



Local Authority Personal Social Services Statistics

Guardianship

under the Mental Health Act 1983

England 2004



Local Authority Personal Social Services Statistics

Guardianship

under the Mental Health Act 1983

England 2004

Editors: Paul Thatti
Kevin Downey

© Crown Copyright 2004

August 2004

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

Following public consultation in 2002, the Department expects to publish a completed and revised draft Mental Health Bill in September 2004 for pre-legislative scrutiny by a Joint Committee of Parliament. Along with increased investment and reform of services, the Bill is an important part of the Government's strategy to improve and modernise mental health services. Under the proposals, guardianship would be abolished. Also the automatic link between compulsory treatment and detention in hospital would be broken, allowing patients to be treated in the setting most appropriate to them.

The Mental Capacity Bill was introduced to Parliament on 17 June 2004 by the Department for Constitutional Affairs. It creates a new legal framework for decision-making to protect adults who lack mental capacity and those caring for them.

Table 1 of this publication contains historical information for England for the period 1997 to 2004. 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 2004.

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 2003

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). An example is listed below:

Cases open at 31 March 2003 as published in Table 2 of last year's publication.	836
Late notifications of new cases opened prior to 1 April 2003	25
Late notification of closed cases prior to 1 April 2003	40
Duplicate cases removed	6
Revised cases at 31 March 2003	815
New cases 2003-2004	456
Closed cases 2003-2004	427
Cases open at 31 March 2004	844

Non-response

There were no non-responding authorities.

Further enquiries

Further copies of this publication can be obtained from:

Kevin Downey
Statistics Division 2C
Department of Health
Room 430B
Skipton House
80 London Road
London
SE1 6LH
(Tel: 020 7972 5548)

Any questions concerning the data contained in this publication should be addressed to:

Paul Thatti
Statistics Division 2C
Department of Health
Room 430B
Skipton House
80 London Road
London
SE1 6LH
(Tel: 020 7972 5546)

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". Available in November 2004.

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". Available in March 2005.

Both publications can be obtained from the Department of Health Internet site. Limited hard copies of the statistical bulletin are available and can be obtained from:

Kevin Downey
Statistics Division 2C
Department of Health
Room 430B
Skipton House
80 London Road
London
SE1 6LH
(Tel: 020 7972 5548)

Main findings

In the year to 31 March 2004

- € 447 guardianship cases were closed and 437 new cases opened, resulting in 932 cases being open at the end of the year (down by 1 % on 2003).
- € 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 2003-04 the average length of guardianship was 21 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 three to 124 months.
- € The 437 new cases opened in the year to 31 March 2004 are small in number (1%) in comparison with the 46,900 formal detentions in hospital, under the Mental Health Act 1983, for 2002-03.

- € 10% (15 out of 150) of all local authorities accounted for 43% (405 out of 932) of cases open at 31 March 2004.

Between 31 March 1997 and 31 March 2004

- € Following a steady rise from 711 in 1997 to a peak of 997 in 2000, the number of guardianship cases in force at the end of the year have since shown a slight decrease (6.5%) to 932 in 2004.
- € The number of new cases during the year ending 31 March 2004 was approximately 7% lower than that in 2003, and was up by only 3% (14) compared with 1997. The number of new cases has continued to decrease for the fourth successive year having reached a peak of 672 in 2000.

