

# Background Quality Report: Bi-annual analysis of Mental Capacity Act 2005, Deprivation of Liberty Safeguards Assessments (England) –

## October 2011 – March 2012

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# Introduction

This document constitutes a background quality report for the publication of the second and final bi-annual analysis of Mental Capacity Act Deprivation of Liberty Safeguards (DoLS) Assessments in England, covering the period October 2011 to March 2012. It is published alongside the main report.

## Context

### *Background to this publication*

DoLS were introduced in April 2009 as an amendment to the Mental Capacity Act 2005. The Safeguards provide a framework for approving the deprivation of liberty for people who lack the capacity to consent to treatment or care in either a hospital or care home that, in their own best interests, can only be provided in circumstances that amount to a deprivation of liberty. The safeguards legislation provides for an assessment process that must be undertaken before deprivation of liberty may be authorised. These statistics provide official information about authorisations under The Act to deprive adults of their liberty and the outcome of such assessments.

The DoLS collection is a statutory collection. All 151 Primary Care Trusts (PCTs) and 152 Local Authorities (LAs) in England are required to submit a return even if they are only submitting a nil return to inform of no use of the safeguards.

Aggregate data is collected on a quarterly basis (in July, October, January and April) via the Omnibus system facilitated by the Health and Social Care Information Centre. In line with the Department of Health's DoLS publication strategy for 2011/12, publication of these statistics has moved from quarterly to biannual and will be further reduced to one annual publication from 2012/13.

### *Purpose of this document*

This paper aims to provide users with an evidence based assessment of the quality of the statistical output of the current biannual DoLS publication by reporting against those of the nine European Statistical System (ESS) quality dimensions and principles<sup>1</sup> appropriate to this output.

In doing so, this meets our obligation to comply with the UK Statistics Authority (UKSA) Code of Practice for Official Statistics<sup>2</sup>, particularly Principle 4, Practice 2 which states:

*Ensure that official statistics are produced to a level of quality that meets users' needs, and that users are informed about the quality of statistical outputs, including estimates of the main sources of bias and other errors, and other aspects of the European Statistical System definition of quality.*

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<sup>1</sup> The original quality dimensions are: relevance, accuracy and reliability, timeliness and punctuality, accessibility and clarity, and coherence and comparability; these are set out in Eurostat Statistical Law. However more recent quality guidance from Eurostat includes some additional quality principles on: output quality trade-offs, user needs and perceptions, performance cost and respondent burden, and confidentiality, transparency and security.

<sup>2</sup> UKSA Code of Practice for Statistics

# Assessment of statistics against quality dimensions and principles

## Relevance

***This dimension covers the degree to which the statistical product meets user need in both coverage and content.***

In total fifteen separate data items were collected via the online Omnibus monitoring forms. From these, 16 report data tables were generated which count authorisation requests between October and March, with the exception of Table 8 which displays a 'snapshot' figure as at 31<sup>st</sup> March 2012. Statistics within the report have been aggregated by Local Authority (LA) and Primary Care Trust (PCT) and describe the characteristics of people on whose behalf DoLS authorisations were made and the outcomes of such assessments. The following information is provided:

- The age group of the person to whom the authorisation applies.
- The gender of the person to whom the authorisation applies.
- The ethnic origin of the person to whom the requested authorisation applies. This is as described by the person.
- The religion or belief of the person to whom the requested authorisation applies. This is as described by the person.
- The sexual orientation of the person to whom the requested authorisation applies. This is as described by the person.
- The disability that is causing the person's current incapacity.
- The reason why a request for an authorisation has been declined as defined by the Supervisory Body.
- The total number of people currently subject to a standard authorisation, irrespective of when the authorisation was granted.
- A count of the standard authorisations which are granted or declined through the urgent authorisation process.
- The number of calendar days for which on-going authorisations, which may have commenced in this reporting period or previously, have been continuously granted.
- The person or authority that instigated a review. 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.
- A count of third party requests made to assess whether there is an unauthorised deprivation of liberty.
- A count of the number of third party requests which lead to full assessment.
- A count of the number of authorisations which are declined but the 'best interests' assessor advises a person is being deprived of their liberty.

See 'Accuracy and Reliability' dimension below for more detail on completeness and quality indicators.

## Accuracy and reliability

***This dimension covers, with respect to the statistics, their proximity between an estimate and the unknown true value.***

### Accuracy

#### *Sampling, coverage and non-response errors*

It is mandatory for all Local Authorities and Primary Care Trusts to submit this return. If there are no data to report for the period then a nil return must be submitted. For this reporting period, data were submitted by all 151 PCTs and 152 LAs and therefore there are no associated sampling, coverage or non-response errors.

#### *Measurement errors*

Organisations can continue to post any changes (refresh) to their original quarterly omnibus submission and it will be published in the annual report.

#### *Processing errors*

Validation routines were used during the collection process to flag up unusual data (for example, in scale or magnitude), which were then queried. A list of Omnibus validation routines by data item is provided in the Appendix to this document. Further data quality assurance was carried out on all derived and calculated figures in the report (including replication from base data by at least one other analyst).

