

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

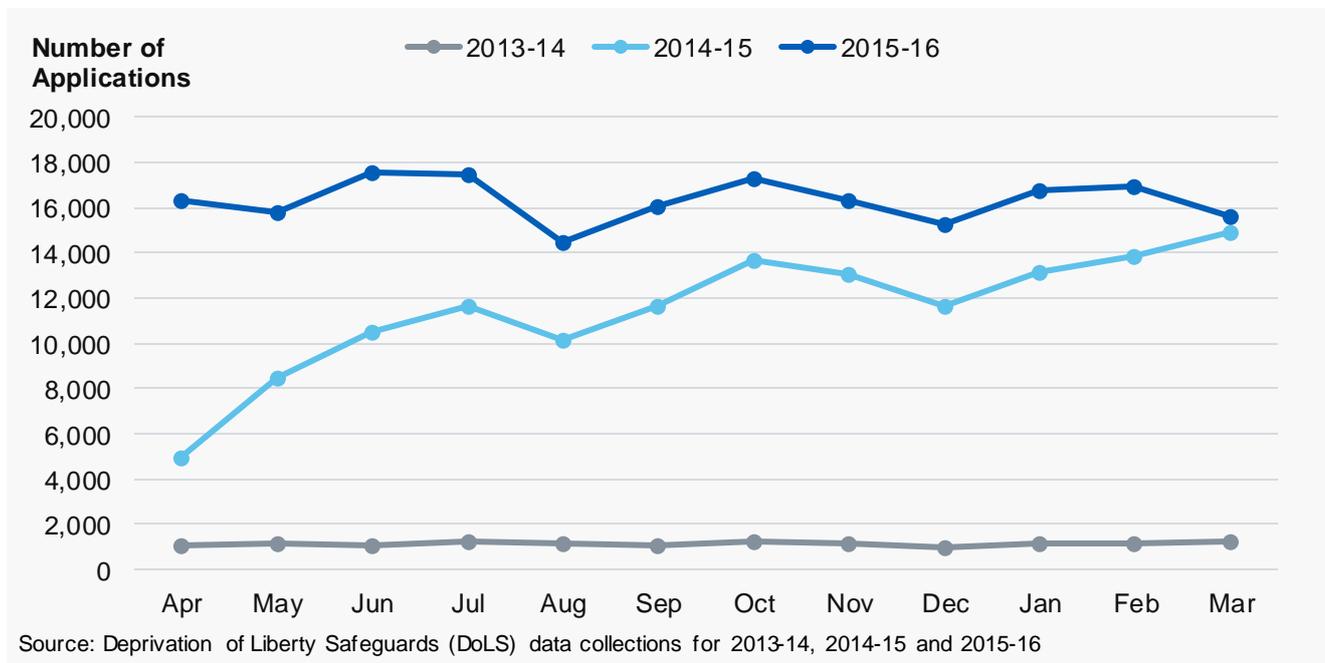
England 2015-16 National Statistics

Published 28 September 2016

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 2015 to 31 March 2016.

Key findings

- Overall, 195,840 DoLS applications were reported as having been received by councils during 2015-16. This is the most since the DoLS were introduced in 2009 and represents 454 DoLS applications received per 100,000 adults in England.
- As shown in the chart below, following a period of relative stability during 2013-14 (prior to the 2014 Supreme Court judgment and where the total number of applications received was 13,715), a period of month-on-month growth occurred during 2014-15. This peaked with 14,930 applications received in March 2015, before monthly figures look to have re-stabilised at just above this level throughout 2015-16.



Notes:

1. 2015-16 figures are based on 195,840 applications received during the reporting year
2. 2014-15 figures are based on 137,540 applications received during the reporting year
3. Number of applications are rounded to the nearest 5

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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.

Context

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 2015 to 31 March 2016. It includes any application that was received during the reporting year, or was received earlier and remained incomplete as at 1 April 2015.

The Deprivation of Liberty Safeguards (DoLS) are a legal framework that exist to ensure that individuals who lack the mental capacity to consent to the arrangements for their care, where such care may (because of restrictions imposed on an individual's freedom of choice or movement) amount to a "deprivation of liberty", have the arrangements independently assessed to ensure they are in the best interests of the individual concerned.

A key element of the safeguards is that health and care providers must formally apply to their local Council with Adult Social Services Responsibilities (CASSR, council or local authority) and satisfy six different assessment criteria.

In March 2014, the Supreme Court issued a judgment that clarified an "acid test" for what constitutes a deprivation of liberty. The acid test states that an individual who lacks the capacity to consent to the arrangements for their care and is subject to continuous supervision and control and is not free to leave their care setting, is deprived of their liberty and should be the subject of a DoLS application (where they are in a care home or hospital setting).

The Supreme Court also ruled that the individual's objection to the arrangements that amount to a deprivation of liberty is not a relevant consideration (even if the individual is not objecting, a DoLS application is required).

The judgment marked a significant change to established practice, leading to a tenfold increase in applications between 2013-14 and 2014-15.

For more detailed information on the safeguards, DoLS process and the Supreme Court judgment, please see [Annex A](#).

Explanatory notes

This report provides the findings from the Mental Capacity Act 2005, Deprivation of Liberty Safeguards (DoLS) data collection for the period 1 April 2015 to 31 March 2016. It includes any application reported to NHS Digital that was received, processed or considered to be “active” in any way between 1 April 2015 and 31 March 2016 (that is any application that began at any point before 31 March 2016 and which either ended at any point after 1 April 2015, or had not ended as at 31 March 2016).

The information published by NHS Digital in this report and accompanying documents is based on data submitted to NHS Digital by local authorities. Please refer to the footnotes under each table and chart and also the Data Quality section in [Annex A](#) when interpreting the data.

[Chapter 1](#) presents statistics on applications that were received in the reporting year, irrespective of whether they were completed or not. [Chapters 2, 3 and 4](#) present statistics on applications that were completed during the reporting year, irrespective of when they were received. [Chapter 3](#) further analyses applications that were granted, and reviews of authorisations and [Chapter 4](#) analyses applications that were not granted. [Chapter 5](#) then looks at applications that were not signed off as of 31 March 2016 before [Chapter 6](#) analyses the demographics of individuals with a DoLS application active during the reporting year – received and completed.

[Annex A](#) describes the purpose, process and history of the Deprivation of Liberty Safeguards and metadata around the data collection process, data quality and further reading, including the Supreme Court judgment from March 2014 that have effectively lowered the threshold for what is considered to be a DoL, when compared to previous practice.

The data tables published as annexes to this report present further analyses and breakdowns of the data, including breakdowns by council and care provider (i.e. a care home, nursing home, hospital etc.).

The data used to generate this report were collated by NHS Digital from a mandatory data collection of all councils. The guidance notes specifying which applications should be included are available on NHS Digital’s website¹. Submissions were received from all 152 councils, but any caveats or issues affecting the quality of the data (such as accuracy of the records submitted, or completeness of a council’s data) are noted in [Annex A](#).

To prevent disclosure, any counts of five or lower have been suppressed and all other counts have been rounded to the nearest five. Any percentages and rates have been presented to the nearest whole number.

All data are as at 31 March 2016.

The effects of the Supreme Court judgment can be seen throughout the report, and any changes in the volume of applications received, the proportions of applications completed and authorisations granted, and the demographics of individuals now subject to DoLS should be interpreted with the judgment in mind. There may of course be other factors that have had an effect, and this report provides narrative context where possible, to aid user interpretation of what these statistics mean.

¹ <http://digital.nhs.uk/socialcarecollections2016>

Glossary of terms

Received applications – This refers to DoLS applications that were received by the council.

Completed applications – Once all six assessments have been carried out and the relevant form has been completed and signed by the relevant person at the council so that a decision to either grant or not grant the application can be made. An application is then considered to be complete.

Granted / not granted – When an application is completed, the decision to either grant or not grant the request is made based on the assessment carried out beforehand.

Not yet signed off – Applications that have been received by the council but have not yet been fully processed or completed in order to decide whether they should be granted or not granted, are considered as not yet signed off.

Authorised – Granted completed applications become authorisations from the recorded start date and finish on the recorded actual end date. Authorisations also have a planned end date.

Chapter 1: Received Applications

This chapter analyses applications that were received in the 2015-16 reporting year – including those that have not yet been signed off by a council. This is the second year that analysis looking at *received* applications has been published – in previous years; the official statistics have focussed solely on applications that were completed in the reporting year. Since the March 2014 judgment, the proportion of active applications that have not yet been completed by the end of the reporting year has been considerably higher than in previous years, so we have analysed applications received (as well as ‘not yet signed off’ in chapter 5) to provide a fuller picture of DoLS activity.

Whilst historic trends have shown an increase in applications every year since DoLS were introduced in 2009, the scale of the increase this year and the increased proportion of applications that have not yet been completed are mostly attributed to the Supreme Court judgment of March 2014. These ruled that some care arrangements that would not previously have been considered to be a deprivation of liberty would require a formal DoL Authorisation.

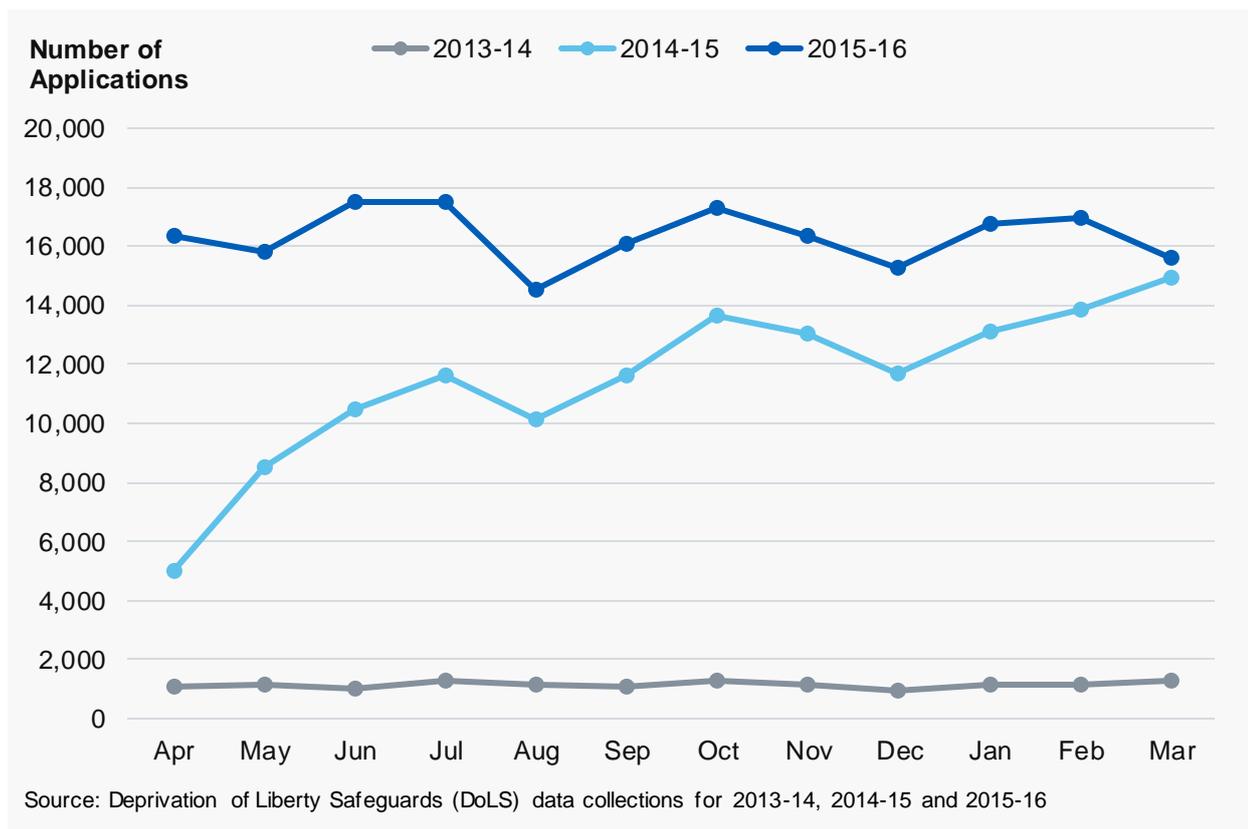
Total applications received

Overall, 195,840 DoLS applications were reported as having been received by councils during 2015-16. This is the most since the DoLS were introduced in 2009. Across England, there were 454 DoLS applications received per 100,000 adults in 2015-16.

Applications received by month

Figure 1.1 shows the volume of applications reported as having been received in each month for the last three reporting years. This shows that, following a period of relative stability during 2013-14 (prior to the 2014 Supreme Court judgment and where the total number of applications received was 13,715), a period of month-on-month growth occurred during 2014-15. This peaked with 14,930 applications received in March 2015, before monthly figures look to have re-stabilised at just above this level throughout 2015-16.

