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STATISTICAL MONITORING

SEPTEMBER 2018

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# Our mission and purpose

## Our Mission

To be a leading and independent voice in promoting a society where people with mental illness, learning disabilities, dementia and related conditions are treated fairly, have their rights respected, and have appropriate support to live the life of their choice.

## Our Purpose

We protect and promote the human rights of people with mental illness, learning disabilities, dementia and related conditions.

## Our Priorities

To achieve our mission and purpose over the next three years we have identified four strategic priorities.

- To challenge and to promote change
- Focus on the most vulnerable
- Increase our impact (in the work that we do)
- Improve our efficiency and effectiveness

## Our Activity

- Influencing and empowering
- Visiting individuals
- Monitoring the law
- Investigations and casework
- Information and advice

## **1. Welfare Guardianship**

The Adults with Incapacity (Scotland) Act 2000 (the 2000 Act) introduced a system for safeguarding the welfare and managing the finances and property of adults who lack capacity to act or make some or all decisions for themselves due to a mental illness, learning disability, dementia or other condition (or inability to communicate due to a physical condition). It allows other people, called guardians or attorneys, to make decisions on behalf of these adults, subject to safeguards.

When an adult has capacity they can grant a power of attorney to someone to act on their behalf should they become unable to make their own decisions. Welfare powers can only be used following the incapacity of the adult. Sometimes the adult's solicitor will write a specific clause in the document ensuring that this will be determined by a medical practitioner. Others do not have such clarity and are left to be determined by the proxy decision maker (attorney). The Mental Welfare Commission would suggest the former is a better option, as the level of incapacity is then determined by an independent person.

When an adult no longer has capacity an application may be made to court, and the sheriff may appoint a welfare guardian as a proxy decision maker. The welfare guardian is then involved in making key decisions concerning the adult's personal and medical care. Decisions by attorneys or guardians should always be in line with the principles of the 2000 Act.

The majority of guardians are private individuals, usually a relative, carer or friend. These are known as private guardians. The court can also appoint the chief social work officer (CSWO) of a local authority to be the person's welfare guardian, especially if private individuals do not wish to take on the role of guardian. This is known as local authority guardianship.

Under the 2000 Act, local authorities have a duty to make an application for welfare guardianship where it is required and no one else is applying. They also have a duty under the 2000 Act to support and supervise all welfare guardians, and to visit the adult and their guardian at regular intervals.

In addition, local authorities can investigate issues relating to the welfare of an adult where a proxy decision maker (guardian or attorney) exists and there are welfare concerns, under s10(1) of the 2000 Act.

The Commission has safeguarding duties in relation to people who fall under the protection of the 2000 Act. We examine the use of welfare guardianship for adults with a mental illness, learning disability or related conditions (including dementia), to determine how and for whom the 2000 Act is being used. This helps us to inform policy and practice. It also assists local area management in reviewing how and for whom Part 6 of the 2000 Act is being used in their area.

## **2. An overview of the use of the Adults with Incapacity (Scotland) Act 2000**

The Mental Welfare Commission for Scotland is part of the framework of legal safeguards in place to protect the rights of people on welfare guardianship, intervention orders, and powers of attorney. We monitor the use of the welfare provisions of the Adults with Incapacity (Scotland) Act 2000. We also monitor the use of Part 5 of the 2000 Act relating to consent to medical treatment and research.

The Commission receives a copy of every application for welfare guardianship, including the powers sought, medical and mental health officer (MHO) assessments, and a copy of the order granted by the sheriff. We visit some people on guardianship, and provide advice and good practice guidance on the operation of the 2000 Act. We sometimes make enquiries into the circumstances where an adult with incapacity may be at risk. In doing so we might also involve local authority colleagues, or formally refer to them for further investigations.

Where we think an adult might require adult support and protection procedures we always refer to the local authority, whose duty it is to investigate such matters under the Adult Support & Protection (Scotland) Act 2007.

Our main findings from our monitoring activities this year are:

- The number of existing guardianship orders (13,501) has risen again, and is up by 12% since 2016-17. (12,082).
- The number of new welfare guardianship applications granted continues to rise. In 2017-18 there were 3,094 applications granted across Scotland. This represents a 5% increase this year and a 149% increase over ten years since 2008-09.
- Private applications accounted for 74% of all applications in 2017-18. This year total private applications have increased by 4% to 2,302, representing a 165% increase since 2008-09. As in previous reports, we would highlight that this places local authorities under increased pressure to fulfil their statutory duties to provide reports for applicants. Local authorities have no control over this demand-led system.
- Local authority applications accounted for 26% of all applications. These increased by ten per cent to 792, an overall 112% increase since 2008-09.
- The Scotland rate for approved welfare guardianship applications has increased again this year from 63.6 to 68.6 per 100,000 in the over 16 age group population. South Ayrshire (123.2), East Ayrshire (96.3), and Dumfries and Galloway (90.7) had the highest per capita rates.
- A fifth (21%, 636) of the welfare guardianships granted this year are for the 16-24 age group for people with learning disability.

- Although the number of indefinite guardianship orders has decreased, there are 4,990 indefinite orders as of 31 March 2018. That represents 37% of the total extant orders (13,501). We have always suggested that orders should be granted on a time-limited basis, especially for young people where circumstances may change over a few years, or for adults who may regain some areas of capacity, e.g. alcohol related brain damage. Where an order is indefinite, we strongly recommend particular attention is paid to periodic reviews. This ensures that a check is made that the adult still lacks capacity across the range of authorised powers, that the measures remain necessary and that their use is meeting the adult's needs. Such reviews are in keeping with both the principles of the legislation and the Code of Practice.

## Adults with Incapacity Act Law Reform

Between January and April 2018 the Scottish Government carried out consultation on the 2000 Act, seeking views on changes to the legislation and practice around it. This has been aimed at both the need to reflect the requirements of the United Nations Convention on the Rights of Persons with Disabilities, and concerns that many of the processes with the legislation require to be review.

The Commission has been working with the Scottish Government in relation to their law reform agenda concerning the 2000 Act. We look forward to continuing this work with all stakeholders to implement the findings from the recent consultation. The Government has established three working groups to take forward the detail of AWI reform in three areas: Support and Supervision for Guardians, Graded Guardianship, and Deprivation of Liberty.

The aim of the working groups will be to develop policy that can then be tested out among a wider group of stakeholders. The Commission will be taking part in the three working groups and look forward to helping the Government shape the new legislation.

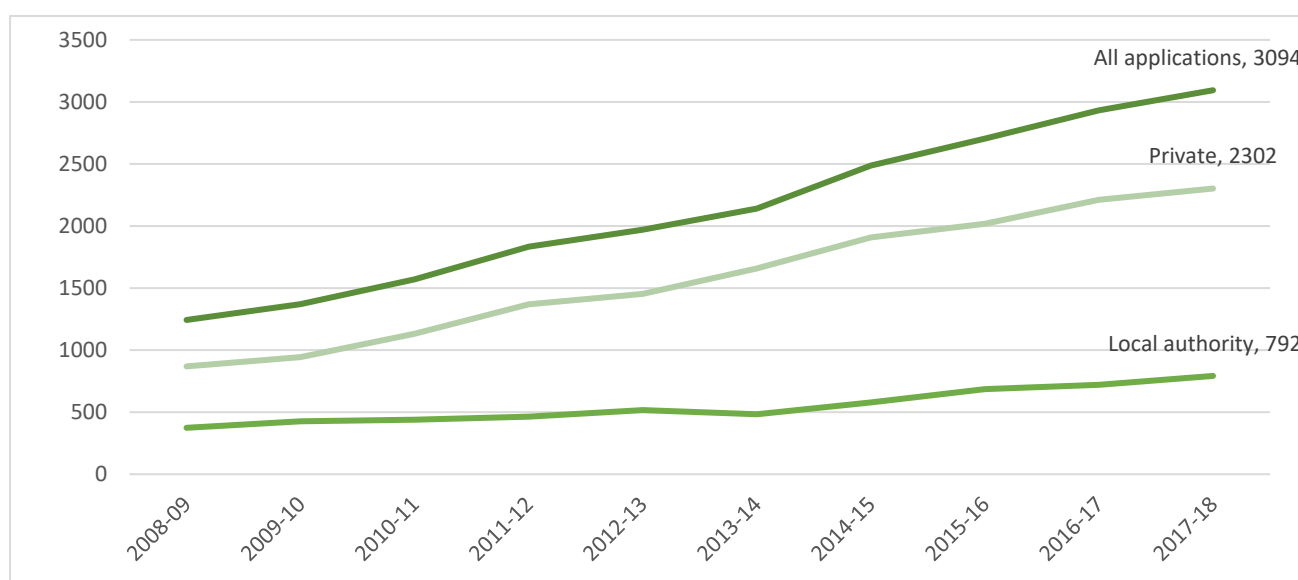
### 3. Geographic variations in the use of welfare guardianship

#### Our interest in this

Each year we report on the variations in the use of guardianship from one local authority area to another. While the reasons for differences between local authorities are complex, local authority staff should review this data to help ensure that the 2000 Act is being used where necessary—both to safeguard the welfare and property of adults with incapacity and to assist relatives and carers. Local authority managers will also wish to examine trends that may have implications for workload management and future workforce planning.

#### What we found

**Figure 3-1 Guardianship applications by type (number), 2008-18**



In 2017-18 there were 3,094 applications granted across Scotland—a further increase of 5% for welfare guardianships granted. This represents a 149% increase since 2008-09 (Table 3-1).

The rate of approved orders for 2017-18 per 100,000 population is shown in (Table 7-1). The Scotland rate was 68.6 (51.1 private and 17.6 local authority). Of note is the increase in the year 2014-15 (Table 7-2) which coincidentally is when judgement in the Supreme Court ruling on the Cheshire West case was issued (19.03.14)<sup>1</sup>. This case was about determining the circumstances in which a deprivation of liberty was present. We suspect that this may have triggered some increase in the amount of applications being made.

<sup>1</sup> [https://www.supremecourt.uk/decided-cases/docs/UKSC\\_2012\\_0068\\_Judgment.pdf](https://www.supremecourt.uk/decided-cases/docs/UKSC_2012_0068_Judgment.pdf)

**Table 3-1 Increase in guardianship orders granted by year (%), 2008-18**

	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
All applications	1243	1371	1571	1833	1970	2141	2487	2704	2933	3094
Year on year increase		10%	15%	17%	7%	9%	16%	9%	8%	5%
Increase since 08-09		10%	26%	47%	58%	72%	100%	118%	136%	149%

Local authority applications	374	427	439	464	517	483	579	686	721	792
Year on year increase		14%	3%	6%	11%	-7%	20%	18%	5%	10%
Increase since 08-09		14%	17%	24%	38%	29%	55%	83%	93%	112%

Private applications	869	944	1132	1369	1453	1658	1908	2018	2212	2302
Year on year increase		9%	20%	21%	6%	14%	15%	6%	10%	4%
Increase since 08-09		9%	30%	58%	67%	91%	120%	132%	155%	165%

**Guardianships by local authority (per 100,000 population), 2017-18**

South Ayrshire (123.2), East Ayrshire (96.3) and Dumfries and Galloway (90.7), had the highest overall per capita rates in 2017/18. The funnel plot<sup>2</sup> on the following page (Figure 3-3) shows Fife (84.7) and Glasgow City (83.4) were also outliers above the Scotland rate, while Aberdeen City (40.1) and City of Edinburgh (37.5) were below the national rate.

Glasgow City is above the national rate for private guardianship applications (73.0) and below for local authority applications (10.3). City of Edinburgh is below the national average for both private (27.1) and local authority (10.3) guardianship applications granted.

We will discuss the increases and decreases in number of applications and variations in rates of applications granted at our end of year meetings with health boards and local authorities.

<sup>2</sup> Funnel plots are a type of control chart where an indicator is plotted against the denominator and shown in relation to a reference figure (eg the Scottish average). Control limits are set at three standard deviations from the average and get narrower from left to right on the chart as the size of the denominator increases. Data points that are outside these control limits are called 'outliers' and may be worthy of further investigation. More details on funnel plots and statistical process control methods can be found on the Quality Improvement Hub website and an example is given below.

<https://www.isdscotland.org/Health-Topics/Heart-Disease/Publications/2015-09-22/2015-09-22-HeartDiseaseIndicators-Report.pdf?74964541197>



**Figure 3-2 All guardianship applications by local authority (per 100,000 16+ population), 2017-18**

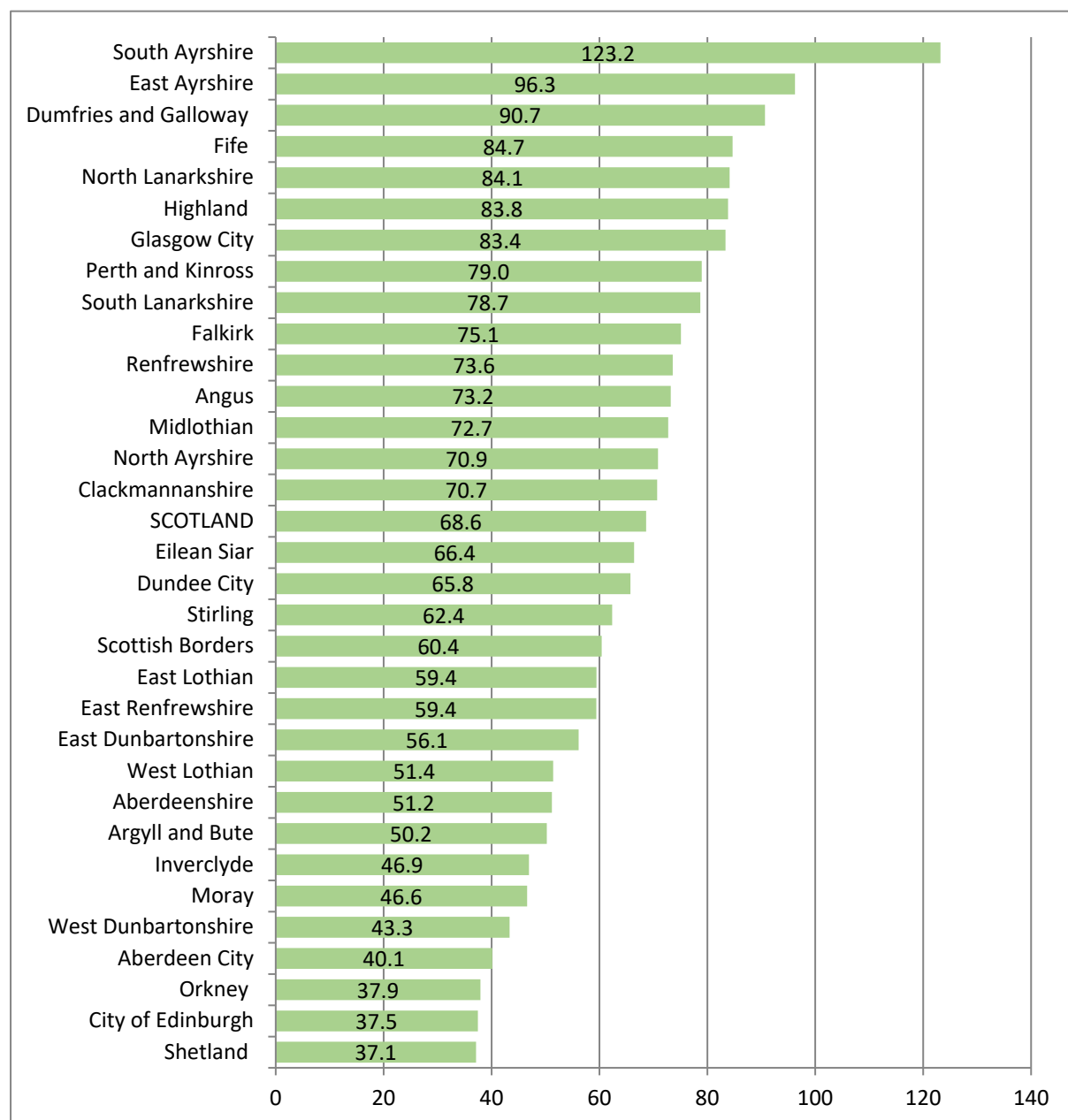
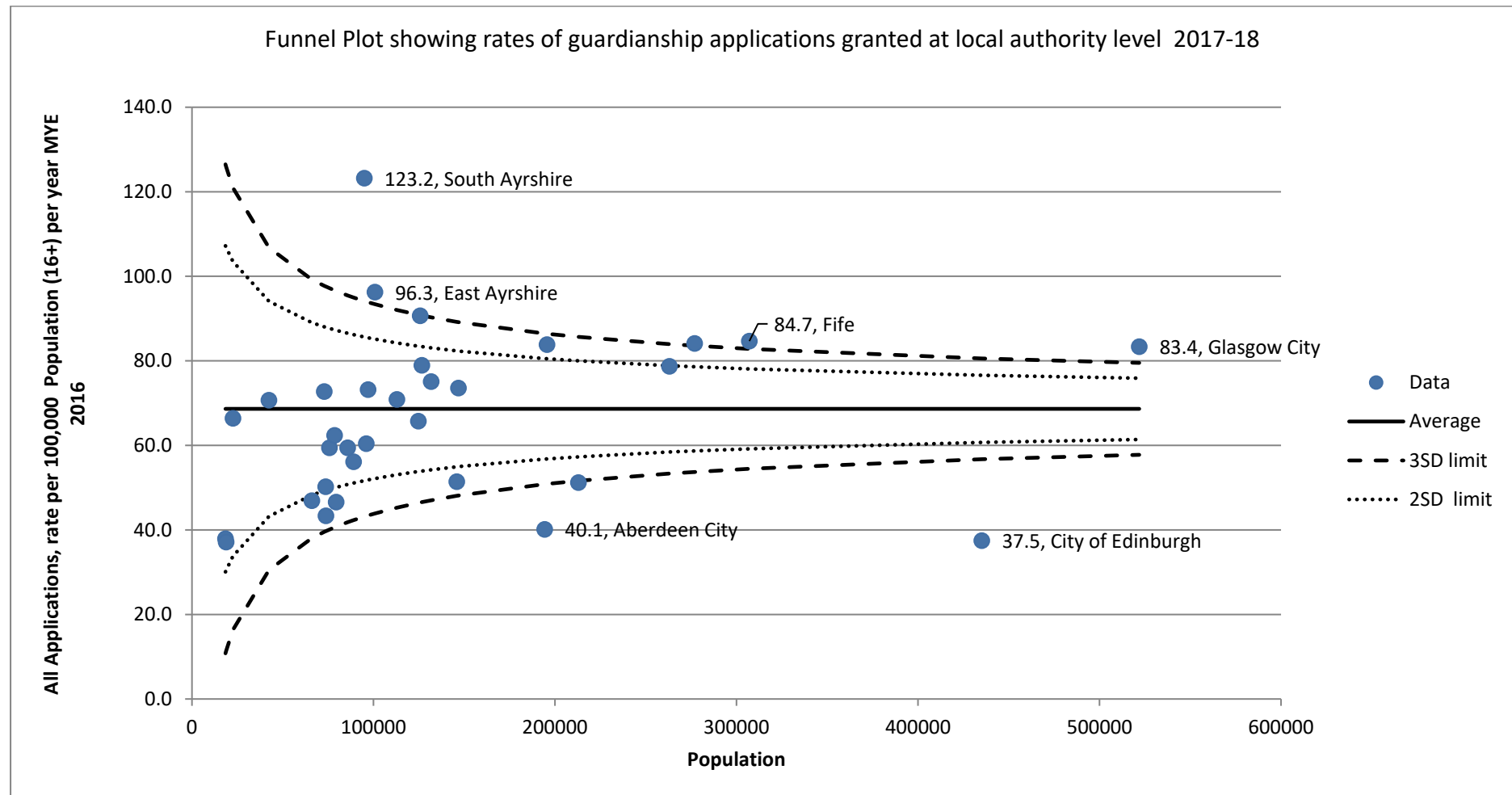
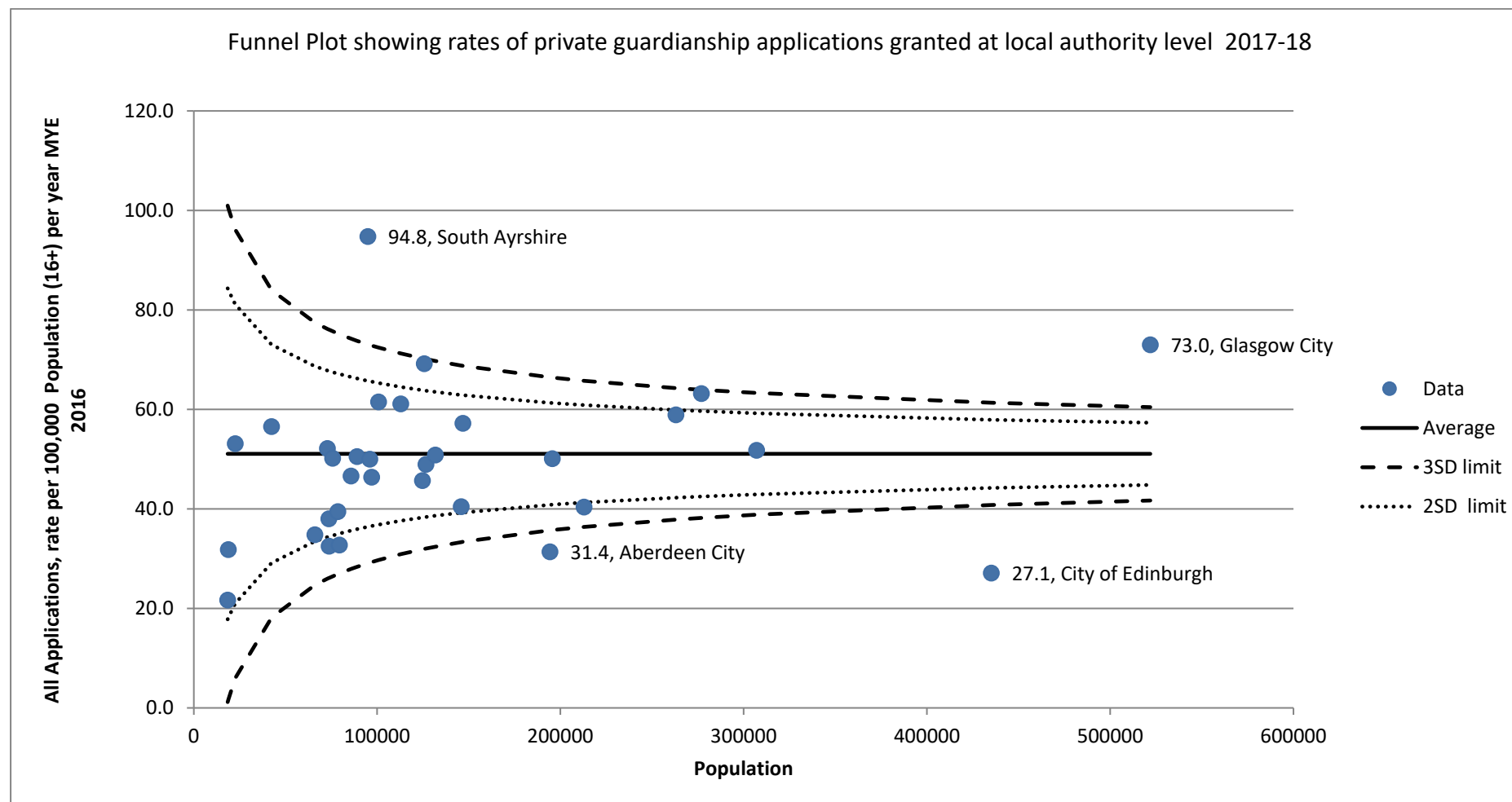


Figure 3-2 shows the current rate per 100,000 16+ population for all guardianships granted by individual local authority.

