



# **Guidance on the completion of the Deprivation of Liberty Safeguards data collation sheet**

*Version 1.6*

# Guidance on the completion of the Mental Capacity Act Deprivation of Liberty Safeguards data collation sheet Version 1.6

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Policy	Estates
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	<b>Social Care / Partnership Working</b>
<b>Document Purpose</b>	Gathering DATA
<b>Gateway Reference</b>	15251
<b>Title</b>	Guidance on the completion of the Deprivation of Liberty Safeguards data collation sheet
<b>Author</b>	Paul Gantley
<b>Publication Date</b>	16th December 2010
<b>Target Audience</b>	Mental Capacity Act Deprivation of Liberty Safeguards Leads in local authorities and PCTs
<b>Circulation List</b>	
<b>Description</b>	Version 1.6 of the guidance for the collation of data in relation to assessments carried out under the Mental Capacity Act Deprivation of Liberty Safeguards
<b>Cross Ref</b>	Five previous versions have been published since March 2009
<b>Superseded Docs</b>	Version 1.5 was published in June 2010
<b>Action Required</b>	N/A
<b>Timing</b>	N/A
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First published December 2010  
Published to DH website, in electronic PDF format only.  
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*Version 1.6*

Prepared by Paul Gantley

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## **Guidance on the completion of the Mental Capacity Act Deprivation of Liberty Safeguards data collation sheet Version 1.6**

The Mental Capacity Act Deprivation of Liberty Safeguards (MCA DOLS) came into force on 1 April 2009.

They amend a breach of the European Convention on Human Rights and provide for the lawful deprivation of liberty of those people who lack capacity to consent to arrangements made for their care or treatment in either hospitals or care homes, but who need to be deprived of liberty in their own best interests, to protect them from harm.

Primary Care Trusts (PCTs) and local authorities (designated as 'supervisory bodies' under the legislation) will have statutory responsibility for operating and overseeing the MCA DOLS whilst hospitals and care homes ('managing authorities') will have responsibility for applying to the relevant PCT or local authority for a Deprivation of Liberty authorisation.

The legislation includes a statutory requirement for all hospitals and care homes as well as PCTs and local authorities to keep clear and comprehensive records for every person deprived of their liberty. This includes records of applications for authorisations, details of the assessment process, information about the relevant person's representative and the documentation related to termination of authorisation.

To assist with this record keeping requirement, and to ensure the administration of the MCA DOLS system is as straightforward and seamless as possible, the Department of Health has developed a number of standard forms for use by both supervisory bodies and managing authorities. If used in their unedited form, these forms ensure compliance with the safeguards and promote a consistent approach to record keeping. The forms are available on the DH website<sup>1</sup>.

### **1.2 Uses of the information collected**

The responsibility for monitoring the operation of the MCA DOLS has been conferred on the new regulator, the Care Quality Commission (CQC). They are obliged by statute to monitor and report on the operation of the Safeguards. Regulations also give CQC the power to require the production of information from hospitals, care homes, PCTs and local authorities.

In addition, Ministers have asked for additional assurance that the rights and entitlements of people deprived of their liberty under the Safeguards are better protected.

In total seventeen separate data items require collection from the monitoring forms. Equality of access data items need to be split between those authorisations accepted and those declined. Appendix 1 shows the data collation form.

All the information required for monitoring purposes can be taken from the standard forms (listed in appendix 2). The aggregate data will be collected via the Omnibus system

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facilitated by the NHS Information Centre for Health and Social Care.

The Care Quality Commission will use this data collection to inform the evidence base for monitoring the operation of the MCA DOLS and to report on activity as requested to the Secretary of State, no separate collection is to be undertaken by CQC.

### **1.3 Contacts**

Issues relating to policy:

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133 – 155 Waterloo Road  
London SE1 8UG

Tel: 020 7972 4431  
Email: [Paul.Gantley@dh.gsi.gov.uk](mailto:Paul.Gantley@dh.gsi.gov.uk)

Issues relating to the Omnibus data collection tool:

Tel: 0845 3000 6016  
Email: [surveyteam@ic.nhs.uk](mailto:surveyteam@ic.nhs.uk)

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## Section 2: Guidelines on making the returns

### 2.1 The general approach

Using the standard forms you are required to collate the requested data items in order to allow the entry of aggregate totals into the Omnibus system.

