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STATISTICAL MONITORING

OCTOBER 2017



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## The Mental Welfare Commission

### 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

## **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 Act to support and supervise all welfare guardians, and to visit the adult and their guardian at regular intervals.

In addition, under s10(1) of the 2000 Act, 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.

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.

## **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 (12,082) has risen by 12.5% since 2015/16 (10,735).
- The number of new welfare guardianship applications granted continues to rise. In 2016/17 there were 2,853 applications granted across Scotland. This represents a seven per cent increase this year and a 114% increase since 2009/10.
- Private applications accounted for 75% of all applications in 2016/17. This year total private applications have increased by eight per cent to 2,146, representing a 135% increase since 2009/10. As in last year's report, 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 25% of all applications. These also increased by four per cent to 707, an overall 67% increase since 2009/10.
- The Scotland rate for approved welfare guardianship applications has increased again this year from 59.6 to 63.6 per 100,000 in the over 16 age group population. Eilean Siar (124), Highland (102) and, as last year, South Ayrshire (94) and Dumfries and Galloway (92), had the highest per capita rates.
- A fifth (20%, 567) of the welfare guardianships granted this year are from the 16-24 age group for learning disability.
- Although the number of indefinite guardianship orders has decreased, there are 4,978 indefinite orders as of 31 March 2017, which represents 41% of the total extant orders (12,082). We suggest 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 injury. 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.

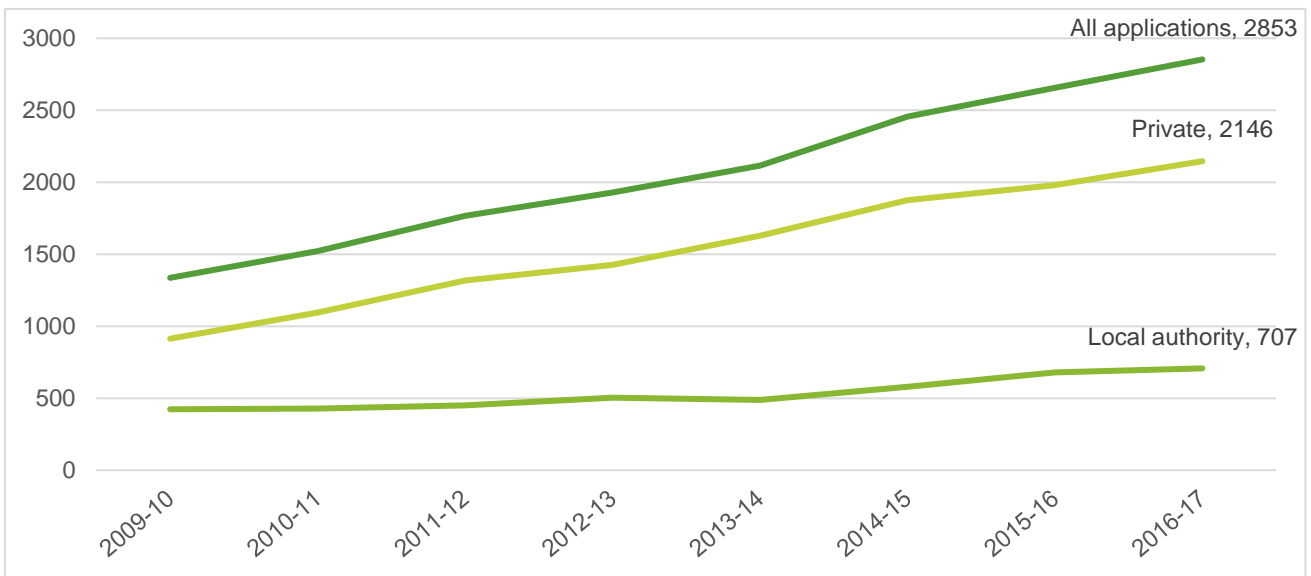
## Geographic variations in the use of welfare guardianship

### 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 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 Number of guardianship applications by type, 2009-17**



	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
All applications	1336	1521	1766	1929	2115	2455	2657	2853
Year on year increase		14%	16%	9%	10%	16%	8%	7%
Increase since 09-10		14%	32%	44%	58%	84%	99%	114%

Local authority applications	423	427	449	503	487	579	678	707
Year on year increase		1%	5%	12%	-3%	19%	17%	4%
Increase since 09-10		1%	6%	19%	15%	37%	60%	67%

Private applications	913	1094	1317	1426	1628	1876	1979	2146
Year on year increase		20%	20%	8%	14%	15%	5%	8%
Increase since 09-10		20%	44%	56%	78%	105%	117%	135%



In 2016/17 there were 2,853 applications granted across Scotland - a further increase of seven per cent for welfare guardianships granted. This represents a 114% increase since 2009/10.

**Table 3.1 Guardianship orders granted by local authority area, 2016-17 (continued on following page)**

		Guardianships granted 2016 - 2017								
		Local Authority	Private	All	Local Authority	Private	All	Local Authority	Private	All
Local authority	Population 16+**	Number	Number	Number	Rate per 100K Population*	100K	16+	Change in rate per 100K 16+ Population (2016-17)		
Aberdeen City	195,653	28	52	<b>80</b>	14	27	<b>41</b>	1	1	<b>2</b>
Aberdeenshire	213,319	19	76	<b>95</b>	9	36	<b>45</b>	-1	8	<b>7</b>
Angus	97,075	23	31	<b>54</b>	24	32	<b>56</b>	8	-1	<b>7</b>
Argyll and Bute	73,892	8	28	<b>36</b>	11	38	<b>49</b>	-15	7	<b>-8</b>
City of Edinburgh	429,806	57	126	<b>183</b>	13	29	<b>43</b>	2	7	<b>9</b>
Clackmannanshire	42,326	6	29	<b>35</b>	14	69	<b>83</b>	2	5	<b>7</b>
Dumfries and Galloway (LA)	125,906	32	84	<b>116</b>	25	67	<b>92</b>	-12	11	<b>-1</b>
Dundee City	124,421	31	73	<b>104</b>	25	59	<b>84</b>	9	18	<b>27</b>
East Ayrshire	100,941	23	62	<b>85</b>	23	61	<b>84</b>	-1	-13	<b>-14</b>
East Dunbartonshire	88,730	6	30	<b>36</b>	7	34	<b>41</b>	3	-7	<b>-4</b>
East Lothian	85,101	8	24	<b>32</b>	9	28	<b>38</b>	-10	-7	<b>-17</b>
East Renfrewshire	75,148	3	26	<b>29</b>	4	35	<b>39</b>	-8	-3	<b>-11</b>
Eilean Siar	22,593	6	22	<b>28</b>	27	97	<b>124</b>	5	45	<b>49</b>
Falkirk	131,021	25	53	<b>78</b>	19	40	<b>60</b>	0	-10	<b>-10</b>
Fife (LA)	305,958	59	139	<b>198</b>	19	45	<b>65</b>	-2	-2	<b>-4</b>
Glasgow City	516,583	41	316	<b>357</b>	8	61	<b>69</b>	-2	-2	<b>-4</b>