### Reliability/Known data quality issues

During processing of data for the April-September 2011 statistical release, several organisations were identified as having supplied incorrect entries for the following data items:

- 1a - Number authorisation requests carried over from the previous quarter;
- 1b - Number authorisation requests received this quarter.

Feedback from data suppliers cited a lack of guidance and ineffective validation for these data items as being responsible for the poor data quality. As a result of this a decision was taken not to report on these data items in the April – September 2011 release (and for the rest of that reporting year, for consistency). They will be reinstated for the next annual publication, pending a rewrite of the guidance and the implementation of improved validation routines.

## Timeliness and punctuality

***Timeliness refers to the time gap between publication and the reference period. Punctuality refers to the gap between planned and actual publication dates.***

The Bi-annual DoLS October 2011 –March 2012 report summarises data relating to two quarters worth of PCT and LA returns:

- Q3 1 October 2011 – 31 December 2011;
- Q4 1 January 2012 - 31 March 2012.

The Q3 collection went live on the 3<sup>rd</sup> January 2012 and closed on 23<sup>rd</sup> January 2012. The Q4 collection went live on the 2<sup>nd</sup> April 2012 and closed on 24<sup>th</sup> April 2012.

These data were published on the 12<sup>th</sup> June 2012.

## Accessibility and clarity

***Accessibility is the ease with which users are able to access the data, also reflecting the format in which the data are available and the availability of supporting information. Clarity refers to the quality and sufficiency of the metadata, illustrations and accompanying advice.***

### Accessibility

The publication report and a supporting Excel file containing reference data tables are accessible alongside this data quality statement via the Health and Social Care Information Centre website. A machine readable file containing the data used to create the analysis within the report is published in the same place.

Reuse of our data is subject to conditions outlined here:

<http://www.ic.nhs.uk/data-protection/terms-and-conditions>

### Clarity

The reference data tables are presented as separate Excel worksheets. Each worksheet details different characteristics of the people on whose behalf authorisations were made and the outcomes of the assessment as well as details of the assessment process and information about the relevant person's representative.

## Coherence and comparability

***Coherence is the degree to which data which have been derived from different sources or methods but refer to the same topic are similar. Comparability is the degree to which data can be compared over time and domain.***

### Coherence

There are no current alternative sources of data with which these can be compared.

### Comparability

Data has been recorded since 1 April 2009 and has been reported quarterly, biannual and annual basis. The annual publication provides a time series comparison across the four quarters.

Local Authorities are now aggregated to Region level within the analysis as opposed to Government Office Region (GOR). After the Comprehensive Spending Review, it was confirmed that the GORs would close on 31 March 2011, shifting focus away from regions to local areas. However, there is still a requirement to maintain a regional level geography for statistical purposes. The GSS Regional and Geography Committee have agreed that from 1 April 2011, the former GORs should be simply referred to as 'Regions'. These areas will retain the names, codes and boundaries of the former GORs.

## Trade-offs between output quality components

***This dimension describes the extent to which different aspects of quality are balanced against each other.***

This submission was mandatory and therefore all organisations in existence at the point of collection submitted data. A data quality issue has been identified with data item 1a and 1b which has been noted in the 'Accuracy' section and as a result will not be reported on within this release.

## Assessment of user needs and perceptions

***This dimension covers the processes for finding out about users and uses, and their views on the statistical products.***

We anticipate that the results will be used by the Care Quality Commission (CQC) in its role as the Mental Capacity Act DoLS regulator, who is obliged by statute to monitor and report on the operation of the safeguards. We also expect that these statistics will also be of use to specialist organisations as well as to the general public.

User feedback is encouraged via the publication webpage and feedback will be fed into the planning process during the design and development stage of future publications.



## Performance, Cost and Respondent Burden

***This dimension describes the effectiveness, efficiency and economy of the statistical output.***

Submission of DoLS data is a statutory requirement for PCTs and LAs. Data are collected electronically and made available for production as a by-product of the statutory requirement.

## Confidentiality, transparency and security

***The procedures and policy used to ensure sound confidentiality, security and transparent practices.***

- PCTs and LAs may provide a refresh of their data should they wish and this will be published as part of the annual release.
- All publications are subject to a standard NHS IC risk assessment prior to issue. Disclosure control is implemented where deemed necessary.

Please see links below to relevant NHS IC policies.

Statistical Governance Policy

<http://www.ic.nhs.uk/webfiles/publications/Statistical%20Governance%20Policy.pdf>

Freedom of Information Process

<http://www.ic.nhs.uk/data-protection/freedom-of-information-foi>

Data Access and Information Sharing Policy

[Click here to go to policy](#)

Data Protection Charter

<http://www.ic.nhs.uk/data-protection/data-protection-charter>

# Appendix

## Validation routines used during the online Omnibus data collection for DoLS, by data item

### **Data Item 1a: Number of applications carried over from the previous quarter**

The sum of granted and declined must be greater than or equal to the number carried over from the previous quarter.

