England	105,055	151,460	46,405	44%
North East	13,960	17,970	4,010	29%
North West	12,405	18,125	5,720	46%
Yorkshire and The Humber	9,780	12,980	3,200	33%
East Midlands	8,395	11,650	3,255	39%
West Midlands	10,740	19,205	8,465	79%
East of England	10,375	12,605	2,230	22%
London	15,485	19,320	3,835	25%
South East	12,590	22,350	9,760	78%
South West	11,325	17,255	5,930	52%

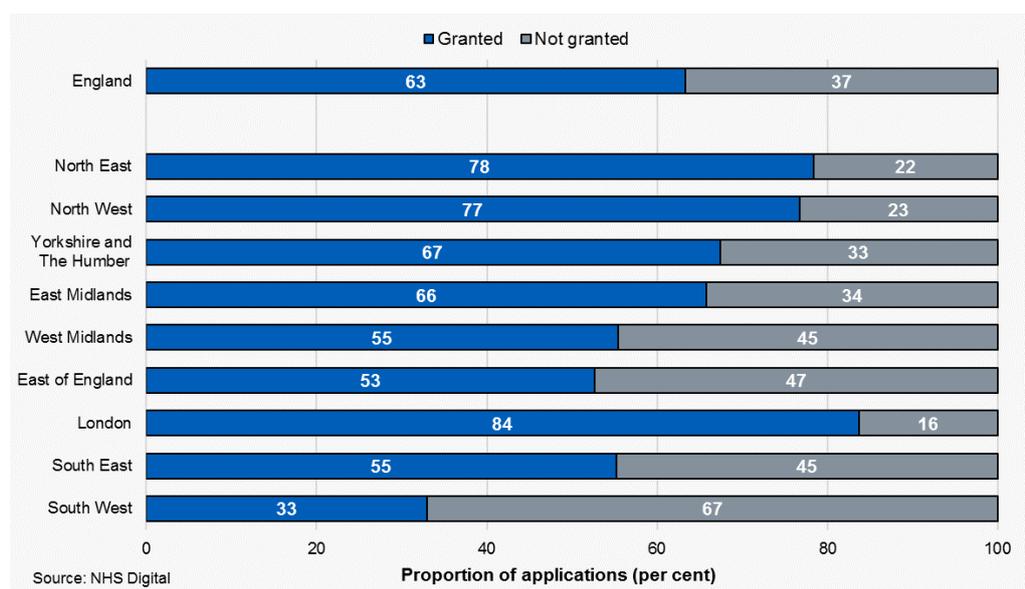
Source: NHS Digital

Notes: Counts of applications have been rounded to the nearest multiple of 5. Annual percentage changes were calculated based on the unrounded figures.

Completed applications by application status

Figure 3.2 below shows the level of regional variation in the proportion of completed applications that were granted or not granted. At a local authority level the proportion of completed applications that were granted ranged from 17 per cent (Wiltshire Council and Devon County Council) to 100 per cent (London Borough of Brent).

Figure 3.2: Proportion of applications (per cent) that were completed and either granted or not granted during 2016/17 by application outcome and region



Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex C Table 1 for further details.

Applications not granted

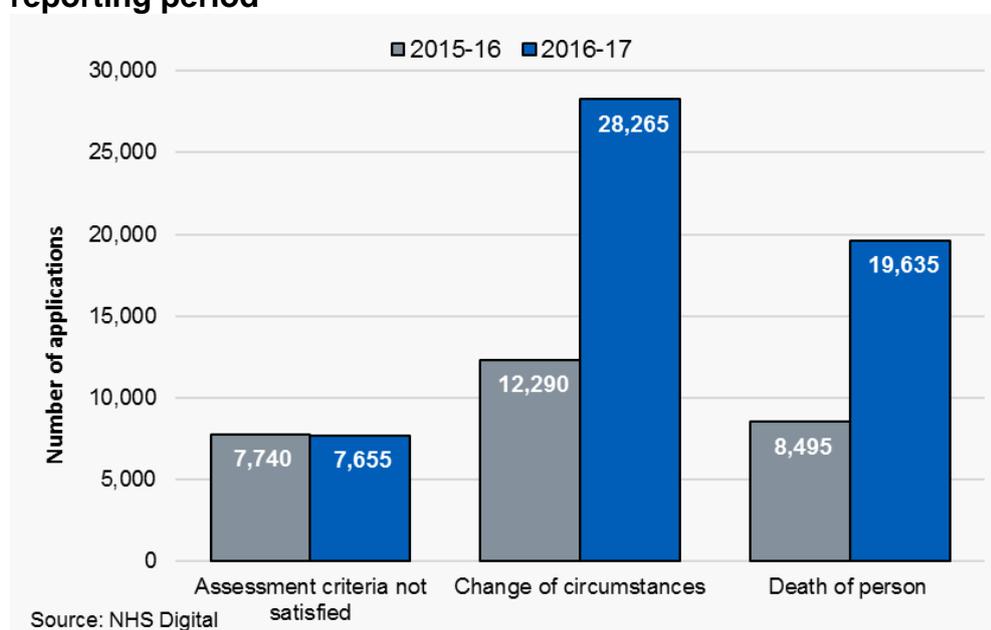
The growth in not granted applications in 2016/17 was due to an increase of applications that were not granted due to a change in circumstances or the death of the person.

