

By: Head of Mental Health Social Work – Kent County Council

To: Regulation Committee Mental Health Guardianship Panel – 29<sup>th</sup> January 2014

Subject: The Local Authority's Guardianship Register

Classification: Unrestricted

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Summary: To introduce new members of the Regulation Committee to the duties of Kent County Council in relation to section 7 of the Mental Health Act 1983 (amended in 2007). The list of closed cases since January 2013 and the current guardianship register are enclosed for information.

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## 1. Introduction

- (1.1) The Kent County Council's Regulation Committee Mental Health Guardianship Panel was instituted in recognition of the duty of the responsible Social Services Authority to review guardianship orders and discharge if appropriate, in compliance with amendments to the Mental Health Act 1983 that were introduced in 2007. Under Section 23(2) an order for discharge can be made in respect of a patient who is subject to guardianship by the responsible clinician, by the Local Social Services Authority or by the nearest relative of the patient. Section 23 (4) sets out the framework for exercising the powers conferred by this section and Kent County Council's Regulation Committee's arrangements conform to these provisions.
- (1.2) The amendments to the Mental Health Act in 2007 also introduced the requirement for Elected Members to "audit the effectiveness of receipt and scrutiny of documents". A working party of officers has been set up to carry out these duties. The acceptance of new guardianship orders or the renewal of existing guardianship orders is undertaken by the Director of Learning Disability and Mental Health on behalf of Kent County Council.
- (1.3) This report is to inform Members of the current state of the authority's Guardianship Register. It contains the list of closed cases during 2013 at **Appendix 1** and the current guardianship register at **Appendix 2**. A presentation will be provided at the regulation committee meeting of 29th January 2014 to give further details of the powers and duties relating to section 7 Guardianship (Mental health Act 1983, amended 2007) and the work of the working party.

## 2. The Working Party

- (2.1) The working party is made up of three officers from the directorate of Families and Social Care and two co-opted independent members who have had recent operational management experience within mental health. It is

supported by a part time administrator and has met on five occasions since January 2013. Since it was established the working party has carried out a great deal of work to introduce robust processes and guidance to review and maintain high quality practice and accurate recording and reporting of guardianship orders. This has included reviewing the Guardianship Register and correcting any administrative errors.

- (2.2) Under section 66 of the Mental Health Act 1983 (amended 2007) a person who is subject to Guardianship may apply to the Mental Health Review Tribunal. Under section 77 of the Mental Health Act 1983 (amended 2007) the Mental Health Review Tribunal may discharge a person from Guardianship if they are not satisfied that the legal requirements and original grounds for reception into guardianship continue to apply. The working group intends to introduce a more robust process to monitor the number and outcome of applications to the Mental Health Review Tribunal during 2014.
- (2.3) Since January 2013 three guardianship orders have been discharged; four guardianship orders have been renewed and five new guardianship orders have been accepted, one of which was transferred from Section 3 of the Mental Health Act ( compulsory detention in hospital ) into Guardianship. There are currently eight people subject to guardianship in Kent. Kent County Council is required to provide the Department of Health with precise data on those subject to guardianship on an annual basis. The last submission of data was on 4<sup>th</sup> April 2013 for the period 1<sup>st</sup> April 2012 to 31<sup>st</sup> March 2013. At this time it was reported that four new orders had been accepted during this period and one order had been discharged. The next submission is due at the beginning of April 2014.
- (2.4) Since the last annual report to the regulation committee on 30<sup>th</sup> January 2014 there has been no need for Members to be asked to adjudicate a disputed case, nor indeed have they been asked to discharge an order in accordance with their powers under Section 23(4) of the MHA 1983 (amended 2007).

### **3. Summary**

- (3.1) In summary there are robust processes in place for the review of guardianship orders, including renewals, that gives consideration to the least restrictive options available with the authority to make appropriate recommendations for discharge.

### **4. Recommendation**

- (4.1) The regulation committee is invited to note the content of this report together with the details of the presentation, the lists of closed cases since January 2013 (Appendix 1) and the current guardianship register (Appendix 2).

Cheryl Fenton  
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Appendix 1

Closed Guardianship Cases  
January – December 2013

DoH No	Area	Sex	Disorder Category	MHA, 1983 Section	Relationship to Guardian	Date Guardianship Commenced	Renewed Date 1	Renewed Date 2	Renewed Date 3	Renewed Date 4	Renewed Date 5	Date of Expiry
121	David Fisher, Dartford, Gravesham and Swanley	F	Mental Illness	7	LA	12/11/2008	12/05/2009 (signed by James 12/05/2009)	12/11/2009 (signed by James 06/11/2009)	12/11/2010 (signed by James 29/10/2010)	12/11/2011 (Signed by Penny 11/11/2011)	12/11/2012 (Signed by Penny 09/11/2012)	Order Discharged: 30.07.13
142	Nigel Tompsett is now responsible for DI. Used to be Debra Willingale, Dartford, Gravesend & Swale MHT.	F	Mental Disorder	7	LA	28/09/2012	28/03/13 (signed by Penny 27/03/2013)					Order Discharged: August 2013
141	Kate Cottingham is now responsible for JB, used to be Mark Viner.	F	Mental Disorder	7	LA	10/09/2012	10/03/13 (signed by Penny on 08/03/2013)					Order discharged: 29.08.13

Appendix 2

Current Guardianship Register

DoH No	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Commenced	Renewed (6 months)	Renewed (6 months)	Renewed (yearly)	Renewed (yearly)	Renewed (yearly)	Renewed (yearly)
137	midnight 26.05.14	Dr Mohammed Sessay	Fleur Macdonald, Dover/Shepway CMHT 01304 216666	F	White British	27/11/2009 (Section 3)	Transferred from S3 to Guardianship 10/02/2010	27/05/2010	27/05/2011	27/05/2012	27/05/2013	Start date if renewed 27/05/14
143	midnight 18.10.14	Dr Karen Lawson	Gareth Locke, Swale CMHT 01795 418355	M	Not specified	19/10/2012	19/04/2013	19/10/2013	Start date if renewed 19/10/2014			
144	midnight 01.11.14	Dr Philip Barron	Susan-Janette Tostevin - AMHP Kingswood CMHC 01622 766900	M	White British	05/11/2012	02/05/2013	02/11/2013	Start date if renewed 02/11/14			
145	midnight 12.05.14	Dr Philip Barron	Steve Blandford Swale CMHT 01795 418355	M	White British	13/05/2013	13/11/2013	Start date if renewed 13/05/14				
146	midnight 06.12.13	Dr Karen Lawson	Gareth Locke, Swale CMHT 01795 418355	M	Mixed Race	07/06/2013	Start date if renewed 07/12/13					
147	midnight 06.12.13	Dr Philip Barron	Jonathan Tucker, Dover CMHT 01304 216666	M	White British	07/06/2013	Start date if renewed 07/12/14					
148	midnight 05.02.14		Samantha Williams, Swale CMHT 01795 418355	M	Afro-Caribbean	06/08/2013	Start date if renewed 06/02/14					
149	midnight 03.05.14	Dr Babiker, Durhar	Vicky Selman 01795 418355 Swale CMHT	F	White British	04/11/2013 (Section 3)	Transferred from S3 to Guardianship 16/12/13	Start date if renewed 04/05/14				

Signed off by Committee Members:

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Dated: \_\_\_\_\_

Mike Harrison

Chairman of the Regulation Committee