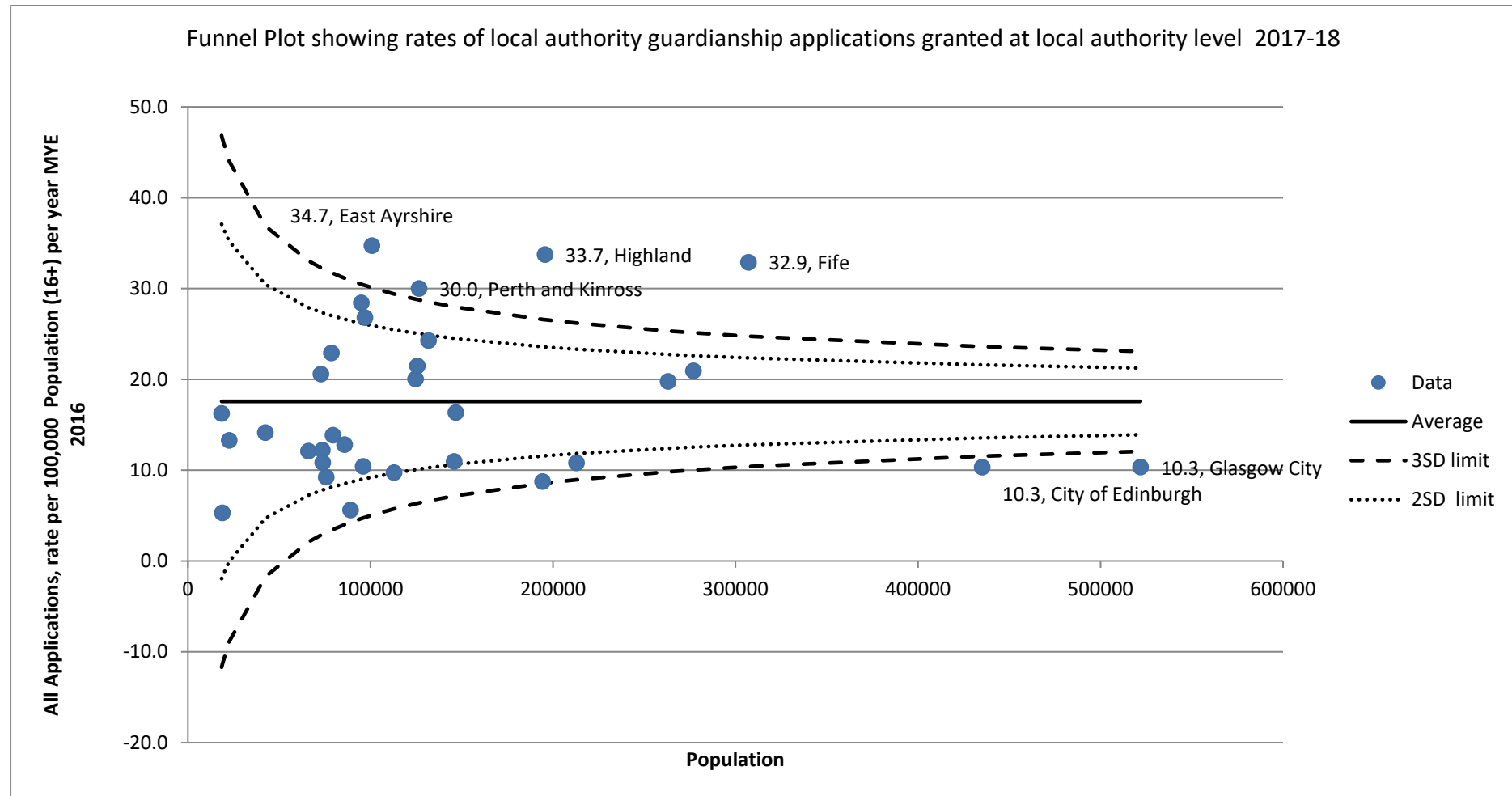
**Figure 3-3 Funnel plot showing rates of all guardianship applications granted at local authority level, 2017-18**



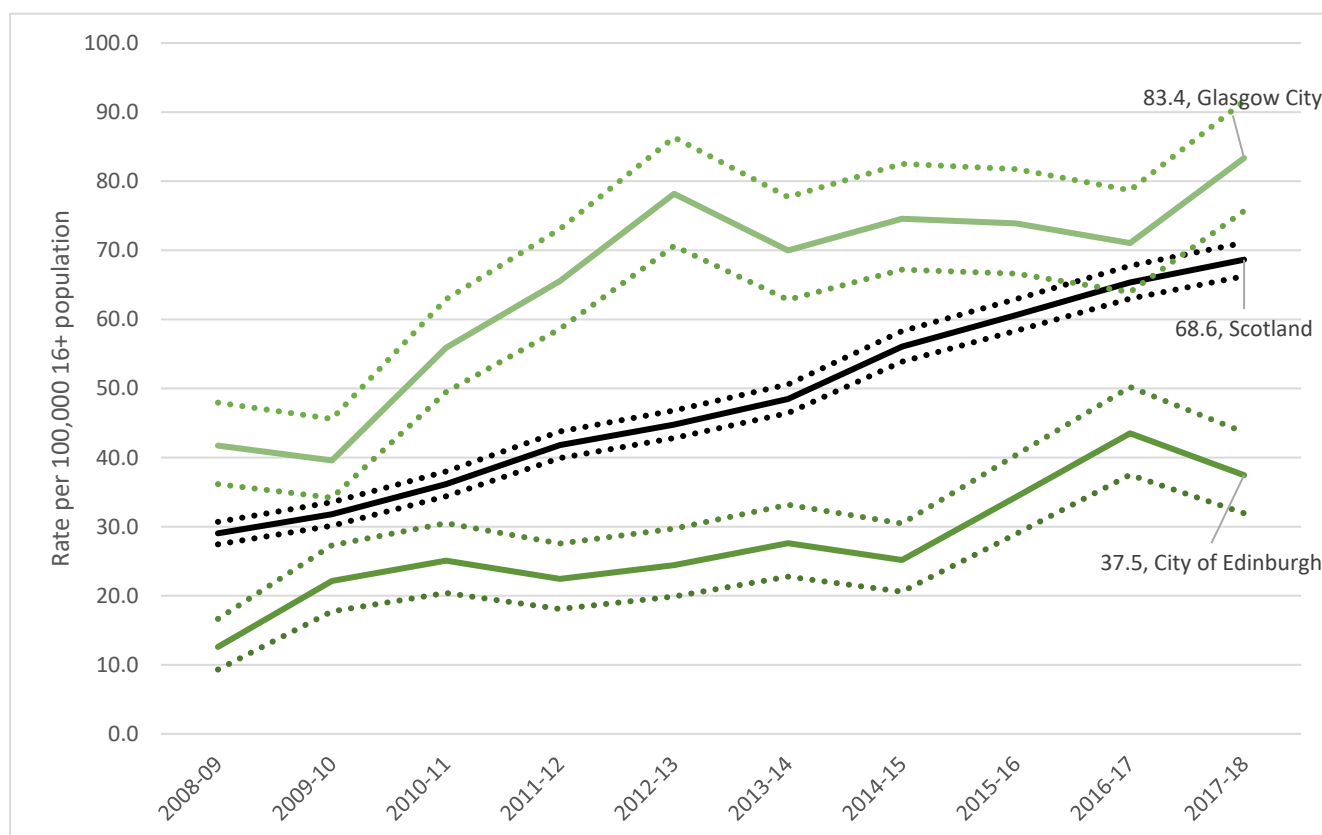
**Figure 3-4 Funnel Plot showing rates of private guardianship applications granted at local authority level, 2017-18**



**Figure 3-5 Funnel Plot showing rates of local authority guardianship applications granted at local authority level, 2017-18**



**Figure 3-6 All guardianship applications—Scotland, Glasgow City and City of Edinburgh (95% confidence intervals)<sup>3</sup>**



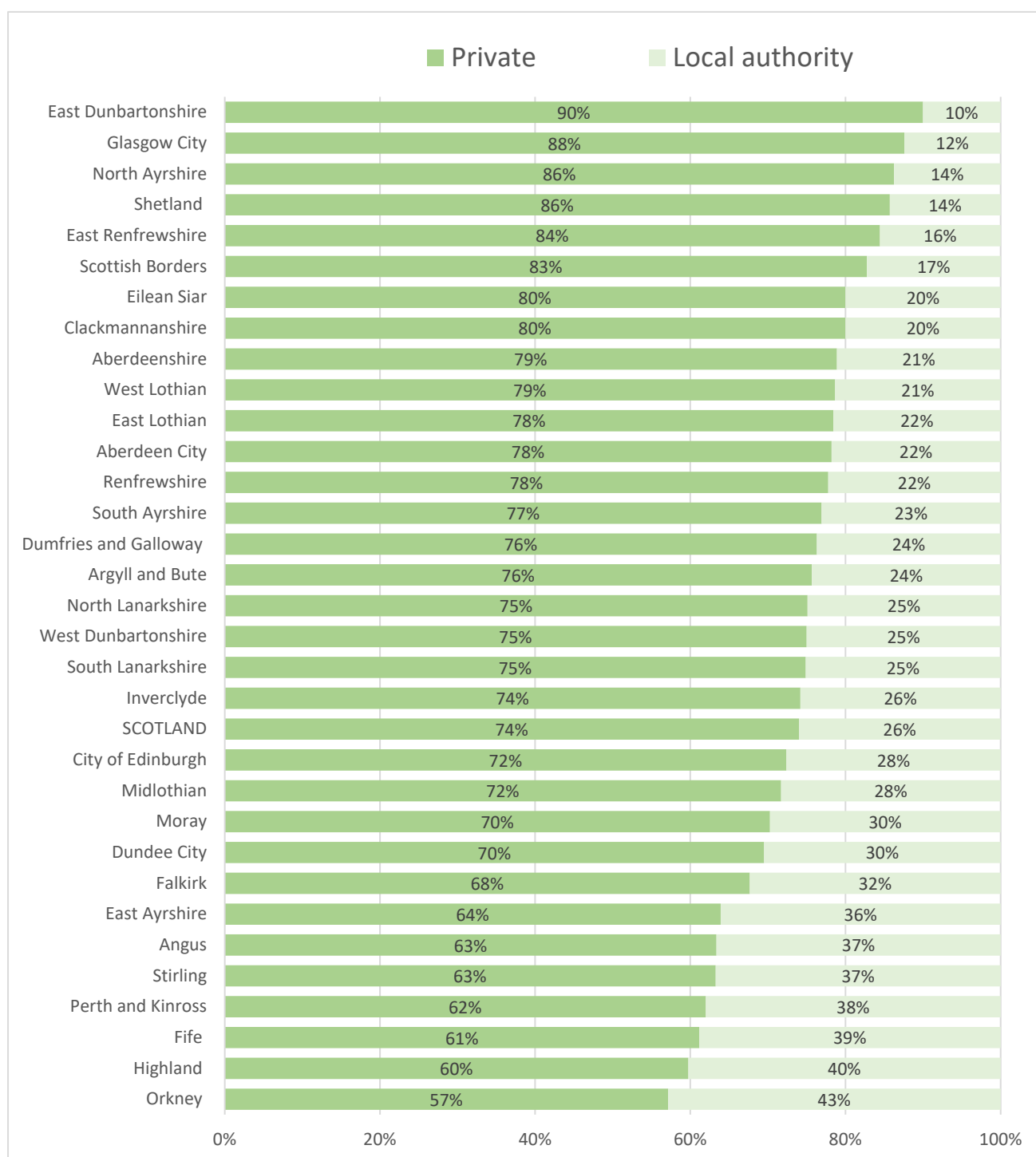
All local authorities have shown considerable variation in rates per 100,000 16+ population over the ten year period. Appendix B provides further details for each local authority of rates of guardianships granted.

Over the ten years, Glasgow City has most consistently been above the Scotland rate. Glasgow City has risen from 41.7 to 83.4 per 100,000 16+. Other authorities which have tended to be significantly above the national average in recent years are East Ayrshire (96.3), Highland (83.8), and South Ayrshire (123.2). Dumfries and Galloway (90.7) have also seen a steep rise.

City of Edinburgh has consistently been below the Scotland rate despite rising from 12.6 to 43.5 in 2016-17 with a fall this year to 37.5. Other authorities which have tended to be below the national average rate in recent years are Aberdeen City (40.1) and Aberdeenshire (51.2).

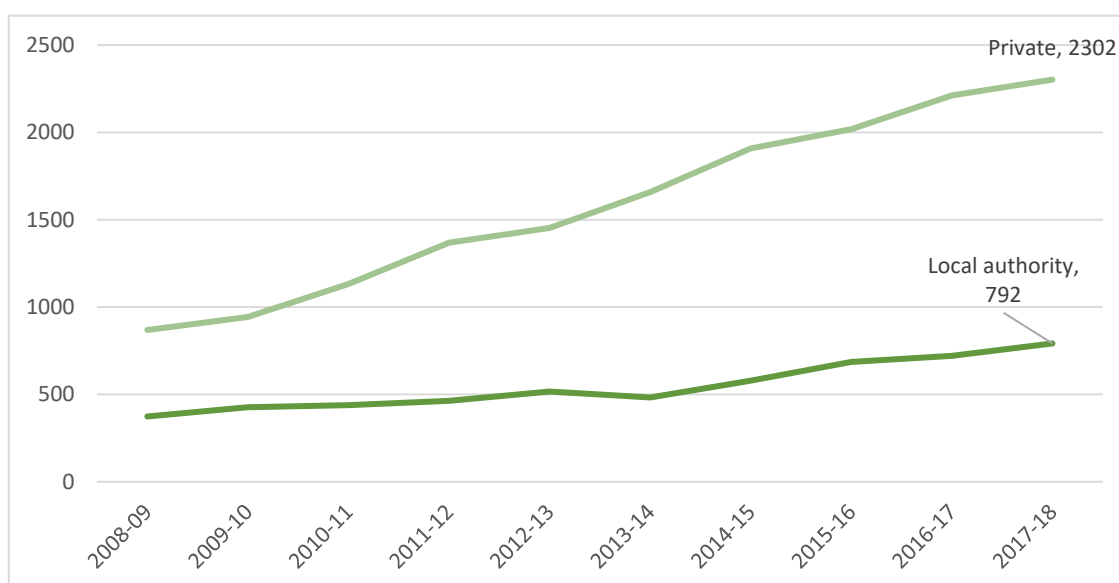
<sup>3</sup> A confidence interval gives a measure of the precision of a value. It shows the range of values that encompass the population or 'true' value, estimated by a certain statistic, with a given probability. For example, if 95% confidence intervals are used, this means we can be sure that the true value lies within these intervals 95% of the time.

**Figure 3-7 All guardianship applications—private and local authority status (%) 2017-18**



In 2017-18 the percentage of private guardianships varied from Orkney (57%) to East Dunbartonshire (90%), with the Scotland average being 74%.

**Figure 3-8 Guardianship applications by local authority and private applications (number), 2008-18**



Private applications accounted for 74% of all applications. This year total private applications have increased by 4% to 2302, continuing the upward trend and now representing a 165% increase since 2008-09.

Local authority applications accounted for 26% of all applications. These increased this year by 10% to 792, an overall 112% increase since 2008-09.

Appendix B shows the trends in percentages of private and local authority guardianships over the last ten years.