As Figure 3.3 shows, the number of applications not granted due to the application failing at least one of the six assessments was 7,655, down slightly from 7,740 last year.

However, the numbers of applications not granted due to a change in circumstance or the death of the person increased by 130 per cent and 131 per cent respectively over the same period.

Nationally, the number of applications that were completed after more than one year has increased by 244 per cent over the last year to 14,765. As the local authorities have worked towards reducing their backlogs of applications, they have identified changes in service users' circumstances, including people having died. This in turn will result in more of the completed applications having an outcome of "not granted".

Figure 3.3: Number of applications that were completed and not granted in England over two years by reason not granted and reporting period



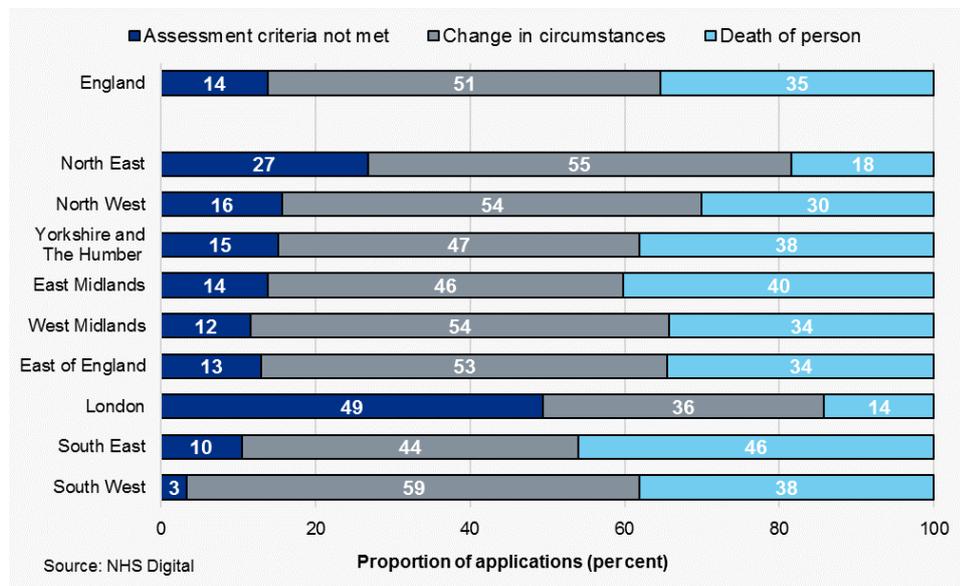
Notes: All figures have been rounded to the nearest multiple of 5. Please see Annex C Table 4 to view the 2016-17 data in further detail.

Figure 3.4 illustrates the regional variation in the reasons for not granting applications in 2016/17.

Where the application was not granted due to it failing one or more of the assessments there was wide variation nationally; in the South West region 3 per cent (390) of applications were not granted due to one of the six assessment criteria not being met, compared to almost half of the applications (49 per cent, 1,555) in London. At local authority level the proportion of applications not granted due to failing at least one of the assessments ranged from 0 per cent to 100 per cent.

Also, a lower proportion of applications in London were not granted due to death of the individual concerned (14 per cent, 445 applications). This compares to 46 per cent (4,600) applications in the South East.

Figure 3.4: Proportion of applications (per cent) completed and not granted during 2016/17 by reason not granted and region



Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex C Table 4 to view the data in further detail.

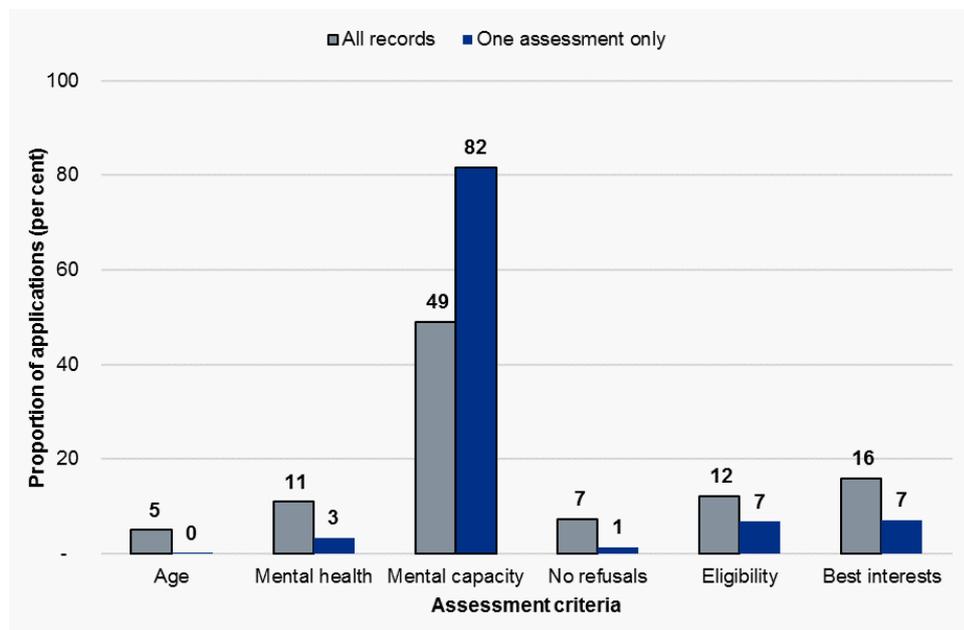
Applications not granted due to assessment criteria not met