**Table 3.1 Guardianship orders granted by local authority area, 2016-17 (continued from previous page)**

		Guardianships granted 2016 - 2017								
		Local Authority	Private	All	Local Authority	Private	All	Local Authority	Private	All
Local authority	Population 16+**	Number	Number	Number	Rate per 100K Population*	100K	16+	Change in rate per 100K 16+ Population (2016-17)		
Highland (LA)	194,798	84	114	<b>198</b>	43	59	<b>102</b>	21	9	<b>31</b>
Inverclyde	66,309	11	25	<b>36</b>	17	38	<b>54</b>	3	24	<b>27</b>
Midlothian	71,726	9	20	<b>29</b>	13	28	<b>40</b>	-3	1	<b>-2</b>
Moray	79,543	12	39	<b>51</b>	15	49	<b>64</b>	-1	11	<b>10</b>
North Ayrshire	112,762	18	67	<b>85</b>	16	59	<b>75</b>	10	8	<b>18</b>
North Lanarkshire	276,091	32	146	<b>178</b>	12	53	<b>64</b>	-3	0	<b>-2</b>
Orkney (LA)	18,334	2	6	<b>8</b>	11	33	<b>44</b>	-11	-44	<b>-55</b>
Perth and Kinross	126,166	27	49	<b>76</b>	21	39	<b>60</b>	9	0	<b>8</b>
Renfrewshire	145,976	23	87	<b>110</b>	16	60	<b>75</b>	-10	-12	<b>-22</b>
Scottish Borders	95,528	13	27	<b>40</b>	14	28	<b>42</b>	-1	2	<b>1</b>
Shetland (LA)	18,967	2	5	<b>7</b>	11	26	<b>37</b>	5	0	<b>5</b>
South Ayrshire	94,710	14	75	<b>89</b>	15	79	<b>94</b>	-8	-1	<b>-10</b>
South Lanarkshire	262,224	46	171	<b>217</b>	18	65	<b>83</b>	4	15	<b>19</b>
Stirling	78,257	11	50	<b>61</b>	14	64	<b>78</b>	8	28	<b>35</b>
West Dunbartonshire	74,096	9	37	<b>46</b>	12	50	<b>62</b>	-3	-11	<b>-14</b>
West Lothian	144,823	19	57	<b>76</b>	13	39	<b>52</b>	7	18	<b>25</b>
SCOTLAND	4,488,783	707	2146	2853	16	48	64	1	3	4

\*All figures rounded to nearest whole unit.

\*\*National Records of Scotland. All Tables: Mid-2016 Population Estimates Scotland (16+ population)

<https://www.nrscotland.gov.uk/files/statistics/population-estimates/mid-year-2016/tables/16-mid-year-pe-tab2.xlsx> (accessed 22/05/2017)

While there was just over a seven per cent increase in applications granted across Scotland, there were considerable variations across the country. Inverclyde saw a 50% increase in approved orders this year; West Lothian and Stirling were also at a high level, with an increase of 47%, 46% respectively. Authorities have attributed the rise to an ageing population and increasing numbers of young people moving into adult services who become eligible for and request support packages funded under self-directed support. We also suspect that the sustained increase in activity will be affected by the ongoing impact of the Supreme Court ruling in the Cheshire West case concerning possible deprivations of liberty in care settings.

Fourteen mainland local authorities showed some reduction in applications: Dumfries and Galloway (-1%), North Lanarkshire (-3%), Midlothian (-3%), Glasgow City (-4%), Fife (-6%), East Dunbartonshire (-8%), South Ayrshire (-10%), East Ayrshire (-16%), Argyll and Bute (-17%), Falkirk (-17%), West Dunbartonshire (-22%), East Renfrewshire (-28%), Renfrewshire (-28%), and East Lothian (-44%).

The rate of approved orders for 2016/17 per 100,000 population is shown in Table 3.1. The Scotland rate was 63.6 (47.8 private and 15.8 local authority), an increase from 59.6 (44.4 private and 15.2 local authority) in 2015/16. Eilean Siar (123.9), Highland (101.6) and, as last year, South Ayrshire (94.0) and Dumfries and Galloway (92.1), had the highest per capita rates. The funnel plot<sup>1</sup> on the following page shows South Lanarkshire (82.8) was also an outlier above the Scotland rate, whilst Aberdeenshire (44.9), Aberdeen City (40.9) and City of Edinburgh (42.6) were below the national rate.

Glasgow City is above the national rate private guardianship applications (61.2) and below for local authority applications (7.9).

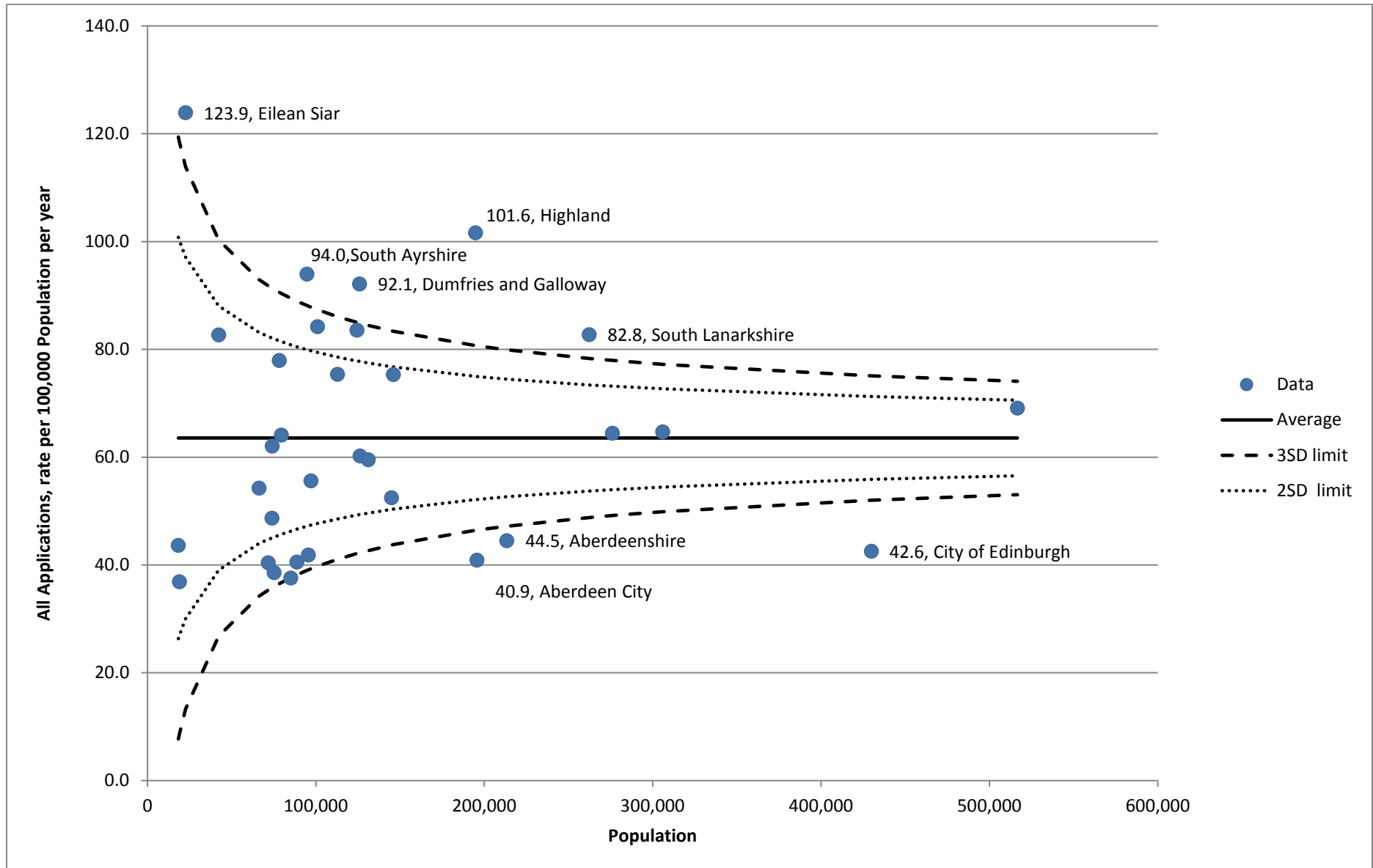
We will discuss the increases and decreases in number of applications and variations in rates of applications granted at our end of year meetings with health boards and local authorities.