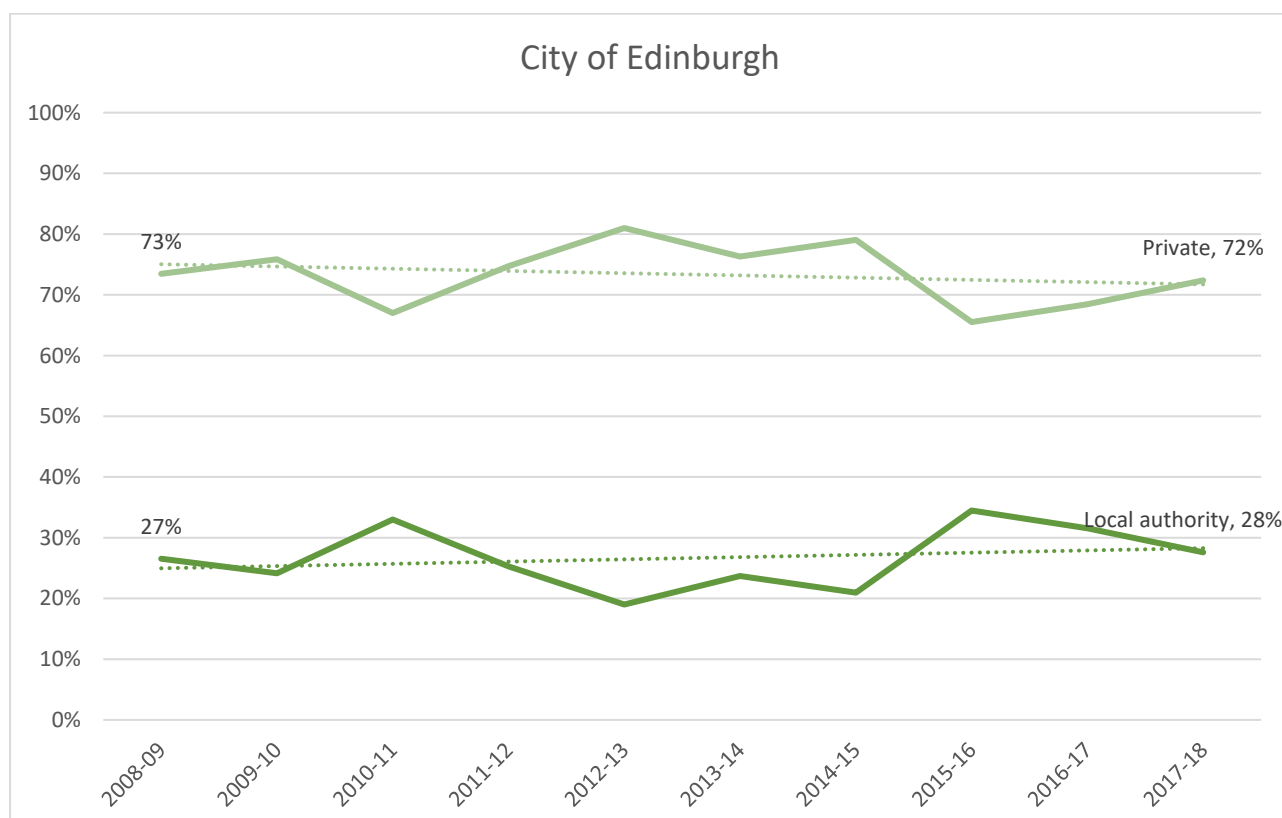
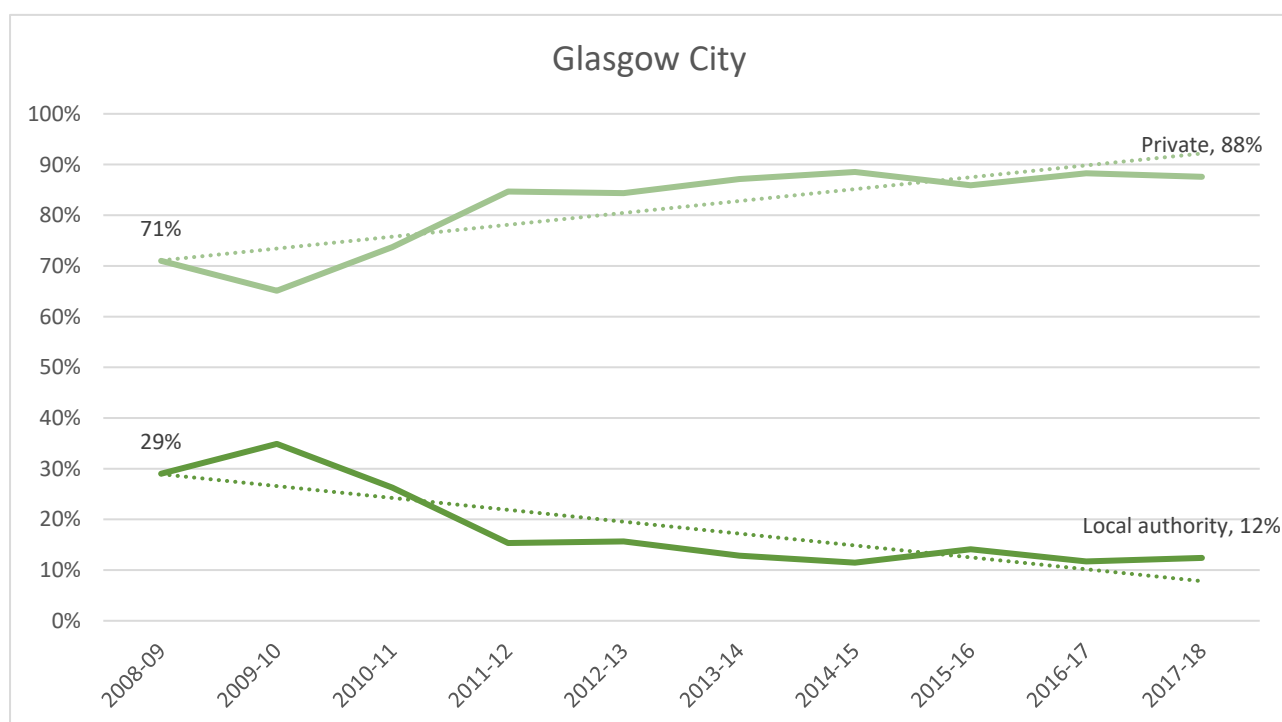
The two largest authorities show quite different trends (Figure 3-9). Edinburgh shows a relatively stable pattern. Glasgow had a similar start point but has shown a wider divergence over the period—private guardianships increasing from 71% to 88% and local authority guardianships decreasing from 29% to 12%.

Clackmannanshire 80%, East Dunbartonshire 90%, North Ayrshire 86% have tended to have higher percentages of private guardianships over the ten year period.

The Commission is not able to comment on why these trends have emerged, but local authorities may well have views on them. There may be local factors which councils could aware of.

The 2000 Act requires local authorities to be the default applicant when appropriate, where there is no private individual applicant available. This is outlined in S.57 of the 2000 Act. Concerns have been reported that local authorities may be reluctant to do this, and instead encourage families themselves to take the responsibility via a private application. In many cases this is appropriate, but authorities should not seek to pressure family members to act if they are unwilling or may find it difficult to fulfil the responsibilities of a guardian.

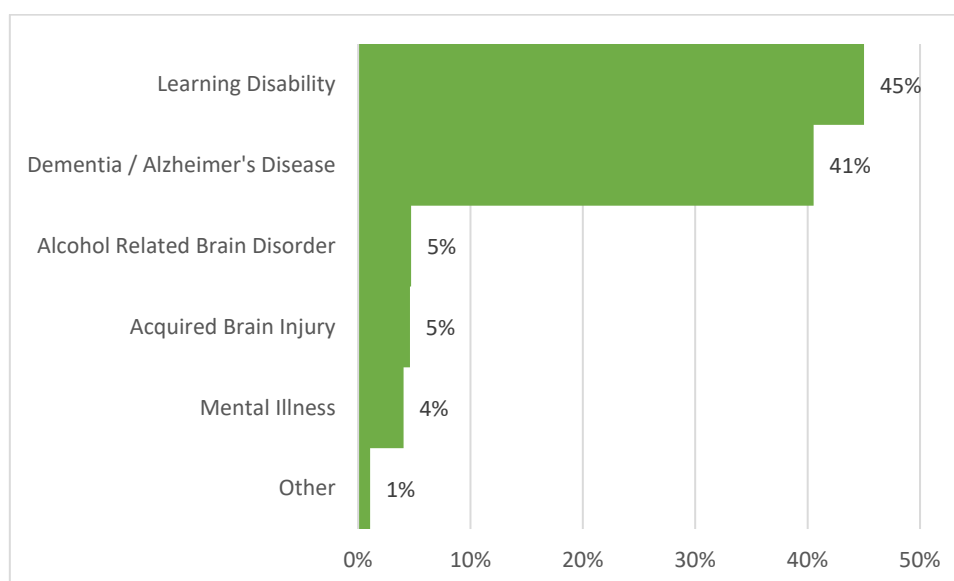
**Figure 3-9 All guardianship applications—private and local authority status (%)**





## 4. Age and diagnosis of people placed on guardianship

**Figure 4-1 All welfare guardianships by primary diagnosis, 2017-18 (%)**



Over the past ten years the proportion of applications for people with a learning disability or for dementia have converged. This year learning disability as primary diagnosis accounts for 45% (1,393) of applications and dementia 41% (1,254).

**Table 4-1 All welfare guardianships by primary diagnosis and age group, 2017-18**

Primary Diagnosis	Age Group 2017-18									
	16-24		25-44		45-64		65+		Total 17-18	
	No.	%	No.	%	No.	%	No.	%	No.	%
Learning Disability	636	97%	399	90%	297	51%	61	4%	1393	45%
Dementia/Alzheimer's Disease	2	0%	2	0%	74	13%	1176	83%	1254	41%
Alcohol Related Brain Damage	1	0%	5	1%	74	13%	66	5%	146	5%
Acquired Brain Injury	8	1%	22	5%	57	10%	56	4%	143	5%
Mental Illness	9	1%	12	3%	62	11%	42	3%	125	4%
Other	1	0%	5	1%	17	3%	10	1%	33	1%
Grand Total	657	100%	445	100%	581	100%	1411	100%	3094	100%

Table 4-1 shows the age at which adults with different causes of impaired capacity have welfare guardianship applications approved under the provisions of the 2000 Act.

Learning disability continues to be the primary diagnosis for the youngest age group, up from 93% in 2009-10 to the current position of 97%. In the 25 to 44 year age group the proportion of learning disability has risen from 73% to 90%. For the 45 to 64 year age group the percentage has risen from 41% in 2010-11 to 51% in 2017-18. Learning disability has continue to range between 2% to 5% of the 65+ age group.

The number of guardianships granted for people with learning disabilities has risen in all age groups—most steeply in the 16 to 24 age group, from 176 to 636. In 2017-18, 74% (1035) of adults with a learning disability placed on welfare guardianship in the past year were under the age of 45 and 46% (636) were under 25 years of age. We have heard from parents that they are being informed about guardianship when their children are transitioning from school into post-school opportunities, further education placements, and in case discussions regarding care packages etc.

Dementia continues to be the primary diagnosis for the oldest age group, but falling from 91% at the start of the period to 83% currently. In this age group the number of guardianships granted for people with dementia has risen from 648 to 1176 in 2017-18. In the 45-64 age group the number has risen from 31 to 74 in 2017-18. Just 4 people aged under 44 with early onset dementia had guardianships granted in 2017-18. (Figure 4-5).

Over the past 10 years the number of guardianships has risen for adults with a primary diagnosis of alcohol related brain damage (63 to 146), acquired brain injury (53 to 143), or mental illness (33 to 125). (Figure 4-2).

The 'other' diagnosis category includes cognitive impairment secondary to progressive disease (e.g. multiple sclerosis), personality disorder, inability to communicate due to physical impairment, and autistic spectrum disorder.

In 2017-18, 5% (22) adults in the 25-44 age group had acquired brain injury. In the 45-64 age group, one in five (23%, 131) of adults had incapacity related to alcohol related brain damage (ARBD) or acquired brain injury.

As mentioned above, the number of guardianships in relation to people with alcohol related brain damage has risen over the past ten years by 132%. ARBD is a condition where there are changes to the structure and function of the brain as a result of long-term, heavy alcohol use. This condition can cause problems with memory, learning and other cognitive skills. The Scottish Government provides funding to NHS Boards to work with Integration Authorities to provide services that meet the health needs of the local population, including people with alcohol-related brain damage. We expect alcohol services, mental health services and social services to work jointly and in a holistic way so that people with alcohol related brain damage receive the help they need to recover and any underlying mental health issues are addressed.

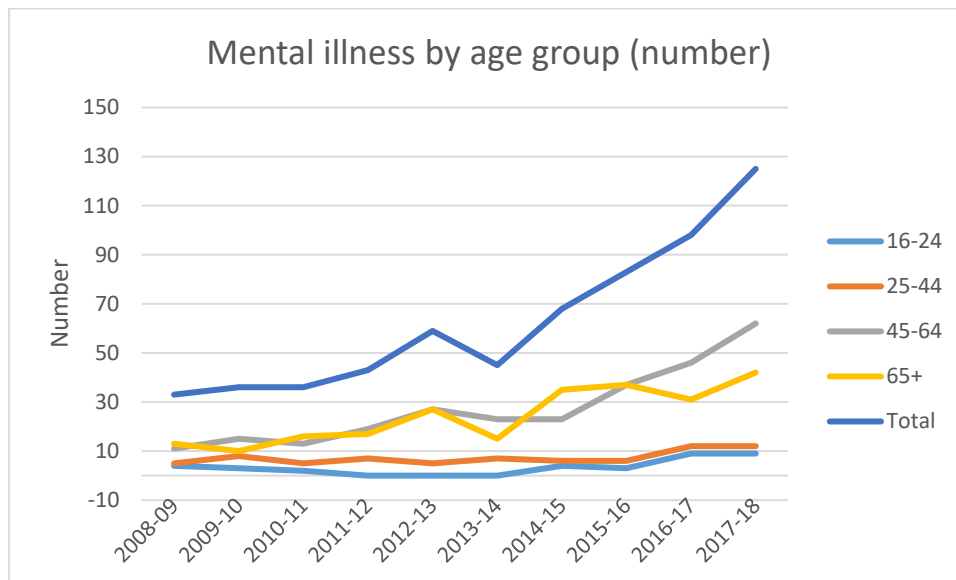
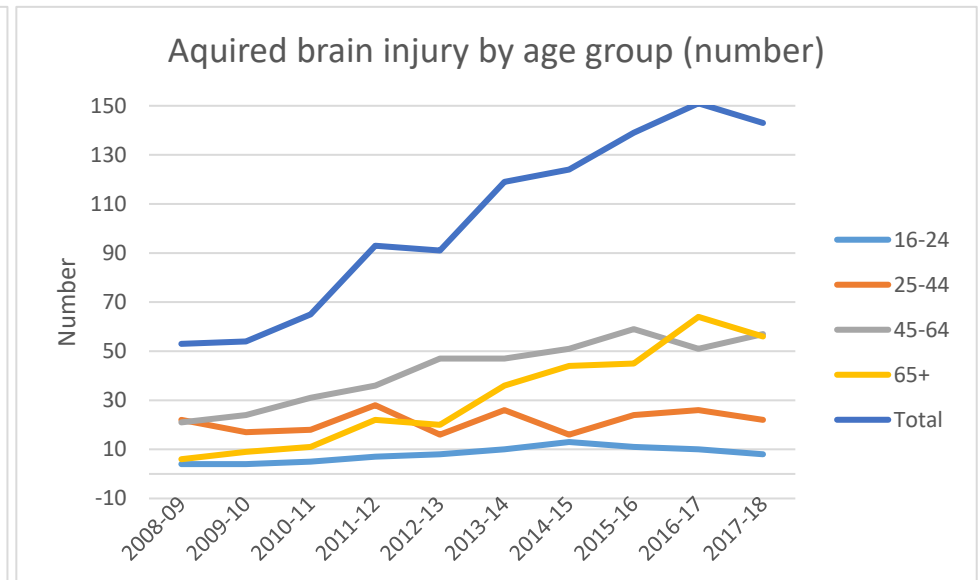
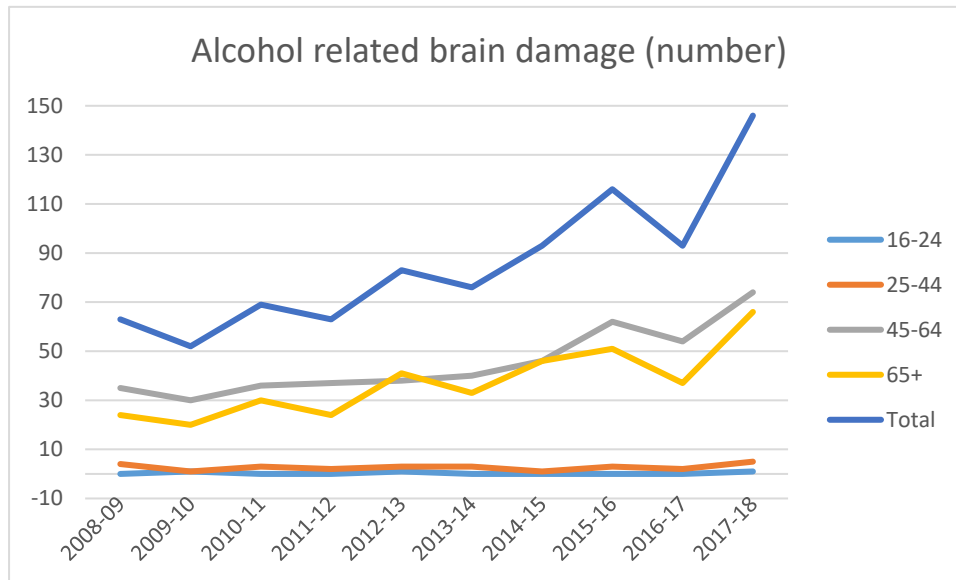
We began consulting in March 2017 about a new good practice guide regarding ARBD. We plan to publish guidance in 2018.

In financial year 2016-17 there were 661 Scottish residents who had at least one admission to a general acute hospital with a diagnosis of alcohol-related brain damage.<sup>4</sup>

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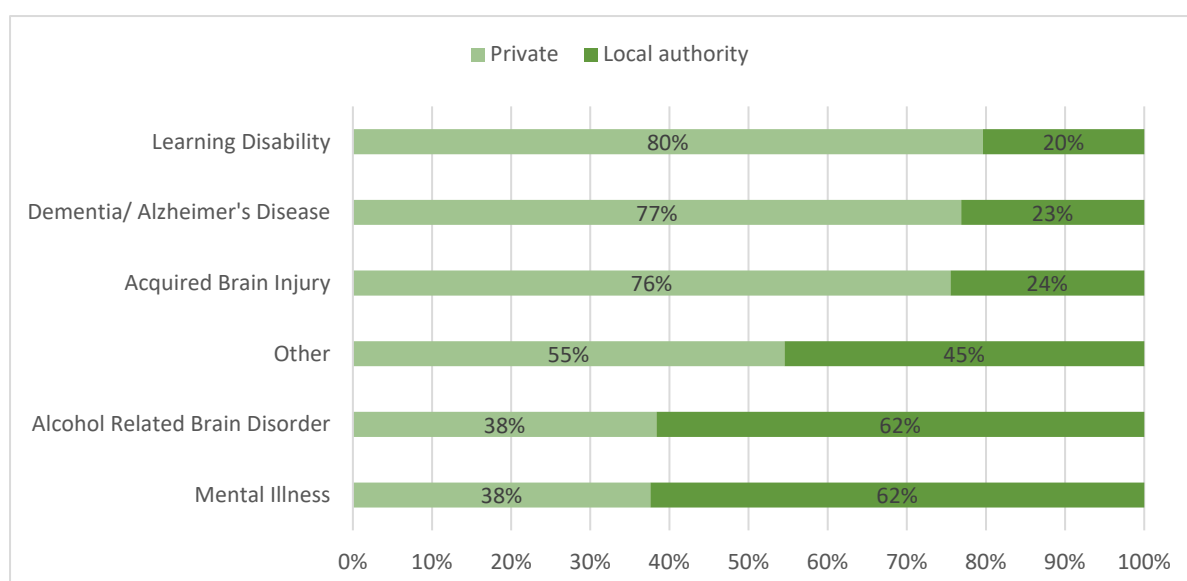
<sup>4</sup> Scottish Parliamentary Question S5W-17441:  
<http://www.parliament.scot/parliamentarybusiness/28877.aspx?SearchType=Advance&ReferenceNumbers=S5W-17441&ResultsPerPage=10>

**Figure 4-2 Diagnosis by age-group (number)**



## Primary cause of incapacity and guardianship status

**Figure 4-3 All guardianship applications—primary diagnosis by guardianship status, 2017-18**

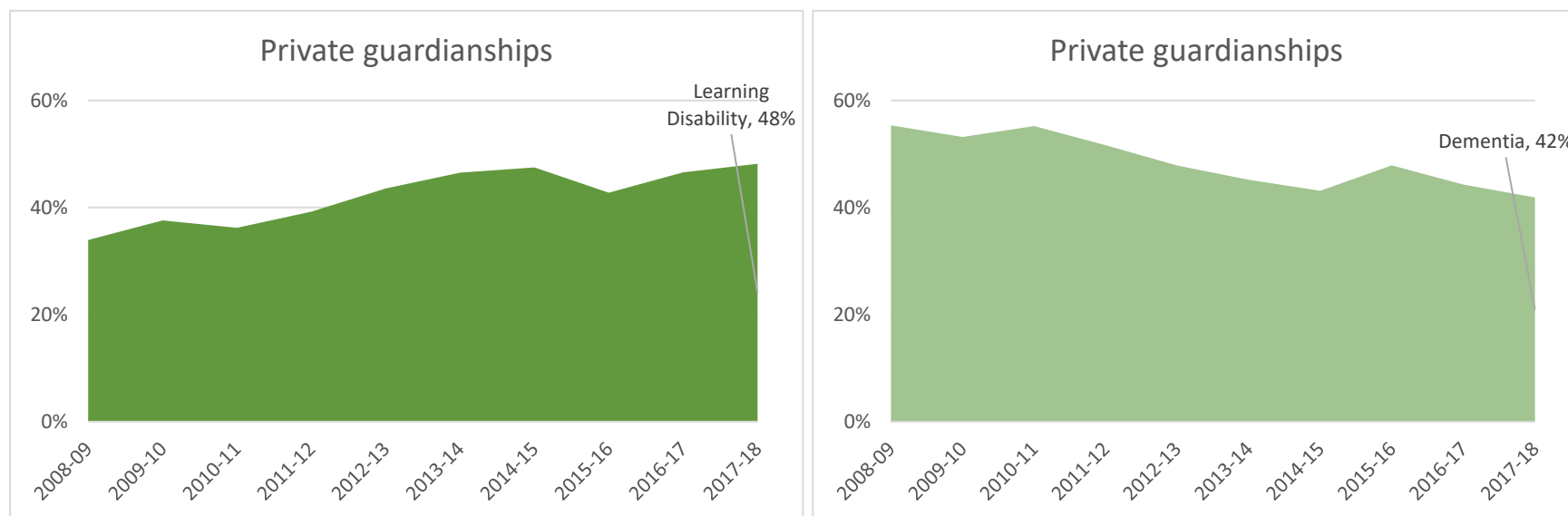


Most applications for people with learning disabilities (80%), dementia (77%) or acquired brain injury (76%) were granted to private guardians. In contrast applications for people with mental illness (62%) or alcohol related brain damage (62%) were more likely to be granted to local authority supervisors.

