

**Protocol for Social Supervision
of individuals
who are Conditionally Discharged
Restricted Patients**



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Document Information

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1. Glossary

CoP	Mental Health Act 1983 Code of Practice
KCC	Kent County Council
KMPT	Kent & Medway NHS & Social Care Partnership Trust
LSSA	Local Social Services Authority
MHA	Mental Health Act 1983 (Amended 2007)
MHCS	Mental Health Casework Section
MHRT	Mental Health Review Tribunal
MoJ	The Ministry of Justice

2. Purpose of this Protocol

- 2.1. Unlike other parts of the Mental Health Act 1983 (Amended 2007) (MHA) it is the Local Social Services Authority (LSSA) responsibility rather than the relevant NHS Trust to ensure Social Supervisors are allocated as recommended by the MHA Code of Practice (CoP):

“...Social Supervisors will be allocated by local authorities...”

And

...(they) will determine that their agreed social supervisors have the correct knowledge, expertise and skills to undertake this role...”
(S.22.80 CoP)

This protocol is to ensure Kent County Council (KCC) is compliant with the MHA in carrying out its duties for social supervision.

- 2.2. Those individuals who are subject to social supervision are referred to as conditionally discharged restricted patients. These individuals are either:

a) Subject to special restrictions as set out in s41 MHA and otherwise known as, *“restricted patients”*

Or

b) Have been conditionally discharged from hospital by either the Secretary of State for Justice under s42(2) MHA or by the Mental Health Review Tribunal (First tier) (MHRT) under s73(2) MHA.

- 2.3. KCC formally took back operational management of Social Supervisors in January 2019 when the terms of the s75 Partnership Agreement with Kent & Medway NHS & Social Care Partnership Trust (KMPT) were changed. It also, established a Social Supervisor register at this time in order to ensure there are robust processes in place for all those individuals who are subject to social supervision.

- 2.4. The Social Supervisor’s register is held on an excel spread sheet and stored with restricted access on the KCC Community Forensic Social Work Service shared drive. It is validated, dated, and signed by the Forensic Adult Mental Health Social Work Service Manager whenever there is a change. This information data management system will change when the new system solution Mosaic is fully implemented in 2020.
Move to Delta

- 2.5. The Ministry of Justice (MoJ) does not stipulate which professionals can undertake the role of Social Supervisor (22.80 CoP). Likewise, it is not

restricted to only those practitioners who have a mental health background and therefore can be from across the whole of the Adult Social Care and Health Directorate. Given this, KCC has developed its own criteria identifying who will be appointed to this role (for further information please see *S.3 Responsibilities of KCC for Social Supervision*, page 8).

- 2.6. The MoJ provides guidance to Social Supervisors on how they will carry out their role such as, the manner and frequency of supervision as well as, what must be included in their reports and when these must be submitted. This protocol is therefore a supplement to and not a replacement for this statutory guidance.

Please note:

For a copy of "**Guidance for Social Supervisors**" (MoJ, 2009) please see:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/631276/guidance-for-social-supervisors-0909_2.pdf

- 2.7. This protocol sets out the arrangements for:
- Social Supervisors to have the correct knowledge, expertise, and skills to undertake their role (S.22.80 CoP).
 - Monitoring individuals who are subject to social supervision including appointing a Social Supervisor when the original named professional is absent either temporarily or for longer periods of time.
 - Provide supervision for everyone who is appointed as a Social Supervisor.
 - Individuals who are subject to social supervision receive information (orally and in writing) including their right to have access to an Independent Mental Health Advocate, their right to apply to a MHRT and their right to have s117 MHA After-care.
 - Quality assuring the documentation sent by the Social Supervisor to the Mental Health Casework Section (MHCS).
 - Maintaining a register of all those individuals who require social supervision.

