

Local Authority Personal Social Services Statistics

Guardianship

under the Mental Health Act 1983

England 2005

Mental Health Statistics
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Tom Hall

Introduction

This report contains the latest available statistics on the numbers of people subject to guardianship under Sections 7 and 37 of the Mental Health Act 1983.

The purpose of guardianship is to enable patients to receive care in the community where it cannot be provided without the use of compulsory powers. It provides a framework, as part of the overall care and treatment plan, for working with a patient to achieve as independent a life as possible. Guardianship applies to patients who are at least 16 years old and who are suffering from mental illness, psychopathic disorder, severe mental impairment or mental impairment of a nature or degree which warrants reception into guardianship, and where it is also necessary in the interests of the welfare of the patient or for the protection of others.

Section 7 of the Mental Health Act 1983 provides for guardianship under the auspices of a local social services authority (or a named individual) on the recommendation of two doctors and an application by an approved social worker or nearest relative. Under Section 37 a court can also make a guardianship order.

Section 8 of the Act sets out the three powers conferred on the guardian. These are:

- the power to require the patient to reside at a specified place;
- the power to require the patient to attend specified places for medical treatment, occupation, education or training;
- the power to require access to be given to the patient by a doctor, approved social worker or other specified person.

Legislative Reform

The Government is in the process of replacing the Mental Health Act 1983. In September 2004 it published a draft Mental Health Bill for pre-legislative scrutiny by a joint committee of the two Houses of Parliament. The provisions of that draft Bill included the abolition of guardianship and the breaking of the automatic link between detention and the compulsory treatment of mental disorder, allowing patients to be treated in the setting most appropriate to them consistent with the need to protect patients themselves and others. The Government has said it will introduce a substantive Mental Health Bill later in the current Parliamentary session. In the interim, the Mental Capacity Act 2005 has become law. When implemented, it will create a new legal framework for decision-making to protect adults who lack mental capacity.

Table 1 of this publication contains historical information for England for the period 1998 to 2005. Historic data have been revised where authorities have given late notification of cases opening and closing.

Table 2 contains summary information for each local authority in England for the year ending 31 March 2005.

Data collection

These statistics are collected from each authority on form SSDA 702, which lists for each case of guardianship in force during the period:

- date guardianship commenced;
- date guardianship closed (if applicable);
- main disorder;
- source (by application or conviction);
- sex;
- relationship of guardian (local authority, other person).

A copy of the SSDA 702 form can be found at Annex A.

Revision of data published in 2004

Due to late notifications of cases opening or closing, the figures displayed in Table 2 may not be arithmetically comparable with the number of cases open at the end of the previous year (i.e. published in Table 2 of last year's report).

This is an example only:

Cases open at 31 March 2004 as published in Table 2 of last year's publication.	836
Late notifications of new cases opened prior to 1 April 2004	25
Late notification of closed cases prior to 1 April 2004	40
Duplicate cases removed	6
Revised cases at 31 March 2004	815
New cases 2004-2005	456
Closed cases 2004-2005	427
Cases open at 31 March 2005	844

Non-response

Medway Towns failed to submit a return this year.

Further enquiries

Further copies of this publication can be obtained from:

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Health & Social Care Information
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Room 430B, Skipton House,
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Related publications

Details of the number of formal admissions to hospitals are given in the Statistical Bulletin:

"In-patients formally detained in hospitals under the Mental Health Act 1983 and other legislation, England: 1993-94 to 2003-04".

and Annual Publication:

"Inpatients formally detained in hospitals under the Mental Health Act 1983 and other legislation, NHS Trusts, Care Trusts, Primary Care Trusts and Independent Hospitals: 2003-04".

Both publications can be obtained from the Health and Social Care Information centre website. Limited hard copies of the statistical bulletin will be available from:-

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Mental Health Statistics
Health & Social Care Information
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Room 430B, Skipton House,
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(Tel: 020 7972 5614)

Main findings

In the year to 31 March 2005

- 416 guardianship cases were closed and 466 new cases opened, resulting in 966 cases being open at the end of the year (increase by 5% on 2004).
- In almost all cases (99%) guardianship was conferred on the local authority, with the remaining 1% conferred on a named individual or organisation.
- For cases closed during 2004-05 the average length of guardianship was 19 months. Of these cases 58% were for over 6 months and 42% for 6 months or less. There was considerable variability in average case length by Local Authority, ranging from 1 to 78 months.
- The 466 new cases opened in the year to 31 March 2005 are small in number (1%) in comparison with the 45,700 formal detentions in hospital, under the Mental Health Act 1983, for 2003-04.