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<sup>1</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>

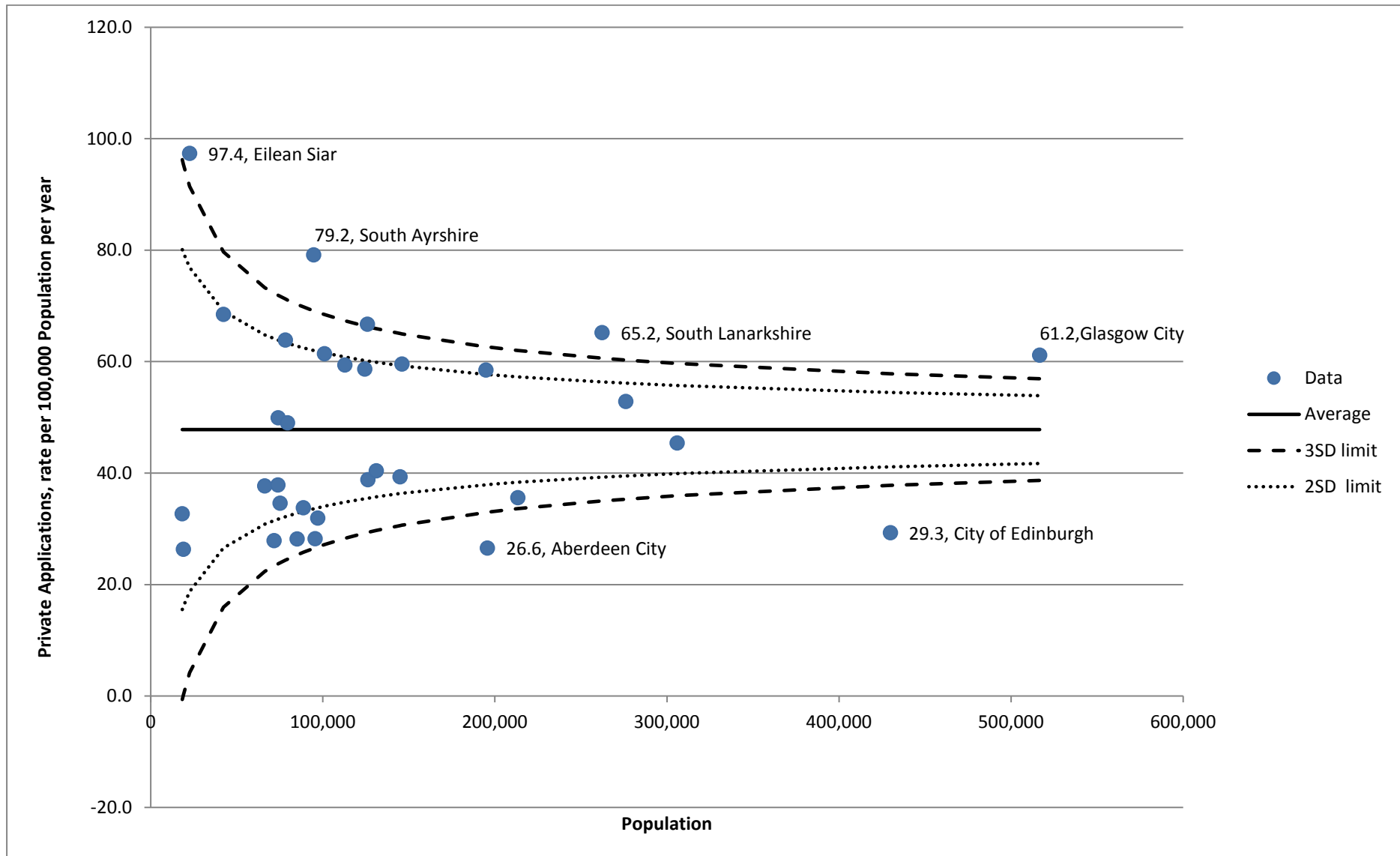
Figure 3.2 Funnel plot showing rates of guardianship applications granted at local authority level, 2016-17



**All guardianship applications rate key (for figure 3.2)**

<b>Rate</b>	<b>Health Board</b>
36.9	Shetland
37.6	East Lothian
38.6	East Renfrewshire
40.4	Midlothian
40.6	East Dunbartonshire
40.9	Aberdeen City
41.9	Scottish Borders
42.6	City of Edinburgh
43.6	Orkney
44.5	Aberdeenshire
48.7	Argyll and Bute
52.5	West Lothian
54.3	Inverclyde
55.6	Angus
59.5	Falkirk
60.2	Perth and Kinross
62.1	West Dunbartonshire
64.1	Moray
64.5	North Lanarkshire
64.7	Fife
69.1	Glasgow City
75.4	Renfrewshire
75.4	North Ayrshire
77.9	Stirling
82.7	Clackmannanshire
82.8	South Lanarkshire
83.6	Dundee City
84.2	East Ayrshire
92.1	Dumfries and Galloway
94.0	South Ayrshire
101.6	Highland
123.9	Eilean Siar
63.6	Scotland

Figure 3.3 Funnel Plot showing rates of private guardianship applications granted at local authority level, 2016-17

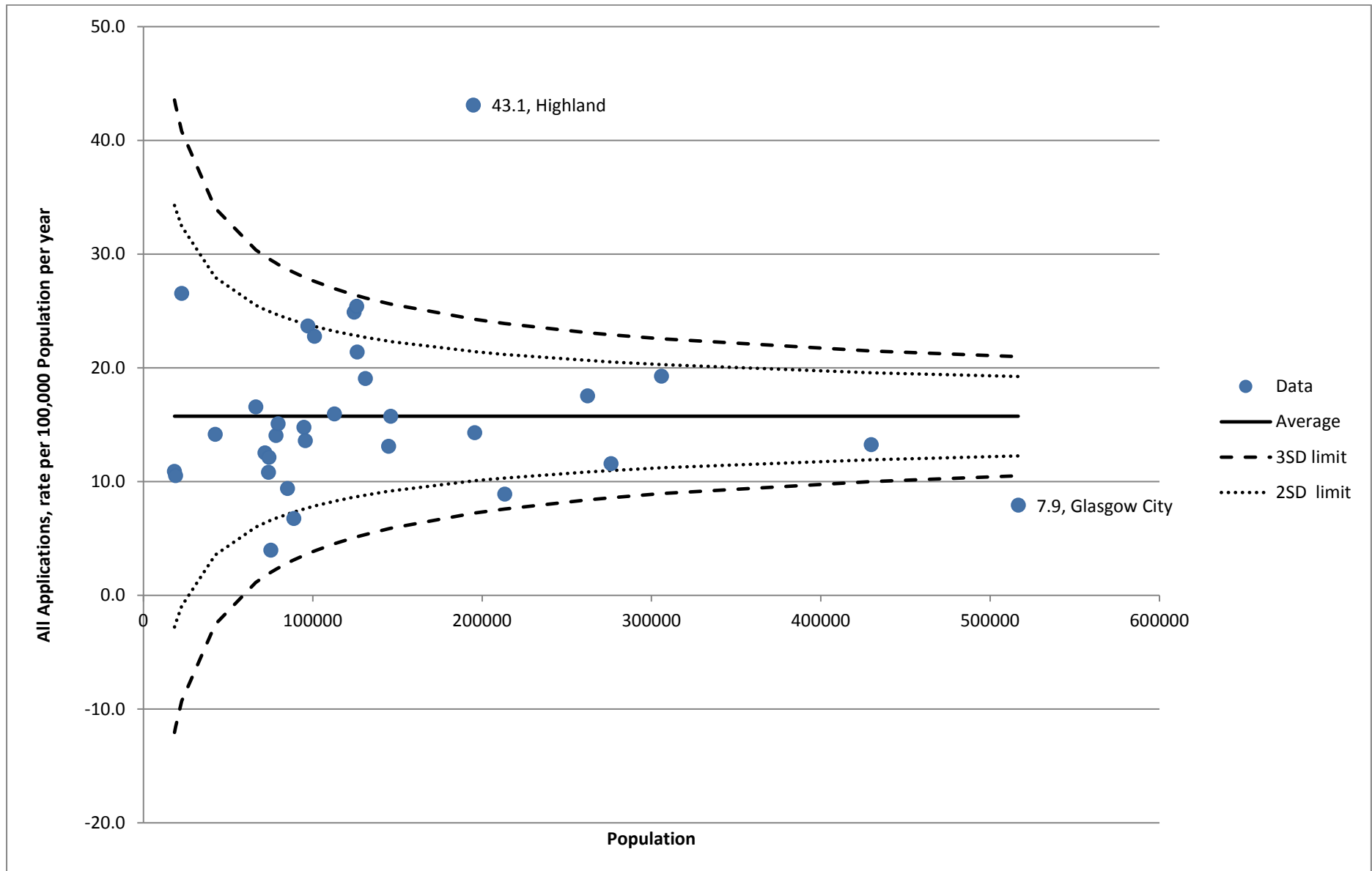


**Private guardianship applications rate key (for figure 3.3)**

<b>Rate</b>	<b>Health Board</b>
32.7	Orkney (LA)
26.4	Shetland (LA)
97.4	Eilean Siar
68.5	Clackmannanshire
37.7	Inverclyde
27.9	Midlothian
37.9	Argyll and Bute
49.9	West Dunbartonshire
34.6	East Renfrewshire
63.9	Stirling
49.0	Moray
28.2	East Lothian
33.8	East Dunbartonshire
79.2	South Ayrshire
28.3	Scottish Borders
31.9	Angus
61.4	East Ayrshire
59.4	North Ayrshire
58.7	Dundee City
66.7	Dumfries and Galloway (LA)
38.8	Perth and Kinross
40.5	Falkirk
39.4	West Lothian
59.6	Renfrewshire
58.5	Highland (LA)
26.6	Aberdeen City
35.6	Aberdeenshire
65.2	South Lanarkshire
52.9	North Lanarkshire
45.4	Fife (LA)
29.3	City of Edinburgh
61.2	Glasgow City
47.8	Scotland