Figure 1.1: Volume of DoLS applications received by month, England 2013-16



Notes:

1. 2015-16 figures are based on 195,840 applications received during the reporting year
2. 2014-15 figures are based on 137,540 applications received during the reporting year
3. 2013-14 figures are based on 13,715 applications received during the reporting year
4. Number of applications are rounded to the nearest 5

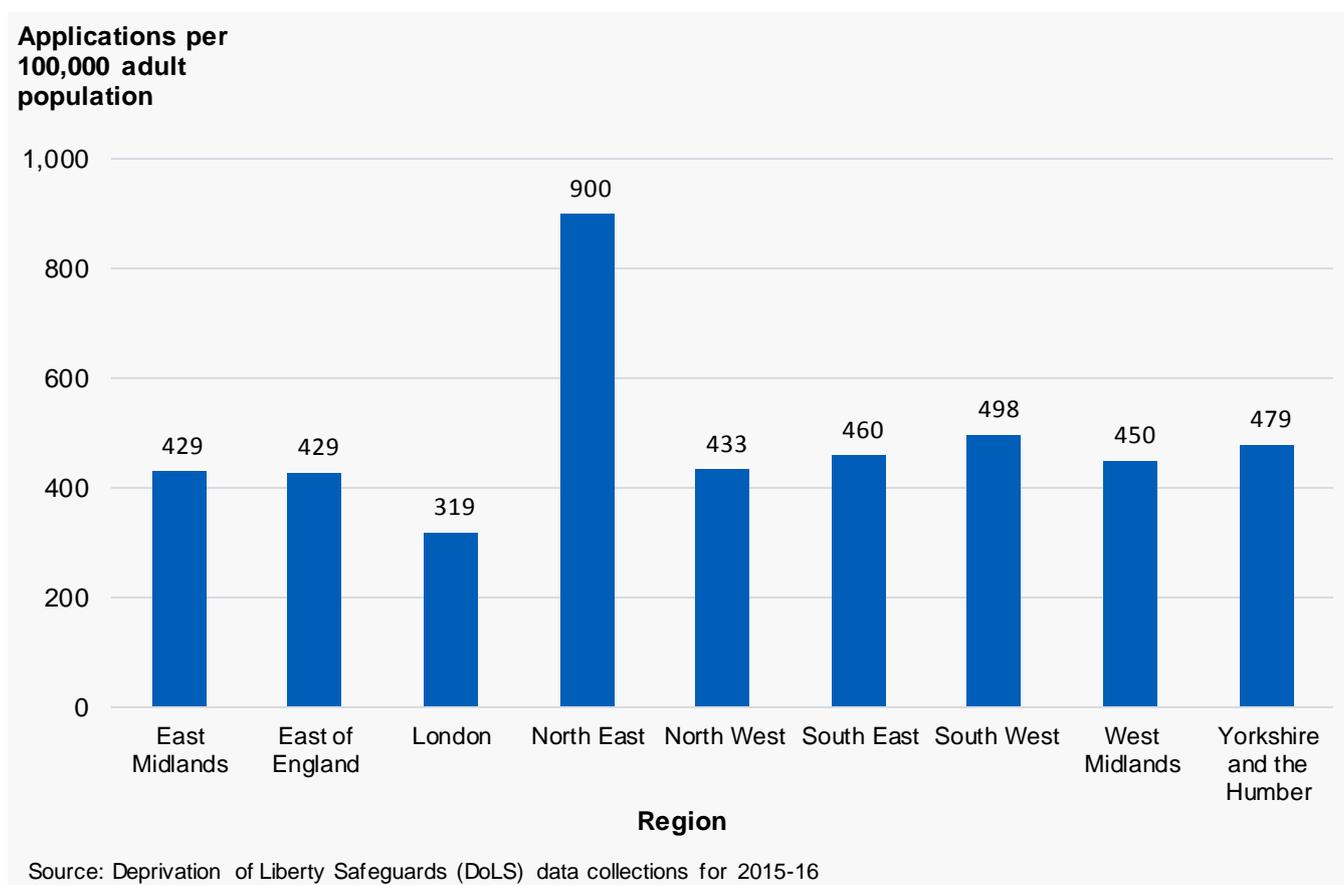
The monthly proportion of applications reported by councils as being received has generally followed the national trend however some councils did report deviations from this overall pattern. Possible reasons for this include efforts within councils to complete applications that see these grouped together and needing to be reviewed on recurrent timescales of every three / six months. It has also been noted anecdotally that more applications tend to be received from a care provider in the month after inspection by the Care Quality Commission.

Applications received by region

Figure 1.2 shows the rate of applications received per 100,000 adults for each England region as reported by councils. Variation is apparent between regions, with the North East having almost three times as many received applications (900 per 100,000) compared to London (319). The remaining regions received between 400 and 500 applications per 100,000 adults in 2015-16.

The regional disparity suggests varying structures in populations and different interpretations of the safeguards in each region. The CQC have previously noted that as the DoLS are used most often to protect older people, regions with a younger population would be expected to show a lower rate of applications².

Figure 1.2: Received DoLS applications per 100,000 adults by region, England, 2015-16



Notes:

1. Based on all applications received during the reporting year 2015-16
2. Population data source: Office for National Statistics - 2015 mid-year population estimates
3. Application rates are rounded to the nearest whole number

² <http://www.cqc.org.uk/sites/default/files/20150325%20Deprivation%20of%20Liberty%20Safeguards%20FINAL.pdf>

Applications received by region and age group

Table 1.1 shows the rate of applications reported by councils as received by region and age group, standardised to account for the age of the population in each region. As expected, for every region, the likelihood of a person having a DoLS application made on their behalf increases with age, but there are still large regional variations:

Table 1.1: DoLS applications per 100,000 adults by region and age, England, 2015-16

Region	Applications per 100,000 adult population			
	18-64 Years	65-74 Years	75-84 Years	85 Years and over
East Midlands	116	370	1,668	5,558
East of England	79	349	1,557	5,983
London	93	494	1,665	5,853
North East	173	720	3,771	13,068
North West	86	435	1,833	6,100
South East	95	358	1,678	6,277
South West	94	353	1,694	6,222
West Midlands	95	401	1,768	6,325
Yorkshire and the Humber	104	428	1,925	6,915

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

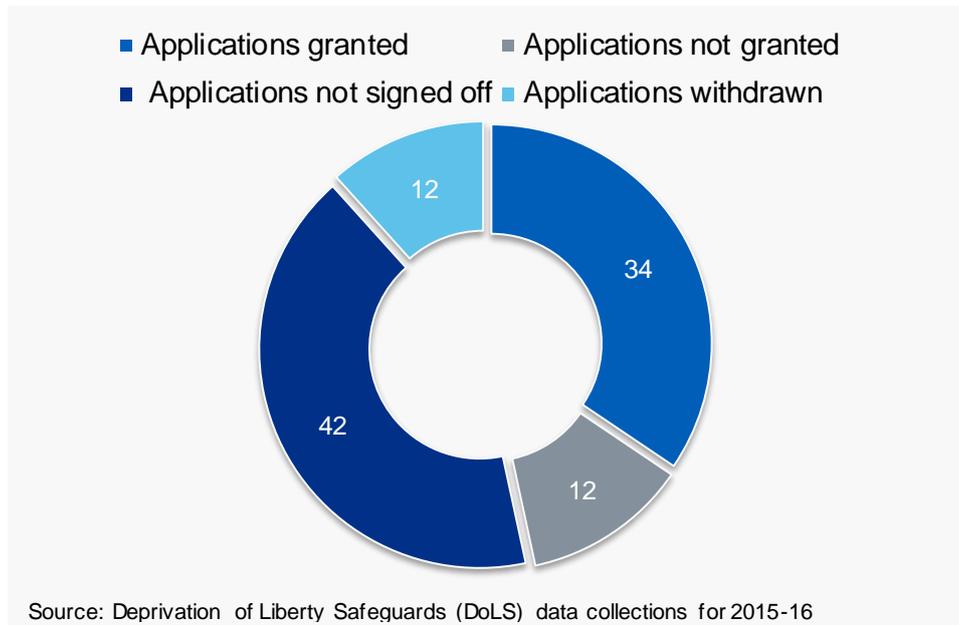
Notes:

1. Based on all applications received during the reporting year 2015-16
2. Population data source: Office for National Statistics - 2015 mid-year population estimates
3. Application rates are rounded to the nearest whole number

Received applications by outcome

Figure 1.3 shows the outcome status of all applications reported by councils as received during 2015-16 up to and including March 31. Over 40% of applications received in the reporting period had not been signed off by the end of the year. This is a similar proportion to last year.

Figure 1.3: DoLS applications by outcome, England, 2015-16



Notes:

1. Based on all applications received during the reporting year 2015-16
2. Only includes applications which had a valid Application status populated

It was expected that applications would be classified as “withdrawn” only in rare situations, for example if an application had been submitted in error, ceased due to an administrative matter, or where during an application with an urgent authorisation the person died or was discharged before any assessments had taken place.

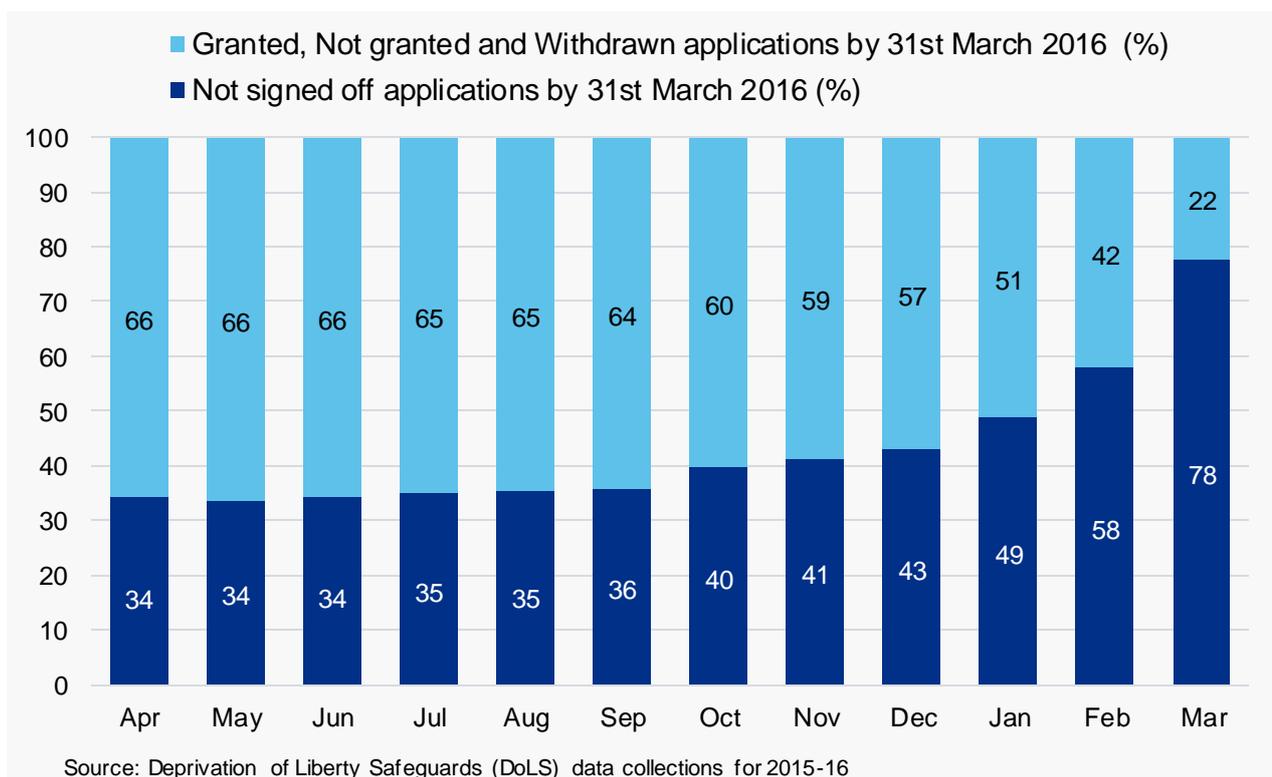
The proportions of applications granted and not granted in **Figure 1.3** are only for those applications received in the reporting year, and do not include any applications completed in 2015-16 but received before 1 April 2015. They therefore do not correspond to the figures included in chapters 2, 3 and 4 of this report which include all applications that have been completed during 2015-16, irrespective of when the applications were initially received.

Received applications not yet signed off

Figure 1.4, below, shows the proportion of applications reported by councils as being received in each month, by whether they had been signed off or not at the end of the reporting year. As expected, applications received later in the year were less likely to have been completed.

When an application relates to an urgent authorisation, councils should complete assessments within 7 days. If the standard application relates to a non-urgent authorisation, councils have 21 days to complete these assessments.

Figure 1.4: Proportion of DoLS applications by month and signoff status, England, 2015-16



Notes:

1. Based on all applications received during the reporting year 2015-16
2. Only includes applications which had a valid Application status populated
3. Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Received applications with urgent authorisations

As **Figure 1.5** shows, the East Midlands region received the highest proportion of applications with urgent authorisations (70 per cent of 15,895 applications, or 11,055 urgent applications), whereas, London received the lowest proportion of applications accompanied by an urgent authorisation (36 per cent of 21,420 applications, or 7,680 urgent applications).

Figure 1.5: Number and proportion of applications received with urgent authorisations by region, England, 2015-16

Region	Received applications	With Urgent Authorisations	Percent Urgent
East Midlands	15,895	11,055	70
East of England	20,470	10,340	51
London	21,420	7,680	36
North East	18,895	12,190	65
North West	24,490	11,370	46
South East	32,310	11,090	34
South West	21,845	13,595	62
West Midlands	20,200	10,375	51
Yorkshire and the Humber	20,315	7,800	38

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all applications received during the reporting year 2015-16
2. Number of applications are rounded to the nearest 5

Chapter 2 – Completed Applications

This section contains information about DoLS applications that were completed by councils during the 2015-16 reporting year irrespective of when they were signed off. An application is classed as “completed” when the relevant assessments are concluded, a decision about the outcome has been made (as granted or not granted) and the appropriate paperwork has been completed.

Whilst historic trends have shown an increase in applications every year since DoLS were introduced in 2009, the scale of the increases over the last two years, and the increased volume of applications not yet completed at the year-end are mostly attributed to the Supreme Court judgment of March 2014. This ruled that some care arrangements that would not previously have been considered to be a deprivation of liberty would require a formal DoLS authorisation.