### 2.2 Making the return

#### 2.2.1 Data collation

You are asked to read the definitions regarding the data items carefully. They guide you through the requirements of the data collation process, defining from where within the standard forms the required data items should be collated.

#### 2.2.2 Data submission

In order to access the Omnibus system you require a username and password. During April and May 2009, all PCT's and local authorities were contacted to gain the details of an appointed contact with responsibility for recording the data. Logon details were be sent in preparation for the data collection process, which began on 1<sup>st</sup> July 2009.

If you have any queries regarding accessing the system please refer to the contact as shown in section 1.3.

Data is required to be submitted within 15 working days of the quarter end. Submission dates for 2010/11 are as follows (bank holidays are excluded):

<b>Quarter</b>	<b>Final date for the submission of data</b>
<b>1</b> – 01 April to 30 June	21 July
<b>2</b> – 1 July to 30 September	21 October
<b>3</b> – 1 October to 31 December	24 January
<b>4</b> – 1 January to 31 March	21 April

## Section 3: Guidance on the proforma and collation requirements

You are asked to provide collated data on 15 data items. Table 1 describes the requirements of the collection.

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**Table 1: Data items, definitions, location of data items within standard forms and permissible values**

The following 2 items do not appear on the Omnibus collection form.

<b>Data item</b>	<b>Description</b>	<b>Definition</b>	<b>Standard form derived from</b>	<b>Permissible values</b>
a.	Supervisory Body	Name of the PCT or local authority in receipt of the authorisation request.	Completed by supervisory body collating the data set	The name of the supervisory body.
b.	Data Collection Period	The period within which the authorisation was requested.	Completed by supervisory body collating the data set.	01 Apr – 30 Jun 01 Jul – 30 Sep 01 Oct – 31 Dec 01 Jan – 31 Mar

The following items are collected on the Omnibus collection form.

<b>Data item</b>	<b>Description</b>	<b>Definition</b>	<b>Standard form derived from</b>	<b>Permissible values</b>
1	Number of standard authorisation requests received this quarter	Number of standard authorisation requests received in the quarter including assessments that have completed, and those yet to complete or commence within the quarter and those that completed in the quarter for which the request was received in the previous quarter.	Count of form 4	

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Data item	Description	Definition	Standard form derived from	Permissible values
2	Age group	<p>The age group of the person to whom the authorisation applies.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item A3	<p>18 – 64 65 – 74 75 – 84 85 +</p>
3	Gender	<p>The gender of the person to whom the authorisation applies.</p> <p>It is recommended that transgendered individuals be recorded as their acquired gender not birth gender.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item A2	<p>Male Female</p>

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Data item	Description	Definition	Standard form derived from	Permissible values
4	Ethnic origin	<p>The ethnic origin of the person to whom the requested authorisation applies. This is as described by the person.</p> <p>NHS data dictionary definitions are used, with additional guidance offered for items C and Z to correspond with Social Care definitions.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item B4	<p>A: British (White)            B: Irish (White)            C: Any Other White Background (White)  <i>To include Travellers of Irish heritage and Gypsy/Roma</i>            D: White and Black Caribbean (Mixed)            E: White and Black African (Mixed)            F: White and Asian (Mixed)            G: Any Other Mixed Background (Mixed)            H: Indian (Asian or Asian British)            J: Pakistani (Asian or Asian British)            K: Bangladeshi (Asian or Asian British)            L: Any Other Asian Background (Asian or Asian British)            M: Caribbean (Black or Black British)            N: African (Black or Black British)            P: Any Other Black Background (Black or Black British)            R: Chinese (Other Ethnic Groups)            S: Any Other Ethnic Group            Z: Not Stated  <i>To include cases in which the person has refused to divulge their ethnic origin or where their ethnic origin is not yet known.</i></p>

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Data item	Description	Definition	Standard form derived from	Permissible values
5	Religion or belief	<p>The religion or belief of the person to whom the requested authorisation applies. This is as described by the person.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item B5	<p>1: None                  2: Christian                  3: Buddhist                  4: Hindu                  5: Jewish                  6: Muslim                  7: Sikh                  8: Any other religion                  9: not stated</p>
6	Sexual orientation	<p>The sexual orientation of the person to whom the requested authorisation applies. This is as described by the person.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item B6	<p>1: Heterosexual                  2: Lesbian or gay                  3: Bisexual                  4: Other                  5: Prefer not to say                  6: Not known</p>