The assessment process should stop once an assessment fails to meet the criteria, with no further assessments being required to be undertaken. Based on an assessment of those not granted records where one assessment was marked as failing to meet the criteria, the assessment that failed most frequently was Mental Capacity, which accounted for 82 per cent of all assessments. Regionally this varied from 74 per cent in the South East and North West to 92 per cent in the North East and East Midlands. The next most frequently failed assessment were Best Interests and Eligibility, which each accounted for 7 per cent.

It should be noted that the 5,135 applications where one assessment was recorded as failing accounted for 67 per cent of all applications that were not granted because the assessment criteria were not met. There were 2,165 records (28 per cent) where between 2 and 6 of the assessments were recorded as failing. There were 355 records (5 per cent) that were recorded as not granted because the assessment criteria were not met where no assessments were recorded as failing.

When the records with more than one assessment are flagged as failing are included in the analysis, the effect is to flatten the distribution across the six assessments, as can be seen in Figure 3.5 below. In this version, Mental Capacity accounts for 49 per cent of the failed assessments. NHS Digital will work with local authorities to understand local practices in this regard.

Figure 3.5: The proportion of not granted applications (per cent) in 2016/17 where the assessment criteria was not met – comparison between where only one assessment was recorded as not being met and where one or more assessments were recorded as not being met.



Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex C Table 5 to view the data relating to applications failing only one assessment in further detail.

Completed applications by service type

Applications received from acute hospitals were less likely to be granted during 2016/17 than those received from care homes and nursing homes. As can be seen in Figure 3.6 below 71 per cent of completed applications from acute hospitals were not granted, compared to 30 per cent of nursing homes and 28 per cent of residential care homes. There are a greater proportion of applications not granted due to a change in circumstances or the death of the person in acute hospital settings compared to other locations.

Figure 3.6: The number of completed applications and the proportions (per cent) that were urgent and not granted during 2016/17 by CQC service type

	Number of applications completed 2016/17	Of these, the proportion of completed applications that were:		
		Urgent (per cent)	Not granted (per cent)	Not granted due to change in circumstances or death (per cent)
Acute hospitals	23,335	88	71	64
Mental health establishments	4,175	67	47	38
Care home - Nursing	55,165	41	30	26
Care home - Residential	51,695	40	28	23
Other	17,090	53	34	29

Source: NHS Digital

Notes: Counts of applications have been rounded to the nearest multiple of 5. Proportions (percentages) are based on the unrounded figures.

Figure 3.7 below illustrates regional variation in the relative proportions of granted applications by each service type. In the South West region 7 per cent of completed applications from acute hospitals were granted, compared to 55 per cent in London.

Figure 3.7: Proportion of applications (per cent) completed and granted during 2016/17 by CQC service type and region

	Proportion of completed applications (per cent)				
	Acute hospitals	Mental health establishments	Care home - Nursing	Care home - Residential	Other
England	29	53	70	72	66
North East	52	72	83	84	74
North West	51	54	82	83	82
Yorkshire and The Humber	32	53	71	73	77
East Midlands	15	54	69	73	63
West Midlands	19	49	62	68	39
East of England	14	43	61	65	63
London	55	77	89	91	84
South East	23	58	59	66	55
South West	7	33	42	44	36

Source: NHS Digital

Notes: Proportions (percentages) are based on the unrounded figures. 'Other' includes applications where either no code or an invalid code was recorded as well as other service types.

Completed applications with urgent authorisations

Applications accompanied by an urgent authorisation are less likely to be granted than standard applications. Analysis of 2016/17 data shows that 74 per cent of completed standard applications were granted, compared to 53 per cent of applications accompanying an urgent authorisation. This was true at a regional level although there were variations in the relevant proportions, as can be seen in Figure 3.8 below this reflects the greater proportion of urgent authorisations that are submitted from acute hospitals, which are less likely to be granted, as can be seen in Figure 3.6 above.

Figure 3.8 Proportions of urgent and standard applications granted by region (per cent) 2016/17

	Proportion of completed applications that were granted	
	Standard applications (per cent)	Urgent applications (per cent)
England	74	53
North East	87	72
North West	82	68
Yorkshire and The Humber	76	53
East Midlands	68	65
West Midlands	68	44
East of England	67	43
London	90	68
South East	57	52
South West	53	23

Source: NHS Digital

Notes: Proportions (percentages) are based on the unrounded figures.