- 10% (15 out of 150) of all local authorities accounted for 45% (433 out of 966) of cases open at 31 March 2005.

Between 31 March 1998 and 31 March 2005

- Following a steady rise from 822 in 1998 to a peak of 999 in 2000, the number of guardianship cases in force at the end of the year have since shown a slight decrease (3%) to 966 in 2005.
- The number of new cases for 2005 (466) has decreased by 4% (19) compared with 1998 (485), but showed a marginal increase of 1% compared with 2004.

Figure 1 Guardianship under the Mental Health Act 1983

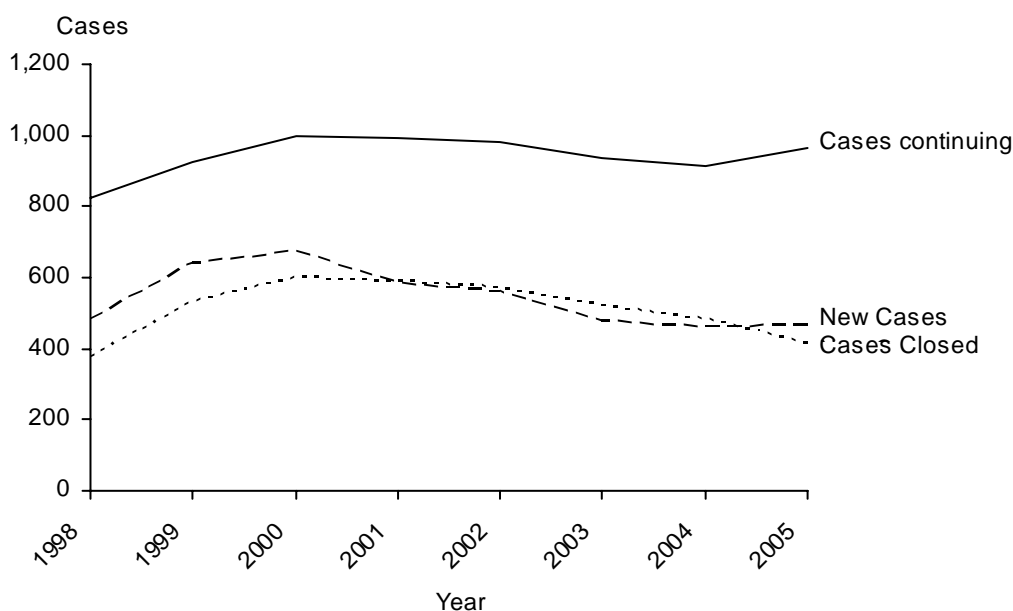


Table 1 Guardianship under the Mental Health Act 1983

England, as at 31 March								Numbers
	1998 ^R	1999 ^R	2000 ^R	2001 ^R	2002 ^R	2003 ^R	2004 ^R	2005
NEW CASES DURING THE YEAR (1 April to 31 March)								
Total number of cases ⁽¹⁾	485	638	672	583	561	475	461	466
First named disorder/Main disorder								
Severe mental impairment	26	29	28	13	7	9	15	21
Mental impairment	62	79	83	69	77	76	49	50
Mental illness	385	522	551	498	471	389	393	391
Psychopathic disorder	12	8	10	3	6	1	4	4
By application (Section 7)	471	628	662	573	555	462	449	454
Following conviction (Section 37)	14	10	10	10	6	13	12	12
Guardianship conferred on								
Local Authority	481	631	669	579	552	473	460	463
Other person	4	7	3	4	9	2	1	3
CASES CONTINUING AT THE END OF THE YEAR								
Total number of cases ⁽¹⁾	822	925	999	995	984	937	916	966
First named disorder/Main disorder								
Severe mental impairment	57	54	59	40	31	31	33	48
Mental impairment	126	162	187	179	188	199	183	189
Mental illness	615	686	732	757	744	693	689	721
Psychopathic disorder	24	23	21	19	21	14	11	8
By application (Section 7)	789	890	972	968	957	910	882	930
Following conviction (Section 37)	33	35	27	28	27	27	34	36
Guardianship conferred on								
Local Authority	813	913	991	984	971	923	908	958
Other person	9	12	8	11	13	14	8	8
CASES CLOSED DURING THE YEAR (1 April to 31 March)								
Total number of cases	374	535	598	587	572	522	482	416
No. of non-responding LAs	1	3	-	1	-	1	-	1

Source: SSDA 702

1 Where an authority failed to submit a return it was assumed no cases were opened or closed.

R Revised from summary published in August 2004.