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Data item	Description	Definition	Standard form derived from	Permissible values
7	Disability	<p>It is only possible to record a single disability in either 1 or 2 or 3. It is possible within 1 and 2 to make further entries but it is not possible to make entries into combinations of 1, 2 and 3.</p> <p>The disability recorded should be the one that is causing the person's current incapacity.</p> <p>Authorisations are split between those accepted and those declined This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 4, item B7	<p>1: Physical disability, frailty and / or sensory impairment (total)  <b>Of which:</b>                      1.1: Physical disability, frailty and/or temporary illness                      1.2: Hearing impairment                      1.3: Visual impairment                      1.4: Dual sensory loss                      OR                      2: Mental health (total)                      2.1: Of which – dementia                      OR                      3: Learning disability</p>
8	Reason for declining authorisation	<p>The reason why a request for an authorisation has been declined as defined by the Supervisory Body. This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 13, B1 to B6	<p>1: Age requirement not met                      2: Mental health requirement not met                      3: Mental capacity requirement not met                      4: No refusals requirement not met                      5: Eligibility requirement not met                      6: Best interests requirement not met</p>

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Data item	Description	Definition	Standard form derived from	Permissible values
9	Total number of people currently subject to a standard authorisation (irrespective of when the authorisation was granted) as at the quarter end date: 30 <sup>th</sup> June, 30 <sup>th</sup> September, 31 <sup>st</sup> December or 31 <sup>st</sup> March.	The total number of people currently subject to a standard authorisation, irrespective of when the authorisation was granted. This is a 'snap shot' figure as at the quarter end date.	Count of number of form 12 issued prior to and within that quarter, for which a form 23 has not been subsequently issued.	
10	Outcome of standard authorisation assessments that were required by urgent authorisations	Urgent authorisations must be accompanied by a standard authorisation request. This is a count of the standard authorisations which are granted or declined through the urgent authorisation process. This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.	Form 32	

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Data item	Description	Definition	Standard form derived from	Permissible values
11	Length of authorisations (calendar days)	<p>The number of calendar days for which ongoing authorisations, that may have commenced in this quarter or previously, have been continuously granted.</p> <p>The maximum period for a single authorisation is 365 days.</p> <p>Full year authorisations which lapse and are followed up immediately with a new authorisation should be recorded in the 365+ category.</p> <p>Similarly, multiple shorter authorisations which have a cumulative authorisation period of over one year would be recorded in the 365+ category.</p> <p>In the unfortunate event of the death of a person subject to MCA DOLS the length of authorisation recorded should be the length of the cumulative authorisation up to the time of their death.</p>	Form 32 and its continuation sheet(s)	<p>1: 0 to 90 days                  2: 91 to 180 days                  3: 181 to 270 days                  4: 271 to 364 days                  5: 365+ days (cumulative total)</p>

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Data item	Description	Definition	Standard form derived from	Permissible values
12	Instigator of reviews conducted	<p>The person or authority that instigated a review.</p> <p>A review is defined as a formal, fresh look at a relevant person's situation when there has been, or may have been, a change of circumstances that may necessitate an amendment to, or termination of, a standard deprivation of liberty.</p> <p>The supervisory body is the PCT or local authority that has authorised the deprivation of liberty.</p> <p>The person is defined as the person who is subject to the deprivation of liberty safeguards authorisation.</p> <p>The representative is defined as the person appointed to represent the person's interests (the relevant person's representative).</p> <p>A managing authority is a hospital or care home where the person is deprived of liberty.</p>	Count of form 20, items B1 and B3	<p>1: The supervisory body</p> <p>2: The person</p> <p>3: Their representative</p> <p>4: The managing authority</p>

