

KENT COUNTY COUNCIL

REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP SUB-COMMITTEE

MINUTES of a meeting of the Regulation Committee Mental Health Guardianship Sub-Committee held in the Council Chamber - Sessions House on Friday, 19 January 2018.

PRESENT: Mr S C Manion (Vice-Chairman in the Chair), Mrs A D Allen, MBE, Mrs P M Beresford, Mrs P T Cole, Miss E Dawson, Ms S Hamilton, Mr P J Homewood, Mr S J G Koowaree and Mr P W A Lake

ALSO PRESENT: Mr G K Gibbens

IN ATTENDANCE: Mrs C Fenton (Assistant Director Mental Health), Ms C Brodie (Practice Support Manager) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes - 31 January 2017

(Item 2)

RESOLVED that the Minutes of the meeting held on 31 January 2017 are correctly recorded and that they be signed by the Chairman.

2. The Local Authority's Guardianship Register

(Item 3)

(1) The Assistant Director Mental Health briefly introduced her report by explaining the work of the Officers' Working Group, which she chaired. It consisted of two officers from the Adult Social Care and Health Directorate, the Strategic Commissioning Manager for Social Work Education from the Engagement, Organisational Design and Development Department and the Quality Lead Officer for the Approved Mental Health Professional (AMHP) Service. It was supported by a part time administrator and had met on three occasions during the previous year.

(2) The Assistant Director Mental Health went on to explain that since its creation, the Working Party had introduced robust processes and guidance to review and maintain high quality practice, accurate recording and reporting of guardianship orders.

(3) The Assistant Director Mental Health then informed Members that three guardianship orders had been discharged and two renewed since January 2017. No new guardianship orders had been accepted. There were currently two people subject to guardianship in Kent.

(4) Kent County Council was required to provide data to the Department of Health and Social Care (DHSC) on a bi-annual basis on those subject to guardianship. The last submission of data to the DHSC had been on 21 April 2016, covering the period

from 1 April 2015 to 31 March 2016. During that period, two new orders had been accepted and two discharged.

(5) The Assistant Director Mental Health then described the national picture. She said that the DHSC had moved to bi-annual collection and publication of national Guardianship data. Data for 2016-17 was therefore not yet available. Data for the 2015-16 reporting period showed that there had been 175 new Guardianship orders, representing a decrease of 16% from the previous year. This followed a 29% decrease between 2013-14 and 2014-15. On 31 March 2016, 415 people in England had been subject to a Guardianship order, 18% fewer than at the same point in 2015. This had also been the eleventh consecutive year of decline in continuing cases, from 940 cases in 2004-05 to 415 cases in 2015-16, representing a reduction of 56% cent over this period. She considered that the reason for the reduction was, in part, the availability of other mental health legislation. The number of closed cases had reduced compared to the previous year, with 250 cases closed in 2015-16 compared to 305 in 2013-14 (a reduction of 18%). The number of closed cases had now reduced for six consecutive years, since the peak of 495 cases in 2009-10, which represented an overall reduction of 50 per cent since that year.

(6) The Assistant Director Mental Health said that a business analyst had carried out a process mapping exercise during 2017 in relation to the process and administration of Guardianship. All the recommended improvements had been implemented.

(7) The Assistant Director Mental Health said that during 2017 KCC officers had continued to work in partnership with colleagues from the Kent and Medway NHS and Social Care Trust to develop policy, protocols and processes to ensure that individuals had a Nearest Relative and to develop a register of those individuals where the Nearest Relative had delegated their functions to the County Council or another individual; where the individual either did not have a Nearest Relative or their Nearest Relative was unable to perform their functions leading to the Court has appointing Kent County Council; or where the individual either did not have a Nearest Relative or had one who could not perform the functions, leading to the appointment of an individual by the court. An Approved Mental Health Professional (AMHP) post had also been created to ensure that applications to the Court to appoint KCC as the Nearest Relative were made in good time. There were currently 8 people on the KCC Nearest Relative Register.

(8) The Assistant Director Mental Health concluded her presentation by saying that since January 2016 there has not been a need for Members to be asked to adjudicate a disputed case or be asked to discharge an order in accordance with their powers under Section 23(4) of the Mental Health Act 1983 (amended 2007).

(9) In response to a question from Mr Lake, the Assistant Director Mental Health said that there had in fact been no cases at all within the UK where elected Members had been asked to adjudicate a disputed case. This was because such cases were normally considered by Mental Health Review Tribunals. If the situation were to arise in Kent, the Panel would be fully supported in carrying out its duty. This would include reference to other bodies' rulings in such cases.

- (9) RESOLVED that the content of the report be noted together with the list of closed cases since January 2017, the current Guardianship register set out in Appendix 1 and the activity during 2017 set out in Appendix 2 to the report.

3. Section 7 Mental Health Guardianship Workshop

(Item 4)

(1) Christine Hutchison, Director of Edge Training and Consultancy Ltd provided training on Mental Health Guardianship to the Committee. The accompanying slides of this presentation were published as supplementary appendices to the agenda papers and can be viewed on the County Council's website for this meeting.

(2) Christine Hutchison's presentation covered a number of topics. She began with a brief outline of the history of mental health Law between 1713 and the Mental Health Act 2007. This was followed by the legal criteria of mental illnesses, covering any disorder or disability of the mind. She continued by setting out the main function of the Mental Health Act which was to "receive, care and treat mentally disordered patients."

(3) Christine Hutchison then turned to Guardianship itself, explaining its grounds and procedures with reference to the Code of Practice. After summarising the grounds when guardianship was most likely to be appropriate, she invited Members to consider some case studies and to discuss whether guardianship would be appropriate in these instances. She then explained the importance of case law before concluding with a summary of national statistics and their overall trend.

(4) RESOLVED to thank Christine Hutchison for her work in leading the Guardianship Workshop and to note the information provided.