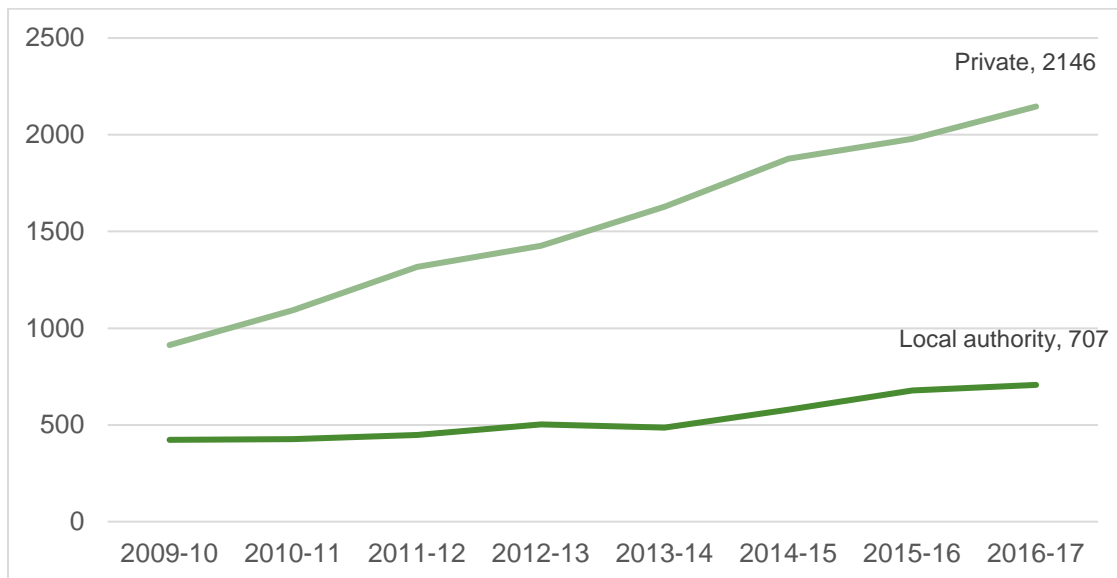
Figure 3.4 Funnel Plot showing rates of local authority guardianship applications granted at local authority level, 2016-17



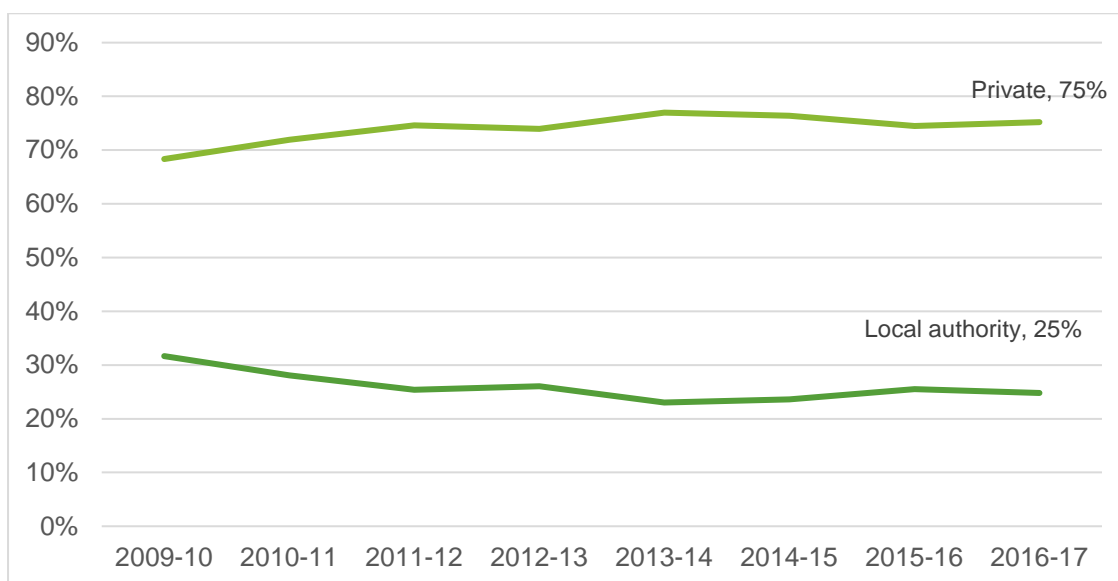
**Local authority guardianship applications rate key (for figure 3.4)**

<b>Rate</b>	<b>Health Board</b>
10.9	Orkney (LA)
10.5	Shetland (LA)
26.6	Eilean Siar
14.2	Clackmannanshire
16.6	Inverclyde
12.5	Midlothian
10.8	Argyll and Bute
12.1	West Dunbartonshire
4.0	East Renfrewshire
14.1	Stirling
15.1	Moray
9.4	East Lothian
6.8	East Dunbartonshire
14.8	South Ayrshire
13.6	Scottish Borders
23.7	Angus
22.8	East Ayrshire
16.0	North Ayrshire
24.9	Dundee City
25.4	Dumfries and Galloway (LA)
21.4	Perth and Kinross
19.1	Falkirk
13.1	West Lothian
15.8	Renfrewshire
43.1	Highland (LA)
14.3	Aberdeen City
8.9	Aberdeenshire
17.5	South Lanarkshire
11.6	North Lanarkshire
19.3	Fife (LA)
13.3	City of Edinburgh
7.9	Glasgow City
15.8	Scotland

**Figure 3.5 Guardianship applications by local authority and private applications (number), 2009-17**



**Figure 3.6 Guardianship applications by local authority and private applications (%), 2009-17**



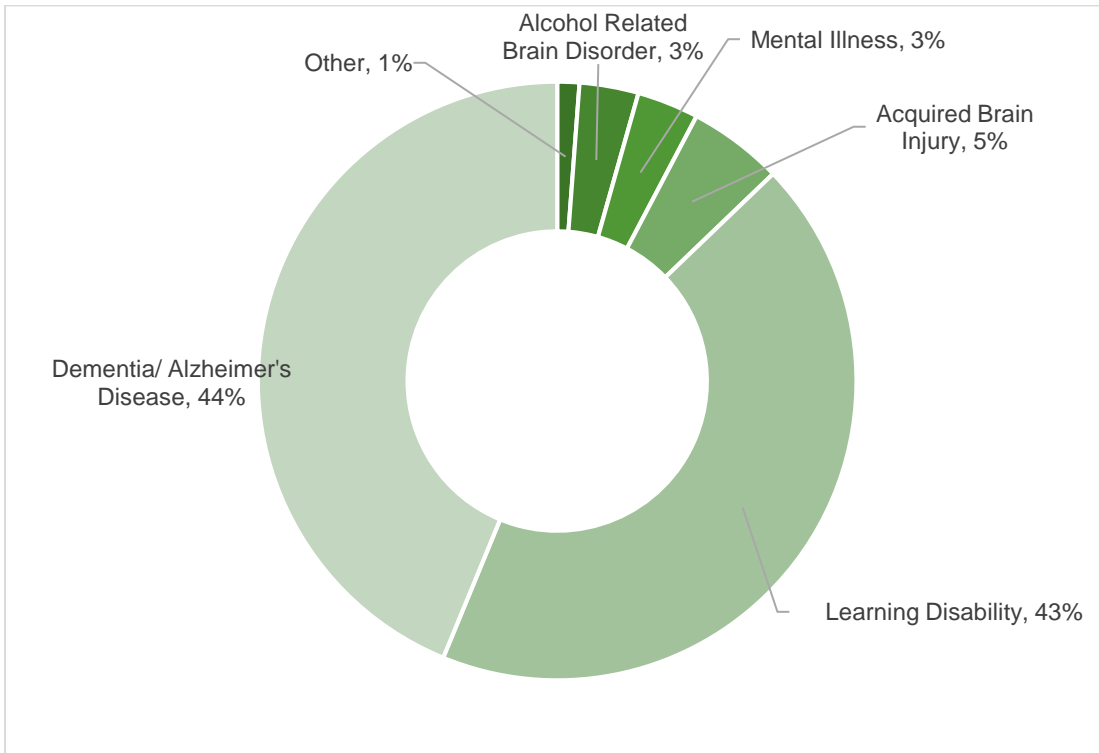
Private applications accounted for 75% of all applications. This year total private applications have increased by eight per cent to 2146, continuing the upward trend and now representing a 135% increase since 2009/10. Eighteen local authorities showed an increase, four by 44% or more. However, twelve local authorities showed a slight decrease in private applications.