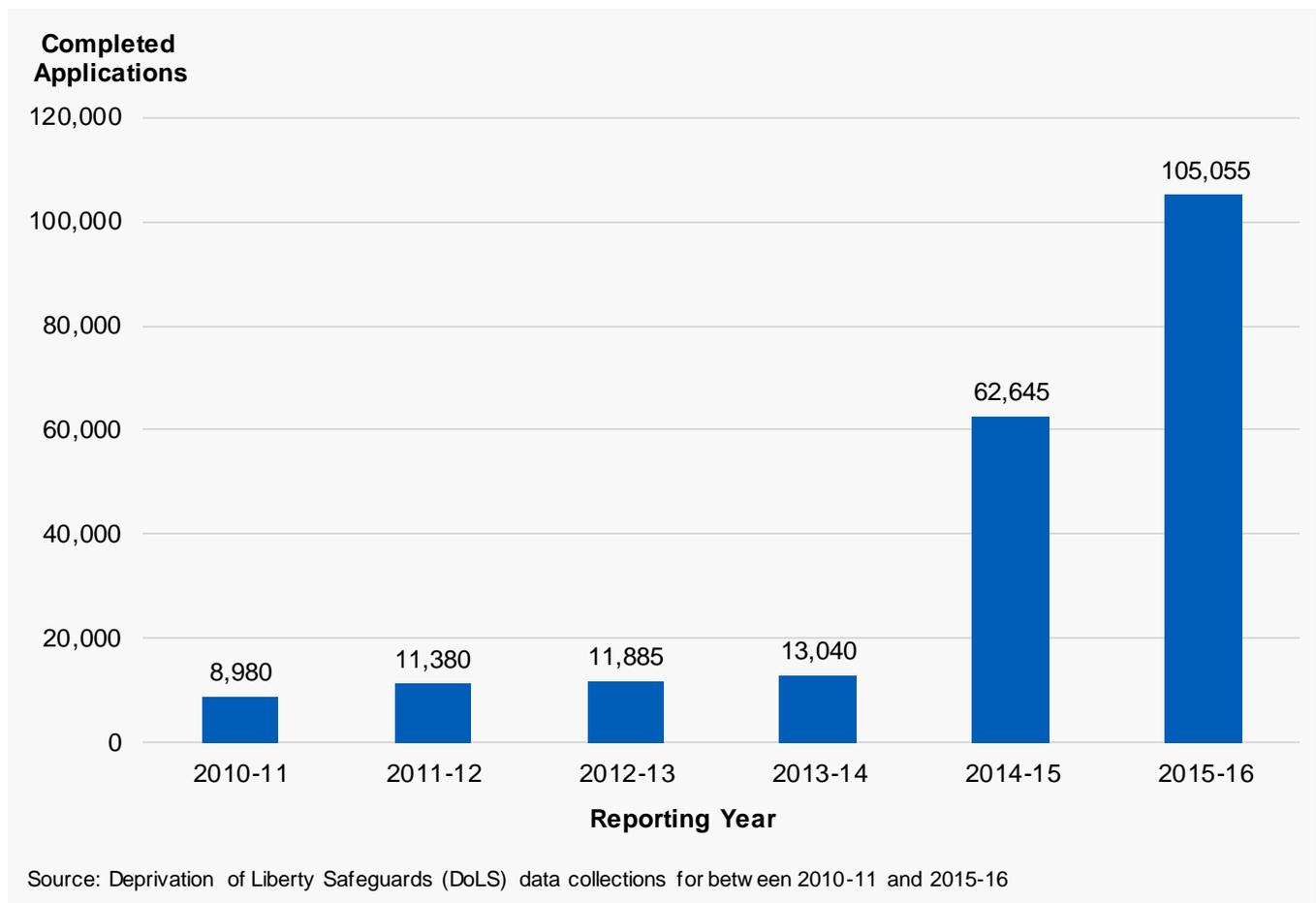
The large increase in received applications has understandably led to a higher proportion of applications not being signed off by the end of the reporting year. Differences between received and completed applications for regions and local authorities may therefore be affected by available resources, local prioritisation approaches and the complexities of each application.

Completed applications by year

Figure 2.1 shows the volume of DoLS applications reported by councils as having been completed each year since the safeguards were introduced in 2009. 105,055 completed applications were reported in 2015-16, compared to 62,645 in 2014-15. This represents an increase of 68 per cent and follows a 380 per cent increase in completed applications between 2013-14 and 2014-15 (from 13,040 in 2013-14).

Whilst almost all of the large increase over the last two years can be attributed to the effects of the Supreme Court judgment, the continuing trend may also reflect increased awareness of the safeguards, and willingness to use them by local authorities.

Figure 2.1 Number of completed applications by year, England, 2010-2016



Notes:

1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Number of applications are rounded to the nearest 5

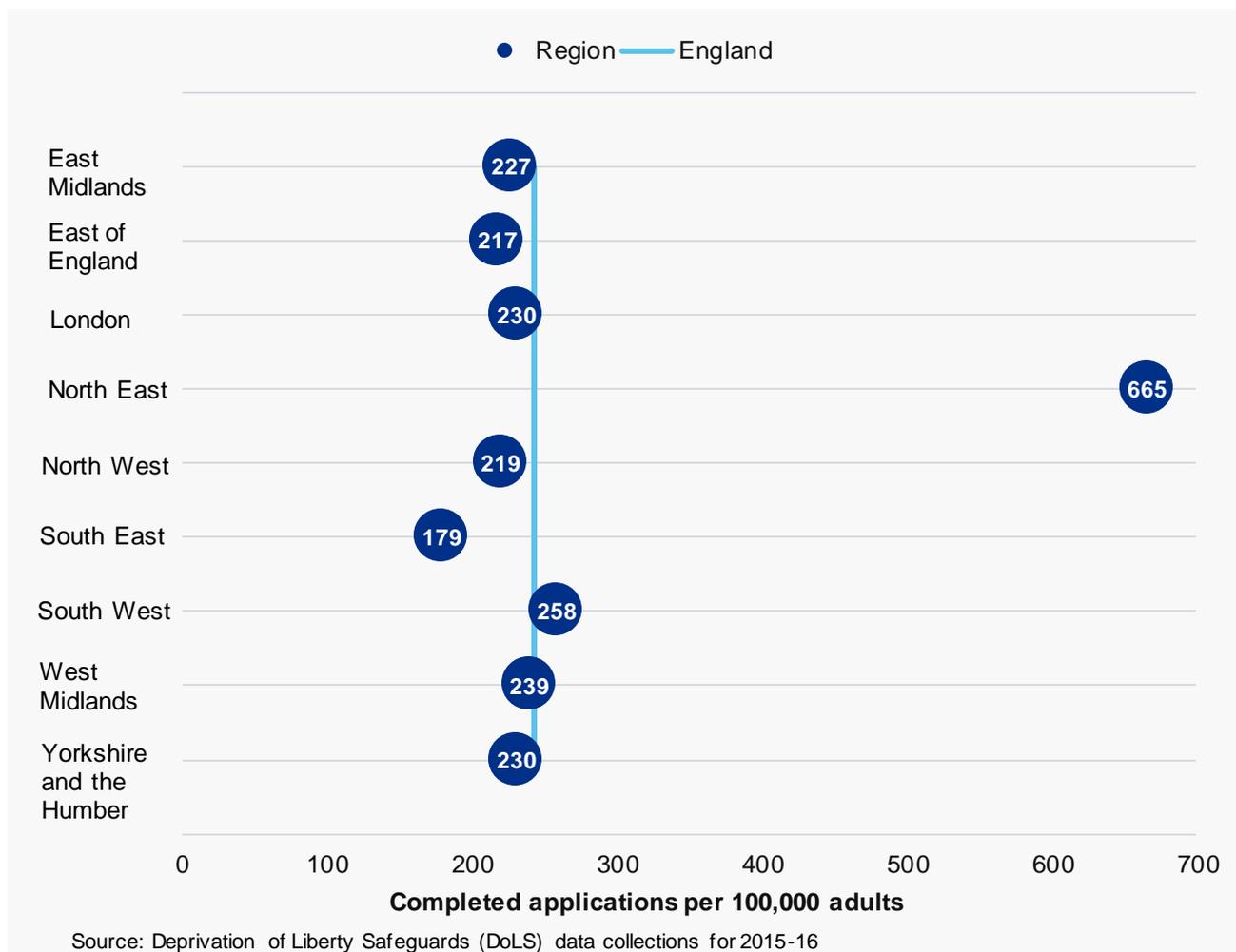
Completed applications by region

Figure 2.2 shows the number of completed applications by region, standardised using the population of each region, to allow for comparisons between regions.

The North East has the highest rate of applications completed, with 665 applications per 100,000 residents. This is more than two and a half times the next highest region, the South West (258). The other eight regions display some variation, with the South East having the lowest rate of completed applications (179 per 100,000 residents).

The regional disparity is indicative of varying structures in populations and also potentially different interpretations of the safeguards in each region. The CQC have previously noted that as DoLS are used most often to protect older people, regions with a younger population would be expected to show a lower rate of applications³.

Figure 2.2: Completed applications per 100,000 adults by region, England, 2015-16

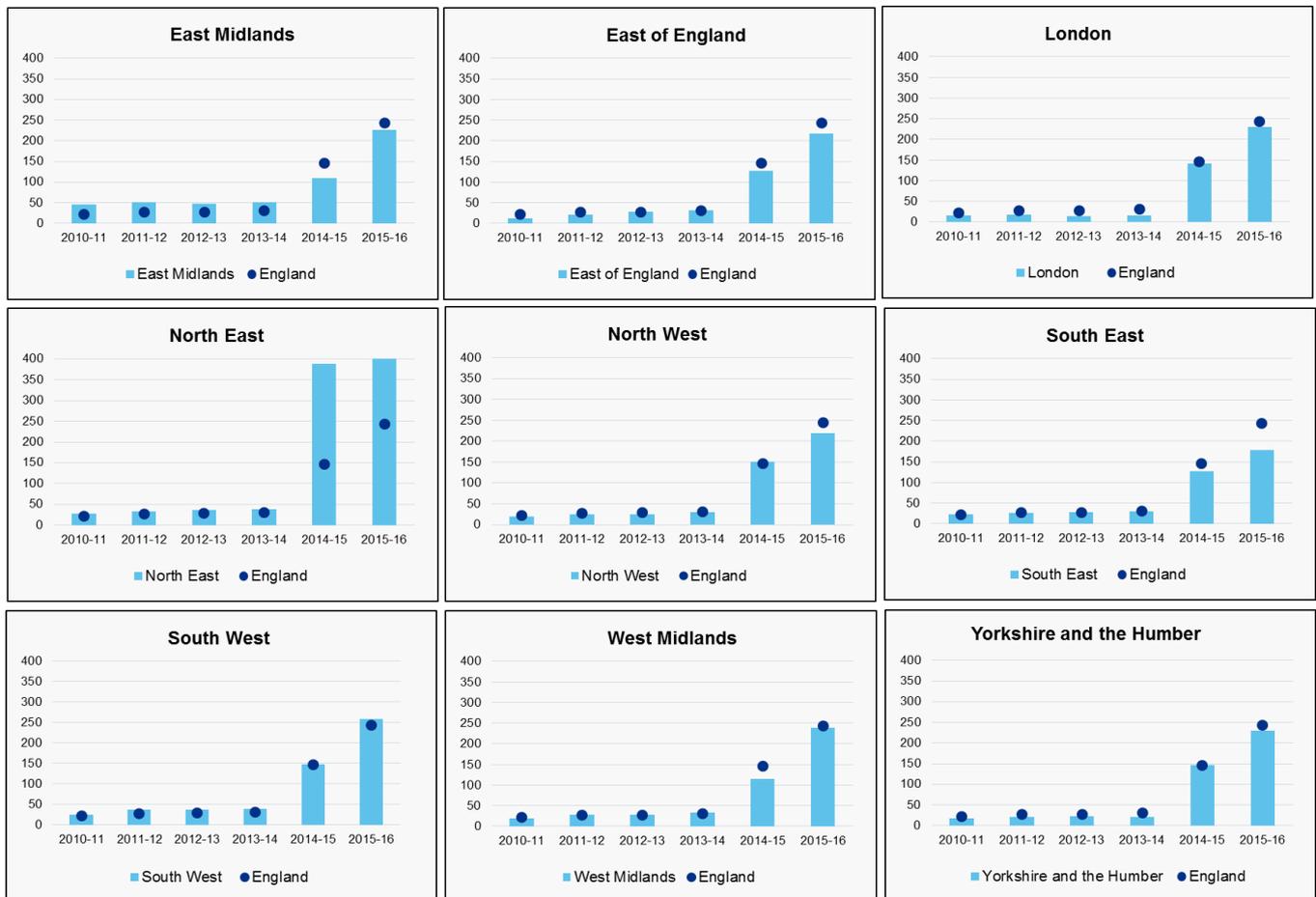


Notes:

1. Based on all applications with a sign off date during the reporting year 2015-16, irrespective of when the application was received
2. Application rates are rounded to the nearest whole number
3. Population data source: Office for National Statistics - 2015 mid-year population estimates

Figure 2.3 shows how the rate of applications by region has changed since the DoLS were introduced in 2009. Whilst the statistics for both 2014-15 and 2015-16 represents significant increases compared to previous years, figures up to 2013-14 still display a consistent upward trend across all regions except London.