Withdrawn applications

There were 21,000 withdrawn applications in 2016/17, a decrease of 8 per cent compared to the previous year. At a regional level and local authority level there were changes in activity between the years, due in part to changes in how local authorities were interpreting the guidance on what constitutes a withdrawn application.

It is worth noting that in terms of volume, the top 10 per cent of local authorities account for 53 per cent of the national total of withdrawn applications, and that there were 27 local authorities reporting no withdrawn applications during 2016/17.

The ADASS guidance for completing DoLS forms⁵ states that applications should be recorded as withdrawn where there is an administrative error with the application or where circumstances have changed within the first seven days of an urgent application. Accordingly the numbers are expected to be relatively small. NHS Digital is working with local authorities in order that it is clearly understood when an application should be withdrawn and when it should be recorded as not granted.

⁵ <https://www.adass.org.uk/deprivation-of-liberty-safeguards-guidance>

Chapter 4 – Applications Not Completed

Introduction

There were 105,325 applications not completed as at 31 March 2017, an increase of 4 per cent on the 101,740 reported in 2015/16.

This will include applications at all stages of the process, from receipt to those awaiting sign-off (to be granted or not granted).

For the purposes of understanding the data submitted NHS Digital has used data available to calculate the backlog of applications not completed at year end. This 'estimated backlog' can be created by taking last year's reported backlog, adding the number of applications received and then subtracting the number of applications completed and withdrawn.

As can be seen in Figure 4.1 below this calculation produces an estimated backlog figure of 143,090 as at 31 March 2017; 36 per cent greater than the backlog reported by local authorities. It is acknowledged that this assumes that all data in the calculation are correct, including last year's reported backlog. NHS Digital is working with local authorities to fully understand the issue and to ensure increased robustness for 2017/18 data.

All analysis in this report and accompanying data tables uses the reported backlog data provided by local authorities.

Figure 4.1: Comparison of calculated backlog and reported backlog of applications not completed as at 31 March 2017.

	31 March 2016	Add:	Subtract:	31 March 2017
<i>a</i> Backlog of applications not completed as at 31 March 2016 as reported by local authorities	101,740			
<i>b</i> Applications received during 2016/17		213,805		
<i>c</i> Applications completed during 2016/17			151,460	
<i>d</i> Applications withdrawn during 2016/17			20,995	
<i>e</i> Derived backlog of applications not completed as at 31 March 2017 ($a + b - (c + d)$)				143,090
<i>f</i> Backlog of applications not completed as at 31 March 2017 as reported by local authorities				105,325
<i>g</i> Variance between the two backlog figures as at 31 March 2017 ($e - f$)				37,765

Source: NHS Digital

Notes: All figures have been rounded to the nearest multiple of 5.

Applications not completed by region

Most regions saw a net increase in the size of the backlog, although both the East Midlands and East of England saw a decrease, as shown in figure 4.2 below.

The South East region accounts for almost a quarter (23 per cent) of the national backlog, although 80 per cent of the regional backlog is accounted for by five of the 19 local authorities in the region.

Figure 4.2: Number of applications not signed off by the end of the reporting period by reporting period and region

Region	2015-16	2016-17	Annual change	Annual change (per cent)
England	101,740	105,325	3,585	4
North East	3,775	4,210	435	12
North West	11,000	13,080	2,085	19
Yorkshire and The Humber	9,990	10,685	695	7
East Midlands	8,710	6,335	-2,380	-27
West Midlands	11,450	13,285	1,835	16
East of England	14,925	12,505	-2,420	-16
London	5,130	5,435	305	6
South East	21,920	23,875	1,955	9
South West	14,845	15,920	1,075	7

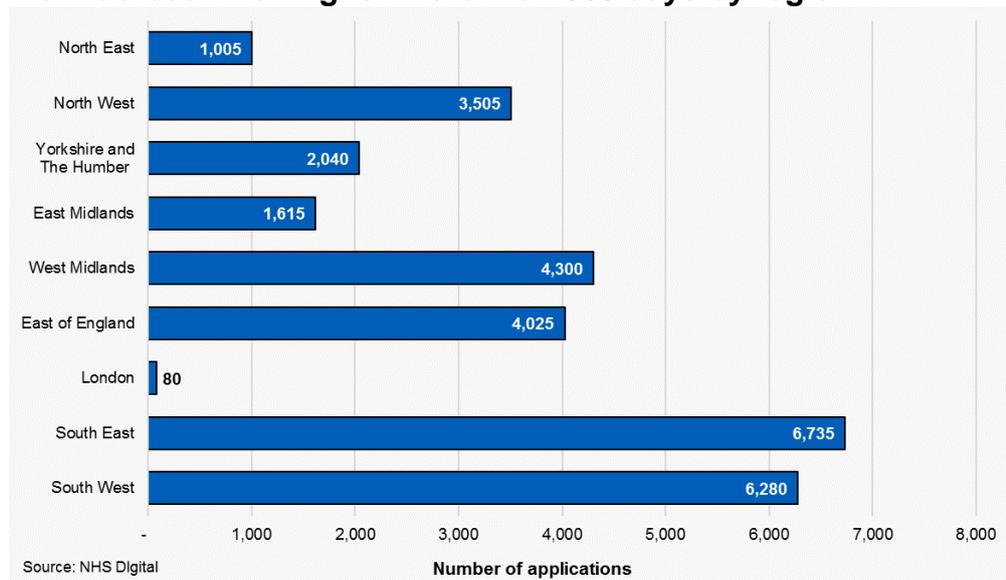
Source: NHS Digital

Notes: All figures have been rounded to the nearest multiple of 5. Annual percentage changes are based on the unrounded figures. Please see Annex D to view the 2016/17 data in further detail.