Local authority applications accounted for 25% of all applications. These showed a much smaller increase this year (4% to 707) (after the last two years increases of 17% and 19%), an overall 67% increase since 2009/10. Slightly fewer (15) authorities this year showed increases, and six with increases of 50% or more.

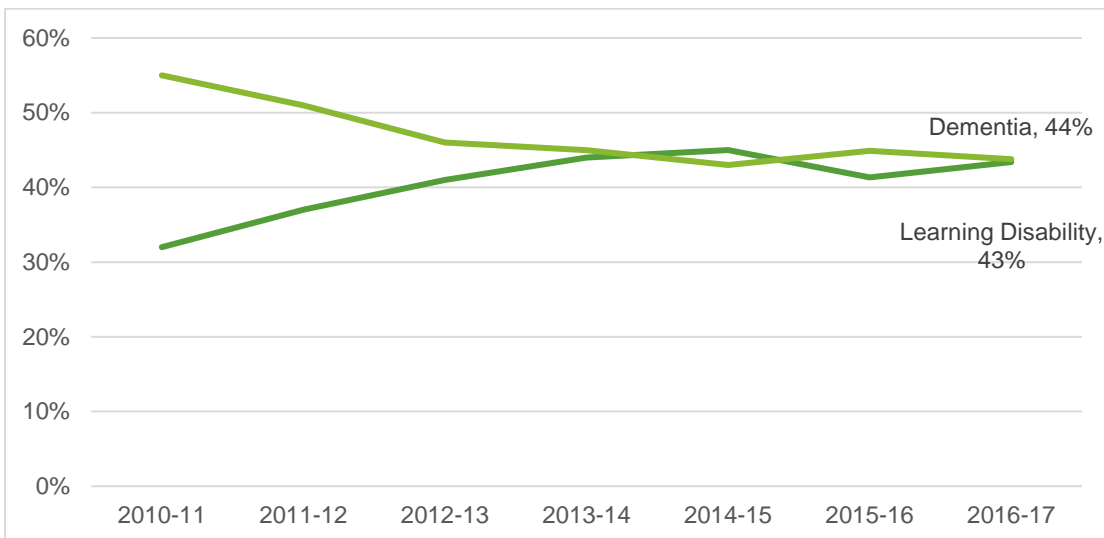
The Act requires local authorities to be the default applicant, when appropriate, where there is no private individual applicant available. Concerns have been reported that local authorities may be reluctant to do this, and instead encourage families themselves to take the responsibility via a private 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.

## Age and diagnosis of people placed on guardianship

**Figure 4.1 All welfare guardianships by primary diagnosis (%), 2016-17**



**Figure 4.2 All guardianship applications – individuals with dementia or learning disabilities (%), 2010-17**



The proportion of guardianship applications for people with a learning disability rose to a high of 45% (1,104) in 2014/15. This year the proportion is lower (43%) but up from last year (41%), and the number has again increased to 1,238. The proportion for people with dementia (44%) is down one percentage point from last year, and the number has increased to 1,249.

**Table 4.1 All welfare guardianships by primary diagnosis and age group, 2016-17**

Primary Diagnosis	2015-16		Age Group 2016-17									
	Total		16-24		25-44		45-64		65+		Total 16-17	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%
Dementia	1193	45%		0%	4	1%	69	13%	1176	86%	1249	44%
Learning Disability	1098	41%	567	96%	335	87%	282	55%	54	4%	1238	43%
Acquired Brain Injury	136	5%	10	2%	25	7%	49	10%	62	5%	146	5%
Mental Illness	81	3%	9	2%	11	3%	44	9%	31	2%	95	3%
Alcohol related brain damage	113	4%		0%	2	1%	53	10%	36	3%	91	3%
Other	36	1%	3	1%	6	2%	17	3%	8	1%	34	1%
<b>Total</b>	<b>2657</b>	<b>100%</b>	<b>589</b>	<b>100%</b>	<b>383</b>	<b>100%</b>	<b>514</b>	<b>100%</b>	<b>1367</b>	<b>100%</b>	<b>2853</b>	<b>100%</b>

The above table shows the age at which adults with different causes of impaired capacity have welfare guardianship applications approved under the provisions of the Adults with Incapacity (Scotland) Act 2000.

The number of people with dementia has continued to rise in the 65+ age group (1,176 in 2016/17) (the percentage has decreased from a high of 91% in 2011/12 and is 86% again this year). The number of people with a learning disability has risen in the 45-64 age group (282 in 2016/17) (the percentage has increased from a low of 51% last year back up to 55%). For people with dementia, 94% (1176) were granted where the adult was over 65 years of age. The four younger people under 45 years of age had early onset dementia with early stages of progressive and degenerative conditions.

Seventy three percent (902) of adults with a learning disability placed on welfare guardianship in the past year were under the age of 45. As last year, 46% (but a higher number 567) were under 25 years of age.

We hear from parents that they are being informed about guardianship when their children are transitioning through school into post school opportunities, further education placements, and in case discussions regarding care packages etc.

Where learning disability was the cause for incapacity, there was a rise in both the 25-44 and 45-64 age groups (87%, 335 + 7%, 21); (55%, 282+ 50%, 22).

In the 25-44 age group, seven per cent (25) adults had acquired brain injury. In the 45-64 age group, one in five (20%, 102) of adults had incapacity related to alcohol related brain damage (ARBD) or acquired brain injury. We began consulting in March 2017 about a new good practice guide regarding ARBD. We plan to take this work forward and publish guidance in 2018.

### Local authority and private applications and primary cause of incapacity

**Table 4.2 Welfare guardianship applications - local authority and private applications by primary cause of incapacity, 2016-17**

	Primary diagnosis as percentage of applications			
	Local authority applications		Private applications	
	No	%	No	%
Acquired Brain Injury	35	5%	111	5%
Alcohol Related Brain Disorder	58	8%	33	2%
Dementia/ Alzheimer's Disease	306	43%	943	44%
Learning Disability	234	33%	1004	47%
Mental Illness	62	9%	33	2%
Other	12	2%	22	1%
<b>Total</b>	<b>707</b>	<b>100%</b>	<b>2146</b>	<b>100%</b>

There were differences between local authority and private applications in the pattern of primary causes of incapacity underpinning the application. This year, although there were similar proportions of private applications (44%) and local authority applications (43%) where dementia was the primary cause of incapacity, local authority applications showed a five percentage point rise (+47) and the private applications for dementia remained at a similar number (943, +9).

A larger proportion of private guardianship applications (47%) than local authority applications (33%) was for learning disability, widening the gap again (2015/16 43%, 36%; 2014/15 48%, 35%). Private learning disability applications have risen by four per cent (149) and local authority learning disability applications have dropped by three per cent (-9). As last year, for local authority applications a larger proportion was for alcohol related brain disorder (8%, 58) and mental illness (9%, 62) than in private applications (alcohol related brain disorder 2%, 33; and mental illness 2%, 33).

