Adult Social Care & Health Directorate

Process for KCC
Nearest Relative register

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Document Information

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Glossary

AMHP	Approved Mental Health Professional
CMHT	Community Mental Health Team
MHPAT	Mental Health Professional Assurance Team

1. Process for Court Application

AMHP & AMHP Service	KCC Management	Nearest Relative Administrator	Invicta Law
1 **AMHP/Ward/CMHT** contacts AMHP Service for advice/screening			
2 **AMHP Shift Coordinator** accepts referral and records entry on AMHP Shift report			
		3 **Administrator** identifies Service User on shift report and puts on Nearest Relative Advance Practitioner caseload on Rio	
		4 **Administrator** provides Service User and Nearest Relative with a copy of KCC privacy notice (For copy of privacy notice please see Knet)	
		5 **Administrator** creates Service User email subfolder and file on Mental Health Professional Assurance Team	

		shared drive	
6 **AMHP Advance Practitioner** allocates to an AMHP and informs the Administrator via Nearest Relative mailbox			
7 **AMHP** undertakes a review of electronic and paper records			
8 **AMHP** interviews Service User			
9 **AMHP** records visit on Rio and Mental Health Professional Assurance Team shared drive			
10 **AMHP** completes mental capacity form if Service User lacks capacity (For a copy of mental capacity form please see Knet)			
11 **AMHP** scans and uploads capacity form to Rio and Mental Health Professional Assurance Team shared drive (if completed)			

12 If **Service User has capacity** they can have support from an Independent Mental Health Advocate and a Solicitor to make an application to court themselves if they wish to			
13 If **Service User** is **not** making application skip to **18**			
14 **AMHP** emails AMHP Service Manager of decision and copies in Nearest Relative mailbox			
15 **AMHP** informs Care Coordinator/Case Manager and records decision on Rio and Mental Health Professional Assurance Team shared drive			
		16 **Administrator** removes Service User from Nearest Relative Advance Practitioner caseload on Rio	
		17 **Administrator** moves folder to close cases on Mental Health Professional Assurance Team	

		shared drive	
18 **AMHP** interviews Nearest Relative (if there is one) and records visit on Rio and Mental Health Professional Assurance Team shared drive			
19 **AMHP** interviews possible alternative Nearest Relative (if there is one) and provides them with a copy of KCC privacy notice			
20 **AMHP** records visit on Rio and Mental Health Professional Assurance Team shared drive			
21 **AMHP** emails AMHP Service Manager of decision and copies in Nearest Relative mailbox			
22 **AMHP** informs Care Coordinator/Case Manager of decision			
23 If **AMHP** **is making application** to court skip to **26**			
		24 **Administrator** removes Service	

		User from Nearest Relative Advance Practitioner caseload on Rio	
		25 **Administrator** moves folder to close cases on Mental Health Professional Assurance Team shared drive	
26 **AMHP** arranges for medical professional to carry out capacity of Nearest Relative (if there is one) to conduct legal proceedings			
27 **AMHP** ensures there is no one else who can act on behalf of Nearest Relative			
28 **AMHP** must obtain financial information for Official Solicitor if Nearest Relative lacks capacity			
29 **AMHP** completes: • Court statement • Legal advice request form (For template forms and an example of a court statement please see Knet)			

30 **AMHP** emails a copy of draft court statement to AMHP Advance Practitioner to quality assure via AMHP generic mailbox and copies in Nearest Relative mailbox			
		31 **Administrator** scans and saves draft court statement to Service User folder	
32 **AMHP Advance Practitioner** reviews court statement and sends comments back to AMHP via AMHP generic mailbox email and copies in Nearest Relative mailbox			
33 **AMHP** makes changes (if necessary) and emails final copy to AMHP Service Manager requesting legal advice and copies in Nearest Relative mailbox			
	34 **AMHP Service Manager** scrutinizes court statement to ensure all possible alternatives have been explored		

35 **AMHP** explores other options (if necessary)			
	36 **AMHP Service Manager** gives authorisation for legal advice and copies in Nearest Relative mailbox		
		37 **Administrator** scans and saves a copy of final court statement to Service User folder and Rio and deletes draft copy	
	38 **AMHP Service Manager** emails CMHT Service Manager and copies in Nearest Relative mailbox requesting they identify a Nominated Officer and a Back Up		
39 **AMHP** emails Invicta Law at (adultsocialwelfare@invicta.law) giving notification of court application enclosing: • Court statement	`		

• Legal advice request form • Capacity to Conduct Court Proceedings form (for the Nearest Relative if required) and copies in Nearest Relative mailbox			
40 **AMHP** emails Operational Support Unit at (Osu@kent.gov.uk) a copy of the legal advice request form and copies in Nearest Relative mailbox			
		41 **Administrator** scans and saves a copy of all paperwork to Service User folder on Mental Health Professional Assurance Team shared drive and Rio	
			42 **Invicta Law** allocates case to a solicitor
			43 **Invicta Law** opens a case file
			44 **Invicta Law** emails AMHP acknowledging instructions (within 3 working days of opening

			file) and copies in Nearest Relative mailbox
			45 **Invicta Law** completes draft claim form (N208)
			46 **Invicta Law** emails AMHP: • draft claim form (N208) • any necessary amendments to court statement (within 5 working days or as soon as practicable if urgent) and copies in Nearest Relative mailbox
47 **AMHP** makes changes (if required) and emails final version of court statement to Invicta Law and copies in Nearest Relative mailbox			
		48 **Administrator** scans and saves final court statement to Service User folder on Mental Health Professional Assurance Team shared drive and Rio and deletes draft copy	