Figure 1 Guardianship under the Mental Health Act 1983

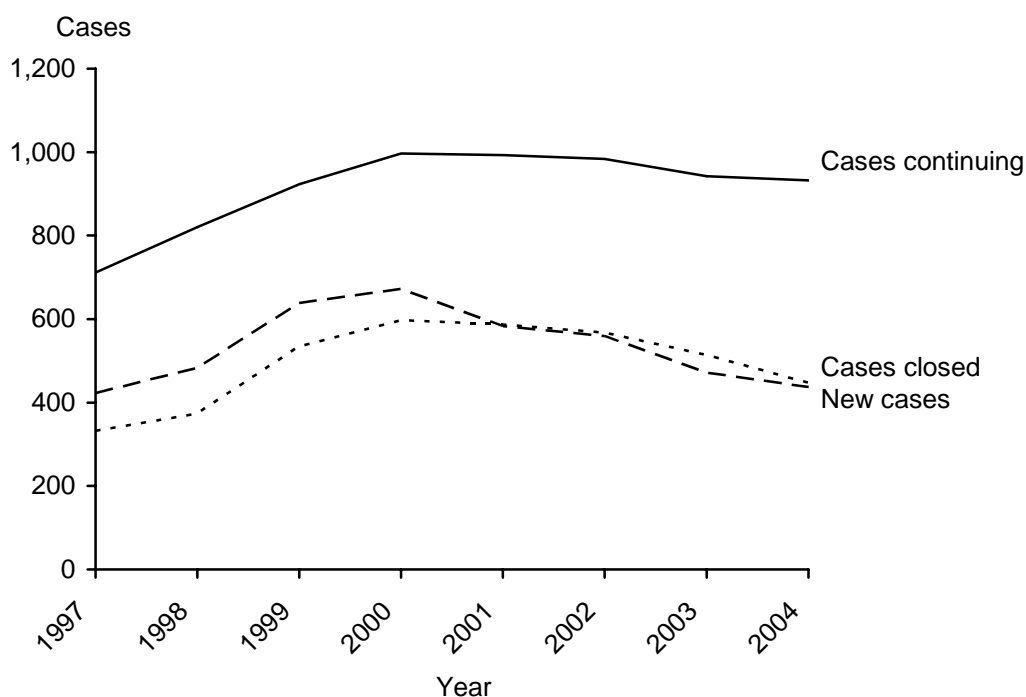


Table 1 Guardianship under the Mental Health Act 1983

England, as at 31 March								Numbers
	1997 ^R	1998 ^R	1999 ^R	2000 ^R	2001 ^R	2002 ^R	2003 ^R	2004
NEW CASES DURING THE YEAR (1 April to 31 March)								
Total number of cases ⁽¹⁾	423	483	638	672	583	559	472	437
First named disorder/Main disorder								
Severe mental impairment	22	26	29	28	13	7	9	15
Mental impairment	56	62	79	83	69	76	75	45
Mental illness	332	383	522	551	498	470	387	374
Psychopathic disorder	13	12	8	10	3	6	1	3
By application (Section 7)	411	470	628	662	573	553	459	429
Following conviction (Section 37)	12	13	10	10	10	6	13	8
Guardianship conferred on								
Local Authority	419	479	631	669	579	550	470	437
Other person	4	4	7	3	4	9	2	-
CASES CONTINUING AT THE END OF THE YEAR								
Total number of cases ⁽¹⁾	711	820	923	997	993	984	942	932
First named disorder/Main disorder								
Severe mental impairment	47	57	54	59	40	31	31	34
Mental impairment	108	126	162	187	179	187	199	181
Mental illness	533	613	684	730	755	745	697	705
Psychopathic disorder	23	24	23	21	19	21	15	12
By application (Section 7)	677	788	889	971	966	958	914	902
Following conviction (Section 37)	34	32	34	26	27	26	28	30
Guardianship conferred on								
Local Authority	703	811	911	989	982	971	928	925
Other person	8	9	12	8	11	13	14	7
CASES CLOSED DURING THE YEAR (1 April to 31 March)								
Total number of cases	332	374	535	598	587	568	514	447
No. of non-responding LAs	1	1	3	-	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 2003.

" - " denotes nil

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
NORTH EAST				
Shire Counties				
Durham	5	3	19	8
Northumberland	4	1	-	5
Unitary Authorities				
Darlington	1	1	19	3
Hartlepool	-	-	-	-
Middlesbrough	4	7	22	13
Redcar & Cleveland	1	-	-	4
Stockton-on-Tees	3	2	51	6
Metropolitan Districts				
Gateshead	2	4	22	2
Newcastle upon Tyne	3	-	-	13
North Tyneside	4	3	46	7
South Tyneside	-	-	-	-
Sunderland	4	4	18	7
NORTH WEST				
Shire Counties				
Cheshire	18	28	14	29
Cumbria	14	11	18	25
Lancashire	30	24	24	63
Unitary Authorities				
Blackburn	1	1	54	5
Blackpool	3	4	32	4
Halton	1	2	35	10
Warrington	-	-	-	3
Metropolitan Districts				
Bolton	10	4	3	15
Bury	-	1	40	-
Knowsley	1	-	-	3
Liverpool	5	3	18	34
Manchester	4	6	22	7
Oldham	1	2	9	2
Rochdale	6	5	18	9
Salford	2	-	-	3
Sefton	7	3	8	5
St Helens	2	3	9	6
Stockport	3	9	11	1
Tameside	1	2	27	3
Trafford	4	2	9	4
Wigan	3	5	6	5
Wirral	7	4	34	17

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
YORKSHIRE AND THE HUMBER				
Shire Counties				
North Yorkshire	2	7	17	7
Unitary Authorities				
East Riding	6	1	4	5
Kingston-upon-Hull	5	13	18	15
N E Lincolnshire	-	1	10	2
N Lincolnshire	7	1	4	9
York	-	1	9	5
Metropolitan Districts				
Barnsley	6	4	10	5
Bradford	6	9	25	14
Calderdale	4	2	3	4
Doncaster	2	6	8	1
Kirklees	1	4	23	8
Leeds	14	23	14	24
Rotherham	-	-	-	1
Sheffield	-	3	12	3
Wakefield	1	3	22	5
EAST MIDLANDS				
Shire Counties				
Derbyshire	6	3	27	21
Leicestershire	1	2	6	3
Lincolnshire	-	3	22	4
Northamptonshire	6	4	37	12
Nottinghamshire	4	1	5	7
Unitary Authorities				
Derby	1	2	21	5
Leicester	2	4	9	3
Nottingham	-	1	3	1
Rutland	-	1	11	-