**Table 4-2 Welfare guardianship applications—local authority and private applications by primary cause of incapacity, 2017-18**

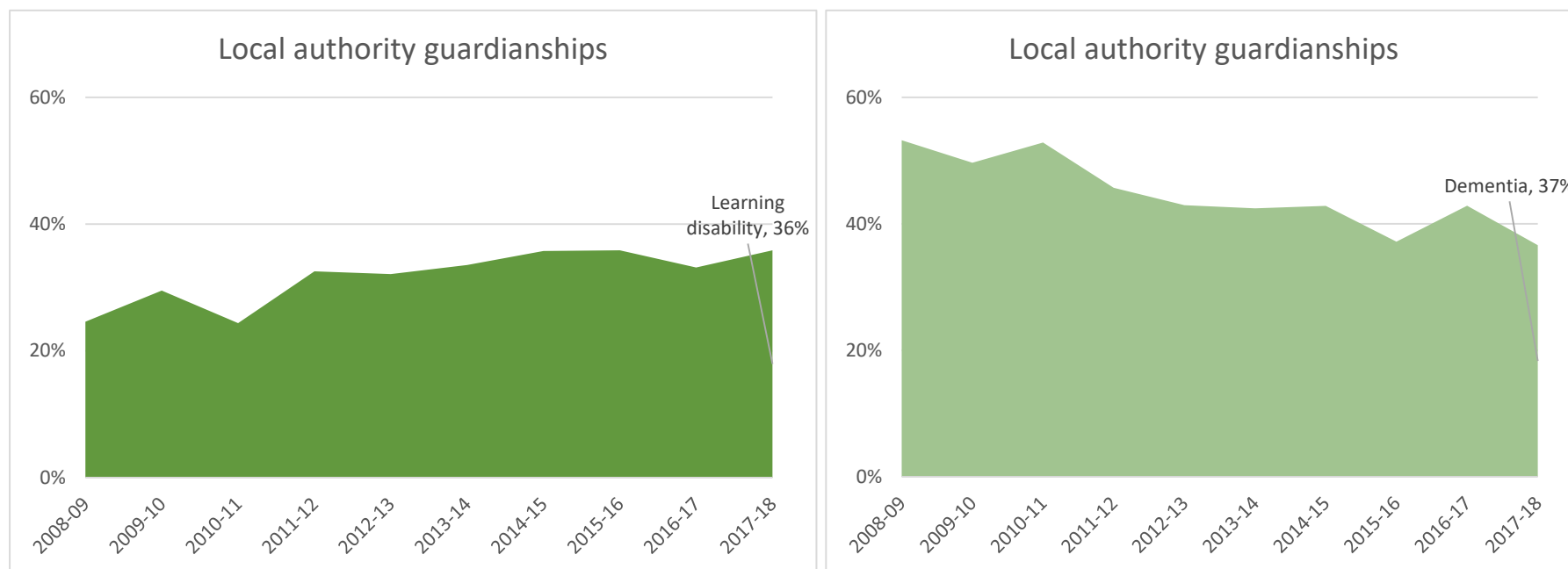
	Primary diagnosis as percentage of applications			
	Private applications		Local authority applications	
	No	%	No	%
Learning Disability	1109	48%	284	36%
Dementia/ Alzheimer's Disease	964	42%	290	37%
Acquired Brain Injury	108	5%	35	4%
Alcohol Related Brain Damage	56	2%	90	11%
Mental Illness	47	2%	78	10%
Other	18	1%	15	2%
<b>Total</b>	<b>2302</b>	<b>100%</b>	<b>792</b>	<b>100%</b>

**Figure 4-4 Private guardianships – by primary cause of incapacity, 2008-18**



For private guardianships, learning disability as primary cause of incapacity underpinning the application has increased from 34% (295) to 48% (1,109) over the ten year period. The percentage for dementia as a primary cause of incapacity has decreased from 55% (481) to 42% (964).

**Figure 4-5 Local authority guardianships by primary cause of incapacity, 2008-18**



For local authority guardianships, learning disability as primary cause of incapacity underpinning the application has increased from 25% (92) to 36% (284) over the ten year period. The percentage for dementia as a primary cause of incapacity has decreased from 53% (481) to 37% (964).

## Guardianship renewals

**Table 4-3 Welfare guardianships—apparent renewals in year by local authority and private applications, 2017-18**

Primary Diagnosis	Local Authority	Private	All Renewals
Acquired Brain Injury	11	16	27
Alcohol Related Brain Damage	26	7	33
Dementia/ Alzheimer's Disease	21	52	73
Learning Disability	85	286	371
Mental Illness	13	7	20
Other	2	3	5
<b>Total</b>	<b>158</b>	<b>371</b>	<b>529</b>

We considered whether the increased use of orders is inflated due to the inclusion of renewal applications<sup>5</sup>. Over the ten years the proportion of renewals has risen from 4% (2008-09) to the present figure of 17% (2017-18).

In the same period the proportion of renewals for people with learning disabilities has risen from 5% to 27% (371). Most of these are private applications (286).

The proportion of renewals for people with dementia has risen from 2% to 6% (73) over the same period.

The number of indefinite orders has been decreasing. As the number of shorter term orders increase (0-3, 4-5 years) the number of renewals will increase (Figure 5-1),.

The number of shorter term orders being renewed each year will add to the total of new orders, and the adults in question will have the benefit of having their necessity for the order judicially reviewed.

In 2017/18, of the 2,565 new orders approved for people who had not previously been on guardianship, a higher proportion (46%, 1,181) were for adults with dementia than for adults with learning disability (40%, 1022).

With the evidence that new applications and renewals of existing orders are increasing we would anticipate an increase in workload for MHOs, including suitability reports and supervisory visits. Not all supervisory visits are being undertaken in line with the regulations, however.

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<sup>5</sup> 'Renewals' are largely identified by identification of gaps between the expiry of the old order and start date of the new order, however, this is sometimes complicated by missing data and/or overlaps. The use of OCR (optical character recognition) of the word 'renewal' has further improved our ability to identify renewals.



## 5. Duration of guardianship orders

### Our interest in this

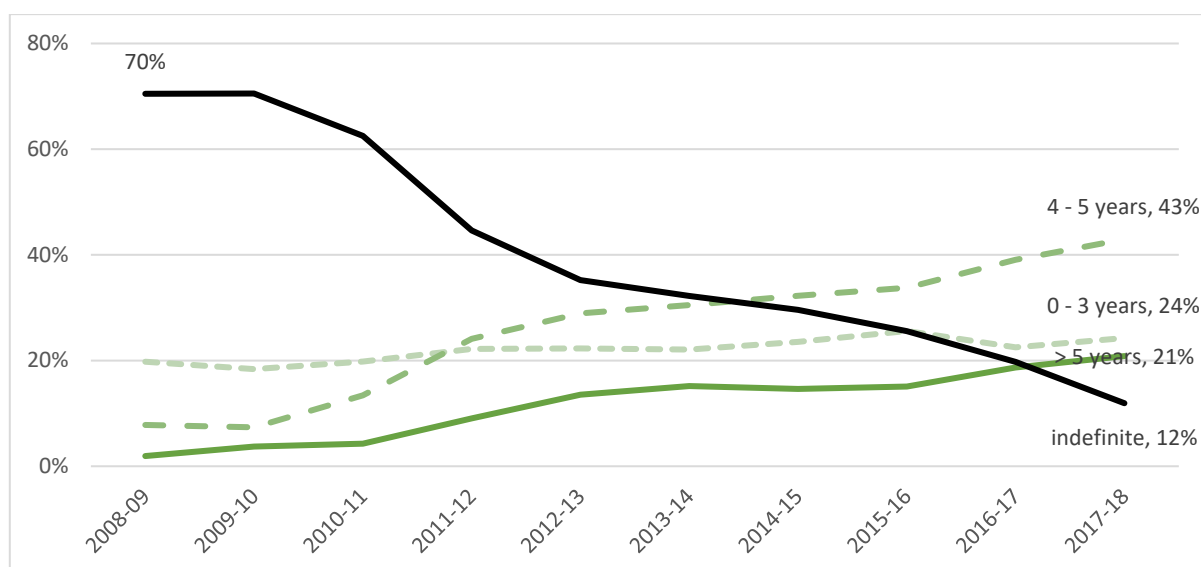
It is clear from the figures over recent years that significant progress continues to be made in addressing the issue of the length of time for which guardianship orders are granted.

Our concern is that the lack of automatic, periodic judicial scrutiny of approved orders puts the onus on the individual or another party with an interest to challenge the order—something which rarely happens. We agree that an indefinite order may be appropriate in the case of, for example, a very elderly person with advanced dementia. Otherwise we believe it is not good practice or consistent with the principles of the legislation. Furthermore, we feel there is the potential for a breach of Article 5 of the European Convention, where indefinite guardianship is used to authorise deprivation of liberty, since European case law makes clear the need for regular review. This is discussed further in the Commission's advice note on Deprivation of Liberty<sup>6</sup>.

### What we found

#### Proportion of indefinite orders

**Figure 5-1 New guardianship orders—orders granted by duration of order, 2008-18 (%)**

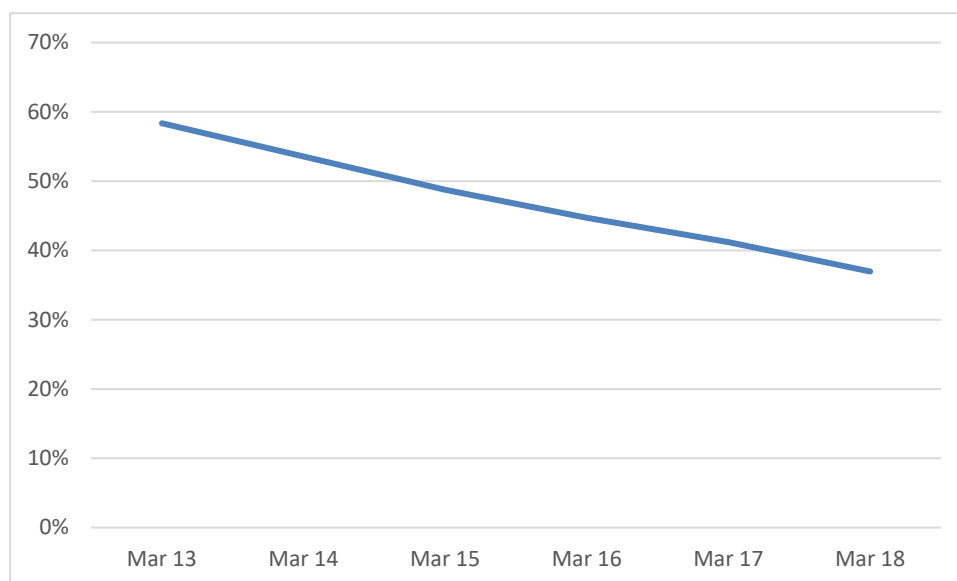


Over the past ten years the Commission has repeatedly drawn attention to the proportion of indefinite orders and we will continue to monitor this. We are pleased to see that the proportion of orders granted on an indefinite basis has continued to fall to 12% (369) in 2017-18 (Figure 5-1). In the same period the proportion granted for four to five years has risen most steeply, from 20% to 43%.

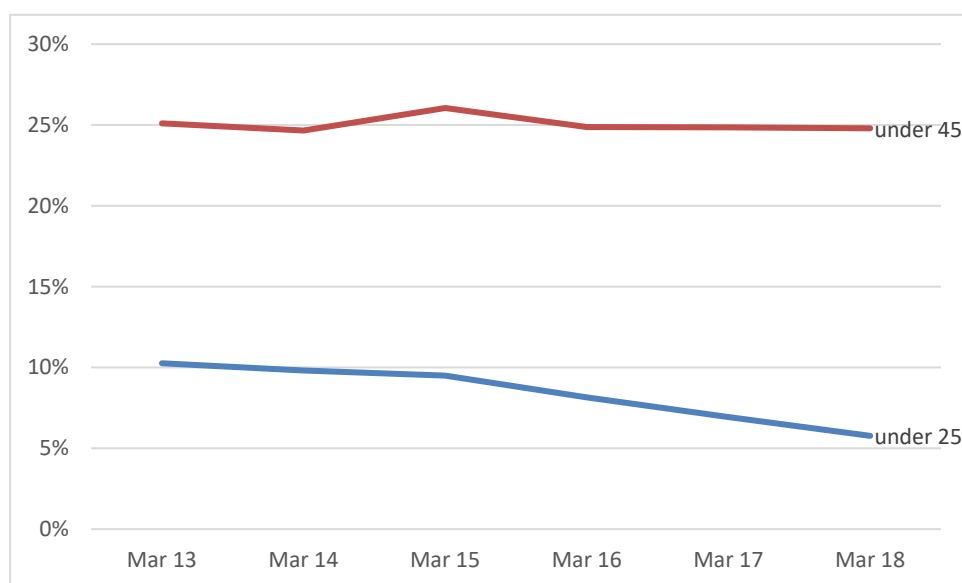
<sup>6</sup>Mental Welfare Commission for Scotland. *Advice Note: Deprivation of Liberty (Update 2015)*  
[http://www.mwcscot.org.uk/media/234442/deprivation\\_of\\_liberty\\_final\\_1.pdf](http://www.mwcscot.org.uk/media/234442/deprivation_of_liberty_final_1.pdf)

## Extant orders

**Figure 5-2 Extant guardianships—% of indefinite orders 2013-18**



**Figure 5-3 Extant guardianships—% of indefinite orders by age group**



As of 31 March 2018, there were 13,501<sup>7</sup> extant welfare guardianship orders, an increase of 12% from last year (12,082). This reflects the continued increase in the number of new guardianships. There were 4,990 adults on indefinite welfare guardianship orders, 41% of the total of extant welfare guardianship orders (13,501). Six per cent (288) of these adults were under the age of 25, continuing to fall slightly. The number of those under the age of 45 was 25% (1,237), which has remained level for the last six years at 25/26%.

<sup>7</sup> When a person on guardianship dies, the Office for Public Guardian should be informed but this may take time. The OPG then informs the Mental Welfare Commission. Due to delays or missing information our figure of 12,082 extant guardianships may not be fully accurate.

Of those on indefinite orders, adults over 80 make up 46% (2,272 out of 4,990). Among those are 2,114 with dementia or Alzheimer's disease, and we would anticipate that an indefinite order is appropriate.

### **Indefinite orders—type of guardianship application and primary cause of incapacity**

The following tables show numbers of approved welfare guardianship orders for local authority and private applicants, broken down by the identified causes of the adult's incapacity and the length for which the orders have been granted.

Individuals with dementia represented 42% (964 out of 2302) of all private guardianships. Of those, 23% (217) were indefinite orders—a smaller proportion and number than last year (34%, 317) (Table 5-1). For local authority applications, 37% (290 out of 792) were for individuals with dementia and of those, 17% (48) were indefinite orders (Table 5-2).

For private guardianships, 48% (1109) were for individuals with learning disabilities (2016-17 47% 1004). Of those, 5% (53) (2016-17 10%, 105) were placed on orders on an indefinite basis. For local authority applications, a smaller proportion 36% (284) were for individuals with learning disabilities, and of those 4% (11) were indefinite orders.

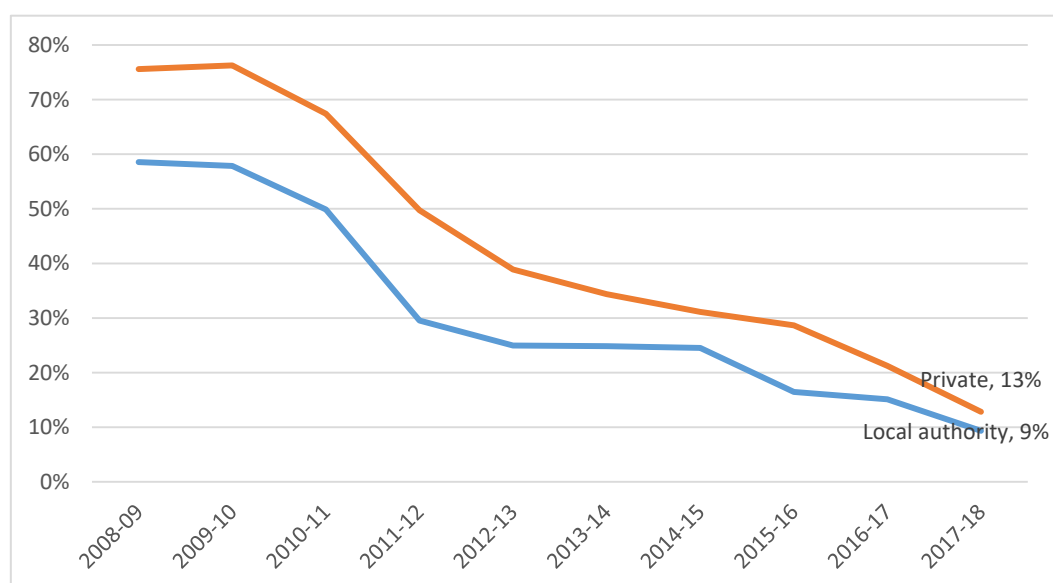
**Table 5-1 Local authority welfare guardianship applications—indefinite orders as a percentage of primary cause of incapacity, 2017-18**

Primary cause of incapacity	Local Authority applications					
	Duration of order (Years)					Indefinite orders as % of primary diagnosis
	0 - 3	4 - 5	> 5	Indefinite	Totals	
Acquired Brain Injury	15	12	4	4	35	11%
Alcohol Related Brain Damage	47	35	3	5	90	6%
Dementia/ Alzheimer's Disease	115	94	33	48	290	17%
Learning Disability	140	120	13	11	284	4%
Mental Illness	37	26	10	5	78	6%
Other	6	6	2	1	15	7%
<b>All Diagnoses</b>	360	293	65	74	792	9%

**Table 5-2 Private welfare guardianship applications—indefinite orders as a percentage of primary cause of incapacity, 2017-18**

Primary cause of incapacity	Private applications					
	Duration of order (Years)					Indefinite orders as % of primary diagnosis
	0 - 3	4 - 5	> 5	Indefinite	Totals	
Acquired Brain Injury	32	47	14	15	108	14%
Alcohol Related Brain Damage	15	29	5	7	56	13%
Dementia/ Alzheimer's Disease	133	385	229	217	964	23%
Learning Disability	192	548	316	53	1109	5%
Mental Illness	15	20	10	2	47	4%
Other	4	7	6	1	18	6%
<b>All Diagnoses</b>	391	1036	580	295	2302	13%

**Figure 5-4 Private and local authority guardianship orders granted on an indefinite basis (%), 2008-18**



The proportion of both private and local authority guardianships granted on an indefinite basis has continued to decrease over the period. Initially a larger proportion of private (76%) than local authority (59%) guardianship applications resulted in indefinite orders, but this gap has narrowed in 2017-18 (13% private, local authority 9%).

This year again there were more authorities where under 10% were granted on an indefinite basis (17). Mainland authorities with 40% or more granted on an indefinite basis were Aberdeenshire, Moray, and Clackmannanshire.

The number of guardianship applications granted in Glasgow City has risen 20% this year, from 367 to 435. Of these, only 1% (6) were indefinite orders.

