



AGENDA

REGULATION COMMITTEE MENTAL HEALTH GUARDIANSHIP SUB-COMMITTEE

Wednesday, 28 January 2015 at 2.00 pm
Medway Room, Sessions House, County Hall, Maidstone

Ask for: **Andrew Tait**
Telephone: **03000 416749**

UNRESTRICTED ITEMS

(During these items the meeting is likely to be open to the public)

**Item
No**

- 1 Substitutes
- 2 Declarations of Interest by Members for items on the agenda
- 3 Minutes - 29 January 2014 (To Note) (Pages 3 - 4)
- 4 The Local Authority Guardianship Register (Pages 5 - 10)
- 5 Other items which the Chairman decides are Urgent

EXEMPT ITEMS

(At the time of preparing the agenda there were no exempt items. During any such items which may arise the meeting is likely NOT to be open to the public)

Peter Sass
Head of Democratic Services and Local Leadership
03000 416647

Tuesday, 20 January 2015

Please note that any background documents referred to in the accompanying papers maybe inspected by arrangement with the officer responsible for preparing the relevant report.

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 Swale 1, Sessions House, County Hall, Maidstone on Wednesday, 29 January 2014.

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

IN ATTENDANCE: Ms C Fenton (Learning Disability and Mental Health Officer), Macdonald (Training Manager - Mental Health) and Mr A Tait (Democratic Services Officer)

UNRESTRICTED ITEMS**1. Minutes - 30 January 2013**
(Item 2)

The Minutes of the meeting held on 30 January 2013 were noted, having been previously approved at the Regulation Committee meeting on 18 June 2013.

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

(1) The Learning Disability and Mental Health Officer set the scene for the work of the Panel. She explained that amendments to the Mental Health Act in 2007 had introduced a requirement for elected Members to "audit the effectiveness of receipt and scrutiny of documents. The Panel's role was to discharge this function.

(2) The detailed work in this field was undertaken by a Working Party consisting of three officers from the KCC Families and Social Care Directorate and two co-opted independent members with recent operational management experience within mental health. The Working Party scrutinised the relevant papers to ensure that the Guardianship Register was correct in terms of the names on it, of the legal requirements having been met and of the grounds for guardianship continuing to apply.

(3) The work undertaken had resulted in the introduction of robust processes and guidance as well as a thorough review of the Guardianship Register to correct any administrative errors. The Working Party also intended to introduce a more robust process for monitoring the number and outcome of applications to the Mental Health Review Tribunal during 2014.

(4) The Learning Disability and Mental Health Manager reported that since the last meeting of the Sub-Committee in January 2013, 3 guardianship orders had been discharged, 4 had been renewed and five new guardianship orders had been accepted. There were currently eight people subject to guardianship in Kent.

- (5) KCC was required to provide the Department of Health with annual data on those subject to guardianship. In April 2013 KCC had reported that four new orders had been accepted and one discharged during the previous 12 months. The next submission was due in early April 2014.
- (6) The Learning Disability and Mental Health Manager then gave a presentation on guardianship orders. The slides from this presentation are contained within these minutes.
- (7) The Sub-Committee agreed that it would wish to see the ages of those subject to guardianship orders in future.
- (8) RESOLVED that the contents of the report be noted together with the details of the presentation, the list of closed cases since January 2013 (set out in Appendix 1) and the current guardianship register (set out in Appendix 2).

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

To: Regulation Committee Mental Health Guardianship Panel – 28th January 2015

Subject: The Local Authority's Guardianship Register

Classification: Unrestricted

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.

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 4th April 2014 for the period 1st April 2013 to 31st 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).

Cheryl Fenton
Head of Mental Health Social Work
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E-mail: Cheryl.fenton@kent.gov.uk

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

Page No.	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			

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