**Table 4.3 Welfare guardianships - apparent renewals in year by local authority and private applications, 2016-17**

Primary Diagnosis	Private	Local Authority	Renewals
Acquired Brain Injury	16	8	24
Alcohol Related Brain Disorder	4	12	16
Dementia/ Alzheimer's Disease	44	22	66
Learning Disability	216	72	288
Mental Illness	10	9	19
Other	4	3	7
<b>Total</b>	<b>294</b>	<b>126</b>	<b>420</b>

We also looked at whether the increased use of orders is inflated due to the inclusion of renewal applications<sup>2</sup>. Last year we reported that 11% of orders were renewals. This year the percentage has risen to 15% (420).

The majority of renewals are for individuals with learning disability (288), most of which are private applications (216).

Table 5.1 shows that 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.

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.

Of the 2433 new orders approved for people who had not previously been on guardianship, a higher proportion (49%, 1183) were for adults with dementia than for adults with learning disability (39%, 950).

As both brand new applications and renewals of existing orders are increasing we would anticipate an increase in workload for MHOs, including suitability reports and supervisory visits.

The Commission has been working with the Scottish Government in relation to their law reform agenda concerning the Adults with Incapacity Act 2000. We understand that the Scottish Government will issue consultation on its proposals at the end of the year.

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<sup>2</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.



## 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, but 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>3</sup>.

### What we found

#### Variations in indefinite orders by age and diagnosis

**Table 5.1 New guardianship orders - orders granted on an indefinite basis (%), 2009-17**

	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
All new orders	1336	1521	1766	1929	2115	2455	2657	2853
Indefinite orders	945	960	803	677	684	730	679	563
Indefinite %	71%	63%	45%	35%	32%	30%	26%	20%

The percentage of new orders granted on an indefinite basis has continued to fall this year to 20% (563). This is still, however, an area that needs continued monitoring.

As of 31 March 2017, there were 12,082<sup>4</sup> extant welfare guardianship orders. This is an increase of 12.5% from last year (10,735). This reflects the increasing number of new guardianships continuing. There were 4,978 adults on indefinite welfare guardianship orders, 41% of the total of extant welfare guardianship orders (12,082). Seven per cent (345) of these adults were under the age of 25, continuing to fall slightly, and 25% (1,237) under 45 years of age remaining level for the last five years at 25/26%.

<sup>3</sup>Mental Welfare Commission for Scotland. *Advice Note: Deprivation of Liberty (Update 2015)*  
[http://www.mwscot.org.uk/media/234442/deprivation\\_of\\_liberty\\_final\\_1.pdf](http://www.mwscot.org.uk/media/234442/deprivation_of_liberty_final_1.pdf)

<sup>4</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.

Sixty eight per cent (3370) of individuals on indefinite orders are aged 80+. Of those, 3147 have dementia/Alzheimer's disease, and we would anticipate that an indefinite order is appropriate.

**Table 5.2 Local authority welfare guardianship applications – indefinite orders as a percentage of primary cause of incapacity, 2016-17**

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	16	15	2	2	<b>35</b>	6%
Alcohol Related Brain Disorder	30	19	1	8	<b>58</b>	14%
Dementia/ Alzheimer's Disease	90	86	49	81	<b>306</b>	26%
Learning Disability	111	92	16	15	<b>234</b>	6%
Mental Illness	37	15	5	5	<b>62</b>	8%
Other	4	6		2	<b>12</b>	17%
<b>All Diagnoses</b>	<b>288</b>	<b>233</b>	<b>73</b>	<b>113</b>	<b>707</b>	16%

**Table 5.3 Private welfare guardianship applications – indefinite orders as a percentage of primary cause of incapacity, 2016-17**

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	23	45	26	17	<b>111</b>	15%
Alcohol Related Brain Disorder	10	11	8	4	<b>33</b>	12%
Dementia/ Alzheimer's Disease	129	278	219	317	<b>943</b>	34%
Learning Disability	172	533	194	105	<b>1004</b>	10%
Mental Illness	10	13	6	4	<b>33</b>	12%
Other	6	7	6	3	<b>22</b>	14%
<b>All Diagnoses</b>	<b>350</b>	<b>887</b>	<b>459</b>	<b>450</b>	<b>2146</b>	21%

The tables above 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.

Indefinite orders, in general, were more likely to be granted where there was a private guardian, but the gap has narrowed since last year. In 2016/17, 21% (2015/16, 29%) of all orders granted to private guardians were granted on an indefinite basis; for local authorities this stood at 16%. Sixty eight per cent (3370) of the individuals on indefinite orders are aged 80+. Of those, 3147 have dementia/Alzheimer's disease, and we would anticipate that an indefinite order is appropriate.

Forty four percent (943) of all private guardianships were for individuals with dementia, and of those, 34% (317) were indefinite orders (a smaller proportion and number than last year (50%, 468). For local authority applications, 43% (306) were for individuals with dementia and of those, 26% (81) were indefinite orders.

Forty seven per cent (1004) of all private guardianships were for individuals with learning disabilities (2015/16 43% 855), and of those, 10% (105) (2015/16 8%, 70) were placed on orders on an indefinite basis. For local authority applications, a smaller proportion 33% (234) were for individuals with learning disabilities, and of those, six per cent (15) were indefinite orders.

Particularly concerning is the seeking and granting of orders on an indefinite basis for young adults with learning disability – something we have reported on in the past.

### Geographic variations in orders approved on an indefinite basis

The granting of welfare guardianship orders on an indefinite basis varied quite dramatically from one local authority area to the next and in respect of both those granted to private individuals and to chief social work officers (tables 7.4-7.6).

In Scotland, 16% of all local authority applications and 21% of all private applications were granted on an indefinite basis (2015/16, local authority 16%, private 29%).

This year there were more authorities where under 10% were granted on an indefinite basis (12). This year, fewer (3) authorities had over 50% of local authority applications granted on an indefinite basis (Eilean Siar, Moray, Aberdeen City).

Glasgow City has a slight increase (357) (2015/16 319; 2014/15, 370) in the number of applications this year. Of these, only three per cent (10) were private applications.

**Table 5.4 Indefinite orders by primary diagnosis and type of application, 2016-17**

Primary diagnosis	Local authority	%	Private	%	All applications	%
Dementia/ Alzheimer's Disease	81	72%	317	70%	398	71%
Learning Disability	15	13%	105	23%	120	21%
Acquired Brain Injury	2	2%	17	4%	19	3%
Alcohol Related Brain Disorder	8	7%	4	1%	12	2%
Mental Illness	5	4%	4	1%	9	2%
Other	2	2%	3	1%	5	1%
<b>Total</b>	<b>113</b>	<b>100%</b>	<b>450</b>	<b>100%</b>	<b>563</b>	<b>100%</b>

We looked further into the diagnosis of individuals on indefinite orders (Table 5.4). The large majority were individuals with dementia (71%, 398), but this was much reduced from last year (80%, 542). A larger proportion and number this year (21%, 120) were for individuals with

learning disabilities. The remainder were a small number of individuals with acquired brain injury (ABI), alcohol related brain disorder (ARBD), 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.

## Adults with Incapacity (Scotland) Act 2000, 2016-2017, 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	17	14*
Electroconvulsive therapy (ECT)	9	6**
Treatment likely to lead to sterilisation	0	0
Termination of pregnancy	0	0
Dispute (Section 50)	1	1
<b>Total</b>	<b>26</b>	<b>20</b>

\*Two visits cancelled and one outstanding at the end of the reporting year.

\*\* One visit was for maintenance ECT; two visits were cancelled by the requesting clinician, and for another the patient had improved to the point where treatment under AWI was not thought to be appropriate by the doctor providing the opinion.

### 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 26 requests for Section 48 visits, which is 33% fewer than last year. There were 52% fewer requests for electroconvulsive therapy (ECT) than last year and it is not clear why this is. Of the nine ECT requests, one patient had improved by the time of the visit and it was thought that ECT was not required. The doctor providing the second opinion believed that the patient was likely to resist treatment and that if treatment were to be required in the future, it would be more appropriate that this be provided under the Mental Health (Care & Treatment) (Scotland) Act 2003 than the AWI Act. Two visits for ECT were cancelled by the referring clinician prior to the visit.

