

AGENDA ITEM No. 5 NORTH LANARKSHIRE COUNCIL
REPORT

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: MENTAL WELFARE COMMISSION FOR SCOTLAND: ANNUAL REPORT 2003-2004
From: DIRECTOR OF SOCIAL WORK		
Date: 07 DECEMBER 2004	Ref: CJ/VL	

1. Purpose of Report/Introduction

To advise committee of the content of the recently produced Annual Report (2003-2004) of the Mental Welfare Commission for Scotland (MWC).

2. Background

2.1. The Mental Welfare Commission has an overall protective function for mentally disordered people in Scotland and is concerned with the health and welfare of people experiencing mental disorder. Each year they produce an annual report highlighting practice issues, user and carer views, national reviews, changes in legislation and deficiencies in care and treatment.

2.2. The 2003-2004 report has 3 main sections including:

- the work of the Mental Welfare Commission involving investigations and enquiries
- mental health law and policy including discussion papers
- the mental welfare of Scotland involving statutory interventions

2.3. The report welcomes the implementation of the Mental Health (Care and Treatment) Act 2003. The MWC has been very involved in the development of the Act and expects to see a major advance in mental health care in Scotland from April 2005, when most of the provisions of the Act are due to be implemented. Under the Act the commission has an extended role, which includes monitoring how the Act works. The commission can refer people to the new Mental Health Tribunal for Scotland if they have concerns about their compulsory orders.

2.4 The report cites a recent newspaper article which claimed that people in Scotland are twice as likely to be detained in hospital under the Mental Health Act as people in England and Wales. The Mental Welfare Commission looked into this and, although differences in practice in England and Wales made comparison difficult, it confirmed that overall people in Scotland have about the same chance of being detained as people in England and Wales. Differences do exist in the type of detention as in Scotland, people have a greater chance of beginning a period of detention with an emergency order whereas in England and Wales they have a greater chance of beginning a period of detention with a longer term order. The research clearly shows that a person is no more likely to be detained in Scotland than in England and Wales.

2.5 The report notes that in Lanarkshire figures for rates of episodes of detention under Emergency Detentions (Sections 24 and 25), Short-Term Detentions (Sections 26) and Long-Term Detentions (Section 18) are low, despite a significant proportion of people having the same social problems that in other authorities seem to trigger high detention rates.

The Commission notes that it is likely that rates of detention also reflect differences in mental health resources and clinical practice. The rates may be affected by factors such as:

- the effectiveness of community mental health services
- the availability of hospital beds
- the availability and assertiveness of Mental Health Officer (MHO) services
- the attitude to risk of psychiatrists and MHOs

2.6 Included in the Inquiry Reports published by the Mental Welfare Commission in 2003-2004, was an inquiry into the care and treatment of Ms H and Mr E. This concerned the investigation of practice at Borders Council relating to the protection of vulnerable adults. This was separately reported to Social Work Committee in August 2004. North Lanarkshire Council has produced updated procedures for the Protection of Vulnerable Adults on a multi-agency basis.

2.7 The report considers use of Welfare Guardianship and Intervention Orders under Part 6 of the Adults with Incapacity Act (2000). The Mental Welfare Commission has been consulted often about the appropriateness of applying for welfare guardianship. An independent advisor was asked to prepare a discussion paper about the use of Part 6 of the Act in terms of welfare interventions. The Scottish Executive has subsequently issued guidance to local authorities. The guidance recommends that local authorities must make their own decisions about individual situations, but that it may not be necessary for them to apply for guardianship every time. This endorses the already existing practice guidance for staff in North Lanarkshire.

3. Financial/Personnel/Legal/Policy Implications

3.1. There are no Financial/Personnel/Legal/Policy implications at this time.

4. Recommendation

4.1. Committee is asked to

note the contents of this report


Jim Dickie
Director of Social Work
16 November 2004

*A copy of the report is available in the Member's Library

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