**Table 5-3 Indefinite orders by primary diagnosis and type of application, 2017-18**

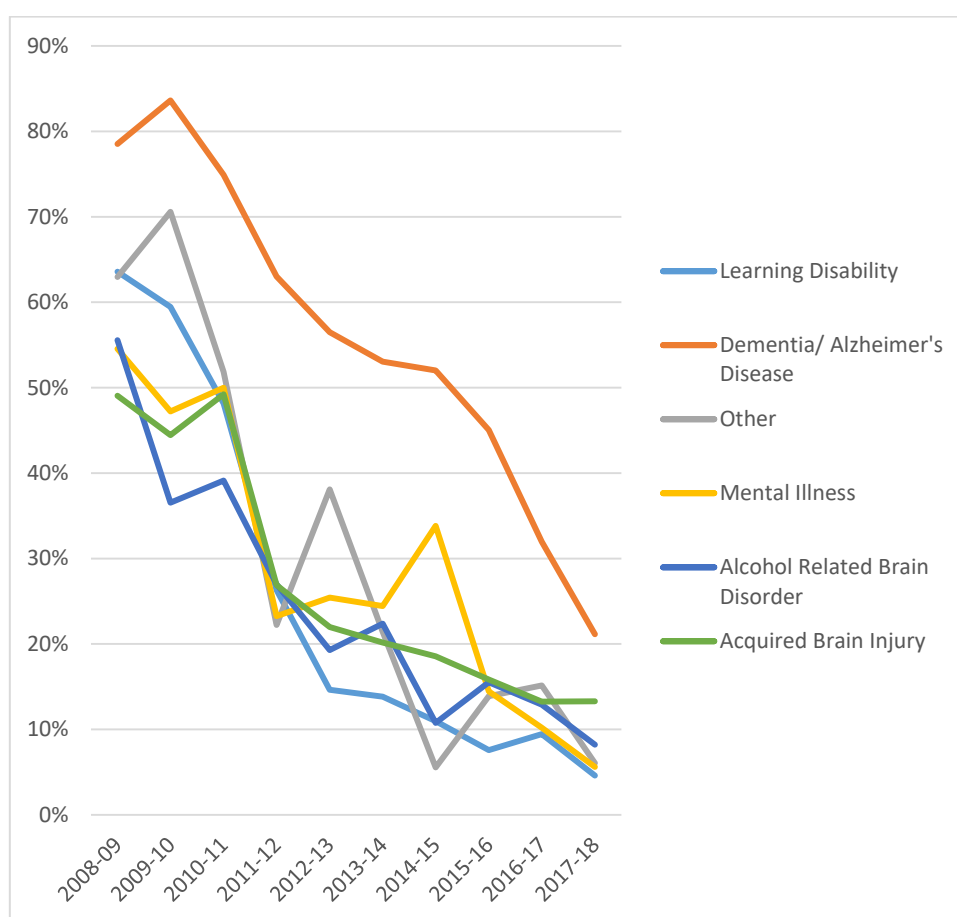
Primary diagnosis	Local authority	%	Private	%	All applications	%
Dementia/ Alzheimer's Disease	48	65%	217	74%	265	72%
Learning Disability	11	15%	53	18%	64	17%
Acquired Brain Injury	4	5%	15	5%	19	5%
Alcohol Related Brain Damage	5	7%	7	2%	12	3%
Mental Illness	5	7%	2	1%	7	2%
Other	1	1%	1	0%	2	1%
<b>Total</b>	<b>74</b>	<b>100%</b>	<b>295</b>	<b>100%</b>	<b>369</b>	<b>100%</b>

In 2017-18, the overall number of individuals on indefinite orders had reduced by a third (2016-17, 563 to 2017-18, 369). Dementia, the largest group, has reduced by a third (from 398 to 265) and learning disabilities has reduced by almost a half (from 120 to 64 this year).

The remainder were a small number of individuals with acquired brain injury (ABI, 19), alcohol related brain damage (ARBD, 12), mental illness or severe learning disabilities/complex needs.

We already prioritise visiting individuals whose incapacity is related to ARBD, ABI, learning disability, and mental illness. Where these individuals are receiving registered care, the care provider should be reviewing their care on a six-monthly basis. It is also the responsibility of the local authority to ensure these adults are being reviewed and visited by them in line with statutory timescales. We would encourage local authorities to ensure this is being done.

**Figure 5-5 Indefinite orders as a percentage of primary diagnosis**



## 6. Adults with Incapacity (Scotland) Act 2000, 2017-18, Section 48 (regulated treatments) & Section 50 (disagreements with proxy)

**Table 6-1 Section 48/50 requests and certificates issued by types of treatment**

Types of treatment	Section 48/50 Requests	Certificates Issued
Medication to reduce sex drive	23	22*
Electroconvulsive therapy (ECT)	19	17**
Treatment likely to lead to sterilisation	0	0
Termination of pregnancy	0	0
Dispute (Section 50)	1	0
<b>Total</b>	<b>43</b>	<b>39</b>

\*One person was thought to have capacity to consent by the independent medical opinion so S48 Certificate not required.

\*\* One visit was cancelled by the requesting clinician, and for another it was thought that the Mental Health (Care & Treatment) (Scotland) Act 2003 would be more appropriate as the patient was likely to resist treatment.

### Our interest in this

The Commission has a responsibility under the Adults with Incapacity (Scotland) 2000 Act to provide independent medical opinions for treatments that are not covered by the general authority to treat (Section 47). These specific treatments regulated under Section 48 are noted above. In addition, where there is a welfare proxy with the power to consent to medical treatment and there is disagreement between them and the treating doctor, the doctor can request that the Commission arrange an opinion by an appropriate specialist to resolve the dispute (Section 50 nominated medical practitioner).

### What we found

There were 42 requests for Section 48 visits. Last year, we noted that there were 52% fewer requests for electroconvulsive therapy (ECT) than the previous year—but the number was up to previous levels again this year. Of the 19 ECT requests, it was thought that the Mental Health (Care & Treatment) (Scotland) Act 2003 would be more appropriate for one patient as they were likely to resist or object. Another ECT visit was cancelled by the referring psychiatrist.

Of the 23 requests for authorisation for medication to reduce sex drive, in one case the doctor undertaking the second opinion believed that the patient was able to give informed consent and authorisation under the AWI was therefore not required.

One Section 50 dispute resolution visit was requested, but cancelled prior to the visit as the situation was resolved locally.

## 7. Appendix A: tables

**Table 7-1 Guardianship orders granted by local authority area, 2017-18**

		Guardianships granted 2017 - 2018					
		Number			Rate per 100K 16+ Population*		
Local authority	Population 16+**	Local Authority	Private	All	Local Authority	Private	All
Aberdeen City	194305	17	61	78	8.7	31.4	40.1
Aberdeenshire	212912	23	86	109	10.8	40.4	51.2
Angus	96992	26	45	71	26.8	46.4	73.2
Argyll and Bute	73647	9	28	37	12.2	38.0	50.2
City of Edinburgh	435158	45	118	163	10.3	27.1	37.5
Clackmannanshire	42430	6	24	30	14.1	56.6	70.7
Dumfries and Galloway	125713	27	87	114	21.5	69.2	90.7
Dundee City	124712	25	57	82	20.0	45.7	65.8
East Ayrshire	100776	35	62	97	34.7	61.5	96.3
East Dunbartonshire	89069	5	45	50	5.6	50.5	56.1
East Lothian	85789	11	40	51	12.8	46.6	59.4
East Renfrewshire	75731	7	38	45	9.2	50.2	59.4
Eilean Siar	22583	3	12	15	13.3	53.1	66.4
Falkirk	131801	32	67	99	24.3	50.8	75.1
Fife	307077	101	159	260	32.9	51.8	84.7
Glasgow City	521883	54	381	435	10.3	73.0	83.4
Highland	195625	66	98	164	33.7	50.1	83.8
Inverclyde	66059	8	23	31	12.1	34.8	46.9
Midlothian	72861	15	38	53	20.6	52.2	72.7
Moray	79418	11	26	37	13.9	32.7	46.6
North Ayrshire	112889	11	69	80	9.7	61.1	70.9
North Lanarkshire	276949	58	175	233	20.9	63.2	84.1
Orkney	18455	3	4	7	16.3	21.7	37.9
Perth and Kinross	126647	38	62	100	30.0	49.0	79.0
Renfrewshire	146791	24	84	108	16.3	57.2	73.6
Scottish Borders	95994	10	48	58	10.4	50.0	60.4
Shetland	18847	1	6	7	5.3	31.8	37.1
South Ayrshire	94964	27	90	117	28.4	94.8	123.2
South Lanarkshire	263019	52	155	207	19.8	58.9	78.7
Stirling	78575	18	31	49	22.9	39.5	62.4
West Dunbartonshire	73820	8	24	32	10.8	32.5	43.3
West Lothian	145867	16	59	75	11.0	40.4	51.4
<b>SCOTLAND</b>	<b>4507358</b>	<b>792</b>	<b>2302</b>	<b>3094</b>	<b>17.6</b>	<b>51.1</b>	<b>68.6</b>



\*All figures rounded to nearest whole unit.

\*\*National Records of Scotland. All Tables: Mid-2017 Population Estimates Scotland (16+ population)

<https://www.nrscotland.gov.uk/files/statistics/population-estimates/time-series/mid-year-pop-est-17-time-series-1.xlsx> (accessed 21/05/2018)

**Table 7-2 All guardianships by local authority 2008 to 2018 (number)**

	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>
Aberdeen City	50	58	53	62	58	77	61	78	84	78
Aberdeenshire	63	77	71	90	65	72	80	80	97	109
Angus	38	44	37	39	29	31	44	48	55	71
Argyll and Bute	13	14	23	29	26	26	33	42	36	37
City of Edinburgh	49	87	100	91	100	114	105	145	187	163
Clackmannanshire	6	12	17	11	20	9	20	33	36	30
Dumfries and Galloway	41	36	41	43	48	46	61	118	117	114
Dundee City	47	35	53	71	97	96	95	70	107	82
East Ayrshire	26	39	42	42	51	48	81	101	87	97
East Dunbartonshire	15	17	22	31	33	36	42	40	36	50
East Lothian	20	15	25	38	62	32	38	47	34	51
East Renfrewshire	18	18	22	32	24	21	35	37	29	45
Eilean Siar	4	11	12	8	10	3	5	16	29	15
Falkirk	30	36	43	39	38	54	81	92	78	99
Fife	120	115	115	144	145	161	181	215	204	260
Glasgow City	200	192	274	326	390	350	375	376	367	435
Highland	112	90	84	101	93	111	128	145	202	164
Inverclyde	11	12	10	11	12	21	21	20	38	31
Midlothian	19	7	11	10	20	18	25	31	32	53
Moray	23	31	27	31	21	15	33	44	55	37
North Ayrshire	32	41	44	52	48	62	82	66	87	80
North Lanarkshire	58	92	83	112	138	165	174	189	183	233
Orkney	1	4	13	7	9	13	9	18	8	7
Perth and Kinross	41	57	42	72	63	73	69	65	77	100
Renfrewshire	23	32	41	39	60	90	112	141	115	108
Scottish Borders	19	13	16	23	18	31	46	40	41	58
Shetland		4	1	2		3	4	6	8	7
South Ayrshire	27	24	52	40	32	56	84	98	90	117
South Lanarkshire	71	80	100	125	151	149	213	172	225	207
Stirling	14	19	20	30	27	51	34	33	63	49
West Dunbartonshire	20	20	37	39	41	38	51	57	46	32
West Lothian	32	39	40	43	41	69	65	41	80	75
Scotland	1243	1371	1571	1833	1970	2141	2487	2704	2933	3094

**Table 7-3 All guardianships by local authority 2008 to 2018 (rates per 100,000 16+ population)**

	<b>2008-09</b>	<b>2009-10</b>	<b>2010-11</b>	<b>2011-12</b>	<b>2012-13</b>	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>
Aberdeen City	27.5	31.4	28.3	32.6	30.2	39.7	31.2	39.7	42.9	40.1
Aberdeenshire	31.5	38.2	34.8	43.7	31.3	34.3	37.8	37.5	45.5	51.2
Angus	40.5	46.7	38.9	40.6	30.1	32.1	45.3	49.4	56.7	73.2
Argyll and Bute	17.4	18.7	31.0	38.9	35.7	35.0	44.5	57.1	48.7	50.2
City of Edinburgh	12.6	22.1	25.1	22.4	24.4	27.6	25.2	34.3	43.5	37.5
Clackmannanshire	14.4	28.8	40.6	26.1	47.5	21.4	47.5	78.0	85.1	70.7
Dumfries and Galloway	32.8	28.7	32.6	34.0	38.0	36.5	48.4	93.7	92.9	90.7
Dundee City	39.0	28.9	43.4	57.5	78.2	77.2	76.4	56.3	86.0	65.8
East Ayrshire	26.1	38.9	41.7	41.5	50.4	47.5	80.2	100.1	86.2	96.3
East Dunbartonshire	17.5	19.8	25.5	35.9	37.8	41.1	47.6	45.2	40.6	56.1
East Lothian	25.4	18.8	31.0	46.8	75.5	38.7	45.6	55.9	40.0	59.4
East Renfrewshire	25.1	25.0	30.3	43.9	32.8	28.6	47.2	49.6	38.6	59.4
Eilean Siar	17.7	48.5	52.3	34.7	43.5	13.1	21.9	70.4	128.4	66.4
Falkirk	24.0	28.6	33.9	30.5	29.6	41.9	62.6	70.7	59.5	75.1
Fife	40.6	38.7	38.6	47.9	48.0	53.2	59.7	70.7	66.7	84.7
Glasgow City	41.7	39.6	55.9	65.6	78.2	70.0	74.6	73.9	71.0	83.4
Highland	60.2	48.0	44.3	52.8	48.4	57.7	66.3	74.7	103.7	83.8
Inverclyde	16.2	17.7	14.8	16.3	17.8	31.3	31.5	30.1	57.3	46.9
Midlothian	28.7	10.5	16.5	14.7	29.3	26.2	35.8	43.8	44.6	72.7
Moray	30.3	40.7	35.2	40.5	27.5	19.3	42.2	55.7	69.1	46.6
North Ayrshire	28.4	36.4	38.9	45.7	42.3	54.7	72.5	58.4	77.2	70.9
North Lanarkshire	21.6	34.0	30.6	41.0	50.5	60.3	63.4	68.7	66.3	84.1
Orkney	5.9	23.1	73.9	39.3	50.1	72.1	49.8	99.0	43.6	37.9
Perth and Kinross	34.8	47.8	34.9	59.1	51.3	59.3	55.4	51.9	61.0	79.0
Renfrewshire	16.3	22.5	28.7	27.1	41.7	62.6	77.6	97.4	78.8	73.6
Scottish Borders	20.4	13.9	17.0	24.3	19.0	32.7	48.4	42.1	42.9	60.4
Shetland	0.0	21.8	5.4	10.7	0.0	15.9	21.1	31.7	42.2	37.1
South Ayrshire	28.8	25.6	55.3	42.3	33.8	59.1	88.7	103.6	95.0	123.2
South Lanarkshire	27.9	31.3	38.9	48.4	58.3	57.4	81.8	65.8	85.8	78.7
Stirling	19.3	26.1	27.3	40.3	36.0	67.5	44.7	42.7	80.5	62.4
West Dunbartonshire	26.8	26.8	49.6	52.3	55.1	51.3	68.9	77.2	62.1	43.3
West Lothian	23.5	28.3	28.8	30.7	29.1	48.9	45.7	28.6	55.2	51.4
Scotland	29.0	31.8	36.2	41.8	44.8	48.5	56.1	60.6	65.3	68.6

**Table 7-4 All guardianships—local authority and private (%), 2008-2018 (continued on following page)**

Local authority	Guardian	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17	2017-18
Aberdeen City	Local authority	28%	31%	25%	21%	29%	19%	41%	33%	35%	22%
	Private	72%	69%	75%	79%	71%	81%	59%	67%	65%	78%
Aberdeenshire	Local authority	22%	22%	32%	28%	22%	13%	30%	26%	20%	21%
	Private	78%	78%	68%	72%	78%	88%	70%	74%	80%	79%
Angus	Local authority	29%	14%	41%	28%	41%	23%	34%	27%	47%	37%
	Private	71%	86%	59%	72%	59%	77%	66%	73%	53%	63%
Argyll and Bute	Local authority	23%	29%	4%	24%	19%	35%	21%	38%	22%	24%
	Private	77%	71%	96%	76%	81%	65%	79%	62%	78%	76%
City of Edinburgh	Local authority	27%	24%	33%	25%	19%	24%	21%	34%	32%	28%
	Private	73%	76%	67%	75%	81%	76%	79%	66%	68%	72%
Clackmannanshire	Local authority	0%	33%	12%	27%	20%	22%	30%	15%	14%	20%
	Private	100%	67%	88%	73%	80%	78%	70%	85%	86%	80%
Dumfries and Galloway	Local authority	46%	53%	37%	44%	40%	28%	33%	39%	27%	24%
	Private	54%	47%	63%	56%	60%	72%	67%	61%	73%	76%
Dundee City	Local authority	32%	37%	40%	38%	36%	41%	31%	30%	30%	30%
	Private	68%	63%	60%	62%	64%	59%	69%	70%	70%	70%
East Ayrshire	Local authority	50%	54%	29%	43%	45%	46%	35%	24%	28%	36%
	Private	50%	46%	71%	57%	55%	54%	65%	76%	72%	64%
East Dunbartonshire	Local authority	20%	6%	9%	13%	3%	6%	12%	8%	17%	10%
	Private	80%	94%	91%	87%	97%	94%	88%	93%	83%	90%
East Lothian	Local authority	20%	40%	48%	39%	37%	31%	50%	36%	24%	22%
	Private	80%	60%	52%	61%	63%	69%	50%	64%	76%	78%

East Renfrewshire	Local authority	39%	39%	9%	34%	21%	19%	17%	19%	10%	16%
	Private	61%	61%	91%	66%	79%	81%	83%	81%	90%	84%
Eilean Siar	Local authority	0%	55%	25%	25%	0%	0%	0%	31%	17%	20%
	Private	100%	45%	75%	75%	100%	100%	100%	69%	83%	80%
Falkirk	Local authority	40%	58%	49%	44%	39%	41%	41%	29%	31%	32%
	Private	60%	42%	51%	56%	61%	59%	59%	71%	69%	68%
Fife	Local authority	35%	31%	26%	32%	39%	34%	27%	33%	29%	39%
	Private	65%	69%	74%	68%	61%	66%	73%	67%	71%	61%
Glasgow City	Local authority	29%	35%	26%	15%	16%	13%	11%	14%	12%	12%
	Private	71%	65%	74%	85%	84%	87%	89%	86%	88%	88%
Highland	Local authority	29%	32%	31%	37%	52%	29%	36%	31%	44%	40%
	Private	71%	68%	69%	63%	48%	71%	64%	69%	56%	60%
Inverclyde	Local authority	27%	33%	30%	36%	33%	19%	33%	45%	32%	26%
	Private	73%	67%	70%	64%	67%	81%	67%	55%	68%	74%
Midlothian	Local authority	11%	29%	27%	20%	30%	28%	16%	39%	28%	28%
	Private	89%	71%	73%	80%	70%	72%	84%	61%	72%	72%
Moray	Local authority	13%	13%	11%	6%	14%	20%	24%	25%	22%	30%
	Private	87%	87%	89%	94%	86%	80%	76%	75%	78%	70%
North Ayrshire	Local authority	19%	20%	11%	17%	15%	23%	23%	12%	21%	14%
	Private	81%	80%	89%	83%	85%	77%	77%	88%	79%	86%
North Lanarkshire	Local authority	33%	24%	22%	24%	20%	15%	20%	22%	16%	25%
	Private	67%	76%	78%	76%	80%	85%	80%	78%	84%	75%
Orkney	Local authority	0%	0%	31%	0%	44%	23%	11%	28%	25%	43%
	Private	100%	100%	69%	100%	56%	77%	89%	72%	75%	57%
Perth and Kinross	Local authority	29%	35%	36%	19%	30%	16%	25%	26%	35%	38%
	Private	71%	65%	64%	81%	70%	84%	75%	74%	65%	62%
Renfrewshire	Local authority	26%	25%	12%	21%	18%	23%	21%	26%	22%	22%
	Private	74%	75%	88%	79%	82%	77%	79%	74%	78%	78%
Scottish Borders	Local authority	16%	23%	44%	39%	28%	26%	22%	30%	32%	17%

	Private	84%	77%	56%	61%	72%	74%	78%	70%	68%	83%
Shetland	Local authority		25%	100%	0%		33%	0%	17%	38%	14%
	Private		75%	0%	100%		67%	100%	83%	63%	86%
South Ayrshire	Local authority	56%	46%	52%	30%	28%	14%	20%	22%	18%	23%
	Private	44%	54%	48%	70%	72%	86%	80%	78%	82%	77%
South Lanarkshire	Local authority	37%	29%	26%	22%	25%	23%	16%	22%	20%	25%
	Private	63%	71%	74%	78%	75%	77%	84%	78%	80%	75%
Stirling	Local authority	29%	37%	40%	10%	22%	25%	24%	18%	17%	37%
	Private	71%	63%	60%	90%	78%	75%	76%	82%	83%	63%
West Dunbartonshire	Local authority	35%	25%	16%	18%	22%	21%	16%	19%	20%	25%
	Private	65%	75%	84%	82%	78%	79%	84%	81%	80%	75%
West Lothian	Local authority	22%	33%	13%	26%	24%	16%	18%	17%	23%	21%
	Private	78%	67%	88%	74%	76%	84%	82%	83%	78%	79%
Scotland	Local authority	30%	31%	28%	25%	26%	23%	23%	25%	25%	26%
	Private	70%	69%	72%	75%	74%	77%	77%	75%	75%	74%

**Table 7-5 Welfare guardianship applications—All orders by local authority and primary cause of incapacity, 2017-18 (continued on following page)**