The number of applications not completed that had been waiting in excess of one year as at 31 March 2017 was 29,585; an increase of 68 per cent on the previous year. All regions with the exception of London saw an increase in applications that had not been completed more than one year after the receipt of application. At a local authority level the volumes of applications waiting more than year ranged from 0 to 3,700.

Nationally 28 per cent of the reported backlog had been waiting for more than one year; In the South West region the proportion was 39 per cent and in London it was 1 per cent.

Figure 4.3: Number of applications not signed off at 1 April 2017 that had been waiting for more than 365 days by region



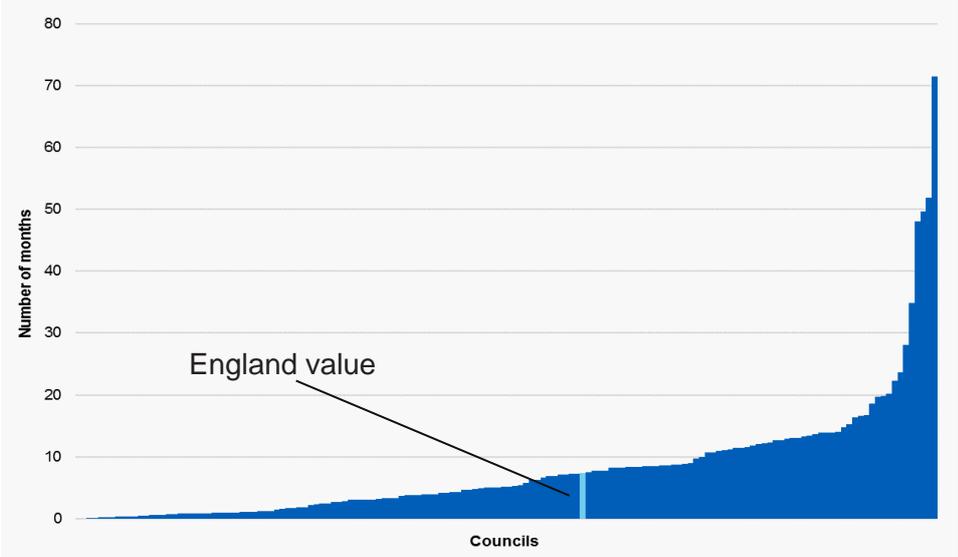
Notes: All figures have been rounded to the nearest multiple of 5. Please see Annex D Table 1 for further details.

Clearance time

In order to understand the scale of applications not completed and the ability of local authorities to address the backlog, we have applied the concept of a clearance time. The clearance time is calculated by dividing the average monthly number of completed and withdrawn applications during 2016/17 and dividing this number into the total reported backlog to give the number of months it would take to clear the backlog of applications assuming no new applications were made. This gives a crude measure of throughput and can better identify capacity problems than the simple backlog size. We recognise that there may be local issues and practices that will affect this measure; users need to be aware of this when interpreting the data.

The estimated clearance times range from 0 months to 71 months; the full range of values can be seen in Figure 4.4 below.

Figure 4.4: The range of months it would take for local authorities to clear their backlog if they did not receive any new applications, based on their rates of completion during 2016/17



Notes: All values have been rounded to the nearest whole month. The England value is displayed in the lighter shade of blue.