Figure 2.3: Completed applications per 100,000 adults by region, England, 2010-2016



Source: Deprivation of Liberty Safeguards (DoLS) data collections for between 2010-11 and 2015-16

Notes:

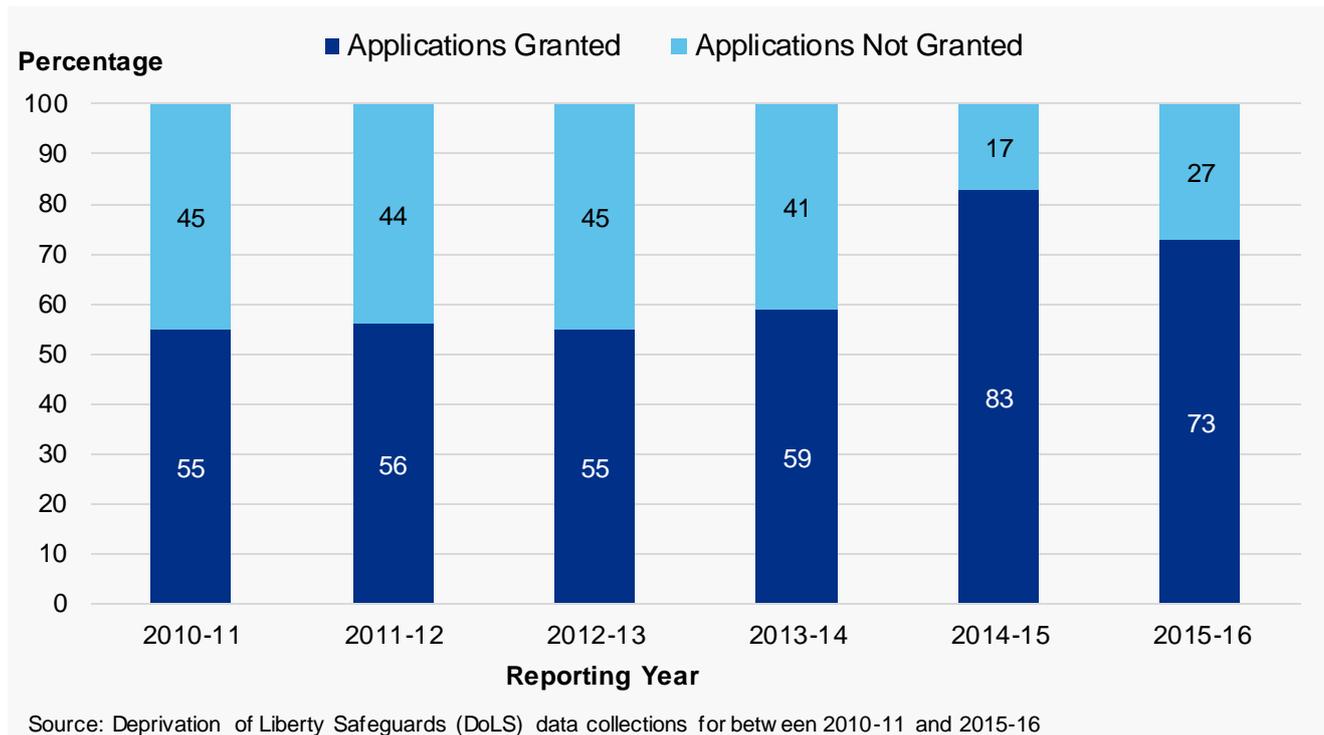
1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Application rates are rounded to the nearest whole number
3. Population data source: Office for National Statistics - 2015 mid-year population estimates
4. Please refer to Annex B to view the data used to construct the charts shown in Figure 2.3

Completed application outcomes by year

The outcome of a DoLS application is the decision on whether to grant, or not grant a Deprivation of Liberty authorisation (DoL).

Figure 2.4 shows the proportion of completed applications, as reported by councils, by outcome since the introduction of DoLS. Of the 105,055 completed applications in 2015-16, 76,530 (73 per cent) were granted and 28,530 (27 per cent) were not granted.

Figure 2.4: Proportion of completed applications by outcome, England, 2010-2016



Notes:

1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding
3. Completed applications by year: 2010-11 (8,980), 2011-12 (11,380), 2012-13 (11,885), 2013-14 (13,040), 2014-15 (62,645) and 2015-16 (105,055)

Whilst the proportion of completed applications that have been authorised has generally shown an upward trend since DoLS were introduced in 2009, the proportion of applications that were granted in 2015-16 (73 per cent) represents a reduction compared to the proportion observed in 2014-15 of 83 per cent (52,125 of 62,645). The historic increases can be partly attributed to an increased understanding of the safeguards by care providers and local authorities, with more cases where a DoL authorisation would be appropriate taken through the process.

Despite the large increases over the last couple of years, many of the same reasons underlie the proportion of granted applications between 2014-15 and 2015-16, with the Supreme Court judgment giving clear guidance on the type of care arrangements that should be subject to the safeguards. For more information on the judgment, please see [Annex A](#)

Table 2.1 shows that whilst the proportion of applications granted was relatively consistent across most regions, only 44 per cent were granted in the South West, whereas 86 per cent were granted in the North East and London.

Table 2.1: Completed application outcomes by region, England, 2015-16

Region	Applications Granted	Percent Granted	Applications Not Granted	Percent Not Granted
East Midlands	4,645	55	3,750	45
East of England	5,475	53	4,895	47
London	13,275	86	2,210	14
North East	11,995	86	1,965	14
North West	10,585	85	1,820	15
South East	9,930	79	2,660	21
South West	4,970	44	6,355	56
West Midlands	7,700	72	3,040	28
Yorkshire and the Humber	7,955	81	1,825	19
England	76,530	73	28,530	27

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Number of applications are rounded to the nearest 5

Completed applications with urgent authorisations

A care provider can grant itself an urgent authorisation if an individual needs to be immediately deprived of their liberty to protect them from harm. The CQC have noted that this route can also be followed where a care provider recognises that it is already depriving a person of their liberty without it being foreseen³.

When an urgent authorisation is used, details still need to be sent to the council and a standard application form must also be submitted. Where an application relates to an urgent authorisation, councils have to complete assessments within 7 days.

Table 2.2 shows the proportion of completed applications reported by councils as being accompanied by an urgent authorisation in 2015-16. The national proportion was 52 per cent, a reduction from last year (59 per cent), although the actual number of urgent applications has increased over the same period, from 37,110 in 2014-15, to 54,280 in 2015-16.

There were also large regional variations. Proportions ranges from 35 per cent in London to 70 per cent in East Midlands. Approximately two thirds of all completed applications were classed as urgent in the East Midlands, East of England, North East and South West, whereas the North West, South East and West Midlands regions displayed a fairly even split between urgent and not urgent completed applications.

³ <http://www.cqc.org.uk/sites/default/files/20150325%20Deprivation%20of%20Liberty%20Safeguards%20FINAL.pdf>

Table 2.2: Proportion of completed applications with urgent authorisations by region, England, 2015-16

Region	Completed Applications	With Urgent Authorisation	Percent Urgent
East Midlands	8,395	5,870	70
East of England	10,375	6,330	61
London	15,485	5,365	35
North East	13,960	9,200	66
North West	12,405	6,020	49
South East	12,590	5,915	47
South West	11,325	6,615	58
West Midlands	10,740	5,205	48
Yorkshire and the Humber	9,780	3,750	38
England	105,055	54,280	52

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

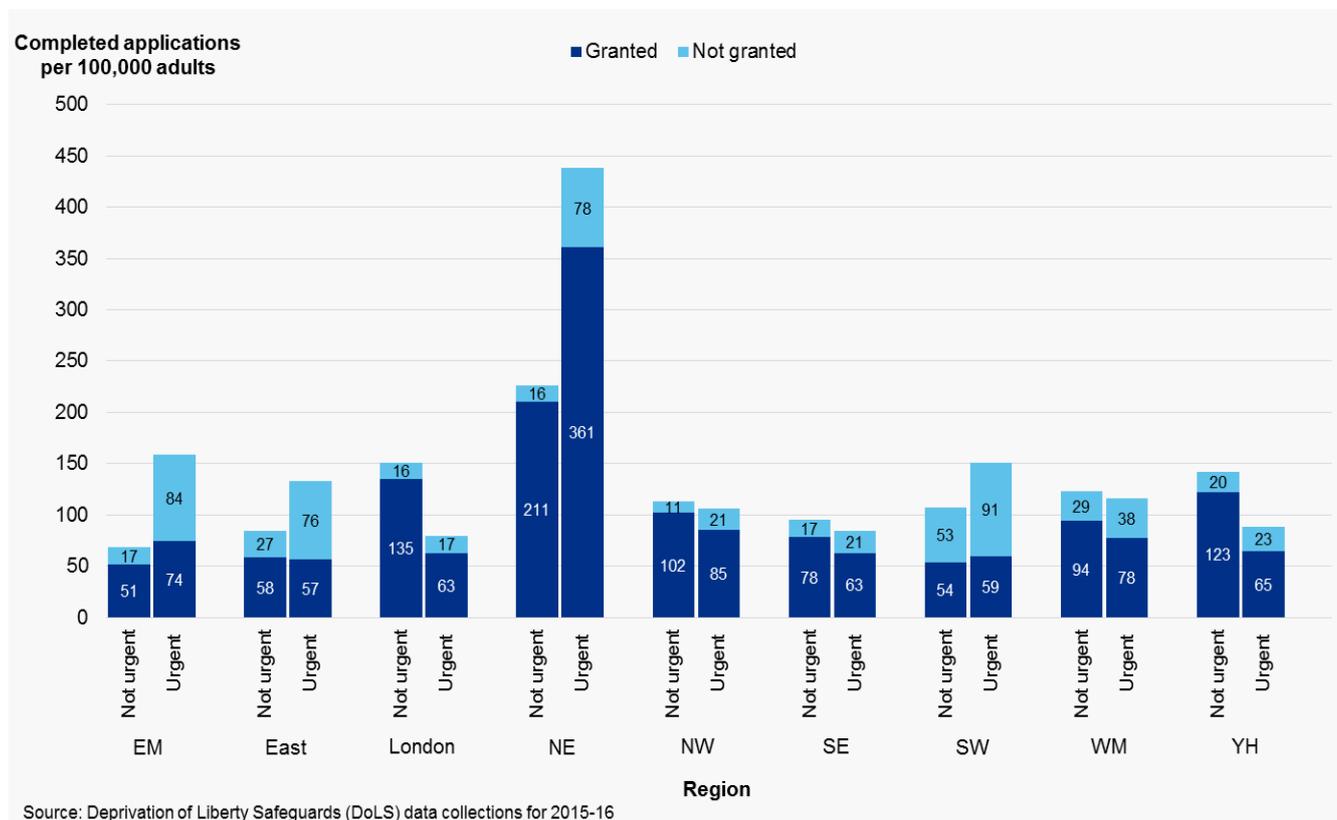
1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Number of applications are rounded to the nearest 5

Figure 2.5, below, compares the differences across regions for the proportion of completed applications that were either granted or not granted, and whether they were submitted as urgent or not urgent authorisations.

The regions can be broadly classified into four groups:

- Approximately two thirds of the completed applications submitted in the East Midlands, East of England and South West were urgent authorisations. Of these, around half were granted. The non-urgent applications however were mostly granted.
- Two thirds of completed applications in the North East were also urgent authorisations, however most applications were granted, irrespective of whether they were submitted as urgent or not.
- The North West, South East and West Midlands display a fairly even split between urgent and not urgent applications. Their proportions of granted applications are similar, irrespective of whether they were submitted as urgent or not.
- Conversely, almost two thirds of completed applications were submitted as not urgent in London and Yorkshire and the Humber. Furthermore, and as with the North West, South East and West Midlands, most applications were granted and the proportion of granted applications was similar irrespective of whether they were submitted as urgent or not urgent.