- 2.8. This protocol **must** be read in conjunction with:

- Human Rights Act 1998
- Data Protection Act 2018
- Equality Act 2010
- The Mental Capacity Act 2005 (Amended 2009)
- The Care Act 2014

- The Mental Health Act 1983 (Amended 2007)
- The MHA Code of Practice in particular, s1 (Guiding Principles) and s22 (Patients Concerned With Criminal Proceedings)
- Guidance for Social Supervisors (MOJ, 2009)
- Guidance for Clinical Supervisors (MOJ, 2009)
- The Recall of Conditionally Discharged Restricted Patients for Social Supervisors (MOJ, 2009)
- Criminal Justice Act 2003
- Multi-Agency Public Protection Arrangements (MAPPA) national guidance (2021)
- Sexual Offences Act 2003
- Domestic Violence Crimes and Victims Act 2004
- The CoP for Victims of Crime in England and Wales (MoJ, 2021)
- Victim Contact Scheme Guidance Manual (2013) in particular, Chapter 36 Mentally Disordered Offenders (National Offender Management Service,
- KMPT's Care Programme Approach Policy
- Multi-Agency s117 MHA After-Care Policy & Practice Guidance
- Kent and Medway's Safeguarding Adult policies
- KMPT & KCC's Joint Operating Model for KMPT's Forensic Outreach Liaison Service and KCC's Community Forensic Social Work Service

3. Responsibilities of KCC for Social Supervision

3.1. The County Wide Services Assistant Director will:

- Ensure there are adequate resources to fulfil the role of Social Supervisor.
- Ensure there are adequate resources to fulfil the role of Back up Social Supervisor.
- Ensure there is adequate supervision for all those professionals who carry out the role of Social Supervisor.
- Confirm any training needs for Social Supervisors, Advance Practitioners, Team Leaders and Service Managers in conjunction with the Kent Community Forensic Service Manager and Learning and Development.
- Oversee the Governance of the Social Supervisor forums.

3.2. The Kent Community Forensic Social Work Service Manager will:

- Oversee all activity relating to social supervision including performance, supervision and training.
- Ensure all activity relating to Social Supervision is included within all County Wide Services performance reports submitted to KCC.
- Oversee the development and delivery of the bespoke training on "*The Role of the Social Supervisor*" as often as required.

- Oversee the arrangements for group supervision provided in the Social Supervisors' Forums by the Forensic Leads.

In relation to the social supervisors' forums

- Ensure there is a Chair.
- Confirm if the meeting is quorum.
- Develop the agenda with the support of the Forensic Administrator.
- Chair the meetings or delegate to the Deputy Chair.
- Clarify the Action Log and time frames.
- Decide whether any additional forums are required over and above those held quarterly.

In relation to the register

- Validate the register (excel spread sheet) of all those who are authorised to act as a Social Supervisor and those who require to be supervised.
- Sign and date a hard copy to ensure there is an audit trail.

Please note:

*It is the responsibility of the Kent Community Forensic Social Work Service Manager to check the accuracy of the register and **not** the Administrator's*

3.3. The Kent Community Forensic Social Work Leads will:

- Provide advice, guidance, and support to Social Supervisors.
- Provide group supervision to Social Supervisors in the Social Supervisors' Forums (for more information please see *S.4. Social Supervisors' Forums* below).
- Deliver the bespoke training on "*The Role of the Social Supervisor*".
- Inform the Social Supervisors' Forums of any practice issues, case law updates, learning from Domestic Homicide Reviews, , any changes to national legislation or guidance, and any updates from the MHCS or other statutory partners.

3.4. The Community Service Manager will:

- Identifying all those individuals that require a Social Supervisor in their service.
- Identifying if there are a sufficient number of Social Supervisors in their service for the number of individuals that require this.
- Nominate an appropriate member of staff to act as a Social Supervisor.
- Nominate an appropriate member of staff to act as a Backup.

Prior to the Social Supervisor carrying out the role:

- Ensure every Social Supervisor has the correct knowledge and expertise to undertake this role.

- Ensure every Social Supervisor has completed the KCC bespoke training for Social Supervisors prior to undertaking this role.
- Ensure every Social Supervisor has sufficient time to carry out their statutory duties effectively given all their other responsibilities.
- Ensure every Social Supervisor is familiar with this protocol and all other relevant legislation, national guidance and policies, but in particular, the “*Guidance for Social Supervisors*” (MoJ, 2009).