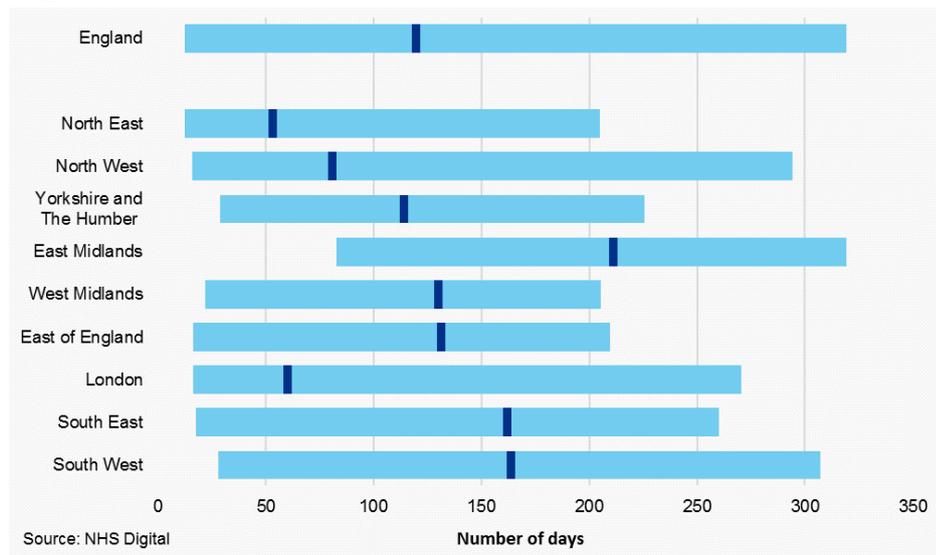
Chapter 5 – Time Frames

This chapter looks at the length of time local authorities are taking to complete DoLS applications, including compliance with the 21 day standard outlined in the Code of Practice⁶. It also analyses the duration of authorisations for granted applications and the proportion of authorisations that ended early.

Application time frames

The average length of time to complete a DoLS application increased from 83 days in 2015/16 to 120 days in 2016/17. Regionally there was some variance with applications taking on average four times longer to complete in the East Midlands than in the North East. At a local authority level the average durations ranged from 12 days in Gateshead to 319 days in Lincolnshire. Figure 5.1 illustrates the range of average durations for the completion of applications by region in 2016/17.

Figure 5.1 Average duration for completion of application by region, 2016/17



Notes: Please see Annex E Table 1 to view the data in further detail.

Key:

Lowest local authority value within the region

Average value for the region

Highest local authority value within the region



⁶ <https://www.cqc.org.uk/file/156026>

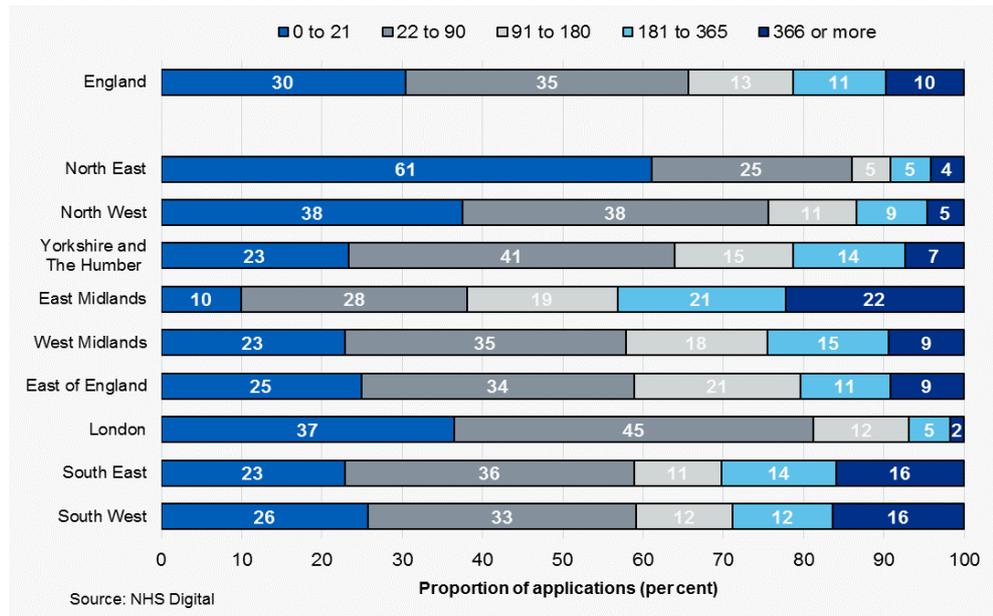
This increase in average duration to complete an application should be viewed in the context of the increase in older applications as local authorities addressed their backlogs, as outlined in chapter three.

Although the number of applications that were completed within 90 days increased by 31 per cent to 99,285 compared to 2015/16, the number that took more than one year to be completed increased by 244 per cent to 14,765.

The proportion of completed applications that were received in years prior to the current year increased from 16 per cent in 2015/16 to 24 per cent in 2016/17.

As can be seen in Figure 5.2 below, one in ten completed applications took more than one year to complete. At a regional level, the proportions taking more than one year ranged from 2 per cent in London to 22 per cent in East Midlands.

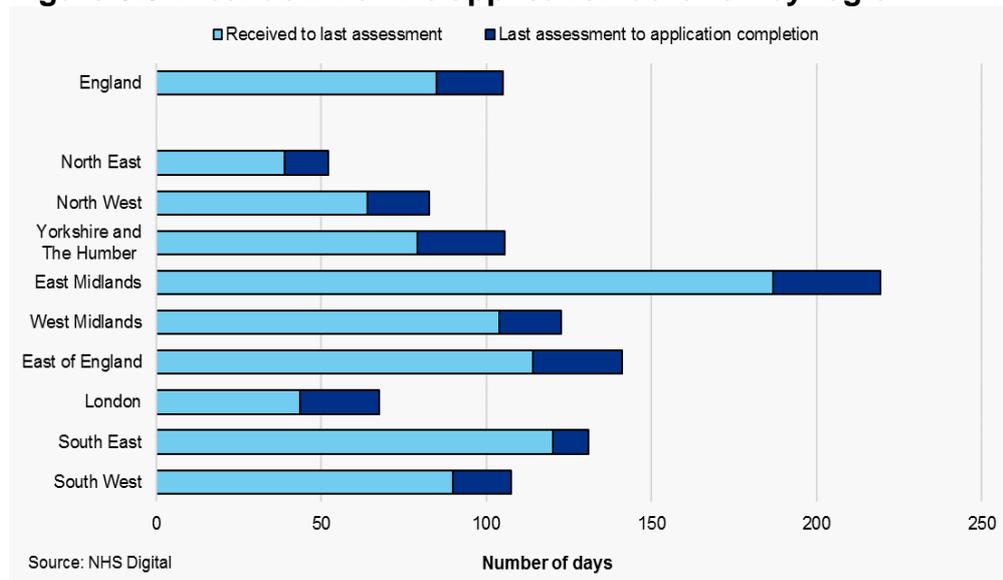
Figure 5.2 Proportion of completed applications by length of time to complete by region, 2016/17