Figure 2.5: Proportion of urgent completed applications which were either granted or not granted by region per 100,000 adults, England, 2015-16



Notes:

1. Based on all applications completed during the reporting year 2015-16, irrespective of when the application was received
2. Application rates are rounded to the nearest whole number

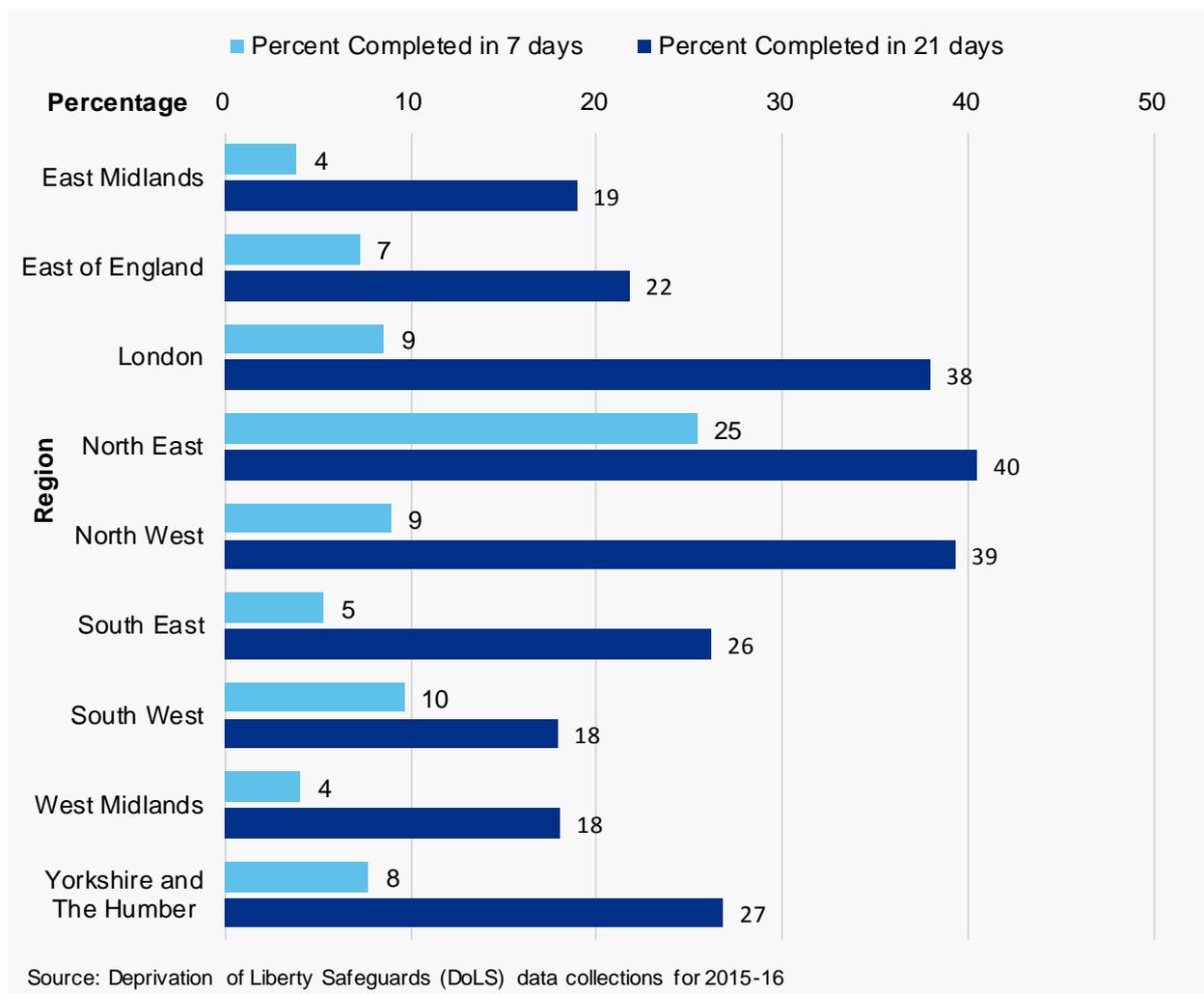
Completed Application time frames

Once an application has been received, the supervisory body (the local authority) has twenty-one days to complete all assessments and reach a decision, unless the applications includes an urgent authorisation, in which case it must be completed in seven days.

In 2015-16, the overall proportion of applications that were reported by councils as having been completed within seven days (irrespective of whether they were urgent or not) was 10 per cent (10,000). 29 per cent (30,140) were completed within twenty-one days (including those completed within seven days). Comparable figures derived from council submissions in 2014-15 were 17 per cent (10,485) and 56 per cent (34,980) respectively.

Figure 2.6 shows the wide regional variation, with 40 per cent of applications (5,650) completed within twenty-one days in the North East (which also had the highest proportion last year). The South West on the other hand, (18 per cent, 2,030 applications) and West Midlands (18 per cent, 1,940) had the lowest proportions of applications completed within twenty-one days in 2015-16.

Figure 2.6: Applications completed within time frame, England, 2015-16

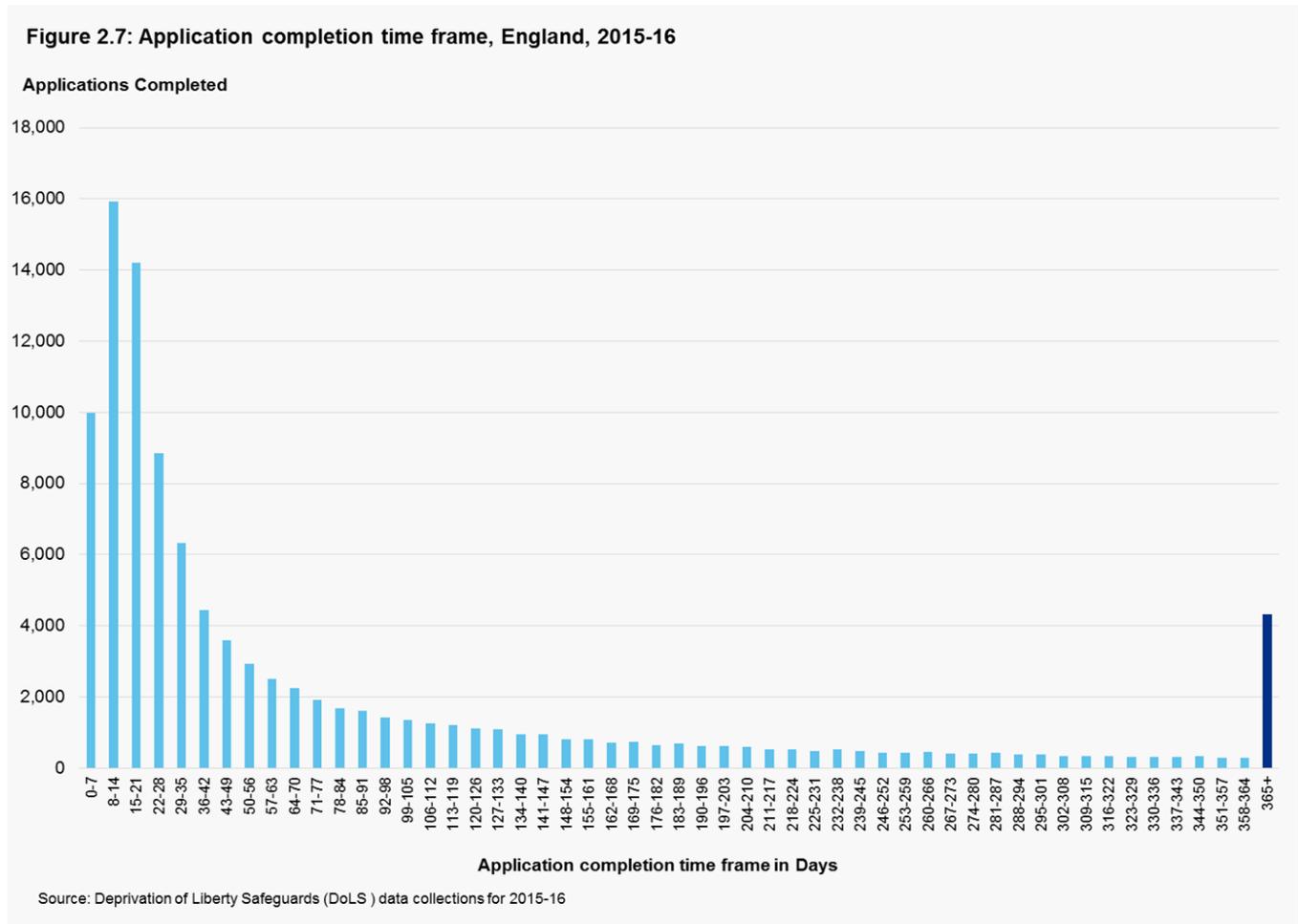


Notes:

1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. The day an application is received is classed as day 0. For an application received on, for example, a Wednesday, the next Wednesday would be day 7, the Wednesday after would be day 14, etc.

Figure 2.7, below, shows the duration of all applications completed during 2015-16 (calculated as the difference between the received date and the completion date). Around half of the completed applications (53 per cent or 55,320) were completed within thirty-five days or less, with four per cent (4,335) taking 365 days or more to be completed. The average (mean) duration was 83 days in 2015-16.

Figure 2.7: Durations of applications completed, England, 2015-16



Notes:

1. Based on all applications completed during the reporting year 2015-16 irrespective of when they were received
2. Duration is the difference in days between the received date and sign off date
3. Number of applications are rounded to the nearest 5
4. The day an application is received is classed as day 0. For an application received on, for example, a Wednesday, the next Wednesday would be day 7, the Wednesday after would be day 14, etc.

Chapter 3 – Granted Applications

Whilst headline figures on the number of applications granted in 2015-16 are to be found in [Chapter 2](#), this chapter looks at granted applications in more detail.

When an application is *granted*, a care provider then has an *authorisation* to deprive an individual of their liberty. The authorisation may not start immediately after being granted but the start and end dates for the DoL determine the length of the authorisation.

76,530 applications were reported by councils as having been granted in 2015-16. This is an overall rate of 178 per 100,000 adults in England. This is likely to include applications received during previous reporting years. In 2014-15, there were 52,125 granted applications.

Granted Applications by region

As with other analyses, there is clear regional variation in the use of the DoLS, as reported by councils and as can be seen in [Table 3.1](#). As outlined previously, the North East has a far higher rate of granted applications than the other regions.

Table 3.1: Granted DoLS applications by region, England, 2015-16

Region	2015-16	
	Granted Applications	Granted Applications Per 100,000 Adults
East Midlands	4,645	125
East of England	5,475	115
London	13,275	197
North East	11,995	571
North West	10,585	187
South East	9,930	141
South West	4,970	113
West Midlands	7,700	171
Yorkshire and the Humber	7,955	187
England	76,530	178

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

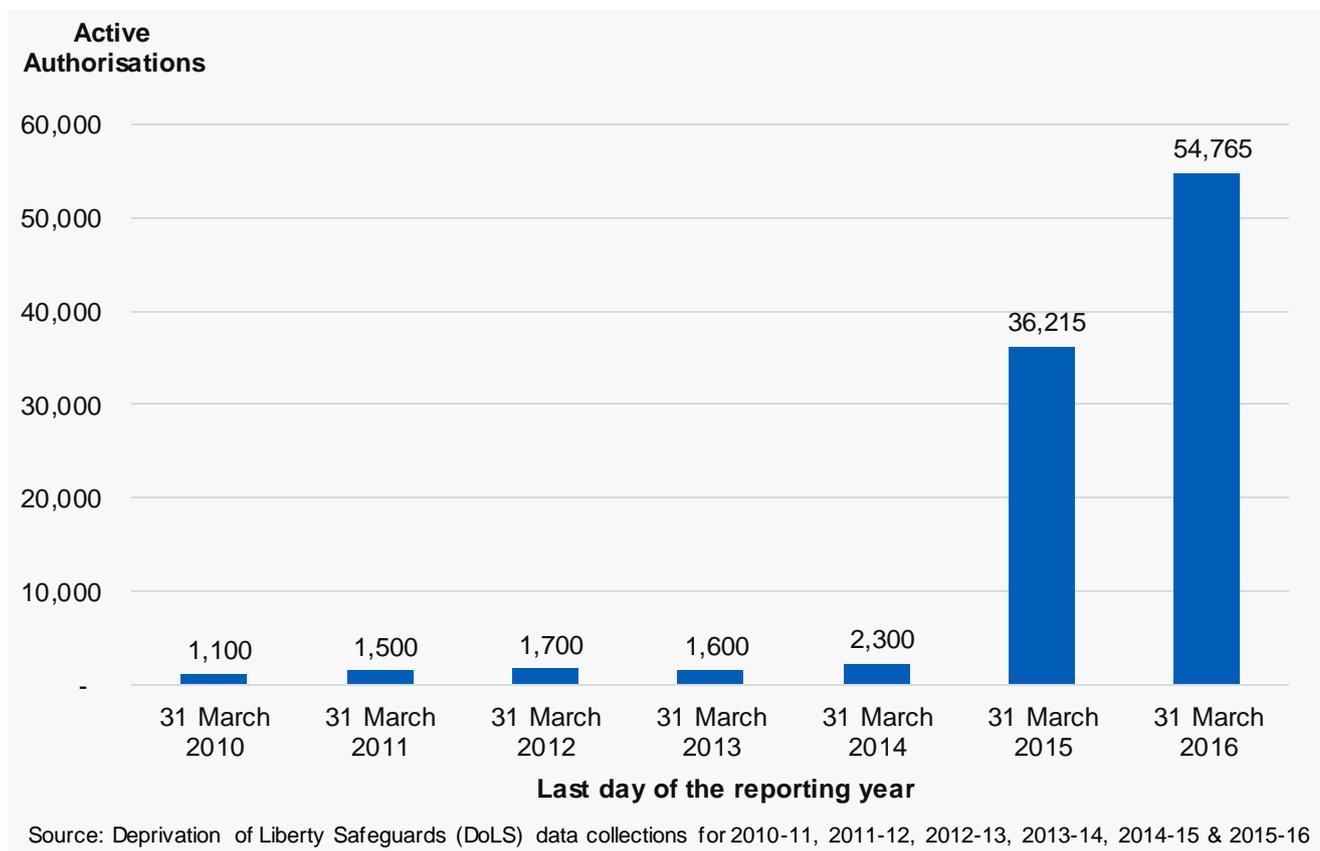
Notes:

1. Based on all applications granted during the reporting year 2015-16
2. Population data source: Office for National Statistics - 2015 mid-year population estimates
3. Application rates are rounded to the nearest whole number

Active authorisations

Figure 3.1 shows the number of authorised DoLS that were reported as being in place on March 31 2016. The increase in the number of active authorisations can be largely explained by the 2014 Supreme Court judgment.

Figure 3.1: Active DoLS authorisations on the last day of reporting period, England, 2010-16



Notes:

1. Based on all authorisations active on the last day of the reporting year in 2015-16 (31 March 2016)
2. Number of applications are rounded to the nearest 5

Whilst granted applications and authorisations are subtly different (authorisations being granted applications that are in effect for a period of time), in 2014-15 52,125 granted applications and 36,215 authorisations were reported by councils as being active at the end of the reporting year. This represents a rate of 69 per cent.

In comparison, in 2015-16 there were 76,530 granted applications and 67,555 authorisations in place on 31 March 2016; an increased rate of 88 per cent). This higher rate can perhaps be explained, at least in part, as being a result of increased numbers of applications being granted with longer durations (as also illustrated in **Figure 3.2** below).