<b>All orders</b>	<b>Acquired Brain Injury</b>	<b>%</b>	<b>Alcohol Related Brain Damage</b>	<b>%</b>	<b>Dementia/ Alzheimer's Disease</b>	<b>%</b>	<b>Learning Disability</b>	<b>%</b>	<b>Mental Illness</b>	<b>%</b>	<b>Other</b>	<b>%</b>	<b>Total</b>	<b>%</b>
Aberdeen City	8	10%	1	1%	23	29%	41	53%	3	4%	2	3%	78	100%
Aberdeenshire	3	3%	2	2%	40	37%	59	54%	3	3%	2	2%	109	100%
Angus	5	7%	1	1%	31	44%	28	39%	5	7%	1	1%	71	100%
Argyll and Bute	1	3%		0%	19	51%	14	38%	2	5%	1	3%	37	100%
City of Edinburgh	11	7%	8	5%	73	45%	61	37%	9	6%	1	1%	163	100%
Clackmannanshire		0%	2	7%	15	50%	13	43%		0%		0%	30	100%
Dumfries and Galloway	3	3%	7	6%	40	35%	59	52%	3	3%	2	2%	114	100%
Dundee City	7	9%	2	2%	40	49%	26	32%	3	4%	4	5%	82	100%
East Ayrshire	3	3%	10	10%	36	37%	44	45%	2	2%	2	2%	97	100%
East Dunbartonshire	1	2%	2	4%	18	36%	27	54%	2	4%		0%	50	100%
East Lothian	3	6%		0%	19	37%	27	53%	2	4%		0%	51	100%
East Renfrewshire	4	9%		0%	18	40%	22	49%	1	2%		0%	45	100%
Eilean Siar	1	7%		0%	6	40%	8	53%		0%		0%	15	100%
Falkirk	2	2%	9	9%	41	41%	42	42%	2	2%	3	3%	99	100%
Fife	11	4%	16	6%	98	38%	116	45%	15	6%	4	2%	260	100%
Glasgow City	18	4%	22	5%	189	43%	182	42%	19	4%	5	1%	435	100%
Highland	6	4%	10	6%	67	41%	71	43%	10	6%		0%	164	100%
Inverclyde	2	6%	1	3%	13	42%	13	42%	2	6%		0%	31	100%
Midlothian	3	6%	4	8%	14	26%	28	53%	2	4%	2	4%	53	100%

<b>All orders</b>	<b>Acquired Brain Injury</b>	<b>%</b>	<b>Alcohol Related Brain Damage</b>	<b>%</b>	<b>Dementia/ Alzheimer's Disease</b>	<b>%</b>	<b>Learning Disability</b>	<b>%</b>	<b>Mental Illness</b>	<b>%</b>	<b>Other</b>	<b>%</b>	<b>Total</b>	<b>%</b>
Moray	4	11%	2	5%	17	46%	14	38%		0%		0%	37	100%
North Ayrshire	4	5%	3	4%	32	40%	40	50%	1	1%		0%	80	100%
North Lanarkshire	10	4%	8	3%	94	40%	111	48%	9	4%	1	0%	233	100%
Orkney		0%		0%	3	43%	3	43%	1	14%		0%	7	100%
Perth and Kinross	3	3%	4	4%	40	40%	46	46%	6	6%	1	1%	100	100%
Renfrewshire	6	6%	9	8%	45	42%	44	41%	4	4%		0%	108	100%
Scottish Borders	2	3%		0%	14	24%	40	69%	1	2%	1	2%	58	100%
Shetland	1	14%		0%	3	43%	3	43%		0%		0%	7	100%
South Ayrshire	9	8%	4	3%	55	47%	43	37%	5	4%	1	1%	117	100%
South Lanarkshire	7	3%	12	6%	92	44%	92	44%	4	2%		0%	207	100%
Stirling	3	6%	2	4%	17	35%	25	51%	2	4%		0%	49	100%
West Dunbartonshire		0%	2	6%	15	47%	15	47%		0%		0%	32	100%
West Lothian	2	3%	3	4%	27	36%	36	48%	7	9%		0%	75	100%
Scotland	143	5%	146	5%	1254	41%	1393	45%	125	4%	33	1%	3094	100%

**Table 7-6 Welfare guardianship applications—Local authority orders by local authority and primary cause of incapacity, 2017-18**  
(continued on following page)

Local authority orders	Acquired Brain Injury	%	Alcohol Related Brain Damage	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Aberdeen City	1	6%	1	6%	5	29%	6	35%	3	18%	1	6%	17	100%
Aberdeenshire		0%		0%	8	35%	11	48%	3	13%	1	4%	23	100%
Angus	2	8%		0%	10	38%	8	31%	5	19%	1	4%	26	100%
Argyll and Bute		0%		0%	4	44%	3	33%	2	22%		0%	9	100%
City of Edinburgh	2	4%	7	16%	17	38%	14	31%	5	11%		0%	45	100%
Clackmannanshire		0%	1	17%	4	67%	1	17%		0%		0%	6	100%
Dumfries and Galloway	1	4%	3	11%	11	41%	11	41%		0%	1	4%	27	100%
Dundee City	3	12%	1	4%	10	40%	7	28%	3	12%	1	4%	25	100%
East Ayrshire	1	3%	5	14%	14	40%	12	34%	2	6%	1	3%	35	100%
East Dunbartonshire		0%	2	40%		0%	2	40%	1	20%		0%	5	100%
East Lothian		0%		0%	5	45%	5	45%	1	9%		0%	11	100%
East Renfrewshire	1	14%		0%	2	29%	3	43%	1	14%		0%	7	100%
Eilean Siar		0%		0%	1	33%	2	67%		0%		0%	3	100%
Falkirk		0%	8	25%	13	41%	9	28%	1	3%	1	3%	32	100%
Fife	5	5%	11	11%	29	29%	39	39%	13	13%	4	4%	101	100%
Glasgow City	5	9%	12	22%	16	30%	13	24%	7	13%	1	2%	54	100%
Highland	4	6%	8	12%	28	42%	21	32%	5	8%		0%	66	100%
Inverclyde	1	13%	1	13%	3	38%	2	25%	1	13%		0%	8	100%
Midlothian	1	7%	3	20%	1	7%	8	53%	1	7%	1	7%	15	100%



Local authority orders	Acquired Brain Injury	%	Alcohol Related Brain Damage	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Moray	1	9%		0%	7	64%	3	27%		0%		0%	11	100%
North Ayrshire		0%	1	9%	5	45%	4	36%	1	9%		0%	11	100%
North Lanarkshire	2	3%	6	10%	23	40%	22	38%	5	9%		0%	58	100%
Orkney		0%		0%	1	33%	1	33%	1	33%		0%	3	100%
Perth and Kinross	1	3%	1	3%	16	42%	15	39%	4	11%	1	3%	38	100%
Renfrewshire		0%	6	25%	7	29%	9	38%	2	8%		0%	24	100%
Scottish Borders		0%		0%	2	20%	6	60%	1	10%	1	10%	10	100%
Shetland		0%		0%	1	100%		0%		0%		0%	1	100%
South Ayrshire	1	4%	1	4%	14	52%	8	30%	3	11%		0%	27	100%
South Lanarkshire	1	2%	8	15%	15	29%	25	48%	3	6%		0%	52	100%
Stirling	2	11%	1	6%	9	50%	5	28%	1	6%		0%	18	100%
West Dunbartonshire		0%	1	13%	4	50%	3	38%		0%		0%	8	100%
West Lothian		0%	2	13%	5	31%	6	38%	3	19%		0%	16	100%
Scotland	35	4%	90	11%	290	37%	284	36%	78	10%	15	2%	792	100%

**Table 7-7 Welfare guardianship applications—Private orders by local authority and primary cause of incapacity, 2017-18 (continued on following page)**

Private orders	Acquired Brain Injury	%	Alcohol Related Brain Damage	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Aberdeen City	7	11%		0%	18	30%	35	57%		0%	1	2%	61	100%
Aberdeenshire	3	3%	2	2%	32	37%	48	56%		0%	1	1%	86	100%
Angus	3	7%	1	2%	21	47%	20	44%		0%		0%	45	100%
Argyll and Bute	1	4%		0%	15	54%	11	39%		0%	1	4%	28	100%
City of Edinburgh	9	8%	1	1%	56	47%	47	40%	4	3%	1	1%	118	100%
Clackmannanshire		0%	1	4%	11	46%	12	50%		0%		0%	24	100%
Dumfries and Galloway	2	2%	4	5%	29	33%	48	55%	3	3%	1	1%	87	100%
Dundee City	4	7%	1	2%	30	53%	19	33%		0%	3	5%	57	100%
East Ayrshire	2	3%	5	8%	22	35%	32	52%		0%	1	2%	62	100%
East Dunbartonshire	1	2%		0%	18	40%	25	56%	1	2%		0%	45	100%
East Lothian	3	8%		0%	14	35%	22	55%	1	3%		0%	40	100%
East Renfrewshire	3	8%		0%	16	42%	19	50%		0%		0%	38	100%
Eilean Siar	1	8%		0%	5	42%	6	50%		0%		0%	12	100%
Falkirk	2	3%	1	1%	28	42%	33	49%	1	1%	2	3%	67	100%
Fife	6	4%	5	3%	69	43%	77	48%	2	1%		0%	159	100%
Glasgow City	13	3%	10	3%	173	45%	169	44%	12	3%	4	1%	381	100%
Highland	2	2%	2	2%	39	40%	50	51%	5	5%		0%	98	100%
Inverclyde	1	4%		0%	10	43%	11	48%	1	4%		0%	23	100%
Midlothian	2	5%	1	3%	13	34%	20	53%	1	3%	1	3%	38	100%

Private orders	Acquired Brain Injury	%	Alcohol Related Brain Damage	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Moray	3	12%	2	8%	10	38%	11	42%		0%		0%	26	100%
North Ayrshire	4	6%	2	3%	27	39%	36	52%		0%		0%	69	100%
North Lanarkshire	8	5%	2	1%	71	41%	89	51%	4	2%	1	1%	175	100%
Orkney		0%		0%	2	50%	2	50%		0%		0%	4	100%
Perth and Kinross	2	3%	3	5%	24	39%	31	50%	2	3%		0%	62	100%
Renfrewshire	6	7%	3	4%	38	45%	35	42%	2	2%		0%	84	100%
Scottish Borders	2	4%		0%	12	25%	34	71%		0%		0%	48	100%
Shetland	1	17%		0%	2	33%	3	50%		0%		0%	6	100%
South Ayrshire	8	9%	3	3%	41	46%	35	39%	2	2%	1	1%	90	100%
South Lanarkshire	6	4%	4	3%	77	50%	67	43%	1	1%		0%	155	100%
Stirling	1	3%	1	3%	8	26%	20	65%	1	3%		0%	31	100%
West Dunbartonshire		0%	1	4%	11	46%	12	50%		0%		0%	24	100%
West Lothian	2	3%	1	2%	22	37%	30	51%	4	7%		0%	59	100%
Scotland	108	5%	56	2%	964	42%	1109	48%	47	2%	18	1%	2302	100%

**Table 7-8 Duration of orders granted to local authorities, 2017-18**

Local Authority	Duration of Orders in Years					Indefinite as % of total
	0 to 3	4 to 5	Over 5	Indefinite	Total	
Aberdeen City	5	9		3	17	18%
Aberdeenshire	14	3		6	23	26%
Angus	22	4			26	0%
Argyll and Bute	9				9	0%
City of Edinburgh	39	5	1		45	0%
Clackmannanshire		4		2	6	33%
Dumfries and Galloway	3	24			27	0%
Dundee City	4	12	7	2	25	8%
East Ayrshire	23	12			35	0%
East Dunbartonshire	4	1			5	0%
East Lothian	9	2			11	0%
East Renfrewshire	1	1	1	4	7	57%
Eilean Siar			1	2	3	67%
Falkirk	21	9	1	1	32	3%
Fife	43	36	18	4	101	4%
Glasgow City	15	25	14		54	0%
Highland	28	24	1	13	66	20%
Inverclyde	7	1			8	0%
Midlothian	14	1			15	0%
Moray	1	2		8	11	73%
North Ayrshire	8	2	1		11	0%
North Lanarkshire	24	30	2	2	58	3%
Orkney	1	2			3	0%
Perth and Kinross	18	8	5	7	38	18%
Renfrewshire	5	10	1	8	24	33%
Scottish Borders	3	6	1		10	0%
Shetland				1	1	100%
South Ayrshire	18	9			27	0%
South Lanarkshire	10	30	7	5	52	10%
Stirling	6	7	1	4	18	22%
West Dunbartonshire		6		2	8	25%
West Lothian	5	8	3		16	0%
Scotland	360	293	65	74	792	9%

**Table 7-9 Duration of orders granted to private individuals, 2017-18**

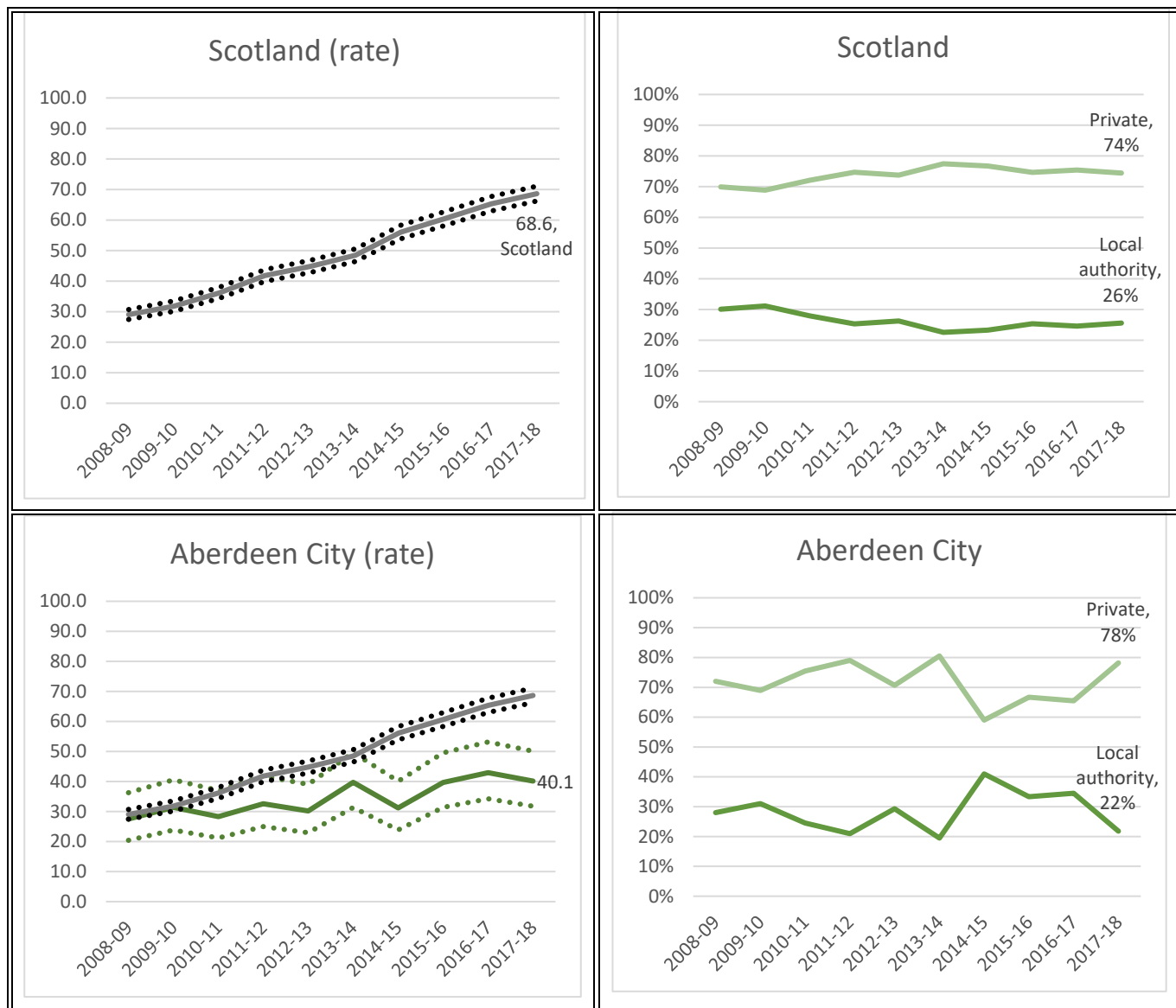
Private	Duration of Orders in Years					Indefinite as % of total
	0 to 3	4 to 5	Over 5	Indefinite	Total	
Aberdeen City	7	21	11	22	61	36%
Aberdeenshire	4	24	18	40	86	47%
Angus	15	16	6	8	45	18%
Argyll and Bute	11	9	6	2	28	7%
City of Edinburgh	41	57	17	3	118	3%
Clackmannanshire	1	8	5	10	24	42%
Dumfries and Galloway	11	74	2		87	0%
Dundee City	7	15	25	10	57	18%
East Ayrshire	8	36	16	2	62	3%
East Dunbartonshire	5	18	18	4	45	9%
East Lothian	20	14	5	1	40	3%
East Renfrewshire	2	12	11	13	38	34%
Eilean Siar		1		11	12	92%
Falkirk	7	39	14	7	67	10%
Fife	32	48	65	14	159	9%
Glasgow City	36	194	145	6	381	2%
Highland	18	39	12	29	98	30%
Inverclyde	10	10	1	2	23	9%
Midlothian	11	21	6		38	0%
Moray	2	7	4	13	26	50%
North Ayrshire	8	43	12	6	69	9%
North Lanarkshire	45	97	25	8	175	5%
Orkney		3		1	4	25%
Perth and Kinross	12	10	30	10	62	16%
Renfrewshire	3	18	33	30	84	36%
Scottish Borders	7	20	21		48	0%
Shetland		1		5	6	83%
South Ayrshire	52	29	5	4	90	4%
South Lanarkshire	8	86	51	10	155	6%
Stirling	2	15	2	12	31	39%
West Dunbartonshire		12	2	10	24	42%
West Lothian	6	39	12	2	59	3%
Scotland	391	1036	580	295	2302	13%

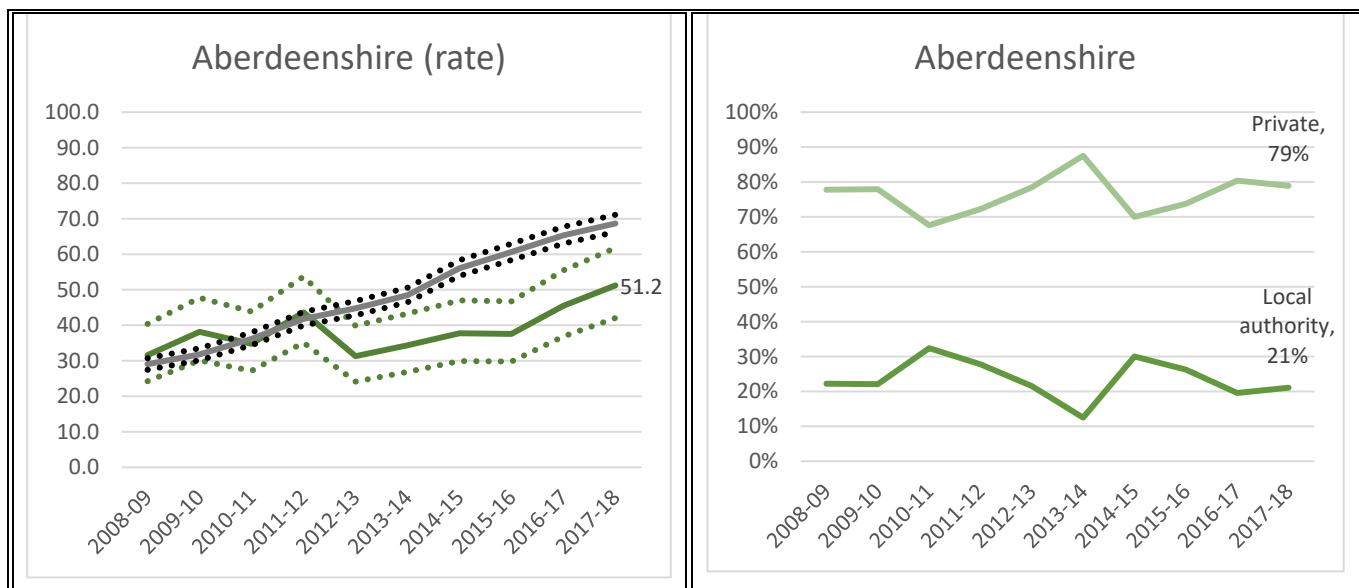
**Table 7-10 Duration of all orders granted, 2017-18**

<b>All</b>	<b>Duration of Orders in Years</b>					<b>Indefinite as % of total</b>
	<b>0 to 3</b>	<b>4 to 5</b>	<b>Over 5</b>	<b>Indefinite</b>	<b>Total</b>	
Aberdeen City	12	30	11	25	78	32%
Aberdeenshire	18	27	18	46	109	42%
Angus	37	20	6	8	71	11%
Argyll and Bute	20	9	6	2	37	5%
City of Edinburgh	80	62	18	3	163	2%
Clackmannanshire	1	12	5	12	30	40%
Dumfries and Galloway	14	98	2		114	0%
Dundee City	11	27	32	12	82	15%
East Ayrshire	31	48	16	2	97	2%
East Dunbartonshire	9	19	18	4	50	8%
East Lothian	29	16	5	1	51	2%
East Renfrewshire	3	13	12	17	45	38%
Eilean Siar		1	1	13	15	87%
Falkirk	28	48	15	8	99	8%
Fife	75	84	83	18	260	7%
Glasgow City	51	219	159	6	435	1%
Highland	46	63	13	42	164	26%
Inverclyde	17	11	1	2	31	6%
Midlothian	25	22	6		53	0%
Moray	3	9	4	21	37	57%
North Ayrshire	16	45	13	6	80	8%
North Lanarkshire	69	127	27	10	233	4%
Orkney	1	5		1	7	14%
Perth and Kinross	30	18	35	17	100	17%
Renfrewshire	8	28	34	38	108	35%
Scottish Borders	10	26	22		58	0%
Shetland		1		6	7	86%
South Ayrshire	70	38	5	4	117	3%
South Lanarkshire	18	116	58	15	207	7%
Stirling	8	22	3	16	49	33%
West Dunbartonshire		18	2	12	32	38%
West Lothian	11	47	15	2	75	3%
Scotland	751	1329	645	369	751	12%

