

## KENT COUNTY COUNCIL

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### **REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP SUB-COMMITTEE**

MINUTES of a meeting of the Regulation Committee Mental Health Guardianship Sub-Committee held in the Medway Room, Sessions House, County Hall, Maidstone on Wednesday, 28 January 2015.

PRESENT: Mr M J Harrison (Chairman), Mrs M Elenor, Mrs S Howes, Mr S J G Koowaree and Mr C P Smith

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

#### **UNRESTRICTED ITEMS**

**1. Minutes - 29 January 2014 (To Note)**  
*(Item 3)*

The Minutes of the meeting held on 30 January 2014 were noted, having been previously approved at the Regulation Committee meeting on 13 May 2014.

**2. The Local Authority Guardianship Register**  
*(Item 4)*

(1) The Learning Disability and Mental Health Officer introduced her report by setting out that Section 23 (2) of the Mental Health Act enabled a discharge to be made in respect of a patient who was subject to guardianship by the responsible clinician, by the Local Social Services Authority or by the nearest relative. In conformity with Section 23 (4) of the Act, the function had been delegated to this Sub-Committee of the Regulation Committee which consisted of the Chairman of the Regulation Committee and Members of the Adult Social Care and Health Overview and Scrutiny Committee.

(2) The Learning Disability and Mental Health Officer then said that the Sub-Committee also had the remit of auditing the effectiveness of receipt and scrutiny of documents. She moved on to describe the progress of the officer Working Party which had been set up for this purpose. It consisted of three officers from the Social Care, Health and Wellbeing Directorate and two co-opted independent members. The Working Party had met on five occasions over the previous year. One of its key functions (following amendments to its terms of reference in 2013/14) was to ensure that the named officers responsible for scrutinising applications for new orders and renewals had done so effectively. Any practical issues identified would be raised with the Approved Mental Health Professional Service in order that these could be addressed and that lessons learned could be shared.

(3) The Learning Disability and Mental Health Officer briefly explained that, there were two ways in which guardianship application could be submitted to a Local Authority. This could happen either through an application for a new order under section 7 of the Mental Health Act or through a transfer under Section 19 from

Section 3 (detention in hospital) to Section 7 (guardianship). A decision on the latter had to be taken in the light of the identified “least restrictive option.”

(4) A decision to discharge a person from guardianship could be taken by a Mental Health Review Tribunal. As these Tribunals did not always inform the Local Authority when appeals were being heard, one of the Working Party’s priorities during 2014 had been to ensure that all cases considered by a Tribunal were robustly accounted for and monitored. Work to achieve this had commenced.

(5) The Learning Disability and Mental Health Officer then reported that two guardianship orders had been discharged since the Sub-Committee’s last meeting in January 2014. During this period, two new guardianships had been accepted and there had been ten renewals (some of these had been for people whose orders had been renewed on two occasions on a six-monthly basis). Currently, there were eight people subject to guardianship in Kent (this figure having fluctuated between seven and nine since the cleansing of the register in 2013. The last figures presented to the Department of Health had been for the period 1 April 2013 to 31 March 2014. Nationally, there had been a decline of 4% of people under guardianship during this period.

(6) The Chairman asked whether any of the people on the register were ex-servicemen. The Learning Disability and Mental Health Officer replied that none of them were. The current figure of 8 was made up from 5 people with Learning Difficulties associated with “abnormally aggressive or seriously irresponsible conduct”, two with chronic mental health problems and one who had been transferred from a Section 3 (detention in hospital) order.

(7) The Sub-Committee Members were invited to attend review meetings in appropriate numbers. The Learning Disability and Mental Health Officer agreed to advise the Democratic Services Officer when such meetings were taking place.

(8) RESOLVED that the content of the report be noted together with the list of closed cases since January 2014 (set out in Appendix 1) and the current guardianship register (set out in Appendix 2).