" - " denotes nil

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2005

	Numbers			
	New cases opened during the year	Cases closed during the year	Average length of cases closed in year (months)	Cases open at 31 March 2005
ENGLAND	466	416	19	966
NORTH EAST				
Shire Counties				
Durham	2	2	29	7
Northumberland	2	3	14	4
Unitary Authorities				
Darlington	1	1	41	3
Hartlepool	-	-	-	-
Middlesbrough	-	-	-	13
Redcar & Cleveland	2	2	3	4
Stockton-on-Tees	-	4	20	2
Metropolitan Districts				
Gateshead	2	2	1	1
Newcastle upon Tyne	6	4	30	13
North Tyneside	6	5	7	9
South Tyneside	1	-	-	1
Sunderland	2	5	13	4
NORTH WEST				
Shire Counties				
Cheshire	25	16	15	35
Cumbria	18	17	17	27
Lancashire	34	29	17	68
Unitary Authorities				
Blackburn	2	4	32	3
Blackpool	4	3	35	4
Halton	6	5	13	12
Warrington	9	2	65	10
Metropolitan Districts				
Bolton	10	14	21	10
Bury	2	-	-	4
Knowsley	3	2	58	4
Liverpool	1	1	33	34
Manchester	9	6	11	7
Oldham	1	2	34	1
Rochdale	1	1	12	9
Salford	2	1	6	4
Sefton	1	1	7	5
St Helens	1	3	36	4
Stockport	-	1	55	-
Tameside	2	2	27	3
Trafford	2	1	11	5
Wigan	3	1	52	7
Wirral	1	5	14	10

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2005

	Numbers			
	New cases opened during the year	Cases closed during the year	Average length of cases closed in year (months)	Cases open at 31 March 2005
ENGLAND	466	416	19	966
YORKSHIRE AND THE HUMBER				
Shire Counties				
North Yorkshire	2	2	19	7
Unitary Authorities				
East Riding	-	2	10	3
Kingston-upon-Hull	5	10	14	11
N E Lincolnshire	1	1	41	2
N Lincolnshire	3	6	7	6
York		1	29	4
Metropolitan Districts				
Barnsley	7	1	1	11
Bradford	4	7	32	11
Calderdale	4	3	8	5
Doncaster	4	-	-	5
Kirklees	4	4	31	8
Leeds	22	15	15	30
Rotherham	-	-	-	2
Sheffield	1	-	-	4
Wakefield	1	-	-	6
EAST MIDLANDS				
Shire Counties				
Derbyshire	2	4	20	16
Leicestershire	-	-	-	3
Lincolnshire	3	2	33	5
Northamptonshire	4	7	19	9
Nottinghamshire	5	4	8	8
Unitary Authorities				
Derby	3	-	-	8
Leicester	-	2	43	1
Nottingham	1	1	24	1
Rutland	-	-	-	-

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2005

	Numbers			
	New cases opened during the year	Cases closed during the year	Average length of cases closed in year (months)	Cases open at 31 March 2005
ENGLAND	466	416	19	966
WEST MIDLANDS				
Shire Counties				
Shropshire	7	3	19	12
Staffordshire	16	8	21	62
Warwickshire	2	1	2	4
Worcestershire	2	7	30	8
Unitary Authorities				
Herefordshire	2	2	6	2
Stoke-on-Trent	2	1	17	13
Telford and Wrekin	1	3	25	4
Metropolitan Districts				
Birmingham	8	6	15	12
Coventry	2	6	18	10
Dudley	7	6	14	7
Sandwell	9	6	9	8
Solihull	-	5	26	2
Walsall	3	6	8	5
Wolverhampton	-	1	6	1
EAST OF ENGLAND				
Shire Counties				
Bedfordshire	-	-	-	3
Cambridgeshire	2	4	45	1
Essex	2	2	9	3
Hertfordshire	16	6	24	32
Norfolk	1	4	20	3
Suffolk	3	3	7	6
Unitary Authorities				
Luton	1	2	8	1
Peterborough	-	-	-	1
Southend	-	-	-	2
Thurrock	1	-	-	1