There were fewer requests for medication to reduce sex drive than last year. These treatment certificates last for one year, so we reviewed the files of people who have previously had this treatment authorised but who did not have a current certificate, and contacted their psychiatrist. For three people, this had been overlooked and a treatment certificate is now in place following a Section 48 visit. For three others, treatment is no longer required, and one person previously prescribed this form of medication had died.

One Section 50 dispute resolution visit was undertaken. This was for dental treatment for a person subject to a welfare guardianship.

## Appendix of tables

**Table 7.1 Welfare guardianship applications – All orders by local authority and primary cause of incapacity, 2016-17 (continued on following page)**

All orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Aberdeen City	6	8%	5	6%	28	35%	39	49%	1	1%	1	1%	80	100%
Aberdeenshire	3	3%	3	3%	31	33%	55	58%	3	3%		0%	95	100%
Angus	4	7%	1	2%	26	48%	19	35%	4	7%		0%	54	100%
Argyll and Bute	1	3%		0%	13	36%	16	44%	5	14%	1	3%	36	100%
City of Edinburgh	10	5%	4	2%	87	48%	66	36%	12	7%	4	2%	183	100%
Clackmannanshire	2	6%		0%	17	49%	16	46%		0%		0%	35	100%
Dumfries and Galloway	5	4%	3	3%	34	29%	72	62%	1	1%	1	1%	116	100%
Dundee City	7	7%	2	2%	57	55%	36	35%	1	1%	1	1%	104	100%
East Ayrshire	6	7%	3	4%	32	38%	38	45%	5	6%	1	1%	85	100%
East Dunbartonshire	1	3%	1	3%	14	39%	19	53%	1	3%		0%	36	100%
East Lothian	1	3%		0%	11	34%	18	56%	1	3%	1	3%	32	100%
East Renfrewshire	1	3%		0%	11	38%	16	55%	1	3%		0%	29	100%
Eilean Siar	2	7%		0%	17	61%	7	25%	2	7%		0%	28	100%
Falkirk	4	5%	3	4%	34	44%	35	45%	1	1%	1	1%	78	100%
Fife	8	4%	6	3%	93	47%	79	40%	11	6%	1	1%	198	100%
Glasgow City	24	7%	15	4%	168	47%	136	38%	9	3%	5	1%	357	100%
Highland	4	2%	5	3%	91	46%	87	44%	8	4%	3	2%	198	100%
Inverclyde	1	3%	4	11%	16	44%	13	36%	2	6%		0%	36	100%



All orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Midlothian		0%	1	3%	7	24%	20	69%	1	3%		0%	29	100%
Moray	1	2%	1	2%	30	59%	18	35%	1	2%		0%	51	100%
North Ayrshire	7	8%	4	5%	34	40%	37	44%	1	1%	2	2%	85	100%
North Lanarkshire	12	7%	5	3%	76	43%	79	44%	4	2%	2	1%	178	100%
Orkney	1	13%		0%	3	38%	3	38%	1	13%		0%	8	100%
Perth and Kinross	1	1%	3	4%	34	45%	32	42%	5	7%	1	1%	76	100%
Renfrewshire	7	6%	4	4%	44	40%	51	46%	2	2%	2	2%	110	100%
Scottish Borders		0%		0%	18	45%	20	50%	2	5%		0%	40	100%
Shetland		0%		0%	3	43%	4	57%		0%		0%	7	100%
South Ayrshire	4	4%	1	1%	48	54%	30	34%	5	6%	1	1%	89	100%
South Lanarkshire	13	6%	11	5%	89	41%	95	44%	4	2%	5	2%	217	100%
Stirling	1	2%	3	5%	38	62%	19	31%		0%		0%	61	100%
West Dunbartonshire	4	9%	3	7%	20	43%	18	39%		0%	1	2%	46	100%
West Lothian	5	7%		0%	25	33%	45	59%	1	1%		0%	76	100%
Scotland	146	5%	91	3%	1249	44%	1238	43%	95	3%	34	1%	2853	100%

**Table 7.2 Welfare guardianship applications – Local authority orders by local authority and primary cause of incapacity, 2016-17**  
(continued on following page)

Local authority orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Aberdeen City	2	7%	5	18%	13	46%	7	25%	1	4%		0%	28	100%
Aberdeenshire		0%	3	16%	7	37%	7	37%	2	11%		0%	19	100%
Angus	1	4%		0%	11	48%	7	30%	4	17%		0%	23	100%
Argyll and Bute		0%		0%	4	50%	2	25%	2	25%		0%	8	100%
City of Edinburgh	5	9%	2	4%	24	42%	18	32%	6	11%	2	4%	57	100%
Clackmannanshire	1	17%		0%	4	67%	1	17%		0%		0%	6	100%
Dumfries and Galloway	1	3%	2	6%	14	44%	14	44%	1	3%		0%	32	100%
Dundee City	3	10%	2	6%	12	39%	13	42%	1	3%		0%	31	100%
East Ayrshire	1	4%	2	9%	5	22%	11	48%	3	13%	1	4%	23	100%
East Dunbartonshire		0%	1	17%	1	17%	3	50%	1	17%		0%	6	100%
East Lothian		0%		0%	4	50%	2	25%	1	13%	1	13%	8	100%
East Renfrewshire		0%		0%	2	67%		0%	1	33%		0%	3	100%
Eilean Siar	1	17%		0%	4	67%	1	17%		0%		0%	6	100%
Falkirk	1	4%	1	4%	9	36%	12	48%	1	4%	1	4%	25	100%
Fife	2	3%	4	7%	28	47%	16	27%	9	15%		0%	59	100%
Glasgow City	1	2%	5	12%	25	61%	6	15%	2	5%	2	5%	41	100%
Highland		0%	3	4%	35	42%	38	45%	5	6%	3	4%	84	100%
Inverclyde		0%	4	36%	4	36%	2	18%	1	9%		0%	11	100%
Midlothian		0%	1	11%	3	33%	4	44%	1	11%		0%	9	100%
Moray		0%		0%	10	83%	1	8%	1	8%		0%	12	100%

Local authority orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
North Ayrshire	1	6%	3	17%	7	39%	6	33%	1	6%		0%	18	100%
North Lanarkshire	4	13%	3	9%	11	34%	10	31%	4	13%		0%	32	100%
Orkney		0%		0%		0%	1	50%	1	50%		0%	2	100%
Perth and Kinross		0%	2	7%	14	52%	9	33%	2	7%		0%	27	100%
Renfrewshire	3	13%	2	9%	9	39%	6	26%	2	9%	1	4%	23	100%
Scottish Borders		0%		0%	4	31%	7	54%	2	15%		0%	13	100%
Shetland		0%		0%	2	100%		0%		0%		0%	2	100%
South Ayrshire		0%		0%	6	43%	4	29%	4	29%		0%	14	100%
South Lanarkshire	4	9%	7	15%	23	50%	8	17%	3	7%	1	2%	46	100%
Stirling		0%	3	27%	6	55%	2	18%		0%		0%	11	100%
West Dunbartonshire	3	33%	3	33%	1	11%	2	22%		0%		0%	9	100%
West Lothian	1	5%		0%	4	21%	14	74%		0%		0%	19	100%
Scotland	35	5%	58	8%	306	43%	234	33%	62	9%	12	2%	707	100%

**Table 7.3 Welfare guardianship applications – Private orders by local authority and primary cause of incapacity, 2016-17 (continued on following page)**

