

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

To: Regulation Committee Mental Health Guardianship Panel – 28<sup>th</sup> January 2015

Subject: The Local Authority's Guardianship Register

Classification: Unrestricted

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Summary: To report on the work of the Guardianship review panel during 2014. A list of closed cases since January 2014 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 them 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. The function is delegated to a sub-committee of at least 3 members. One is a member of the regulatory committee and the others, members of the Adult Social Services Policy Overview and Scrutiny Committee.
- (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 Elected Members of the current state of the authority's Guardianship Register and the work of the officers' working party during 2014. It contains the list of closed cases during 2014 at **Appendix 1** and the current guardianship register at **Appendix 2**.

## **2. The Working Party**

- (2.1) The working party is made up of three officers from the directorate of Social Care , Health and Wellbeing 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 2014. 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) During 2013/2014 the terms of reference of the working party have been reviewed and are in the process of being amended. A key role of the working group is to provide assurance that the named officers responsible for scrutinising applications for new orders and renewals have done so in a robust and informed manner. The named officers raise any practice or training issues with the recently established centralised Approved Mental Health Professional (AMHP) service.
- (2.3) During the last 12 months the working party has reviewed and revised the Guardianship Policy to include guidance relating to transfers from section 3 ( compulsory detention in hospital for treatment ) to Guardianship and to provide templates for letters to inform relevant people of an individual's status in relation to Guardianship.
- (2.3) 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 is in the process of introducing a more robust process to monitor the number and outcome of applications to the Mental Health Review Tribunal.

## **3. The Guardianship Register**

- (3.1) Since January 2014 two guardianship orders have been discharged, there have been ten renewals of guardianship orders and two new guardianship orders have been accepted, one of which was a transfer from Section 3 of the Mental Health Act ( compulsory detention in hospital for treatment ) into Guardianship under section 19 of the Mental Health Act. There are currently eight people subject to guardianship in Kent. This figure has fluctuated between seven and nine since the cleansing of the guardianship register was completed in 2013. Kent County Council is required to provide the Department of Health with data on those subject to guardianship on an annual basis. The last submission of data was on 4<sup>th</sup> April 2014 for the period 1<sup>st</sup> April 2013 to 31<sup>st</sup> March 2014. At this time it was reported that five new orders had been accepted during this period and four orders had been discharged. The next submission is due at the beginning of April 2015.

- (3.2) Nationally there has been a 4 % decline in the overall number of Guardianship orders from 2012/13 to 2013/14. The overall number at the end of the reporting period for 2013/14 was 600. This is the ninth consecutive year of decline. The decline in Guardianship usage may partly be due to the availability of other mental health and mental capacity legislation. In 2013-14 310 Guardianship cases were closed. The shortest Guardianship order was 7 days and the longest was 30.3 years. The median duration of a Guardianship order in England was 11.9 months.

#### **4. Regulation Committee responsibilities**

- (4.1) Since the last annual report to the regulation committee on 29th 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).

#### **5. Summary**

- (5.1) 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.

#### **6. Recommendation**

- (6.1) The regulation committee is invited to note the content of this report together with the list of closed cases since January 2014 (Appendix 1) and the Current Guardianship registers (Appendix 2).

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References : <http://www.hscic.gov.uk/catalogue/PUB14853>

## Appendix 1

Status	DoH No.	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Commenced	Renewed (6 months)	Renewed (6 months)
Closed	148	midnight 05.08.14		Samantha Williams, Swale CMHT 01795 418355	M	Afro-Caribbean	06/08/2013	06/02/2014	Discharged 10/06/14

Status	DoH No.	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Section 3 Commenced	Transferred from S3 to Gship	Section 3 ended and Gship Renewed (6 months)	Renewed (6 months)	Should have been renewed (yearly 27/11/11)	Renewed (yearly)	Renewed (yearly)	Renewed (yearly)	Closed
Closed	137	midnight 26.05.15	Dr Mohammed Sessay	Fleur Macdonald, Dover/Shepway CMHT 01304 216666	F	White British	Section 3 Start 27/11/2009 Transf from S3 to Gship 10/02/2010	10/02/2010	27/05/2010	27/11/2010	Renewed early by mistake 27/05/11	27/05/2012	27/05/2013	27/05/2014	Deceased 23/07/14

## Appendix 2

Status	DoH No.	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Commenced	Renewed (6 months)	Renewed (6 months)	Renewed (yearly)	Renewed (yearly)
Open	143	midnight 18.10.15	Dr Karen Lawson	Charley Melville, Swale CMHT 01795 418355	M	Not specified	19/10/2012	19/04/2013	19/10/2013	19/10/2014	Start date if renewed 19/10/2015
Open	144	midnight 01.11.15	Dr Mogbeyiteren Eyeoyibo Archery House 01322 622041	Susan-Janette Tostevin - AMHP Kingswood CMHC 01622 766900	M	White British	05/11/2012	02/05/2013	02/11/2013	02/11/2014	Start date if renewed 02/11/15
Open	145	midnight 12.05.15	Dr Philip Barron	Lynne Irvine Coastal CMHT 01227 594888	M	White British	13/05/2013	13/11/2013	13/05/2014	Start date if renewed 13/05/15	
Open	146	midnight 06.06.15	Dr Karen Lawson	Gareth Locke, Swale CMHT 01795 418355	M	Mixed Race	07/06/2013	07/12/2013	07/06/2014	Start date if renewed 07/06/2015	
Open	147	midnight 06.06.15	Dr Philip Barron	Jonathan Tucker, Dover CMHT 01304 216666	M	White British	07/06/2013	07/12/2013	07/06/2014	Start date if renewed 07/06/15	
Open	149	midnight 03.11.15	Dr Babiker, Durham House	Vicky Selman 01795 418355 / 07795036683 Swale CMHT	F	White British	04/11/2013 (Section 3)	Transferred from S3 to Guardianship 16/12/13	04/05/2014	04/11/2014	Start date if renewed 04/11/2015
Open	150	midnight 10.04.15	Dr A Puranik	Claire Jansseune Maidstone CMHT 01622 766900 Malcolm Durnford Older Peoples Team Bay Tree House 01622 726899	F	White British	11/04/2014	11/10/2014	Start date if renewed 11/04/15		
Open	151	midnight 10.04.15	Dr George Umoh, St Martins Hospital, Littlebourne Road, Canterbury 01227 815815 Sec. Anthea Skiffington	Gareth Locke Canterbury Coastal Laurel House 01227 597111	M		Section 3 start 11/10/14 Transf. from S3 to Gship 12/11/2014	Start date if renewed 11/04/15			