Please note:

Social Supervisors will be:

A social worker who has completed their Assessed and Supported Year of Employment (ASYE)

Or

Any registered practitioner from a Nursing, Occupational Therapist or Social Work background

All Social Supervisors must:

Have at least as one year’s experience within the mental health, learning disability or autism services.

And

Undertaken the KCC bespoke training on “The Role of the Social Supervisor” Experience of writing statutory reports

Whilst the Social Supervisor carries out the role:

- Ensure every Social Supervisor attends the group supervision sessions provided by KCC for this cohort of professionals as part of the Social Supervisors’ Forums
- Ensure the Social Supervisor’s report for the MHCS at the MoJ is quality assured and commented on by their line manager prior to it being sent.
- Ensure the Social Supervisor’s documentation is periodically quality assured by auditing.
- Ensure the Social Supervisor has completed all their mandatory training and attends any Social Supervisor refresher training.
- Ensure any additional training/development needs are identified and addressed.

3.5. Responsibilities of the Social Supervisor

- Attend the KCC bespoke training for Social Supervisors.
- Familiarise themselves and comply with this protocol and all other relevant legislation, national guidance and policies, but in particular, the “*Guidance for Social Supervisors*” (MoJ, 2019).
- Attend the group supervision sessions provided by KCC for this cohort of professionals as part of the Social Supervisors’ Forums.
- Complete all their mandatory training and attend any Social Supervisor refresher training.

- Complete Part A and Part B of the Conditional Discharge Report.
- Forward the Conditional Discharge Report to their line manager/ for quality assurance and comment, and subsequently to their Clinical Supervisor so they can complete Part C.
- Ensure they receive a copy of the final report back from the Clinical Supervisor.
- Ensure they receive acknowledgement of receipt of their joint report from the MHCS at the MoJ.
- Upload a copy of the full conditional discharge report and the email confirming receipt of this by the MHCS to Mosaic
- Discuss and record audit feedback in supervision and incorporate any learning into their practice.

3.6. Community Forensic Social Work Administrator

In relation to the forums

- Arrange the meetings
- Assist the Chair with the development of the agenda
- Update the Action Log
- Take the minutes as and when needed
- Store copies of the minutes of the Social Supervisor Forum (Business meeting section) in the Community Forensic Social Work Service shared drive

In relation to the register – remove

- Update and maintain the excel register with the assistance of the Community Forensic Social Work Service Manager
- Provide the Community Forensic Social Work Service Manager with a hard copy of the register in order that it can be signed
- Scan the register as a pdf document

Please note:

*It is the responsibility of the Kent Community Forensic Social Work Service Manager to check the accuracy of the register and **not** the Administrator's*

- Store a copy of the register on the Community Forensic Social Work Service shared drive in the password protected folder
- Destroy all paper copies of the register
- If no changes have occurred within a 3-month period, then provide the Community Forensic Social Work Service Manager with a hard copy of the register to sign for an audit trail
- Monitor the Community Forensic Social Work generic mailbox

3.7. County Wide Services Business Support Manager will:

- Oversee the role of the Community Forensic Social Work Administrator.
- Ensure the Community Forensic Social Work Administrator receives the necessary training in order to perform this role.
- Ensure there is the appropriate level of training for IT systems for all those that require it.
- Act as a data controller of the Community Forensic Social Work Service records.
- Authorize access to the generic mailbox and restricted folders

3.8. The Policy and Quality Assurance Team will:

- Review this Protocol and any other relevant documentation in adherence with any new legislation, case law or practice issues in conjunction with the Kent Community Forensic Social Work Service Manager.
- Provide support for policy queries.
(Policy&StandardsEnquiries@kent.gov.uk)
- Seek legal advice as and when required to reduce the risks to KCC.

