

QUESTION FROM MR PETER HOWARD

On 23rd March 2014, Lord Hardie submitted his report on Deprivation of Liberty Orders, and 5 days prior the Supreme Court handed down a Judgement on 2 cases involving Deprivation of Liberty Orders, both criticised the Mental Capacity Act 2005. I have had conversations with Lord Hardie on his report & read the Supreme Court Judgement. There are very real concerns regarding this matter. A very recent High Court Action again criticised another County Council for depriving a young adult of his liberty. Has this Committee & Council taken note of these judgements? If so what, if not why not?

RESPONSE

The Council is aware of the Supreme Court ruling and its implications.

To date:

- We have provided extensive training sessions to providers of residential and nursing care so that, as Managing Authorities, they are aware of their responsibilities under the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards and understand the implications of the ruling.
- The Mental Capacity Act/Deprivation of Liberty Safeguarding (DOLS) lead has additionally met individually with providers who have sought additional advice.
- We have ensured that all Best Interest Assessors are up to date with the implications of the new ruling.
- As a result of awareness-raising we have seen an 8 fold increase in the numbers of DOLS applications being made. This is leading to a review of existing resources within the Council to carry out this work as a Supervisory Body.
- Of note, all Local Authorities are in a similar position in terms of substantial increases in applications and resourcing pressures as is the Court of Protection. DOLS forms are being revised nationally to make the process more streamlined.
- It is worth noting also that it is not necessarily a bad thing that a person is deprived of their liberty. There are many people who, because of cognitive difficulty, are not able to make decisions to keep themselves safe and who require 24/7 supervision in order to remain safe. The Supreme Court ruling does not prevent this; it seeks to ensure that, in such cases, people have the added protection of a Deprivation of Liberty Safeguard in place to ensure their situation is fully assessed and authorised.

The Health and Wellbeing Board has acknowledged the importance of this issue. An agenda item is proposed for the meeting on 25 March 2015 to allow for a fuller discussion.

QUESTION FROM MRS ANNE MILSTEAD:

I asked a question at the last H&W Board meeting addressed to the CCG. Within that question was a question about the arbitrary removal of contraception services in New Addington and Shirley. As I am unable to attend the next meeting, can someone follow that question up in terms of who exactly was consulted and why were the people of New Addington and Shirley not consulted and involved in that decision. Dr Robinson is a commissioner and as such, has the same duties to consult and involve as the CCG but I don't think he did.

It's not sufficient to say that women can go and get their coil fitted or removed in a pharmacy.

This well regarded and, more importantly, trusted service has now been removed without so much as a by your leave and it is not sufficient to say that people can trek all the way down to Edridge Road.

RESPONSE

Background:

- Contraception and Sexual Health services were provided at Parkway Health Centre on Thursdays from 5pm – 7pm
- The Parkway clinic was originally established when no other provision was available in this area. This was no longer the case in late 2013 (see below).
- The number of attendees at the clinic was generally quite low for many years.
- Research on choice of service provision showed that less than 1% of those under the age of 25 years using Croydon Health Care Contraceptive services would choose to use the Parkway clinic in 2012.
- Low attendance and staff changes led to the closure of the clinic in late 2013.

Alternative sexual health services for young people in New Addington and Fieldway:

- Young People's CASH service, 3pm – 5pm Thursdays, Fairchildes Children's Centre, New Addington (attendance on average 31 young people per month)
- Domiciliary CASH service. This service offers face to face care across Croydon and telephone support for young people who require additional support with their contraception.
- Enhanced Sexual Health service at 2 local pharmacies (Aumex pharmacy and Fieldway pharmacy, as well as McCoig pharmacy in Shirley)
- Contraceptive and sexual health services in GP practices (Fieldway Medical Centre and Headley Drive Surgery, as well as Southway Surgery and Hartland Way Surgery in Shirley)