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2005

	Numbers			
	New cases opened during the year	Cases closed during the year	Average length of cases closed in year (months)	Cases open at 31 March 2005
ENGLAND	466	416	19	966
LONDON				
Inner London				
Camden	2	-	-	2
City of London	-	-	-	2
Greenwich	-	-	-	3
Hackney	-	2	11	-
Hammersmith & Fulham	-	2	20	-
Islington	1	1	6	2
Kensington & Chelsea	3	3	12	2
Lambeth	2	3	15	2
Lewisham	7	5	6	3
Southwark	1	-	-	2
Tower Hamlets	-	-	-	-
Wandsworth	1	1	6	-
Westminster	5	4	8	2
Outer London				
Barking & Dagenham	1	-	-	3
Barnet	4	3	16	3
Bexley	1	-	-	5
Brent	-	-	-	-
Bromley	5	10	16	2
Croydon	1	-	-	1
Ealing	-	-	-	-
Enfield	-	-	-	-
Haringey	-	-	-	1
Harrow	-	-	-	2
Havering	1	2	9	2
Hillingdon	-	-	-	-
Hounslow	1	-	-	1
Kingston upon Thames	-	-	-	-
Merton	1	1	72	2
Newham	2	-	-	5
Redbridge	2	-	-	3
Richmond upon Thames	-	-	-	-
Sutton	-	1	5	-
Waltham Forest	1	1	6	-

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2005

	Numbers			
	New cases opened during the year	Cases closed during the year	Average length of cases closed in year (months)	Cases open at 31 March 2005
ENGLAND	466	416	19	966
SOUTH EAST				
Shire Counties				
Buckinghamshire	4	1	78	7
East Sussex	1	1	10	5
Hampshire	10	8	18	25
Kent	6	2	8	38
Oxfordshire	5	3	6	8
Surrey	4	1	11	5
West Sussex	5	1	6	11
Unitary Authorities				
Bracknell Forest	-	-	-	-
Brighton & Hove	-	-	-	1
Isle of Wight	6	12	14	6
Medway Towns	-	-	-	-
Milton Keynes	1	1	6	5
Portsmouth	1	-	-	3
Reading	-	-	-	1
Slough	-	2	64	-
Southampton	2	4	7	11
West Berkshire	-	3	28	5
Windsor & Maidenhead	-	-	-	-
Wokingham	-	-	-	2
SOUTH WEST				
Shire Counties				
Cornwall	11	9	13	10
Devon	4	-	-	12
Dorset	3	1	12	4
Gloucestershire	6	4	49	15
Isles of Scilly	-	-	-	-
Somerset	5	5	28	6
Wiltshire	6	1	6	8
Unitary Authorities				
Bath & N E Somerset	4	2	9	6
Bournemouth	2	2	36	4
Bristol	8	9	10	9
North Somerset	1	-	-	2
Plymouth	1	2	54	5
Poole	1	-	-	1
South Gloucestershire	2	1	6	2
Swindon	1	3	12	3
Torbay	-	-	-	-

Source: SSDA 702

" - " denotes nil or less than 1

GUARDIANSHIP UNDER THE MENTAL HEALTH ACT 1983
During the period 1 April 2004 to 31 March 2005

NOTES ON THE COMPLETION OF RETURN SSDA 702:

1. (i) This return relates to those subject to guardianship under Section 7 or 37 of the Act. It currently shows the data supplied by the Local Authority to cover the period 1 April 2003 to 31 March 2004. Please update the return to cover the period 1 April 2004 to 31 March 2005, using the blank return to record new cases.

(ii) Include all cases where your local authority is responsible for accepting or approving the guardianship application or order; that is, where
 - a) your local authority is guardian, or
 - b) a person other than a local authority is the guardian and that person resides in your local authority (irrespective of whether the client lives there).
2. **Cases which are current at the start of the period:**
Included on this return are all those cases which appeared on the previous year's return from your local authority, and were not closed during the period covered by that return.
3. **Cases commencing during the period 1 April 2004 to 31 March 2005:**
Record on the blank return details of any cases which commenced during the period 1 April 2004 to 31 March 2005.
4. **Cases closed during the period 1 April 2004 to 31 March 2005:**
Please complete column 7 for all cases closed whether current at the start of the period or a new case.
5. **Notes on columns:**

Column 1. Enter a **unique** number which you can use to identify the case; number in sequence continuing from the last number used. **Do not re-use reference numbers of cases closed.**

Column 2. Enter the date on which the case commenced. If the exact date is not known, enter the month and the year only.

Column 3. Enter the section of the Mental Health Act 1983 under which the guardianship order was made; this should be 7 or 37. **Do not enter other sections of the Act in this column.**

Column 4. Enter M for Male, F for female.

Column 5. Indicate the main disorder (**one disorder only**) from which the client suffers by putting a "X" in the appropriate column. Disorders are categorised as in the Mental Health Act 1983:

1 - Severe mental impairment
2 - Mental impairment
3 - Mental illness
4 - Psychopathic disorder

Column 6. Specify the relationship of the guardian to the client, e.g. spouse, parent, child. If guardianship has been conferred on the local authority, leave column 6 blank.

Column 7. If the case has closed enter the date on which it closed. If the exact date is not known, please give an estimate of the date from the records available to you.