3.9. Governance of the Social Supervisor process and forums will be provided by:

- The Kent Community Forensic Social Work Service Manager
- The County Wide Services Assistant Director.
- Adult Social Care and Health Directorate Senior Management Meetings.

3.10. Governance of this Protocol and other relevant documentation will be provided by:

- Social Supervisor's Forums
- The Strategic Safeguarding and Quality Assurance Manager in conjunction with the County Wide Assistant Director for Mental Health
- Senior Management Team Meetings

4. Social Supervisors' Forums

- These were instituted in 2019 in recognition of the duties KCC has in relation to Social Supervisors as laid out in the MHA and when the responsibility of managing social care staff was returned from KMPT to KCC.

4.1. Purpose of the Business Meeting Section

- Ensure there are adequate resources within localities and succession planning.

- Escalate up to Assistant Director if there are not enough resources
- Discuss any issues relating to the delivery of forensic services across Kent and agree on the escalation of these where necessary.
- To discuss any relevant case law updates, learning from Domestic Homicide Reviews, any changes to national legislation or guidance, and any updates from the MHCS or other statutory partners.
- Discuss any practice issues including any outcomes from audits.
- Ensure that lessons are learnt through supervision and where necessary training is commissioned.
- Ratify or escalate through governance for ratification key policies, protocols, and other relevant documentation.

4.2. Purpose of the Reflective Practice Section

- This is a key aspect of performance management and aims to support the quality of practice
- It is mandatory for Social Supervisors to attend

For more information please see:

KCC's "Supervision policy" on Knet

4.3. Membership of the Forums – Business Meeting Section

4.3.1. Core Members

- Community Forensic Social Work Team Manager
- Community Forensic Social Work Advanced Practitioner
- Community Service Managers
- All Forensic Leads within the Community Social Care Teams
- All Social Supervisors listed on the social supervisor's register

4.3.2. Occasional Members as required

- County Wide Services Assistant Director
- Community Forensic Social Work Service Manager
- Policy and Quality Assurance Officer
- Invicta Law
- Mental Health Casework Section

4.3.4. Chair

- The Community Forensic Social Work Team Manager and the Community Forensic Social Work Advance Practitioner will take responsibility for their own areas.
- In the absence of the Community Forensic Social Work Team Manager the Community Forensic Service Manager will cover

- In the absence of the Forensic Work Social Advance Practitioner the Community Forensic Social Work Team Manager will cover

4.3.5. A Quorum is:

- The Chair
- A Community Service Manager or Forensic Lead for the locality
- Two Social Supervisors

4.3.6. Administration support is provided by:

- Community Forensic Social Work Administrator

4.4. Frequency of meetings

- Minimum of quarterly in each locality

4.5. Agenda

4.5.1. Business meeting (1 hour)

- Welcome, Introductions and apologies for absence
- Minutes of last meeting
- Review of Action Log
- Capacity and Demand: ensure there are adequate, resources within localities and active succession planning; discuss issues relating to the delivery of forensic services within localities and agree to escalate where necessary. Escalation is up to County Assistant Director if there are not enough resources
- Performance: review performance data and identify performance issues within localities; establish if social supervision and related tasks are being delivered according to standards set out in the Guidance for Social Supervisors
- Audits and Supervision: identify and share, good practice, learning from audits and supervision across the county and within localities; identify any related training needs
- County Updates: ensure localities are informed of any changes to the countywide Community Forensic Social Work Service; inform ratify or escalate through governance for ratification of key policies, protocols, and other relevant documentation; receive updates in relation to local agencies
- National Updates: discuss any relevant case law updates; learning from Inquiries, Domestic Homicide Reviews, Serious Case Reviews and Coroners; changes to national legislation or guidance; updates from the MHCS or other statutory partners
- Any Other Business: date of next meeting

4.5.2. Reflective Practice Session (1 hour)

- Introductions and apologies for absence

- Review of Action Log
- Case Discussion
- Examples of good practice
- Identify development needs / training, to be commissioned
- Any Other Business

4.6.2. Recording

- Minutes of the forum will be anonymised and stored in the Community Forensic Social Work shared drive