

Appendix 1

Case Examples for Discharge from Guardianship by Wirral Council

Case of X

X a woman who was placed under Guardianship some years ago because she self neglected in the community and was struggling to accept any support. She had a long history of mental health needs which resulted in a number of compulsory admissions to hospital under the Mental Health Act 1983.

Guardianship was used to ensure she received appropriate care and support, resided in a residential home, which subsequently reduced risks and promoted her welfare.

An example, in this case, of when the Local Authority could consider discharge would be if officers of the Department believed Guardianship renewal by the Responsible Clinician was inappropriate and not in her best interests. This could be for example because officers in discussion with X felt supported accommodation was now more appropriate than residential accommodation to meet her needs.

Reports could then be presented to Committee in order to enable them to come to a decision as to whether Guardianship remained appropriate or not.

Case of Y

Changes in the Mental Health Act 1983 in November 2008, meant that the Responsible Clinician who currently has a right of discharge can now be one of a number of professions i.e.: nurse, psychologist, doctor, social worker as well as a doctor.

Such an arrangement may increase the likelihood of professional disagreement within Mental Health Teams as to whether discharge from Guardianship might take place or not.

For example, the Responsible Clinician could oppose discharge from Guardianship but other members of the team including Y's doctor may believe discharge is in the best interest. By establishing a panel other professionals would be able to request consideration of discharge from the Local Social Services Authority.

This is hypothetical at the moment as currently there are no non-medical Responsible Clinicians but this scenario could be predicted for the future.