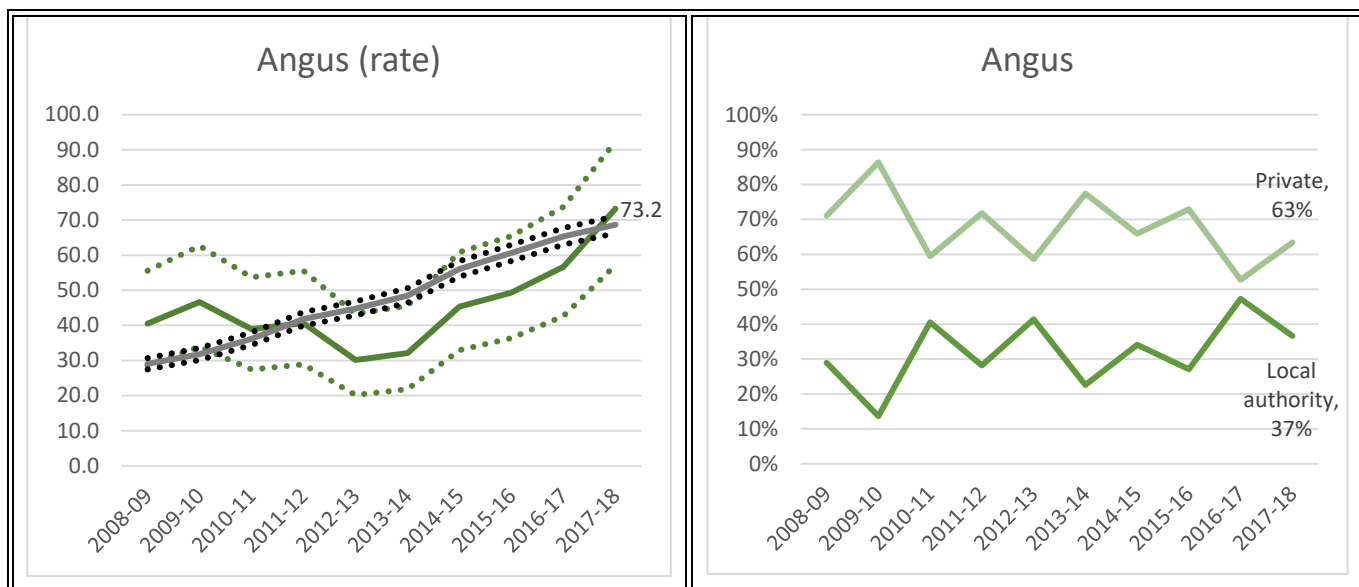
## 8. Appendix B: Charts

**Appendix B: All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



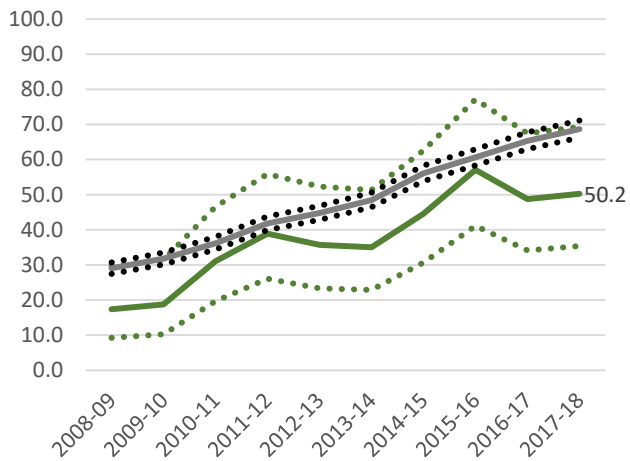


**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**

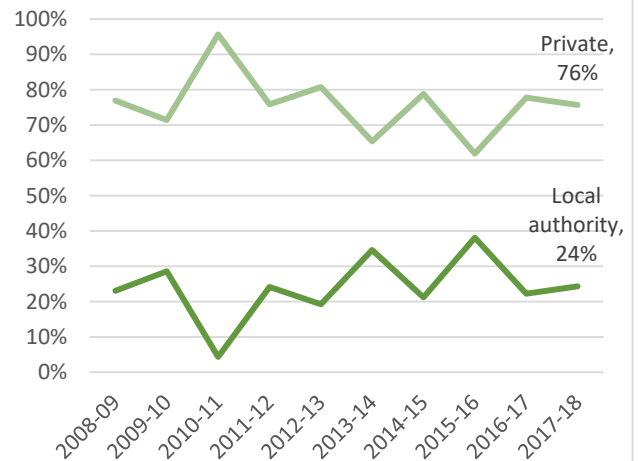




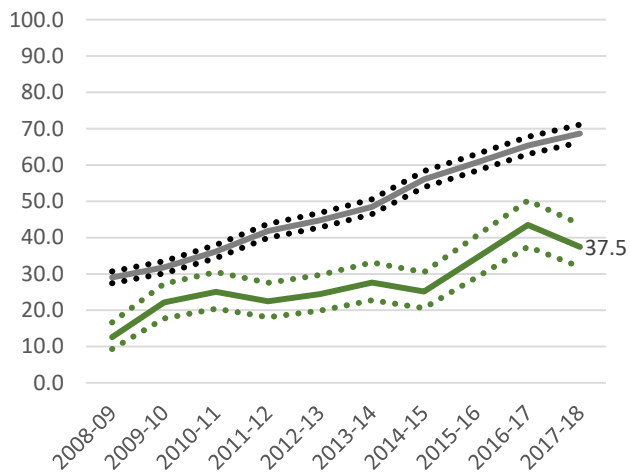
### Argyll and Bute (rate)



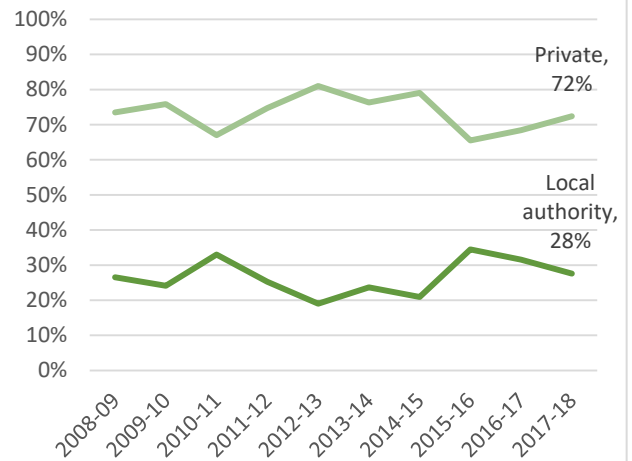
### Argyll and Bute



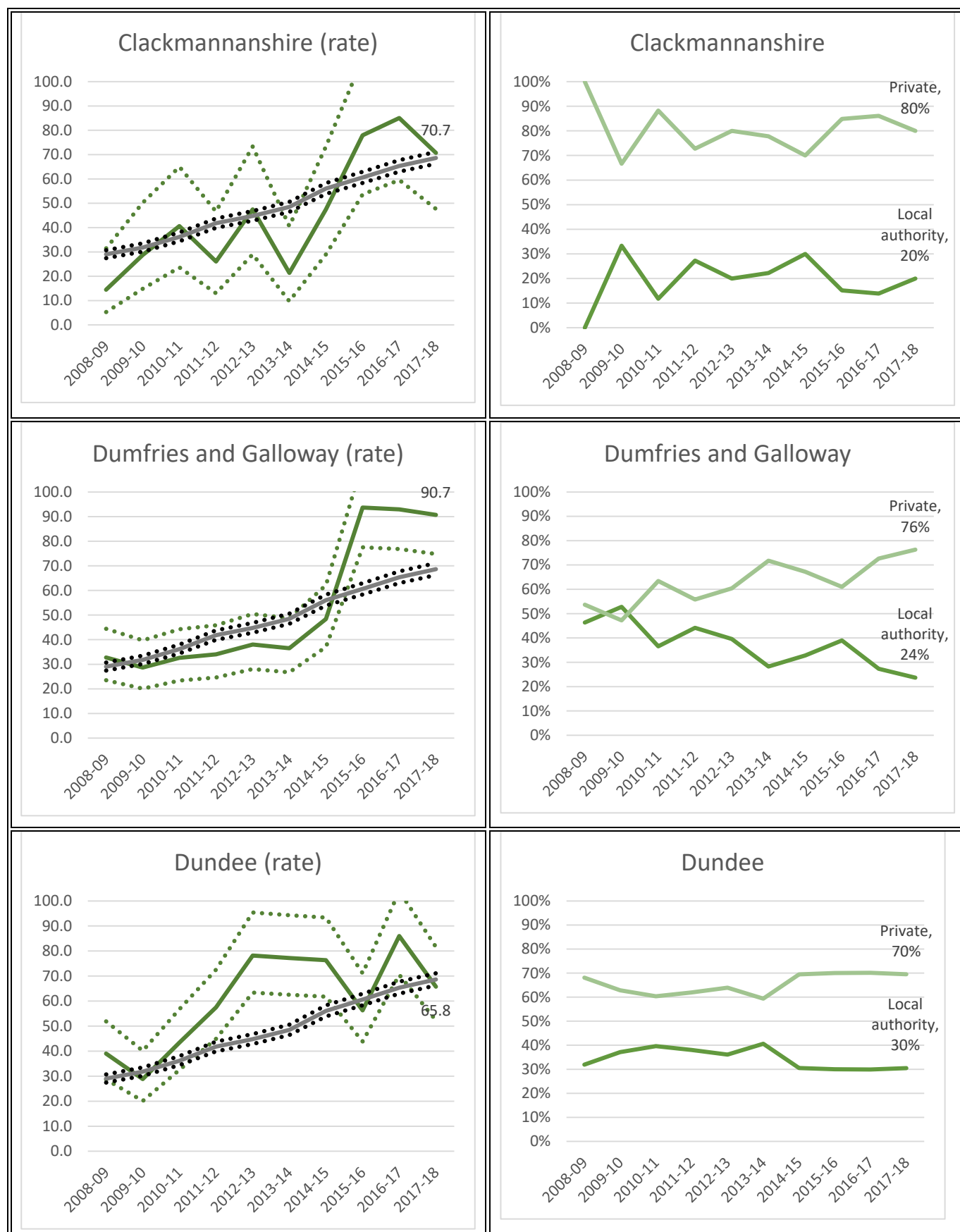
### City of Edinburgh (rate)



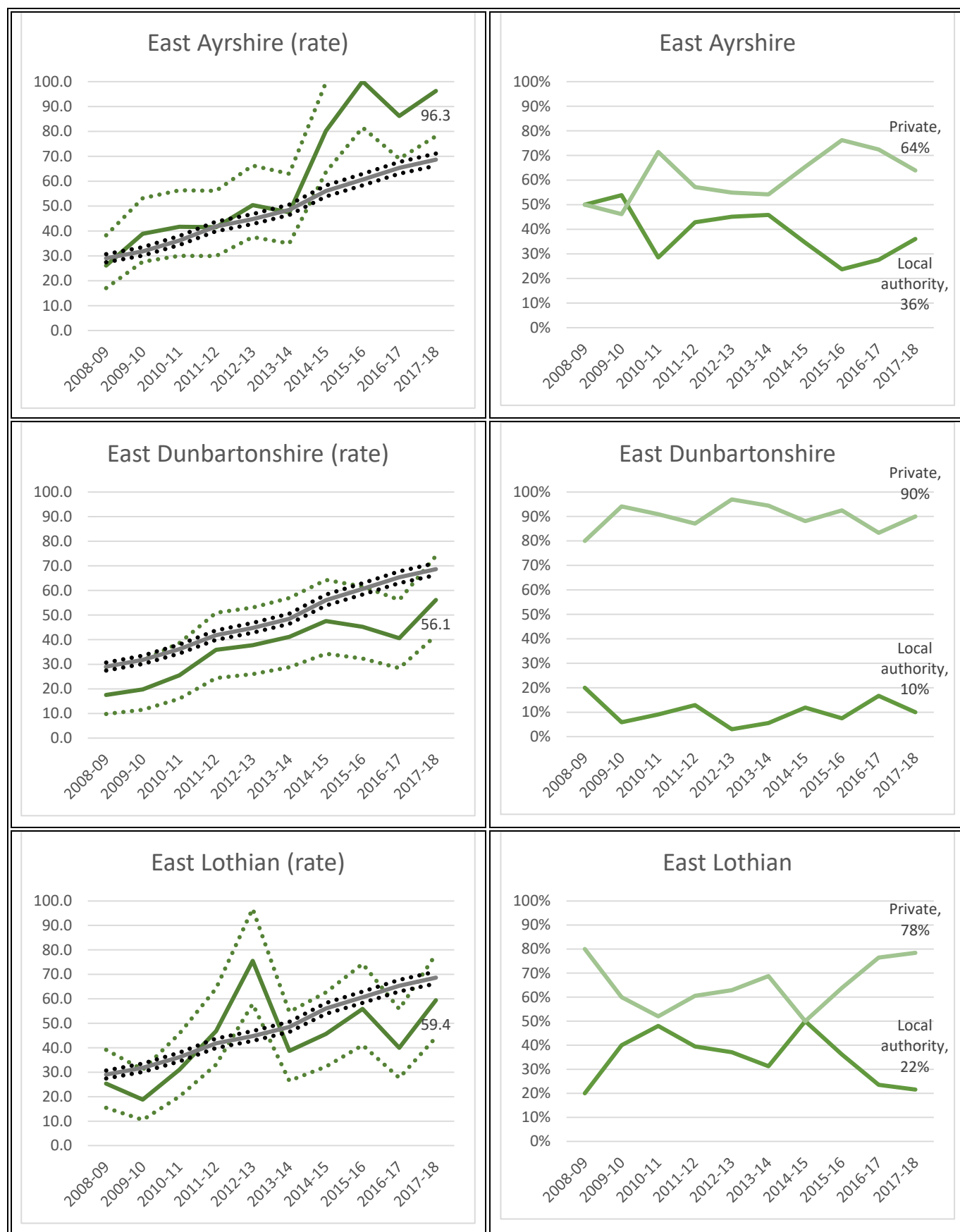
### City of Edinburgh



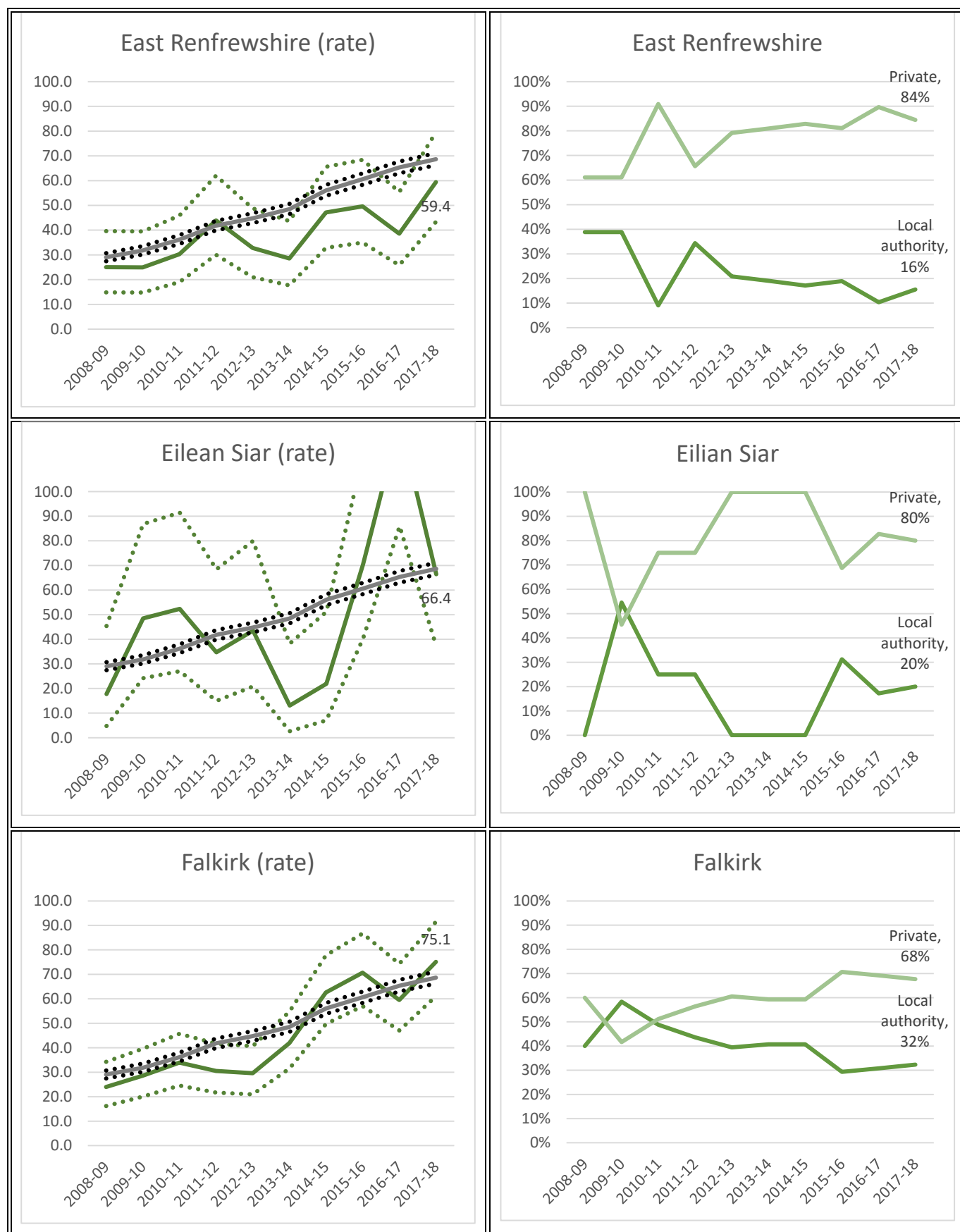
**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



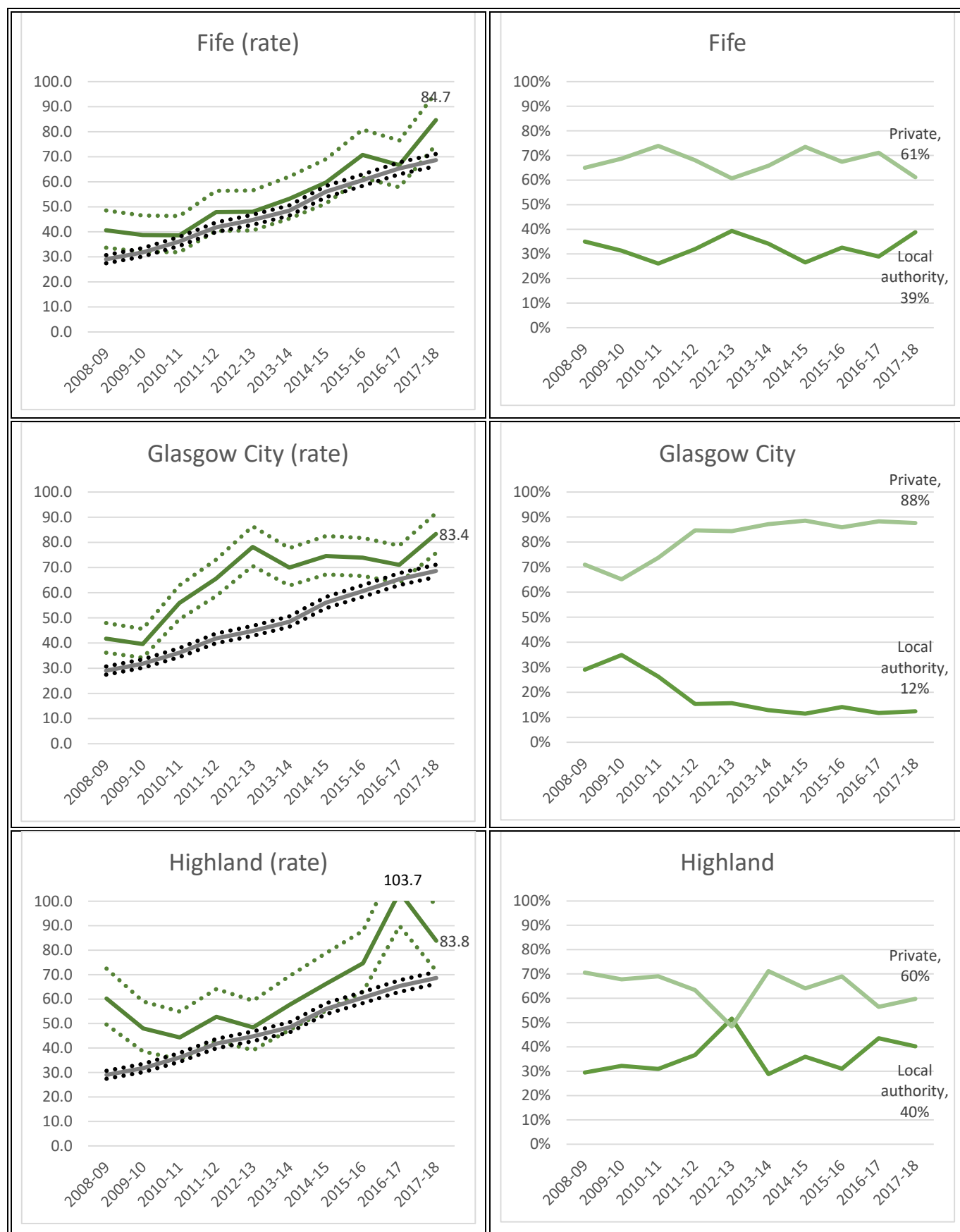
**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



