

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: MENTAL WELFARE COMMISSION FOR SCOTLAND ANNUAL REPORT 2002-2003.
From: DIRECTOR OF SOCIAL WORK		
Date: 24 FEBRUARY 2004	Ref: EN	

1. PURPOSE OF REPORT / INTRODUCTION

1.1. This report advises Committee of the content of the recently produced Annual Report of the Mental Welfare Commission for 2002-2003.

2. BACKGROUND

2.1 The Mental Welfare Commission has an overall protective function for mentally disordered people in Scotland. It is concerned with the health and welfare of people experiencing mental disorder and produces a comprehensive annual report concerning mental health issues.

3. PROPOSALS / CONSIDERATIONS

3.1. This year the report has been grouped under 4 broad headings,

- Service Issues
- Adults with Incapacity Act 2000 update,
- Children and Adolescent Services
- Mental Health (Care and Treatment) Act 2003.

3.2. Service Issues

The section relating to service issues devotes a specific part to Social Work, and mainly focuses on the use of mental health legislation over the preceding 12 months. The following key points are made :

- Suicide rates have increased and are most prevalent between the ages of 25 and 54 years. The Commission would like to see improved reporting of suicide by local authorities, particularly where they have the lead role in providing care.
- Compared with 2001-02, fewer people were detained under Emergency Orders (Section 24 and 25 of the Act), but there are more people having multiple episodes of detention. This subsequently places additional demands on Mental Health Officer Services in meeting their statutory responsibilities.

- Over 50% of statutory social circumstance reports for short-term detentions (Section 26 of the Act) were not completed by local authorities. This may reflect under provision of the Mental Health Officer service in many areas and raises concerns for the introduction of the new Mental Health (Care and Treatment) Act. The Commission urges local authorities to review their current procedures. The new Mental Health (Care and Treatment) Act will require Social Circumstances Reports for all compulsory orders.

3.3 Adults with Incapacity Act 2000

- The section on the Adults with Incapacity Act highlights the following key points :
- Part 6 of the Adults with Incapacity Act 2000, which introduced Welfare Financial Guardianship to replace Guardianship under the Mental Health (Scotland) Act 1984, was implemented in 2002 - 2003.
- Initially, there was an overall fall in the number of Welfare Guardianship Orders and local authorities continued to make the majority of applications. However, 16% were made by relatives which very rarely happened under the 1984 Mental Health Act.
- The new Act allows Guardianship powers to be tailored to individual need. The commonest powers sought were relating to residence, access to health and social care workers, the use of work or educational opportunities, and the power to consent to medical treatment.
- There are concerns about the costs for families in applying for Guardianship Orders, and the use of the Act in the management of modest financial amounts.
- Due to some of the difficulties in implementing the Act the Scottish Executive has commissioned an evaluation of parts 1,2,3 and 6 of the Act. It is hoped that interim reports will be issued shortly.
- The Commission has been asked regularly for a view on when to use Guardianship or Intervention Orders and they have been reluctant to comment until case law has been established. However they have agreed to issue a discussion paper for guidance.
- The Commission commented positively on the response from Local Authorities to the requirements of the new Act.

3.4 Children and Adolescent Services

- With regard to children and adolescent services, the Commission has been increasingly concerned by the shortfall in availability of age appropriate care for young people admitted to hospital. There has been a 19% increase in the detention of young people into adult wards. A Scottish Needs Assessment Report on Child and Adolescent Mental Health was issued in March 2003 and described an urgent need for investment in, and expansion of, current in-patient provision.

3.5 Mental Health (Care and Treatment) Act 2003

- The Commission has been given under the new Mental Health Care and Treatment

Act a number of additional responsibilities, which they welcome. The Commission is concerned that local authorities may struggle to provide the range of services required under the new Act.

3.6 North Lanarkshire Position

- Choose Life is a National Strategy and Action Plan aimed at addressing the rising suicide rate in Scotland. In response, North Lanarkshire Council has formed a steering group with representation from housing, social work, education, health and the independent sector. An action plan has been submitted to the Scottish Executive outlining proposals to address the rising trend.
- Mental Health Officers play a key role in the detention and completion of Social Circumstances Reports. In North Lanarkshire all individuals who are detained under the Act have as a matter of course a Social Circumstances Report completed as a matter of good practice.
- The Adults with Incapacity Act 2000 has placed significant demands on mental health officer and other social work services. North Lanarkshire has followed a similar trend with an overall fall in the number of Welfare Guardianship Orders pursued between 2002-03. However, in the current year, there has been a marked increase in the number of internal and external requests to consider Guardianship.
- The implementation of the Adults with Incapacity Act 2000 and the new Mental Health (Care and Treatment) Act 2003 have significant implications for local authorities. North Lanarkshire Social Work Department is working in partnership with NHS Lanarkshire in completing an Implementation Plan for the new Act.

4 FINANCIAL / PERSONNEL / LEGAL / POLICY IMPLICATIONS

4.1 There are no financial implications associated with the production of this report. Work is currently underway to identify service requirements, and Mental Health Officers resource needs for the implementation of the new Act in April 2005.

5 RECOMMENDATIONS

5.1 Committee is asked to note the content of this report.


Jim Dickie
Director of Social Work
(13th January) 2004

For further information on this report please contact Susan Taylor, Manager (Adults) (Tel 01698 332177) or Eileen Niblo, Senior Officer, Mental Health TEL: (01698 332211)

A copy of the report is available in the Members' Library.