*Logical expression:*

- The total organisations granted or not granted in question 1 should be greater than 0 unless the organisation is submitting a Nil return.
- The total number of authorisations granted and not granted must be less than or equal to the total authorisation requests received for Data Items 1a and 1b. Please check your figures.
- The total number of authorisations granted and not granted must be greater than or equal to Data Item 1a. Please check your figures.

### **Data Item 1b: Number of standard authorisation requests received this quarter**

*Logical Expression:*

- The total organisations granted or not granted in question 1 should be greater than 0 unless the organisation is submitting a Nil return.

### **Data Item 2: Age Group**

- Authorisations Granted Total: The total number of authorisations granted should be equal to the sum of the authorisations granted in each age group.
- Authorisations Not Granted Total: The total number of authorisations not granted should be equal to the sum of authorisations not granted in each age group.

*Logical Expression:*

- The total number of authorisations granted in Data item 2 through 6 should all be equal.
- The total number of authorisations not granted in Data item 2 through 6 should be equal.

### **Data Item 3: Gender**

- Authorisations Granted Total: The total number of authorisations granted should be equal to the sum of the number of authorisations granted to males and females
- Authorisations Not Granted Total: The total number of authorisations not granted should be equal to the sum of the number of authorisations not granted to males and females.

*Logical Expression:*

- The total number of authorisations granted in Data item 2 through 6 should be equal.
- The total number of authorisations not granted in Data item 2 through 6 should be equal.

#### **Data Item 4: Ethnic Origin**

- Authorisations Granted Total: The total number of authorisations granted should be equal to the sum of the number of authorisations granted in each ethnic origin group.
- Authorisations not Granted Total: The total number of authorisations not granted should be equal to the sum of the number of authorisations not granted in each ethnic origin group.

##### *Logical Expression:*

- The total number of authorisations granted in Data item 2 through 6 should be equal.
- The total number of authorisations not granted in Data item 2 through 6 should be equal.

#### **Data Item 5: Religion or Belief**

- Authorisations Granted Total: The total number of authorisations granted should be equal to the sum of the number of authorisations granted in each religion or belief group.
- Authorisation not Granted Total: The total number of authorisations not granted should be equal to the sum of the number of authorisations not granted in each religion or belief group.

##### *Logical Expression:*

- The total number of authorisations granted in Data item 2 through 6 should be equal.
- The total number of authorisations not granted in Data item 2 through 6 should be equal.

#### **Data Item 6: Sexual Orientation**

- Authorisations Granted Total: The total number of authorisations granted should be equal to the sum of the number of authorisations granted in each sexual orientation group.
- Authorisation not Granted Total: The total number of authorisations not granted should be equal to the sum of the number of authorisations not granted in each sexual orientation group.

##### *Logical Expression:*

- The total number of authorisations granted in Data item 2 through 6 should be equal.
- The total number of authorisations not granted in Data item 2 through 6 should be equal.

#### **Data Item 7: Disability**

- The number of authorisations granted for Physical Disabilities cannot be greater than the total number of authorisations granted in data items 2 through 6. Please check your figures.
- The number of authorisations not granted for Physical Disabilities cannot be greater than the total number of authorisations not granted in data items 2 through 6. Please check your figures.
- The number of authorisations granted for Mental Health cannot be greater than the total number of authorisations granted in data items 2 through 6. Please check your figures.
- The total number of authorisations not granted for people with a Mental Health disability cannot be greater than the total number of authorisations not granted in Data Items 2 through 6. Please check your figures.

##### *Logical Expression:*

- The total number of authorisations not granted for all disabilities should be equal to the total number of authorisations not granted for data items 2 through 6. Please check your figures.

#### **Data Item 8: Reason for authorisation not granted**

- Total authorisations per grouping: The total number of authorisations not granted should be equal to the sum of the reason groups
- Data Item 8 Reason for authorisation not granted should be equal to the total number of authorisations not granted in Data Items 1 through 6.

#### **Data Item 9: Total number of people currently subject to standard authorisations**

There are no validations on this section.

#### **Data Item 10: Outcome of standard authorisation assessments that were required by urgent authorisations**

*Logical Expression:*

- The total number of authorisations granted should be less than or equal to the total number of authorisations granted in data items 2 through 6
- The total number of authorisations not granted should be less than or equal to the total number of authorisations not granted in data items 2 through 6.

#### **Data Item 11: Lengths of authorisations (calendar days)**

- The total for lengths of authorisations should be equal to the sum of the length groups.

#### **Data Item 12: Instigator of reviews conducted**

The total number of reviews conducted should be equal to the sum of the instigator groups.

#### **Data Item 13: Numbers of third party requests being made**

- The number of third party authorisation applications made should be less than or equal to the total authorisations granted plus the total authorisations not granted in data items 2 through 6.

#### **Data Item 14: Number of third party requests that lead to full assessments**

- The number of third party applications that lead to full assessments should be less than or equal to Data Item 13: Number of third party requests being made.

#### **Data Item 15: Number of cases where authorisation is not given but the best interest's assessor advises that deprivation of liberty is actually occurring.**

*Logical Expression*

- The number of cases where authorisation is not given but the best interests assessor advises that deprivation of liberty is actually occurring should be less than or equal to the total number of authorisations not granted in data items 2 through 6.

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