Completed authorisations by region

Table 3.2 shows the number of DoL authorisations that were reported to have ended during 2015-16. Some of these are likely to have been in place before the start of 2015-16. As before, the North East has a much higher reported rate of completed authorisations compared to the other regions.

Table 3.2: Completed DoLS authorisations for the reporting period, England, 2015-16

Region	2015-16	
	Completed Authorisations	Completed Authorisations Per 100,000 Adults
East Midlands	2,665	72
East of England	2,090	44
London	3,150	47
North East	4,240	202
North West	3,525	62
South East	2,675	38
South West	2,045	47
West Midlands	1,995	44
Yorkshire and the Humber	2,720	64
England	25,110	58

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all the granted applications that were completed at some point during the reporting year 2015-16
2. Number of applications are rounded to the nearest 5
3. Population data source: Office for National Statistics - 2015 mid-year population estimates
4. Application rates are rounded to the nearest whole number

Duration of completed authorisations

The duration of an authorisation is the number of calendar days between the start and actual end date of the deprivation of liberty. Although a planned end date is part of a DoLS authorisation, it is possible for a DoL to end early if, for example, a care home feels that circumstances have changed and they instigate a review which concludes that the deprivation is no longer necessary.

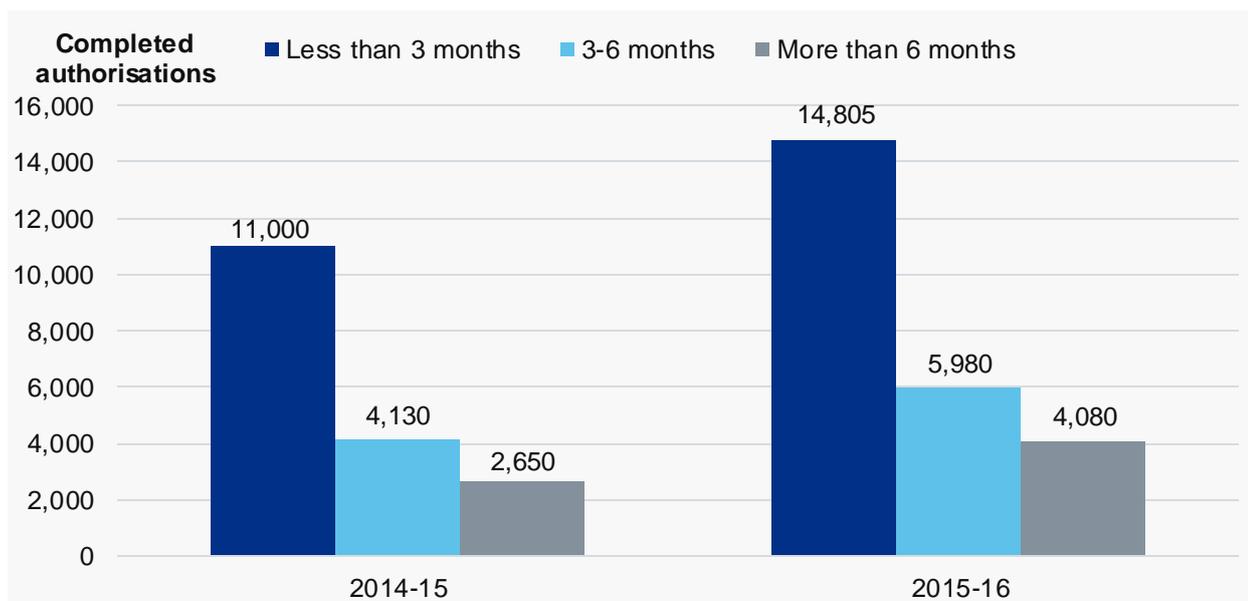
Figure 3.2 shows that most DoL authorisations are reported as being for less than three months in duration. Compared to 2014-15 however, there has been an increase in the volume and proportion (see also **Figure 3.3**) of authorisations that have lasted both more than 6 months:

- increasing from 2,650 in 2014-15 (15 per cent of all authorisations) to 4,080 in 2015-16 (16 per cent of the total)

and also those authorised for between three and six months:

- increasing from 4,130 in 2014-15 (23 per cent of all authorisations) to 5,980 in 2015-16 (24 per cent of the total)

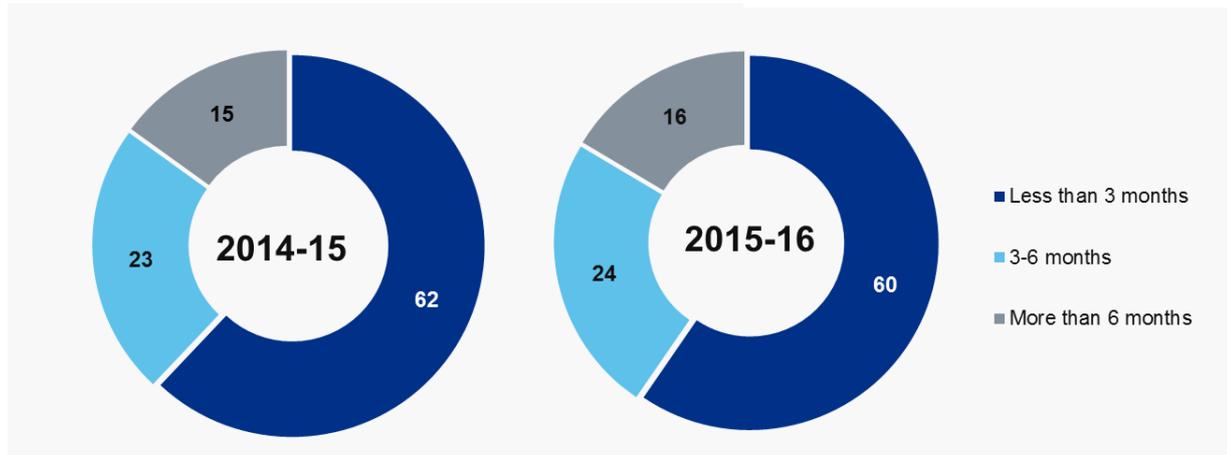
Figure 3.2: Number of completed authorisations in each duration category, England, 2014-16



Notes:

1. Based on all the granted applications that were completed at some point during the reporting year 2015-16
2. Only includes completed authorisations which had the duration populated
3. Number of completed authorisations are rounded to the nearest 5

Figure 3.3: Percentage of completed authorisations in each duration category, England, 2014-16



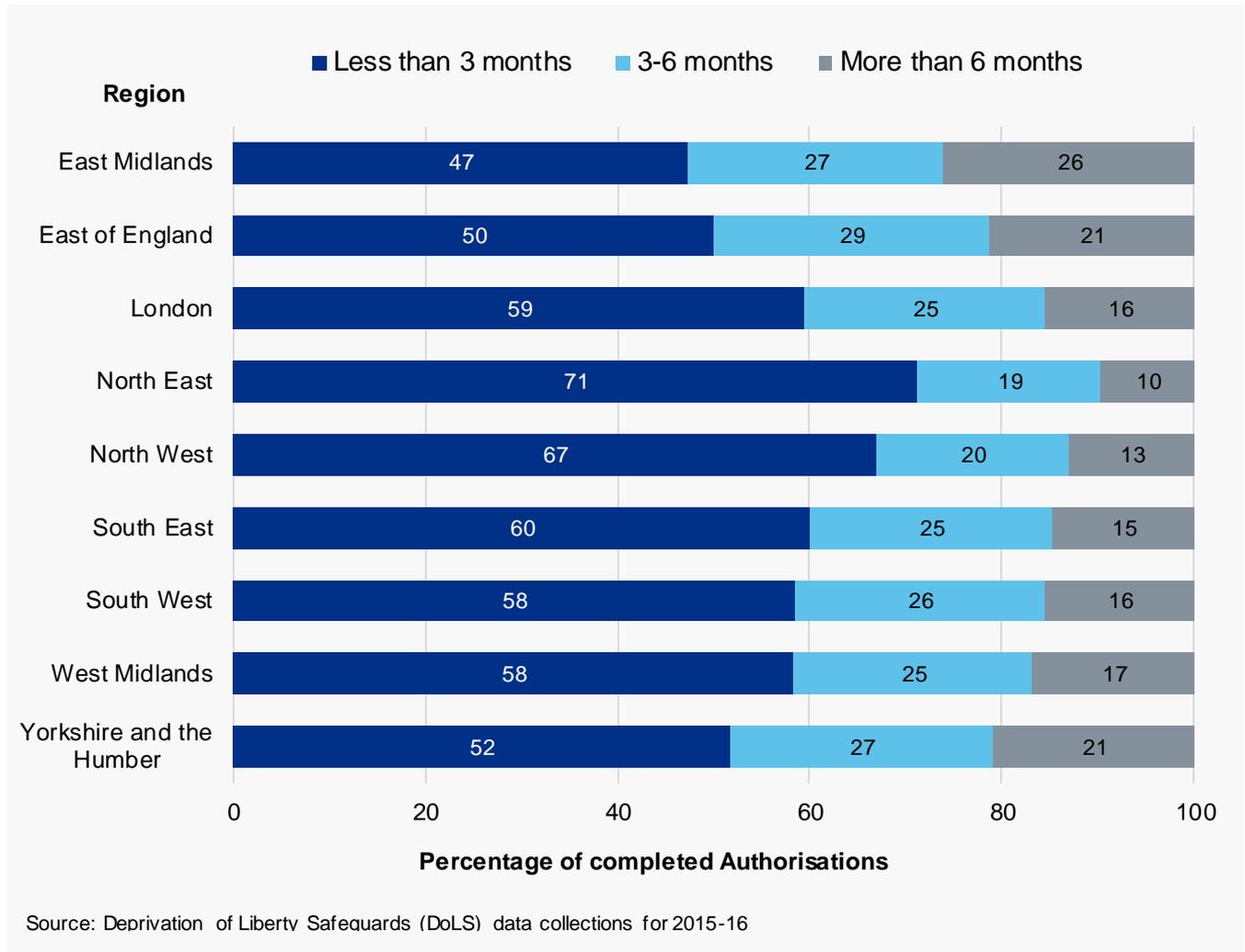
Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all completed authorisations, that were granted during the reporting years 2014-15 & 2015-16
2. Only includes completed authorisations which had the Duration populated
3. Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Figure 3.4 then illustrates the regional distribution of the durations of completed authorisations. The largest cohort of completed DoLS authorisations across all regions is those lasting less than 3 months.

Figure 3.4: Percentage of completed DoLS authorisations in each duration category by region, England, 2015-16



Notes:

1. Based on all the granted applications that were completed at some point during the reporting year 2015-16
2. Only includes completed authorisations which had the Duration populated
3. Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Reviews

During an authorised DoLS case, a number of reviews can occur. Each review reassesses whether the individual should continue to be subject to a DoLS. Reviews may take place at any time during the authorisation period due to a change in circumstances concerning the individual. Examples include a health care practitioner deeming the authorisation no longer necessary as a result of an improvement in health and wellbeing, or death of the individual.

3,240 reviews of authorisations were reported as being signed off during the reporting period. **Tables 3.3** and **3.4** compare the number of reviews across age groups and region, respectively.

Whilst there are minimal differences in the percentage of reviews by age group (**Table 3.3**), some regions were more likely to have reviews than others (**Table 3.4**). For example, eight per cent of authorisations in the East Midlands were reviewed, compared to one per cent in Yorkshire and the Humber.

Table 3.3: Authorisations with reviews by age range, England, 2015-16

Age range	2015-16		
	Authorisations	Authorisations with at least one review	Percentage of Authorisations with at least one review
18-64 Years	15,715	650	4
65-74 Years	8,710	415	5
75-84 Years	22,050	950	4
85 Years or Over	30,055	1,225	4
All Ages 18 or Over	76,530	3,240	4

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all the granted applications that were completed at some point during the reporting year 2015-16
2. Only includes authorisations which had a review and had a valid age populated
3. Number of authorisations are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number

Table 3.4: Authorisations with reviews by Region, England, 2015-16

Region	2015-16		Percentage of Authorisations with at least one review
	Authorisations	Authorisations with at least one review	
East Midlands	4,645	370	8
East of England	5,475	235	4
London	13,275	365	3
North East	11,995	220	2
North West	10,585	465	4
South East	9,930	645	7
South West	4,970	265	5
West Midlands	7,700	555	7
Yorkshire and the Humber	7,955	115	1
England	76,530	3,240	4

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all the granted applications that were completed at some point during the reporting year 2015-16
2. Only includes authorisations which had a review
3. Number of authorisations are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number

Review outcomes

39 per cent of authorisations with completed reviews resulted in the deprivation of liberty continuing as none of the review criteria were failed (**Table 3.5**). One per cent of reviews saw the DoL authorisation ended due to the assessment requirements not being met whilst 30 per cent ended as a result of changes in the client's circumstances, and a further 29 per cent ended as a result of the death of the client.

Table 3.5: Outcome of the latest review for the authorisations, England, 2015-16

Outcome of the latest Review	2015-16	
	Authorisations with at least one review	Percentage of completed reviews
Mental Health Requirement no longer met	5	0
Mental Capacity Requirement no longer met	45	1
No Refusals Requirement no longer met	0	0
Eligibility Requirement no longer met	5	0
Best Interests Requirement no longer met	10	0
Change in client circumstances	975	30
Death of client	950	29
No criteria failed, DoLS remains	1,250	39
Applications with outcome for the review	3,240	100

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all the applications granted during the reporting year
2. Only includes authorisations which had a review
3. Number of authorisations are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number

Authorisations ending early

As noted when discussing **Figures 3.3 and 3.5**, an authorisation can end earlier than originally planned, for example if the individual's care needs change or if the person dies whilst subject to a DoLS.