Private orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
Aberdeen City	4	8%		0%	15	29%	32	62%		0%	1	2%	52	100%
Aberdeenshire	3	4%		0%	24	32%	48	63%	1	1%		0%	76	100%
Angus	3	10%	1	3%	15	48%	12	39%		0%		0%	31	100%
Argyll and Bute	1	4%		0%	9	32%	14	50%	3	11%	1	4%	28	100%
City of Edinburgh	5	4%	2	2%	63	50%	48	38%	6	5%	2	2%	126	100%
Clackmannanshire	1	3%		0%	13	45%	15	52%		0%		0%	29	100%
Dumfries and Galloway	4	5%	1	1%	20	24%	58	69%		0%	1	1%	84	100%
Dundee City	4	5%		0%	45	62%	23	32%		0%	1	1%	73	100%
East Ayrshire	5	8%	1	2%	27	44%	27	44%	2	3%		0%	62	100%
East Dunbartonshire	1	3%		0%	13	43%	16	53%		0%		0%	30	100%
East Lothian	1	4%		0%	7	29%	16	67%		0%		0%	24	100%
East Renfrewshire	1	4%		0%	9	35%	16	62%		0%		0%	26	100%
Eilean Siar	1	5%		0%	13	59%	6	27%	2	9%		0%	22	100%
Falkirk	3	6%	2	4%	25	47%	23	43%		0%		0%	53	100%
Fife	6	4%	2	1%	65	47%	63	45%	2	1%	1	1%	139	100%
Glasgow City	23	7%	10	3%	143	45%	130	41%	7	2%	3	1%	316	100%
Highland	4	4%	2	2%	56	49%	49	43%	3	3%		0%	114	100%
Inverclyde	1	4%		0%	12	48%	11	44%	1	4%		0%	25	100%
Midlothian		0%		0%	4	20%	16	80%		0%		0%	20	100%
Moray	1	3%	1	3%	20	51%	17	44%		0%		0%	39	100%

Private orders	Acquired Brain Injury	%	Alcohol Related Brain Disorder	%	Dementia/ Alzheimer's Disease	%	Learning Disability	%	Mental Illness	%	Other	%	Total	%
North Ayrshire	6	9%	1	1%	27	40%	31	46%		0%	2	3%	67	100%
North Lanarkshire	8	5%	2	1%	65	45%	69	47%		0%	2	1%	146	100%
Orkney	1	17%		0%	3	50%	2	33%		0%		0%	6	100%
Perth and Kinross	1	2%	1	2%	20	41%	23	47%	3	6%	1	2%	49	100%
Renfrewshire	4	5%	2	2%	35	40%	45	52%		0%	1	1%	87	100%
Scottish Borders		0%		0%	14	52%	13	48%		0%		0%	27	100%
Shetland		0%		0%	1	20%	4	80%		0%		0%	5	100%
South Ayrshire	4	5%	1	1%	42	56%	26	35%	1	1%	1	1%	75	100%
South Lanarkshire	9	5%	4	2%	66	39%	87	51%	1	1%	4	2%	171	100%
Stirling	1	2%		0%	32	64%	17	34%		0%		0%	50	100%
West Dunbartonshire	1	3%		0%	19	51%	16	43%		0%	1	3%	37	100%
West Lothian	4	7%		0%	21	37%	31	54%	1	2%		0%	57	100%
<b>Grand Total</b>	<b>111</b>	<b>5%</b>	<b>33</b>	<b>2%</b>	<b>943</b>	<b>44%</b>	<b>1004</b>	<b>47%</b>	<b>33</b>	<b>2%</b>	<b>22</b>	<b>1%</b>	<b>2146</b>	<b>100%</b>

**Table 7.4 Duration of orders granted to local authorities, 2016-17**

Local Authority	Duration of Orders in Years					Indefinite as % of total
	0 to 3	4 to 5	Over 5	Indefinite	Total	
Aberdeen City	4	9		15	28	54%
Aberdeenshire	6	6		7	19	37%
Angus	14	8		1	23	4%
Argyll and Bute	6	1		1	8	13%
City of Edinburgh	46	10		1	57	2%
Clackmannanshire		3	1	2	6	33%
Dumfries and Galloway	6	25		1	32	3%
Dundee City	7	8	9	7	31	23%
East Ayrshire	20	3			23	0%
East Dunbartonshire	4	1	1		6	0%
East Lothian	8				8	0%
East Renfrewshire	1	1		1	3	33%
Eilean Siar				6	6	100%
Falkirk	9	9	2	5	25	20%
Fife	17	26	15	1	59	2%
Glasgow City	8	15	18		41	0%
Highland	31	23	1	29	84	35%
Inverclyde	9	2			11	0%
Midlothian	8	1			9	0%
Moray	1	1		10	12	83%
North Ayrshire	8	5	3	2	18	11%
North Lanarkshire	11	19	2		32	0%
Orkney	2				2	0%
Perth and Kinross	15		5	7	27	26%
Renfrewshire	6	7	3	7	23	30%
Scottish Borders	6	6	1		13	0%
Shetland	1	1			2	0%
South Ayrshire	10	4			14	0%
South Lanarkshire	14	21	7	4	46	9%
Stirling	2	4		5	11	45%
West Dunbartonshire	2	6		1	9	11%
West Lothian	6	8	5		19	0%
Scotland	288	233	73	113	707	16%

**Table 7.5 Duration of orders granted to private individuals, 2016-17**

Private	Duration of Orders in Years					Indefinite as % of total
	0 to 3	4 to 5	Over 5	Indefinite	Total	
Aberdeen City	3	15	8	26	52	50%
Aberdeenshire	4	16	3	53	76	70%
Angus	14	12	2	3	31	10%
Argyll and Bute	8	10	5	5	28	18%
City of Edinburgh	36	51	22	17	126	13%
Clackmannanshire	1	16	5	7	29	24%
Dumfries and Galloway	26	50	7	1	84	1%
Dundee City	3	16	28	26	73	36%
East Ayrshire	8	32	15	7	62	11%
East Dunbartonshire	2	19	5	4	30	13%
East Lothian	9	10	5		24	0%
East Renfrewshire	2	8	9	7	26	27%
Eilean Siar			2	20	22	91%
Falkirk	2	32	5	14	53	26%
Fife	18	36	65	20	139	14%
Glasgow City	43	152	111	10	316	3%
Highland	17	41	11	45	114	39%
Inverclyde	14	11			25	0%
Midlothian	7	10	2	1	20	5%
Moray	4	11	8	16	39	41%
North Ayrshire	5	38	19	5	67	7%
North Lanarkshire	41	72	20	13	146	9%
Orkney		5		1	6	17%
Perth and Kinross	9	5	15	20	49	41%
Renfrewshire	7	25	19	36	87	41%
Scottish Borders	1	13	10	3	27	11%
Shetland				5	5	100%
South Ayrshire	41	28	2	4	75	5%
South Lanarkshire	13	88	37	33	171	19%
Stirling	3	17	1	29	50	58%
West Dunbartonshire	3	13	4	17	37	46%
West Lothian	6	35	14	2	57	4%
Scotland	350	887	459	450	2146	21%

**Table 7.6 Duration of all orders granted, 2016-17**

All	Duration of Orders in Years					Indefinite as % of total
	0 to 3	4 to 5	Over 5	Indefinite	Total	
Aberdeen City	7	24	8	41	80	51%
Aberdeenshire	10	22	3	60	95	63%
Angus	28	20	2	4	54	7%
Argyll and Bute	14	11	5	6	36	17%
City of Edinburgh	82	61	22	18	183	10%
Clackmannanshire	1	19	6	9	35	26%
Dumfries and Galloway	32	75	7	2	116	2%
Dundee City	10	24	37	33	104	32%
East Ayrshire	28	35	15	7	85	8%
East Dunbartonshire	6	20	6	4	36	11%
East Lothian	17	10	5		32	0%
East Renfrewshire	3	9	9	8	29	28%
Eilean Siar			2	26	28	93%
Falkirk	11	41	7	19	78	24%
Fife	35	62	80	21	198	11%
Glasgow City	51	167	129	10	357	3%
Highland	48	64	12	74	198	37%
Inverclyde	23	13			36	0%
Midlothian	15	11	2	1	29	3%
Moray	5	12	8	26	51	51%
North Ayrshire	13	43	22	7	85	8%
North Lanarkshire	52	91	22	13	178	7%
Orkney	2	5		1	8	13%
Perth and Kinross	24	5	20	27	76	36%
Renfrewshire	13	32	22	43	110	39%
Scottish Borders	7	19	11	3	40	8%
Shetland	1	1		5	7	71%
South Ayrshire	51	32	2	4	89	4%
South Lanarkshire	27	109	44	37	217	17%
Stirling	5	21	1	34	61	56%
West Dunbartonshire	5	19	4	18	46	39%
West Lothian	12	43	19	2	76	3%
Scotland	638	1120	532	563	2853	20%







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)