

**NORTH LANARKSHIRE COUNCIL
REPORT**

To: SOCIAL WORK (OPERATIONS AND SERVICES) SUB COMMITTEE		Subject: REPORT OF INQUIRY INTO THE CARE AND TREATMENT OF MR L AND MR M.
From: DIRECTOR OF SOCIAL WORK		
Date: 2 MAY 2006	Ref: JD/EN	

1. Purpose of Report / Introduction

To advise Committee of the contents and recommendations of a Mental Welfare Commission Inquiry into the care and treatment of Mr L and Mr M, which was published in March 2006

2. Background

- 2.1. The Mental Welfare Commission (MWC) has an overall protective function for mentally disordered people in Scotland. On 15 March 2005 the First Minister invited the Commission to conduct an inquiry into the care and treatment of Mr L and Mr M.
- 2.2. Mr L has a history of major mental illness, which was associated with serious offences of violence. He also had a history of non-compliance with medication and misuse of drugs. He was discharged, with support from Forensic Psychiatry Services, which comprised of health and social work support. On 25 October 2004, Mr L was remanded by the police in connection with the death of Mr M who was found badly beaten in a country park
- 2.3. Mr L was a restricted patient on a conditional discharge. Prior to a restricted patient being granted a conditional discharge the Scottish Executive Mental Health Division actively participates with the persons care team in the discharge planning. Their role is to ensure appropriate supports and safeguards are in place for the service user while protecting public safety. Mr M was a non-restricted patient of the Forensic Psychiatry Service at the same hospital as Mr L.
- 2.4. In September 2002 a Scottish Executive Memorandum of Procedures for Restricted Patients was issued which gives guidance to those who are involved with the management and care of restricted patients. Mr L's care team used this document for guidance when reporting his progress to the Scottish Executive. The Scottish Executive Memorandum was presented at Committee on 5 December 2002.

3. Proposals / Considerations

3.1. Findings of MWC Inquiry:

- Mr M's death was linked to a relapse in Mr L's illness
- There was no evidence that Mr M's care and treatment had contributed to his death.
- There was a lack of any systematic approach to risk assessment and management.
- There was insufficient clarity around the roles and responsibilities in relation to Mr L's care between the clinical team and the Scottish Executive.
- Social workers supervising conditionally discharged patients must be Mental Health Officers (MHO) and the Social Work Department must ensure that MHO's have the necessary competencies and training to carry out their supervisory function.

3.2. Scottish Executive, NHS Greater Glasgow and Glasgow City Council Social Work Department issued a joint response. In it they acknowledged that there were weaknesses in the management of risk by professionals and that when the service user relapsed appropriate action was not taken. Systems of clinical governance and the requirements of the Memorandum of Procedures for Restricted Patients were ineffective in addressing these deficiencies.

3.3. As such the Scottish Executive is making the following changes in respect of the management of restricted patients and these changes will be reflected in the revised Memorandum of Procedures for Restricted Patients. These new requirements will apply from 1 April 2006:

- A formal risk assessment and risk management plan must be in place before consideration is given to suspension of detention and must identify risk factors particular to the individual.
- All formal risk assessments and risk management plans will be subject to regular formal review as required and at least once every six months with all professional staff who work with the service user. Any concerns must be reported to the Mental Health Division with an assessment to enable the Mental Health Division to determine immediate recall.
- Guidance was issued to Directors of Social Work that all restricted patients under supervision in the community should have a Designated Mental Health Officer, or a social worker who is directly supervised by a Mental Health Officer and who will be directly involved in reviews of supervision and care of the person.
- The Mental Health Division has established a working group including representatives from Glasgow City Council Social Work Department which is looking at the skills, competencies and knowledge required by social workers working with forensic patients and that group will report later in 2007

3.4. North Lanarkshire Council Position:

- 3.4.1. North Lanarkshire Council is currently responsible for 15 restricted patients. Eleven service users are resident in hospital settings and 4 service users are supported in the community.
- 3.4.2. All North Lanarkshire Council restricted patients have a Designated Mental Health Officer whether in hospital or the community.
- 3.4.3. All MHO's and area teams managers have a copy of the Memorandum of Procedures for Restricted Patients. Awareness training was provided to MHO's via the MHO Forum.
- 3.4.4. North Lanarkshire Council has the equivalent of 16.5 WTE MHO's and 4 staff currently undertaking post qualifying accredited MHO training.

4. Financial / Personnel / Legal / Policy Implication

- 4.1. This is a further example of the additional duties placed on MHO's under the new Act. The workload implications of these arrangements are subject to ongoing monitoring by the Department

5. Recommendation

Committee is asked to:

- (i) Request the Director of Social Work to provide a progress report on the outcome of the working group's report later in 2007.
- (ii) Committee is asked to note the contents of the report



Jim Dickie
Director of Social Work
5 April 2006

For further information on this report please contact Bobby Miller, Manager Development and Adults on 01698 332069

A copy of the Report is in the member's library.