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Data item	Description	Definition	Standard form derived from	Permissible values
13	Numbers of third party requests made to assess whether there is an unauthorised deprivation of liberty.	<p>A count of the number of third party requests made.</p> <p>If a member of staff, family member, carer, or any other third party suspect's unauthorised deprivation of liberty, the law entitles them to tell the managing authority. If they fail to resolve the issue, the third party can raise the issue with the supervisory body who is required to investigate. This is a third party request.</p>	Count of form 16	
14	Number of third party requests that lead to full assessments	<p>A count of the number of third party requests which lead to full assessment</p> <p>This is where the preliminary investigation by the supervisory body finds that an unauthorised deprivation of liberty may be occurring and a full assessment process is triggered.</p>	Count of form 16, were part C is completed	

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Data item	Description	Definition	Standard form derived from	Permissible values
15	Numbers of cases where authorisation is not given but the best interests assessor advises that deprivation of liberty is actually occurring	<p>Count of the number of authorisations which are declined but the best interests assessor advises a person is being deprived of their liberty.</p> <p>A best interests assessor is the person who assesses whether or not deprivation of liberty is in the person's best interests, is necessary to prevent harm to the person and is a proportionate response to the likelihood and seriousness of that harm.</p> <p>This includes requests received in the previous quarter and completed within this quarter in addition to those received and completed wholly within the quarter.</p>	Count of form 13, item D1	

## Appendix 1 - Data collection proforma

### Mental Capacity Act Deprivation of Liberty Safeguards Data collation sheet

1. Number of standard authorisation requests received this quarter and number that began in the previous quarter but completed in this quarter		
<b>2- Age group</b>		Total per grouping within the quarter Authorisations granted    Authorisations not granted
	18 – 64	
	65 – 74	
	75 – 84	
	85 +	
<b>3- Gender</b>		Total per grouping within the quarter Authorisations granted    Authorisations not granted
	Male	
	Female	
<b>4 - Ethnic origin</b>		Total per grouping within the quarter Authorisations granted    Authorisations not granted
	A: British (White)	
	B: Irish (White)	
	C: Any Other White Background (White) <i>To include Travellers of Irish heritage and Gypsy/Roma</i>	
	D: White and Black Caribbean (Mixed)	
	E: White and Black African (Mixed)	
	F: White and Asian (Mixed)	
	G: Any Other Mixed Background (Mixed)	
	H: Indian (Asian or Asian British)	
	J: Pakistani (Asian or Asian British)	
	K: Bangladeshi (Asian or Asian British)	
	L: Any Other Asian Background (Asian or Asian British)	
	M: Caribbean (Black or Black British)	
	N: African (Black or Black British)	
	P: Any Other Black Background (Black or Black British)	
	R: Chinese (Other Ethnic Groups)	
	S: Any Other Ethnic Group	
Z: Not Stated <i>To include cases in which the person has refused to divulge their ethnic origin or where their ethnic origin is not yet known.</i>		
<b>5 - Religion or belief</b>		Total per grouping within the quarter Authorisations granted    Authorisations not granted
	1: None	
	2: Christian	
	3: Buddhist	
	4: Hindu	
	5: Jewish	
	6: Muslim	
	7: Sikh	
	8: any other religion	
	9: not stated	

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6 - Sexual orientation		Total per grouping within the quarter	
		Authorisations granted	Authorisations not granted
1: Heterosexual			
2: Lesbian or gay			
3: Bisexual			
4: Other			
5: Prefer not to say			
6: Not known			
7 - Disability		Total per grouping within the quarter	
Note: a person can only have ONE disability		Authorisations granted	Authorisations not granted
1: Physical disability, frailty and / or sensory impairment (total)			
<b>Of which:</b>			
1.1 Physical disability, frailty and/or temporary illness			
1.2 Hearing impairment			
1.3 Visual impairment			
1.4 Dual sensory loss			
OR 2: Mental health (total)			
Of which – 2.1 dementia			
OR 3: Learning disability (total)			
8 - Reason for not granting authorisation		Total per grouping within the quarter	
1: Age requirement not met			
2: Mental health requirement not met			
3: Mental capacity requirement not met			
4: No refusals requirement not met			
5: Eligibility requirement not met			
6: Best interests requirement not met			
9 - Total number of people currently subject to a standard authorisation (irrespective of when the authorisation was granted) as at the quarter end date: 30 <sup>th</sup> June, 30 <sup>th</sup> September, 31 <sup>st</sup> December or 31 <sup>st</sup> March.			
10 - Outcome of standard authorisation assessments that were required by urgent authorisations		Total standard authorisations granted in the quarter	Total standard authorisations not granted in the quarter
11 - Lengths of authorisations (calendar days)		Total per grouping within the quarter	
1: 0 to 90 days			
2: 91 to 180 days			
3: 181 to 270 days			
4: 271 to 364 days			
5: 365+ days (cumulative total)			
12 - Instigator of reviews conducted		Total per grouping within the quarter	
1: Supervisory body			
2: The person			
3: Their representative			
4: The managing authority			