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
WEST MIDLANDS				
Shire Counties				
Shropshire	3	6	38	8
Staffordshire	13	9	9	54
Warwickshire	2	7	50	3
Worcestershire	4	4	55	12
Unitary Authorities				
Herefordshire	3	2	6	2
Stoke-on-Trent	6	1	3	15
Telford and Wrekin	2	1	12	7
Metropolitan Districts				
Birmingham	13	14	17	10
Coventry	4	-	-	12
Dudley	3	8	29	6
Sandwell	5	5	9	5
Solihull	2	1	23	7
Walsall	5	4	17	7
Wolverhampton	3	2	6	2
EAST OF ENGLAND				
Shire Counties				
Bedfordshire	2	-	-	3
Cambridgeshire	4	7	15	3
Essex	3	3	42	3
Hertfordshire	5	6	30	23
Norfolk	4	2	12	6
Suffolk	2	1	5	6
Unitary Authorities				
Luton	2	1	6	2
Peterborough	1	-	-	1
Southend	-	-	-	2
Thurrock	-	-	-	-

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
LONDON				
Inner London				
Camden	-	-	-	-
City of London	-	1	52	1
Greenwich	-	1	19	3
Hackney	2	-	-	2
Hammersmith & Fulham	1	1	94	2
Islington	2	1	5	2
Kensington & Chelsea	1	-	-	2
Lambeth	2	1	20	3
Lewisham	3	3	7	1
Southwark	1	-	-	1
Tower Hamlets	-	-	-	-
Wandsworth	-	1	61	-
Westminster	1	1	6	1
Outer London				
Barking & Dagenham	1	1	6	2
Barnet	2	1	3	2
Bexley	1	1	6	6
Brent	-	-	-	-
Bromley	7	8	27	7
Croydon	-	1	26	-
Ealing	-	1	13	-
Enfield	-	-	-	-
Haringey	-	1	6	1
Harrow	-	1	93	2
Havering	1	2	31	3
Hillingdon	-	-	-	-
Hounslow	-	1	11	-
Kingston upon Thames	-	-	-	-
Merton	-	-	-	2
Newham	2	-	-	2
Redbridge	-	-	-	1
Richmond upon Thames	-	-	-	-
Sutton	1	2	5	1
Waltham Forest	-	1	124	-

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
SOUTH EAST				
Shire Counties				
Buckinghamshire	2	3	27	4
East Sussex	5	1	6	5
Hampshire	8	2	56	23
Kent	4	1	19	32
Oxfordshire	9	5	5	6
Surrey	1	1	6	2
West Sussex	5	4	11	7
Unitary Authorities				
Bracknell Forest	1	2	16	-
Brighton & Hove	-	-	-	1
Isle of Wight	6	6	22	13
Medway Towns	-	3	59	-
Milton Keynes	3	4	28	5
Portsmouth	-	2	9	2
Reading	-	2	43	1
Slough	-	-	-	2
Southampton	5	5	12	11
West Berkshire	6	1	5	8
Windsor & Maidenhead	-	-	-	-
Wokingham	-	1	97	2

Table 2 Guardianship under the Mental Health Act 1983 during the year ending 31 March 2004

	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 2004
ENGLAND	437	447	21	932
SOUTH WEST				
Shire Counties				
Cornwall	6	5	24	8
Devon	2	3	43	15
Dorset	1	-	-	2
Gloucestershire	1	4	30	10
Isles of Scilly	-	-	-	-
Somerset	4	4	15	6
Wiltshire	-	1	12	3
Unitary Authorities				
Bath & N E Somerset	6	7	12	4
Bournemouth	1	3	20	4
Bristol	5	3	9	11
North Somerset	1	1	6	2
Plymouth	2	-	-	6
Poole	-	3	8	-
South Gloucestershire	2	4	7	1
Swindon	4	8	36	5
Torbay	-	-	-	-

Source: SSSA 702

" - " denotes nil or less than 1

GUARDIANSHIP UNDER THE MENTAL HEALTH ACT 1983
During the period 1 April 2003 to 31 March 2004

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 2002 to 31 March 2003. Please update the return to cover the period 1 April 2003 to 31 March 2004, 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 2003 to 31 March 2004:**
Record on the blank return details of any cases which commenced during the period 1 April 2003 to 31 March 2004.
4. **Cases closed during the period 1 April 2003 to 31 March 2004:**
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.