Table 3.6 shows the numbers of authorisations reported as having ended early, by region. It is possible that some of the regional variation can be explained by different population structures and the differing nature of the care needs of each region's population.

Table 3.6: Authorisations ended earlier than planned, England, 2015-16

Region	2015-16		
	Authorisations	Authorisations ended earlier than planned	Percentage of Authorisations ended
East Midlands	4,645	1,680	36
East of England	5,475	1,060	19
London	13,275	1,220	9
North East	11,995	2,355	20
North West	10,585	1,405	13
South East	9,930	1,265	13
South West	4,970	925	19
West Midlands	7,700	940	12
Yorkshire and the Humber	7,955	1,775	22
England	76,530	12,625	16

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all the applications granted during the reporting year
2. Only includes authorisations which had ended earlier than the planned end date
3. Number of authorisations are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number

Chapter 4 – Not Granted Applications

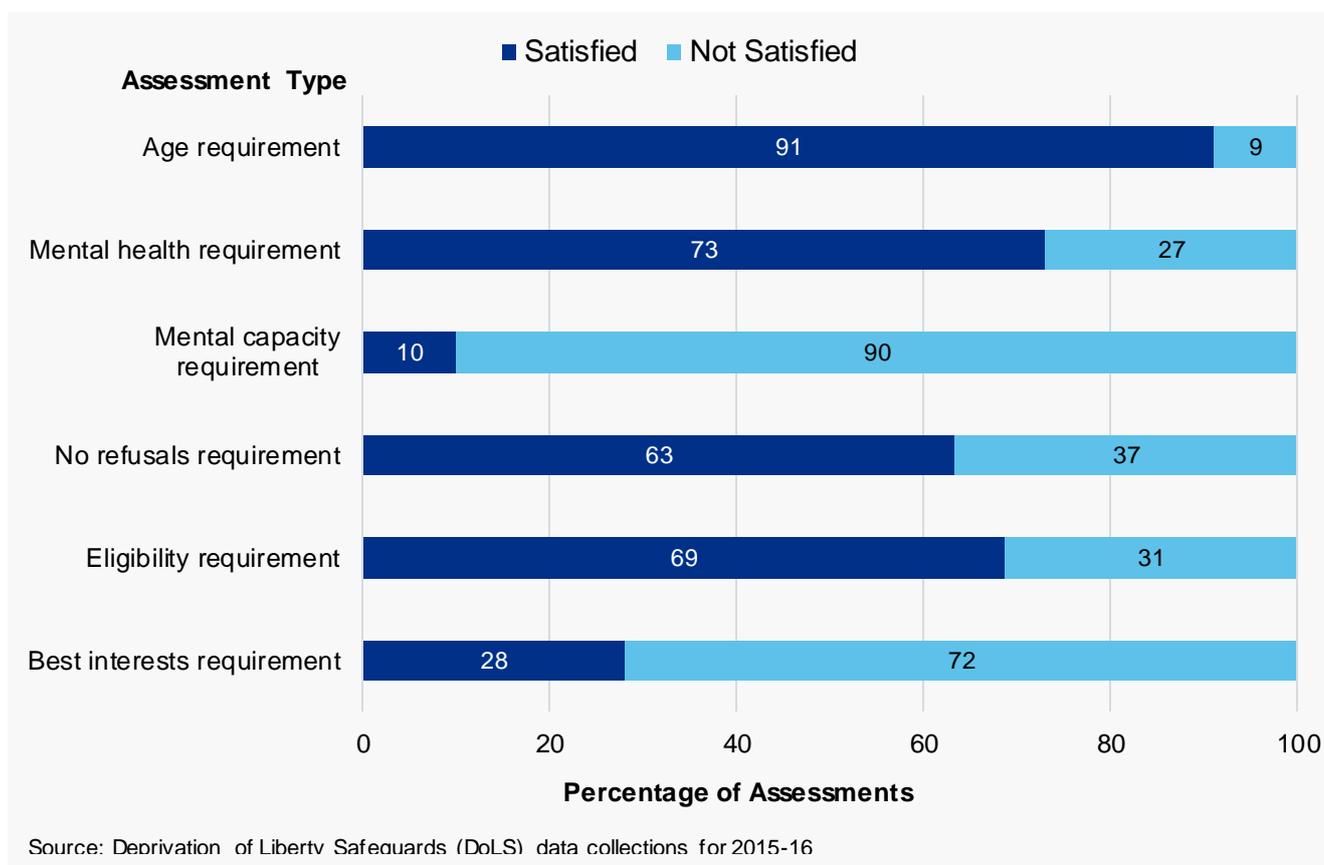
If any one of six assessment criteria is not met during the application process, an application cannot be granted. Of the 105,055 completed applications in 2015-16, 28,530 (27 per cent) were not granted. In 2014-15, 10,520 (17 per cent of 62,645 completed applications) were not granted.

Reasons for not granting applications

27 per cent of applications (7,740) were reported as not being granted as a result of some combination of the six assessment criteria not being met; 43 per cent (12,290) were not granted due to the individual’s circumstances changing between the application being made and completed; and 30 per cent (8,495) were not granted due to the individual dying before the assessments could be completed.

Figure 4.1 shows the proportion of applications not granted as a result of failing each of the assessment criteria. Please note it is possible for an application to be not granted due to failing more than one assessment. Most applications were not granted because the mental capacity requirement was not satisfied.

Figure 4.1: Percentage of DoLS assessments satisfied and not satisfied, England, 2015-16



Notes:

1. Based on all applications that were not granted during the reporting year 2015-16 irrespective of when they were received
2. Only includes applications not granted due to at least one of the assessment criteria not being satisfied
3. Number of applications are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number and may not add up to 100 per cent due to rounding

Chapter 5 – Not Yet Signed Off

This chapter looks at the durations, as at 31 March 2016, of all applications received at any point prior to 31 March 2016, and which were not signed off as at this date.

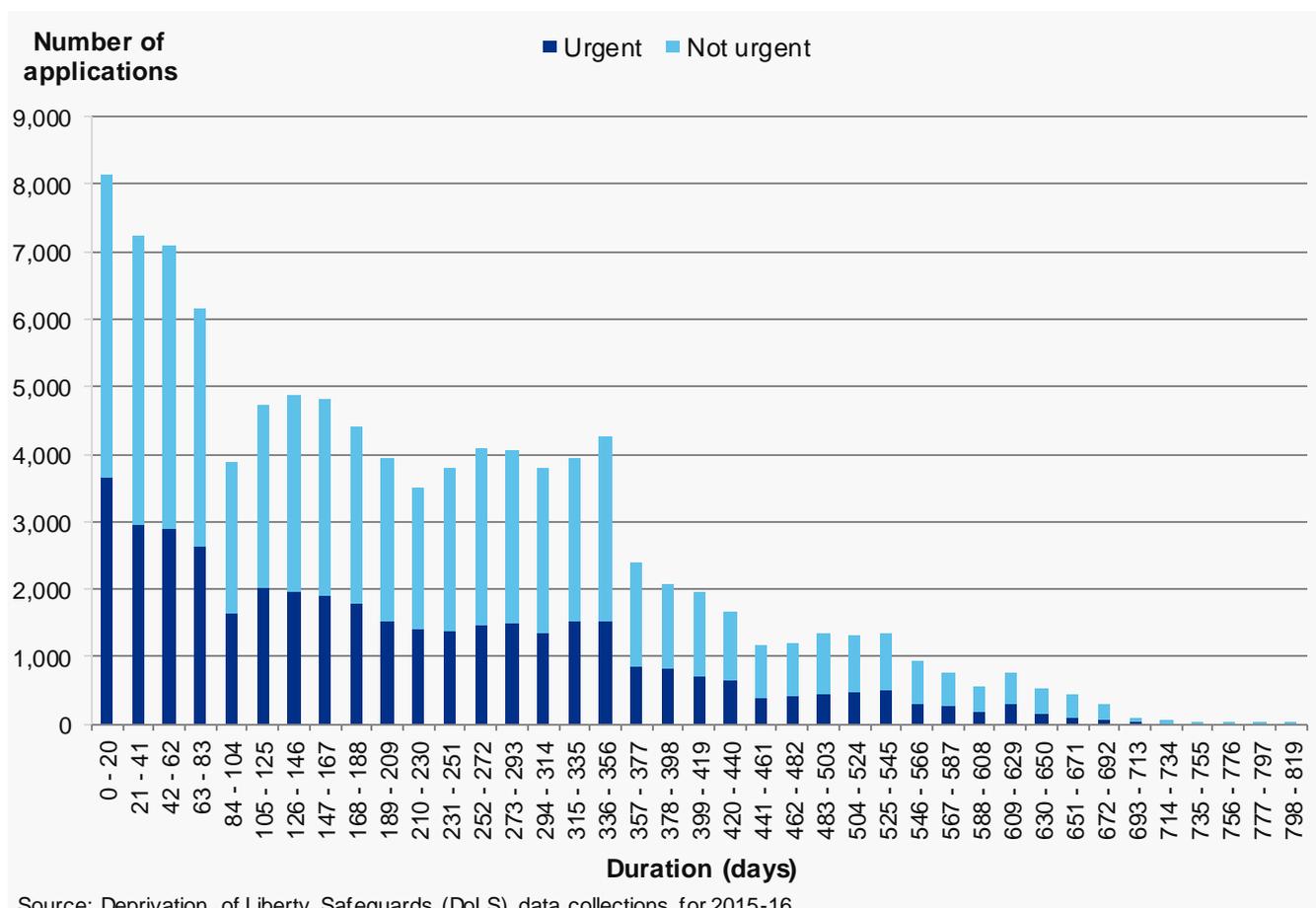
Durations of applications not yet signed off

As **Figure 5.1** shows half of the applications reported as not yet signed off as of 31 March 2016 (50 per cent or 51,330) had been awaiting completion for up to 188 days. 21,370 of these applications were classified as urgent (54 per cent of the total urgent applications), while 29,960 were non-urgent (48 per cent).

The overall average duration of the applications not signed off as at 31 March 2016 was 215 days. The average durations for the urgent and non-urgent applications were 205 and 223 days respectively.

As mentioned above, when a standard application relates to an urgent authorisation, councils have to complete these within 7 days. If the standard application does not relate to an urgent authorisation, councils have 21 days to complete assessments.

Figure 5.1: Number of urgent and not urgent applications that were not yet signed off, England, 2015-16



Notes:

1. Based on all applications that were received at any point up to 31 March 2016 and had not yet been signed off by 31 March 2016

Chapter 6 – Individuals

Over the course of a reporting year, an individual can have multiple DoLS applications made on their behalf. This is often as a result of DoLS authorisations typically lasting less than three months, and the individual's circumstances may not have changed sufficiently at the end of the authorisation period and this would require a new application.

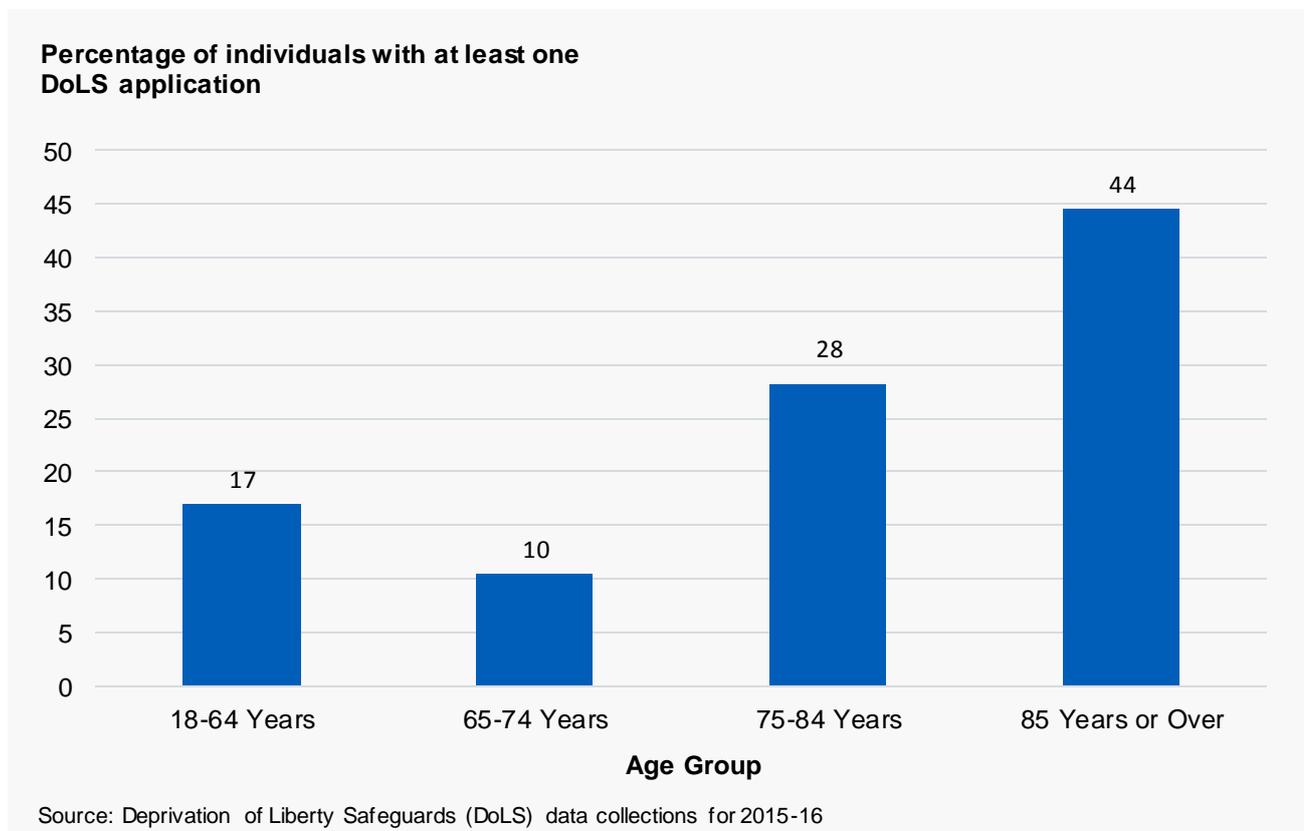
In 2015-16, there were 206,010 individuals who were the subject of at least one active DoLS application. An active application is one that was received either before or during, and completed within, the reporting year. Most of this chapter analyses the demographics of individuals with active applications only. Similar analyses for individuals with granted and not granted applications can be found in Annex C.