Notes: Proportions (percentages) are based on the unrounded figures.

Through analysis of the data we are able to split the time to complete an application into two elements: the period from receipt of application to the date that the last assessment is carried out, and from the date of last assessment to the application sign-off date. In 2016/17 the average length of time from completing the assessments to sign off increased from 12 days to 20 days. The regional average durations range from 11 days (South East) to 32 days (East Midlands). Proportionally, this second half of the application process now accounts for 19 per cent of the total duration, up from 14 per cent in 2015/16.

Figure 5.3 Breakdown of the application duration by region



Notes: Please see Annex E Table 2 to view the data in further detail.

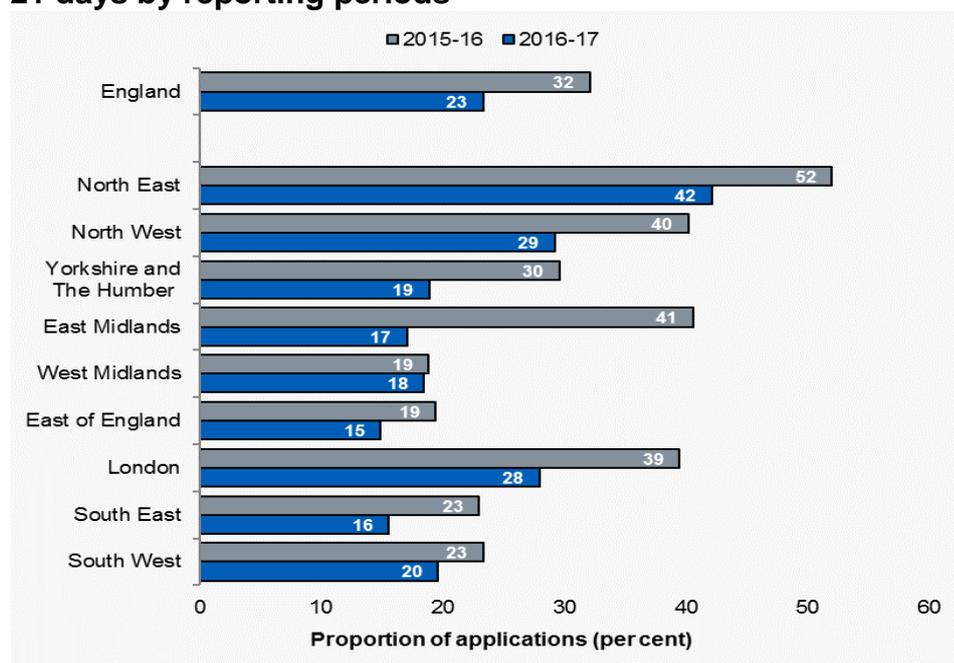
Achievement of the 21 day standard

The DoLS Code of Practice states that a standard DoLS application should be completed with 21 days of the local authority receiving the application. For urgent application these should be completed within 7 days of the managing authority granting an urgent authorisation.

NHS Digital is unable to measure compliance with the 7 day standard as the date that the managing authority granted the urgent authorisation, i.e. the start of the seven day period, is not included in the DoLS dataset.

Nationally the proportion of standard applications that were completed within 21 days fell from 32 per cent to 23 per cent. The North East still has the highest levels of compliance at 42 per cent, down from 52 per cent in 2015/16; The East of England now has the lowest level of compliance at 15 per cent, down from 19 per cent in 2015/16.

Figure 5.4 Proportion of standard applications completed within 21 days by reporting periods



Notes: Proportions (percentages) are based on the unrounded figures. Please see Annex E Table 5 for further details.

Time frame between application being granted and start of authorisation

For 82 per cent of authorisations granted during 2016/17 the authorisation start date was the same as the date the authorisation was granted. At a regional level the range was between 62 per cent in the North East to 93 per cent in both the South East and East Midlands.

There were 3,225 records nationally (3 per cent of all granted applications) where the authorisation start date was before granted date, the bulk of which were largely confined to ten local authorities.

