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 Darent Room, Sessions House, County Hall, Maidstone on Tuesday, 31 January 2017.

PRESENT: Mr A H T Bowles (Chairman), Mr R H Bird (Substitute for Mr S J G Koowaree), Mrs M Elenor, Ms A Harrison (Substitute for Mrs S Howes) and Mr C P Smith

IN ATTENDANCE: Mrs C Fenton (Head of Mental Health) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS

1. Minutes - 26 January 2016
(Item 2)

RESOLVED that the Minutes of the meeting held on 26 January 2016 are correctly recorded and that they be signed by the Chairman.
(Item 2)

2. The Local Authority's Guardianship Register
(Item 3)

(1) The Head of Mental Health briefly introduced her report by saying that the Sub-Committee (formerly Panel) had been set up in response to amendments to the Mental Health Act 1983 which had been introduced in 2007. Section 23 (2) of the 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, this function had been delegated to this Sub-Committee of the Regulation Committee.

(2) The Head of Mental Health went on to say that the 2007 Amendments to the Act had also introduced the requirement for Elected Members to audit the effectiveness of receipt and scrutiny of documents. She moved on to say that the Officer Working Party which had been set up for this purpose had met on three occasions over the previous year

(3) The Head of Mental Health replied to a question from Mr Bird by saying that the guidance on the “Nearest Relative” (paragraph 2.6 of the report) set out in the Act and Regulations was very clear on the question of both the hierarchy which determined the identity of the “nearest relative” and the circumstances under which the Local Authority would take over this function. It was also open to the nearest relative to decide to delegate it to the County Council.

(4) The Head of Mental Health said that the most frequent use of Guardianship related to the requirement for a person to reside at a stipulated residence. It was

more likely for people with a diagnosis of mental illness to be discharged from Guardianship within a short time period once they were settled with their community care and treatment plan. People with a diagnosis of a learning disability were more likely to require the safeguards of a guardianship order for a longer length of time.

(5) During discussion, the Panel asked for future reports to include the birth years of those under a guardianship order.

(6) The Panel agreed that the proposed half day training for Panel Members would be held as part of the Member Induction programme following the Local Government elections in May 2017. Invitations would also be sent to all Members of the new Sub-Committee to sit in as observers at Guardianship Quality and Scrutiny Panel (formerly Working Party) meetings.

(7) RESOLVED that the content of the report be noted together with the list of closed cases since January 2016 (set out in Appendix 1), the current guardianship register (Appendix 2) and the activity during 2016 (Appendix 3).