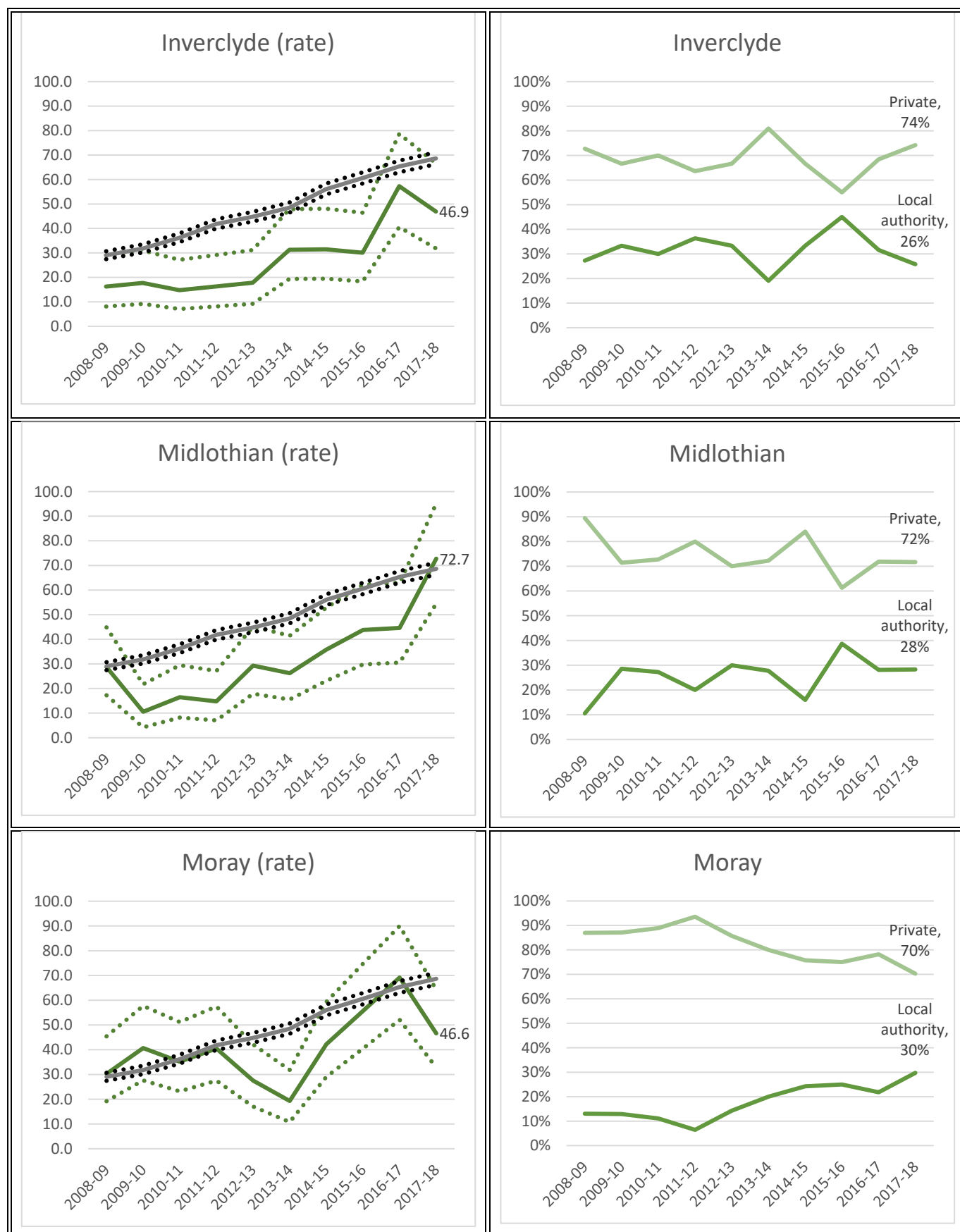
**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



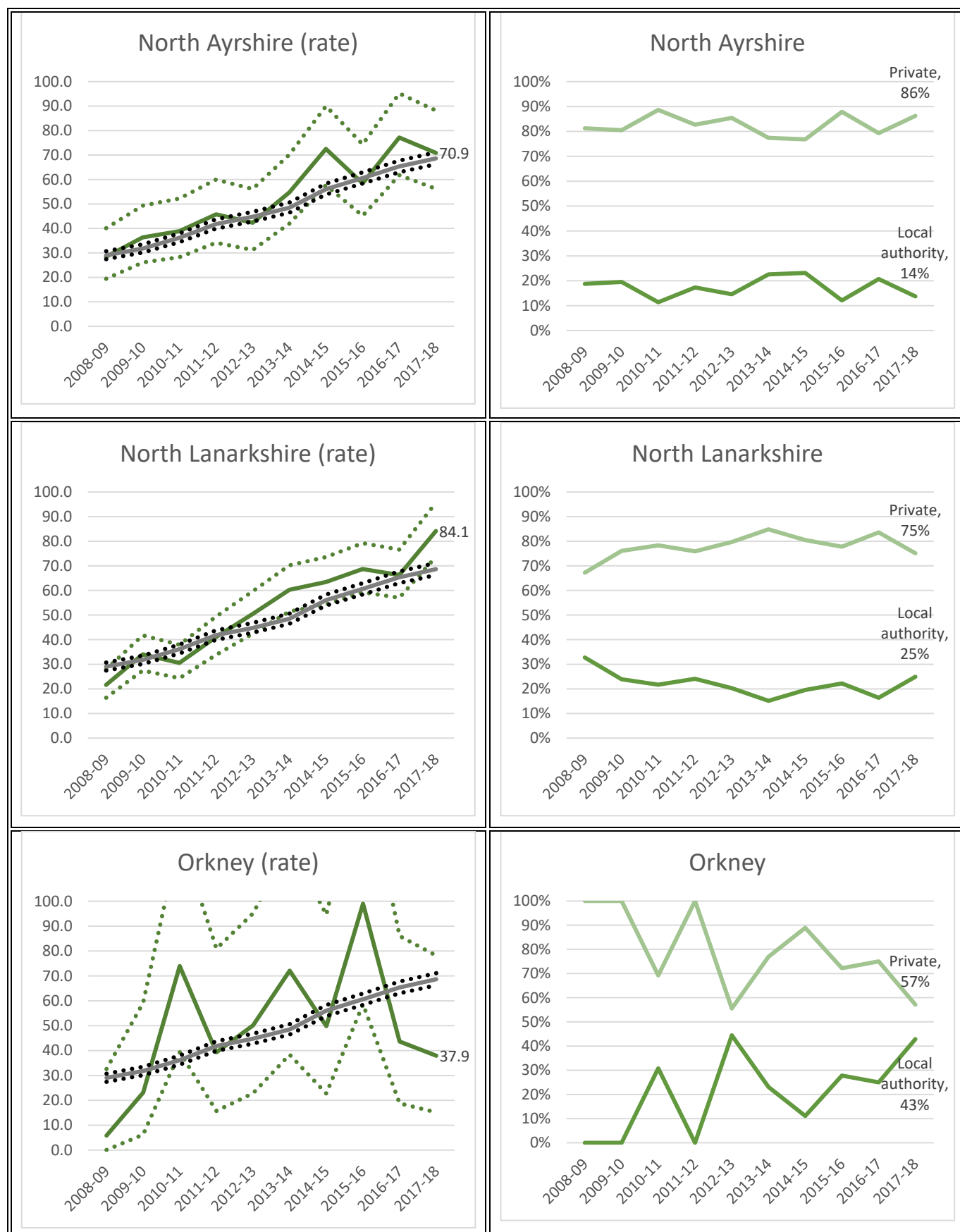
**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



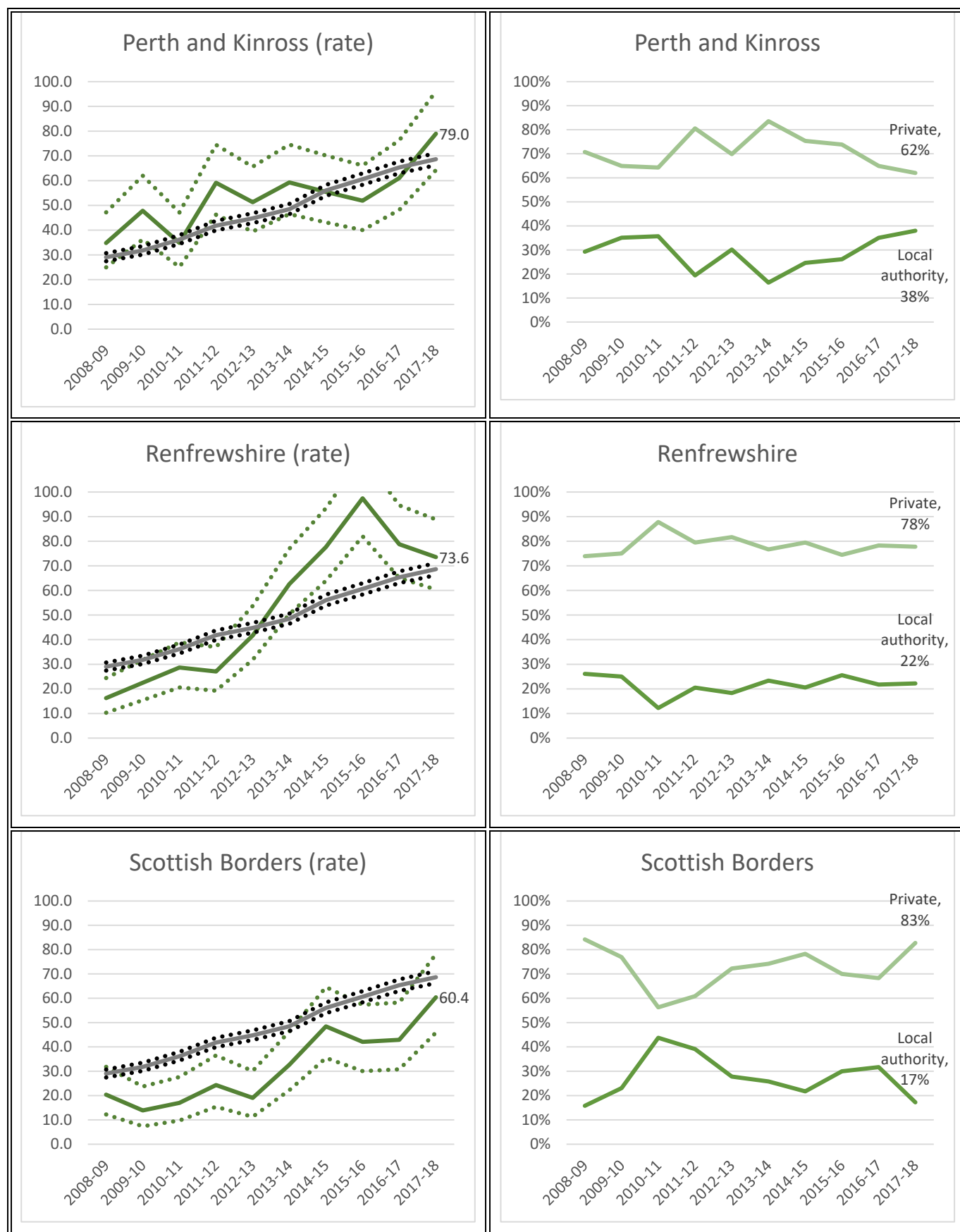
**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**



**All guardianships granted (rate per 100,000 16+ population), % private or local authority, 2008-18**

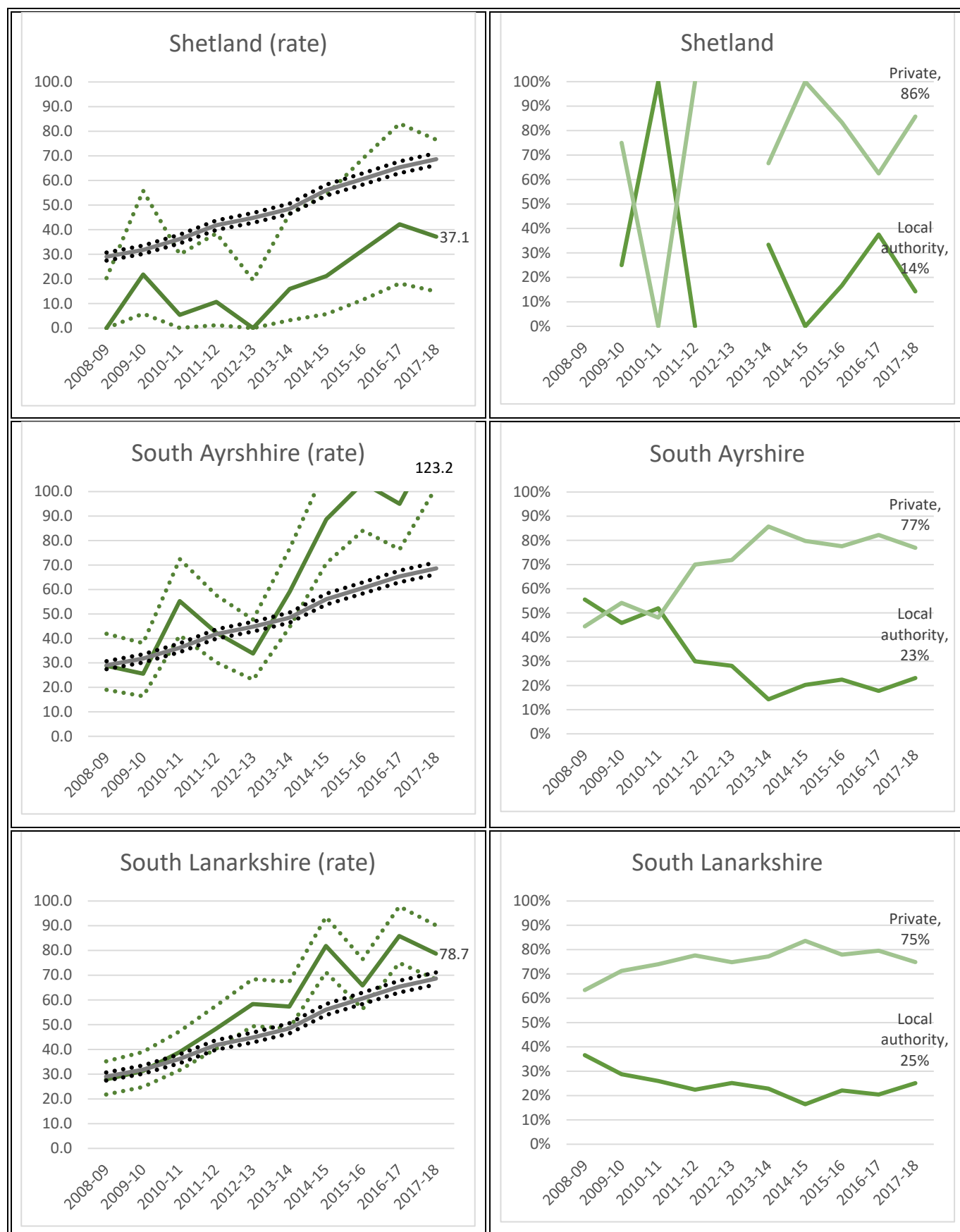


**All guardianships granted (rate per 100,000 16+ population), % private or local authority), 2008-18**

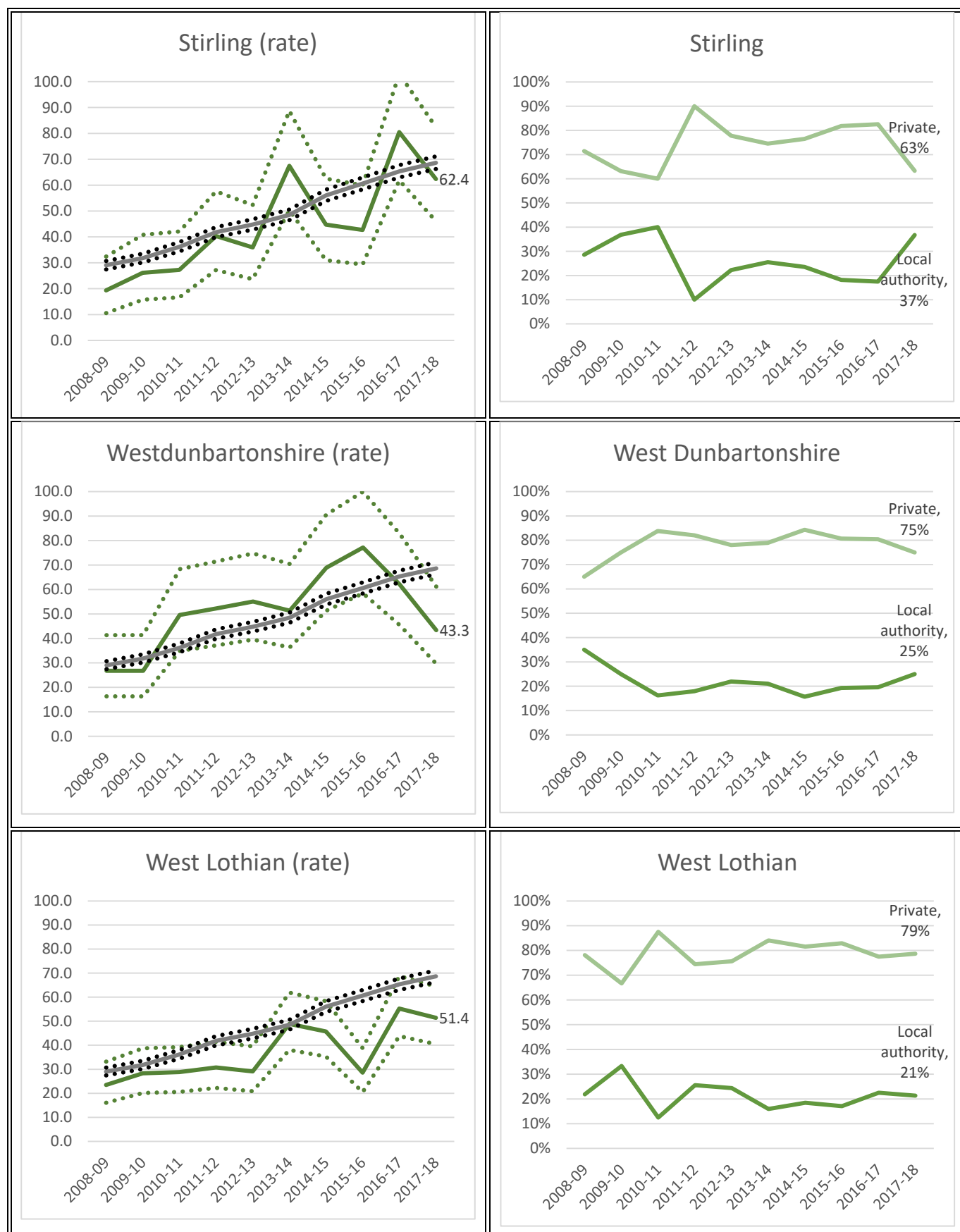




**All guardianships granted (rate per 100,000 16+ population), % private or local authority), 2008-18**



**All guardianships granted (rate per 100,000 16+ population) % private or local authority), 2008-18**







Thistle House  
91 Haymarket Terrace  
Edinburgh  
EH12 5HE  
Tel: 0131 313 8777  
Fax: 0131 313 8778  
Service user and carer  
freephone: 0800 389 6809  
[enquiries@mwscot.org.uk](mailto:enquiries@mwscot.org.uk)  
[www.mwscot.org.uk](http://www.mwscot.org.uk)