

By: Head of Mental Health – Kent County Council

To: Regulation Committee Mental Health Guardianship Panel – 26<sup>th</sup> January 2016

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 2015. A list of closed cases since January 2015 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 Disabled Children , Adults 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 2015. It contains the list of closed cases during 2015 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 four occasions since January 2015. 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 2015/2016 the terms of reference of the working party have been reviewed and are in the process of being amended. The name of the group will change to The Guardianship Quality and Scrutiny Panel, in order to better reflect its role. The scrutiny process has been strengthened by the introduction of a role for the Quality Lead from the Approved Mental Health Professional (AMHP) service. This includes scrutiny of social circumstances reports and legal documents before they are submitted to Kent County Council, mentoring and training on any practice issues identified and membership of the Guardianship quality and scrutiny panel. 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.
- (2.3) Since January 2015 three guardianship orders have been discharged; seven guardianship orders have been renewed and two new guardianship orders have been accepted, both were transferred 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 seven people subject to guardianship in Kent. 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 30<sup>th</sup> April 2015 for the period 1<sup>st</sup> April 2014 to 31<sup>st</sup> March 2015. At this time it was reported that two new orders had been accepted during this period and three orders had been discharged. The next submission is due at the beginning of April 2016. This data can be seen at Appendix 3
- (2.4) Nationally there were 212 new Guardianship Orders during the reporting period 2014-2015, a decrease of 29 % from 2013-2014. As at 31<sup>st</sup> March 2015, 522 people in England were subject to a Guardianship order, a reduction of 108 (17 %) from the same point in 2014. This is also the tenth consecutive year of decline in continuing orders. The decline in Guardianship might be in part to the availability of other mental health legislation. The number of orders which came to an end during 2014-2015 reduced slightly (4%) from the previous year. The number of orders coming to an end during each year has now reduced for five consecutive years. The duration of the Guardianship orders which came to an end during 2014-2015 ranged from less than 3 months to over 10 years. The median duration of a Guardianship order in England is 12 months.

- (2.5) During the last 12 months the working party has reviewed and revised the Guardianship Policy to include guidance relating to transfers from Guardianship to section 3 (compulsory detention in hospital for treatment); the procedure to follow should a person subject to Guardianship go absent without leave; the transfer of a person from one local social service authority to another and the process for appeals to the Mental Health Review Tribunal.
- (2.6) 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).

### **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 list of closed cases since January 2015 (Appendix 1), the Current Guardianship registers (Appendix 2) and the activity during 2015 (Appendix 3).

Cheryl Fenton Head of Mental Health  
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Appendix 1

Status	DoH No.	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Commenced	Renewed (6 months)	Renewed (6 months)
Closed	150	midnight 10.04.15	Dr A Puranik Sec - Val Dodd Bay Tree House, 01622 726899	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	Discharged 08/04/15
Closed	151	midnight 10.10.15	Dr Marcos Pisaca, Laurel House	Gareth Locke Canterbury Coastal Laurel House 01227 597111	M	White British	12/11/2014	11/04/2015	Discharged 08/12/15

Appendix 2

Status	DoH No.	Expiry date:	Responsible Clinician	Mental Health Professional	Sex	Origin	Date Commenced	Renewed (6 months)	Renewed (6 months)	Tribunals?	Renewed (yearly)	Renewed (yearly)	Renewed (yearly)
Open	143	midnight 18.10.16	Dr Arshad Sequence Care Group	Michael Fishlock, Swale CMHT 01795 418359	M	White British	19/10/2012	19/04/2013	19/10/2013		19/10/2014	19/10/2015	Start date if renewed 19/10/16
Open	144	midnight 01.11.16	Dr Mogbeyitern Eyeoyibo Archery House 01322 622041	Susan Tostevin - AMHP Kingswood CMHC 01622 766900 Sarah Underdown Care Co-ord Maidstone LD	M	White British	05/11/2012	02/05/2013	02/11/2013		02/11/2014	02/11/2015	Start date if renewed 02/11/16
Open	145	midnight 12.05.16	Dr Mogbeyitern Eyeoyibo Archery House 01322 622041	Gareth Locke Canterbury 01227 812291	M	White British	13/05/2013	13/11/2013	13/05/2014		13/05/2015		Start date if renewed 13/05/16
Open	146	midnight 06.06.16	Dr Alexandra Szpak, Sittingbourne Memorial Hospital	Charley Melville - oversee Michael Fishlock - AMHP Christine Lynn - providing SCR etc., Swale CMHT 01795 418355	M	Mixed Race	07/06/2013	07/12/2013	07/06/2014		07/06/2015		Start date if renewed 07/06/16

Open	147	midnight 06.06.16	Dr Mogbeyitere n Eyeoyibo Archery House 01322 622041	Jonathan Tucker, Dover CMHT 01304 216666	M	White British	07/06/2013	07/12/2013	07/06/2014	1st Tier 22/09/14 not upheld Upper Nov? not upheld	07/06/201 5	Start date if renewed 07/06/16
Open	152	midnight 07/01/17	Dr Babiker, Canterbury Coastal Kings Road Clinic, Kings Road, Herne Bay CT6 5DD 01227 594850	Karl Glen Canterbury Coastal ECAO 01227 812291	F	White British	07/04/2015	08/07/2015	08/01/2016	Start date if renewed 08/01/17		
Open	153	midnight 10/02/16	Dr Babiker, Canterbury Coastal Kings Road Clinic, Kings Road, Herne Bay CT6 5DD 01227 594850	Gareth Locke Canterbury Coastal Laurel House 01227 597111	M	White British	17/11/2015	Start date if renewed 11/02/16				

Appendix 3