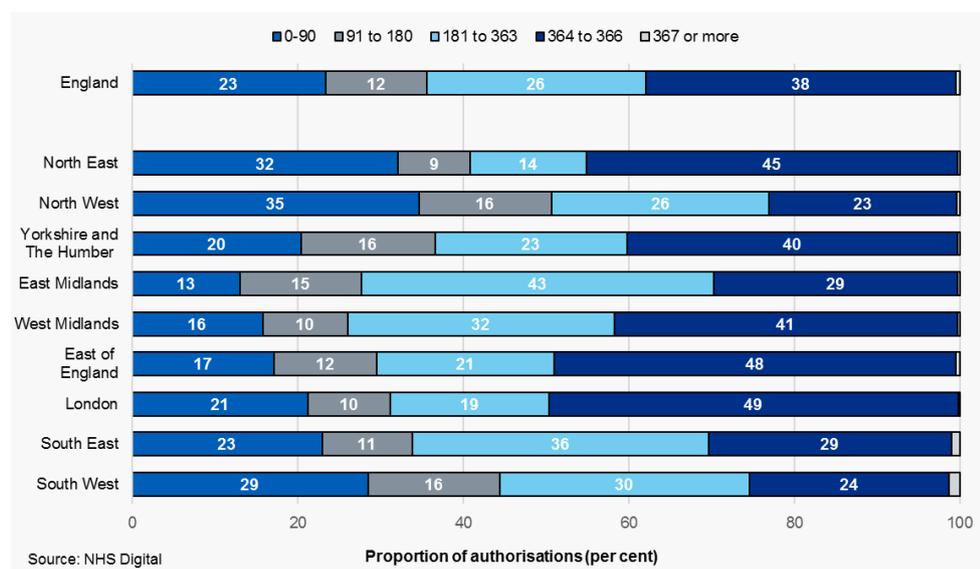
There are a number of contributing factors, including data quality issues, interpretation of guidance and procedures, and increased pressures on local authorities where applications cannot be signed off in time.

Planned duration of authorisations

This is the first year in which it has been possible to analyse this measure properly as the 2016/17 collection saw the start date of the authorisation included in the dataset for the first time.

The analysis of applications that were granted during 2016/17, regardless of the authorisation start date, shows that more than a third of authorisations were granted for the maximum term of one year. Nationally 38 per cent of granted authorisations were for a period of 364-366 days, although regionally this varied from 23 per cent in the North West to 49 per cent in London.

Figure 5.5: Proportion of authorisations (per cent) by planned duration



Notes: Planned duration based on applications completed and granted during 2016/17

Applications with urgent authorisations are generally granted for a shorter duration on average. The average planned duration of an urgent authorisation as a proportion of the average length of a standard authorisation varies from between 61 per cent in London and 82 per cent in the West Midlands, although this was not the case in the East Midlands, where urgent authorisations were granted for slightly longer than the average standard authorisation.

Actual duration of authorisations

This section looks at those authorisations that ended during 2016/17, regardless of when the application was received and completed.

It should be noted that analysis of the datasets for the last two years leads us to believe that a substantial volume of records that were received and completed prior to 2016/17 but where the authorisation ended during the year were not included in the 2016/17 submission. Therefore there needs to be some caution when interpreting the data in this section.

Of the authorisations that ended during 2016/17 35 per cent (19,930) ended before the planned end date. At a local authority level the proportion of applications ending early ranged from 0 per cent to 100 per cent.

The average number of days that an authorisation finished before the planned date was 150 days for those authorisations reported as ending during 2016/17. Regionally this varied from 121 days in the South West to 186 days in the East Midlands. At a local authority level the range was from 8 days in Essex County Council to 268 days in Saint Helens Borough Council.

Figure 5.6: Number and proportion of authorisations that ended early and the length of time by which they ended early, by region. 2016/17

Region	Authorisations ending during 2016/17	Authorisations that ended earlier than planned	Proportion of authorisations that ended earlier than planned (per cent)	Average duration between planned and actual end date when ended early (days)
England	57,650	19,930	35	150
North East	8,150	2,310	28	143
North West	7,185	2,385	33	158
Yorkshire and The Humber	4,505	1,580	35	153
East Midlands	4,495	1,990	44	186
West Midlands	7,320	2,055	28	142
East of England	5,350	1,860	35	145
London	8,635	3,445	40	154
South East	8,040	2,885	36	141
South West	3,965	1,420	36	121

Source: NHS Digital

Notes: All figures have been rounded to the nearest multiple of 5. Proportions (percentages) are based on the unrounded figures. Please see Annex E Table 9 to view the data in further detail.

Reviews

During an authorised DoLS case, a number of reviews can occur, which will reassess whether the person should continue to be subject to a deprivation of liberty. Reviews may take place at any time during the DoLS period.

Of the 57,565 authorisations that were reported as ending within 2016/17 there were 4,075 (7 per cent) that had at least one review. There was regional variation from 4 per cent in Yorkshire and the Humber to 19 per cent in the East Midlands. At local authority level the range was from 0 per cent to 71 per cent (Norfolk County Council). There were 51 local authorities that recorded no reviews as taking place.

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