Individuals with applications by gender, age and ethnicity

Of the 206,010 individuals reported as having active applications, 62 per cent were female (126,850 individuals) and 38 per cent were male (79,145).

Figure 6.1 shows that, as expected, the individuals with DoLS applications are more likely to be in older age groups, with 44 per cent aged 85 or over.

Figure 6.1: Distribution of individuals with DoLS applications by age, England, 2015-16



Notes:

1. Based on all individuals with at least one active application at any point during the 2015-16 reporting year
2. Only includes applications which had the 'Person Reference' and 'Age' populated
3. Percentages are rounded to the nearest whole number

Table 6.1 shows the numbers of individuals with DoLS applications reported by councils, by ethnicity. In 2015-16, 90 per cent of individuals with at least one DoLS application were of white ethnic background

Table 6.1: Individuals with DoLS applications by ethnicity, England, 2015-16

Ethnicity	2015-16	
	Individuals with at least one DoLS application	Percentage of individuals with at least one DoLS application
White	185,695	90
Mixed/Multiple	905	0
Asian/Asian British	2,965	1
Black/Black British	3,190	2
Other Ethnic origin	1,620	1
Not stated	5,445	3
Undeclared/Not Known	6,180	3
England	206,010	100

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

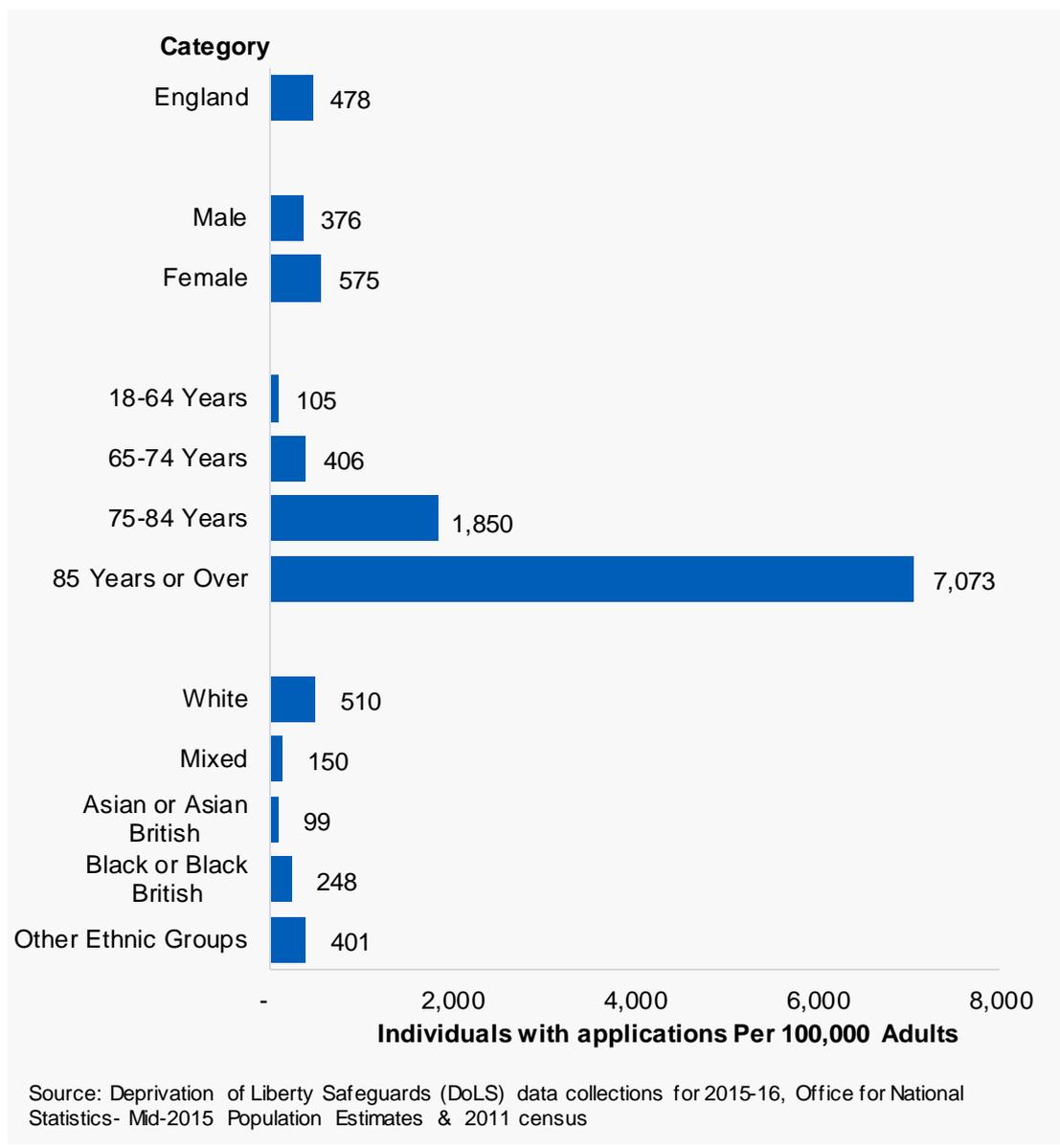
Notes:

1. Based on all individuals with at least one active application at any point during the 2015-16 reporting year
2. Only includes applications which had the 'Person Reference' and 'Ethnicity' recorded
3. Number of applications are rounded to the nearest 5
4. Percentages are rounded to the nearest whole number

Figure 6.2 benchmarks these demographics as rates per 100,000 adults to show the likelihood of each demographic group having a DoLS application.

The rates for ethnicity do not take into account differences in the population structure, such as the proportion of older people in an ethnic group. For the ethnic groups with higher than average rates per 100,000 people, this could be due to the group having a higher proportion of older people. The differences could also be affected by cultural behaviours, for example if older people from particular ethnic groups tend to live with other family members rather than in care homes, it is likely that these groups would have fewer applications.

Figure 6.2: Demographics of individuals with DoLS applications per 100,000 adults, England, 2015-16



Notes:

1. Based on all individuals with at least one active application at any point during the 2015-16 reporting year
2. Age and gender population data source: Office for National Statistics, Mid-2015 Population Estimates
3. Ethnicity population data source: Office for National Statistics, 2011 Census
4. Individual rates are rounded to the nearest whole number

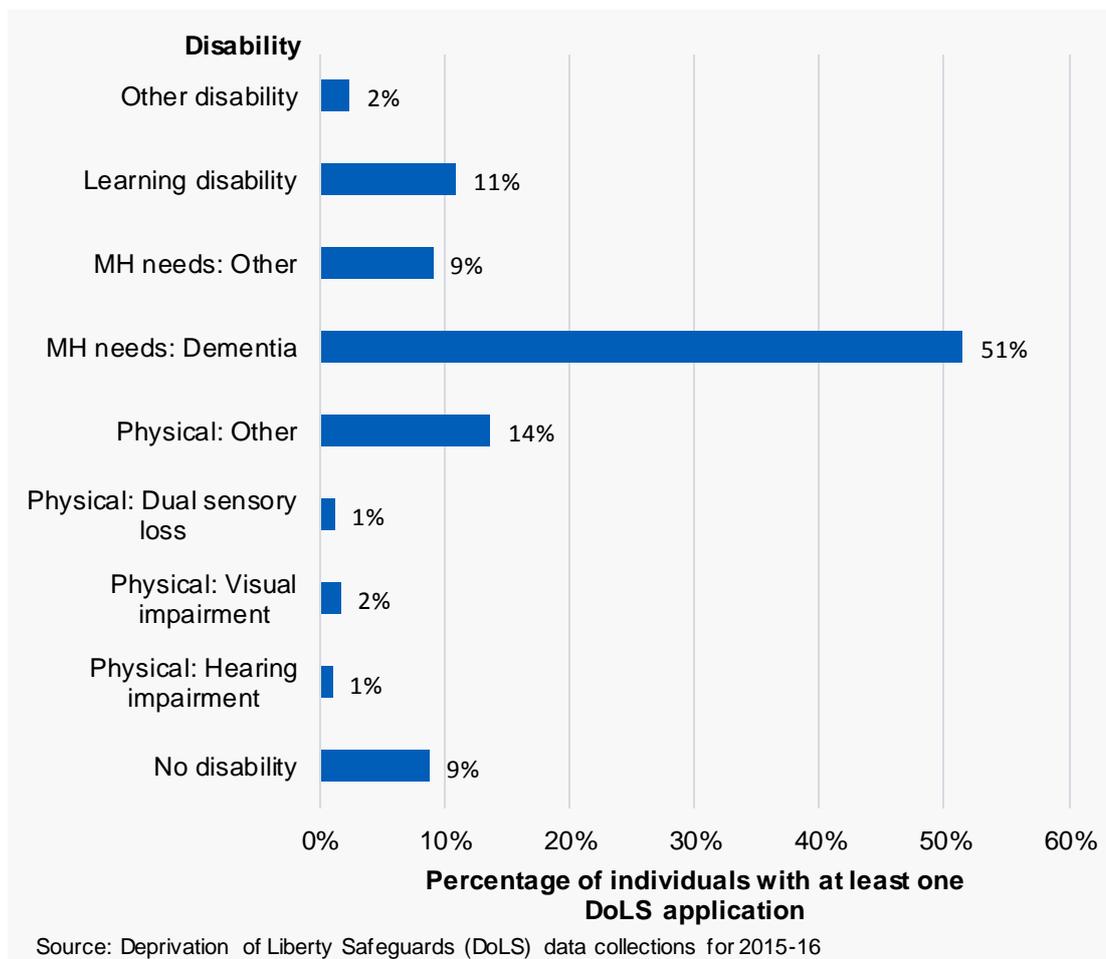
Individuals with applications by disability

In order for a person to be eligible for the DoLS process, they must be subject to the Mental Capacity Act and lack the ability to make their own decisions. Many people eligible for a DoL authorisation, therefore, are likely to have mental health needs. A mental health need on its own however, is not sufficient for a deprivation of liberty authorisation – there must also be a lack of mental capacity to make a specific decision.

This means that many of the individuals subject to DoLS can have more than one disability or care need. As data are only available on the “primary” disability, caution must be exercised in concluding how “primary disability” has been determined. If appropriate, some practitioners may record the mental health need that has caused the lack of mental capacity, even if the person also has, for example a learning disability. Some practitioners, in the same circumstances, may have recorded learning disability if that is the disability that has the greatest impact on the person’s daily life.

Figure 6.3 shows that over half those with DoLS applications have had dementia recorded as their primary disability.

Figure 6.3: Individuals with DoLS applications by disability, England, 2015-16



Notes:

1. Based on all individuals with at least one active application at any point during the 2015-16 reporting year
2. Only includes applications which had a valid 'Disability' recorded
3. Percentages are rounded to the nearest whole number

Individuals with applications by sexual identity

Table 6.2 shows that the sexual identity of 40 per cent of individuals (78,280) who had at least one active DoLS application during 2015-16 was not recorded as being known by the local authority.

Table 6.2: Individuals with DoLS applications by sexual identity, England, 2015-16

Sexual Identity	2015-16	
	Individuals with at least one DoLS application	Percentage of individuals with at least one DoLS application
Heterosexual/Straight	121,580	57
Gay/Lesbian	265	0
Bisexual	115	0
Not Known	78,280	40
Preferred not to say	5,760	3
England	206,010	100

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on individuals with at least one active DoLS application during the 2015-16 reporting year
2. Number of Individuals are rounded to the nearest 5

Individuals with multiple applications

As noted previously, it is possible for a person to be subject to more than one DoLS application in a reporting year. Authorisations are typically short (84 per cent being authorised for less than six months as per **Figure 3.3**) and if a person's care needs do not change in that time their care provider may make another application on their behalf to extend the deprivation of liberty.

It is also possible that an application may be not granted before the person's care needs become more severe, or a person's circumstances may improve during the course of the DoL authorisation.

As **Table 6.3** shows, 32,750 individuals (26,965 individuals with 2 applications, 4,445 individuals with 3 applications and a further 1,345 individuals with 4 or more applications) were subject to more than one application during 2015-16. This equates to 16% of the total number of individuals who were subject to a DoL in this period.

Table 6.3: Individuals by number of DoLS applications, England, 2015-16

Number of applications per person	2015-16	
	Number of Individuals	Percentage of individuals
1 application	173,260	84
2 applications	26,965	13
3 applications	4,445	2
4 or more applications	1,345	1
Total	206,010	100

Source: Deprivation of Liberty Safeguards (DoLS) data collections for 2015-16

Notes:

1. Based on all individuals with at least one active application at any point during the 2015-16 reporting year
2. Number of Individuals are rounded to the nearest 5
3. Percentages are rounded to the nearest whole number

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