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<b>13 - Numbers of third party requests being made</b>	
<b>14 - Number of third party requests that lead to full assessments</b>	
<b>15 - Numbers of cases where authorisation is not given but the best interests assessor advises that deprivation of liberty is actually occurring</b>	

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**Appendix 2 – List of standard forms**

<b>Form</b>	<b>Description</b>	<b>For use by</b>
<b>Urgent authorisations</b>		
1	For the giving of an urgent authorisation by a managing authority	Managing authority
2	Managing authority request for an extension in the duration of an urgent authorisation	Managing authority
3	Supervisory body's decision regarding a request for an extension of an urgent authorisation	Supervisory body
<b>Requests for a standard authorisation</b>		
4	Managing authority request for a standard authorisation	Managing authority
<b>Requests for a standard authorisation - Assessment forms</b>		
5	Age assessment form for completion by assessor	Supervisory body
6	Mental health assessment form for completion by assessor	Supervisory body
7	Mental capacity assessment form for completion by assessor	Supervisory body
8	No refusals assessment form for completion by assessor	Supervisory body
9	Eligibility assessment form for completion by assessor	Supervisory body
10	Best interests assessment form for completion by assessor	Supervisory body
11	Record by supervisory body that an equivalent assessment is being used	Supervisory body
<b>Requests for a standard authorisation - Recording the outcome of the request</b>		
12	Supervisory body gives a standard authorisation	Supervisory body
13	Supervisory body declines a request for a standard authorisation	Supervisory body
<b>Suspension of standard authorisations</b>		
14	Managing authority notifies the supervisory body that a standard authorisation should be suspended because the eligibility requirement is no longer being met	Managing authority
15	Managing authority notifies the supervisory body that the eligibility requirement is again met and the suspension of the standard authorisation is lifted	Managing authority
<b>Unauthorised deprivation of liberty</b>		
16	Record of supervisory body action on receipt of notification of a possible unauthorised deprivation of liberty	Supervisory body
17	Unauthorised deprivation of liberty assessor's report	Supervisory body
18	Supervisory body's decision following the receipt of an unauthorised deprivation of liberty assessor's report	Supervisory body
<b>Review of a standard authorisation</b>		
19	Request for a review of a standard authorisation from the managing authority to the supervisory body	Managing authority

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<b>Form</b>	<b>Description</b>	<b>For use by</b>
<b>Review of a standard authorisation</b>		
20	Supervisory body notifies relevant interested parties that a review is to be carried out	Supervisory body
21	Supervisory body records its decision as to whether any qualifying requirements are reviewable	Supervisory body
22	Supervisory body's decision following receipt of review assessments	Supervisory body
<b>Standard authorisation ceased to be in force</b>		
23	Supervisory body gives notice that a standard authorisation has ceased to be in force	Supervisory body
<b>Relevant person's representative</b>		
24	Best interests assessor action in respect of the selection of a relevant person's representative	Supervisory body
25	Supervisory body action in respect of the appointment of a relevant person's representative	Supervisory body
26	Supervisory body gives a relevant person's representative notice of the pending termination of their appointment	Supervisory body
27	Supervisory body terminates a relevant person's representative's appointment	Supervisory body
<b>Mental health assessor and best interests assessor referral forms</b>		
28	Best interests assessor referral form	Supervisory body
29	Mental health assessor referral form	Supervisory body
<b>IMCA referral and report forms</b>		
30	IMCA referral form	Supervisory body
31	IMCA report form	Supervisory body
<b>Record of deprivation of liberty safeguards activity</b>		
32	Record of assessments, authorisations and reviews	Supervisory body