49 **Nominated Officer** emails Assistant Director Mental Health confirming contact details and those of the Back Up and copies in: • AMHP Service Manager • Invicta Law • MHPAT Business Support Manager • Nearest Relative mailbox			
	50 **MHPAT Business Support Manager** arranges authorisation for access to Service User folder on MHPAT shared folder for Nominated Officer		
		51 **Administrator** updates register and saves draft in Register folder on Mental Health Professional Assurance shared drive	
			52 **Invicta Law** makes application to court
			53 **Invicta Law** emails AMHP confirming court date and copies in

			Nearest Relative mailbox
54 **AMHP** attends court			54 **Invicta Law** attends court
			55 **Invicta Law** emails draft copy of court order to AMHP and copies in Nearest Relative mailbox
		56 **Administrator** scans and saves draft court order to Service User folder on Mental Health Professional Assurance Team shared drive and Rio	
57 **AMHP** informs AMHP Service Manager and Care Coordinator/Case Manager and records decision on Mental Health Professional Assurance Team shared drive and Rio			
		58 **Administrator** creates draft letters, scans and saves in Service User file and gives copies to Assistant Director Mental Health (For template letters please see checklist and Knet)	

	59 **Assistant Director Mental Health** quality assures letters		
		60 **Administrator** amends letters (if necessary) and gives to Assistant Director Mental Health	
	61 **Assistant Director Mental Health** signs letters and hands back to Administrator		
		62 **Administrator** scans and saves all paperwork to Service User folder and Rio and deletes draft copies of letters	
		63 **Administrator** sends letters with enclosures by post and/or secure email (For list of enclosures please see checklist of	

		letters. For guidance on safe use of email please see Secure email policy on Knet and Secure email whitelist on Service now)	
64 **AMHP** carries out handover meeting with Service User and Nominated Officer (as soon as possible after court hearing)			
		65 **Administrator** updates register and saves draft in Register folder on Mental Health Professional Assurance Shared Drive	
		66 **Administrator** prints a copy of register off and passes to Assistant Director Mental Health	
	67 **Assistant Director Mental Health** checks register using validation information (please see below)		
	67a		

	Using the Court Order: • Name of Service User • Address of Service User • Name of Court • Court Claim Number • Type of Order • Date of Order • Expiry date (if there is one) • Name of Nearest Relative • Relationship to Service User • Reason for Order		
	67b **Using Nominated Officer's email:** • Name of AMHP • Address of AMHP • Contact details • Details of Back Up		
		68 **Administrator** amends register (if necessary) and gives to Assistant Director Mental Health	
	69 **Assistant Director Mental Health** signs register and hands back to Administrator		

		70 **Administrator** scans and saves signed copy of register in Register folder on Mental Health Professional Assurance shared drive and deletes draft version	
		71 **Administrator** adds expiry dates to outlook calendars (and reminders if required for an interim order)	
			72 **Invicta law** emails final sealed court order to AMHP and copies in Nearest Relative mailbox
			73 **Invicta law** closes case
		74 **Administrator** scans and saves copy of final order in Service User folder on Mental Health Professional Assurance Shared Drive and on Rio and deletes draft version	
75 **Nominated Officer** records contact with			

Service User in Service User folder on Mental Health Professional Assurance Shared Drive			

2. Process for Delegation

AMHP & AMHP Service	KCC Management	Nearest Relative Administrator
1 **AMHP/**Ward/CMHT contacts AMHP Service for advice/screening		
2 **AMHP Shift Coordinator** accepts referral and records entry on AMHP Shift report		
		3 Administrator identifies Service User on shift report and puts on Nearest Relative Advance Practitioner caseload on Rio
		4 **Administrator** provides Nearest Relative and Service User with a copy of KCC Privacy notice (For copy of privacy notice please see Knet)
		5 **Administrator** creates Service User email subfolder and file on Mental Health Professional Assurance Team shared drive
6 **AMHP Advance Practitioner** allocates to an AMHP and		

informs Administrator via Nearest Relative mailbox		
7 **AMHP** undertakes a review of electronic and paper records		
8 **AMHP** interviews Nearest Relative and explores possible other alternatives to KCC (Please note: it is the Nearest Relative's right to request delegation to KCC)		
9 **AMHP** records visit and decision in Service User file on Mental Health Professional Assurance Team shared drive and Rio		
10 **AMHP** emails AMHP Service Manager of decision and copies in Nearest Relative mailbox		
	11 **AMHP Service Manager** ensures all possible alternatives have been explored	
12 **AMHP** explores other possible options with Nearest Relative (if necessary)		

12 **AMHP** makes arrangements for the Nearest Relative delegation form to be completed and gives to Administrator (For a copy of the Nearest Relative delegation form please see Knet)		
13 **AMHP** emails AMHP Service Manager of decision and copies in Nearest Relative mailbox		
14 **AMHP** informs Service User of decision and records in Service User file on Mental Health Professional Assurance Team shared drive and Rio		
15 **AMHP** informs Care Coordinator/Case Manager of decision and copies in Nearest Relative mailbox		
16 If KCC **will** become the delegated Nearest Relative skip to 20		
		17 **Administrator** scans and saves delegation form on Rio

		18 **Administrator** removes Service User from Nearest Relative Advance Practitioner caseload on Rio
		19 **Administrator** moves folder to close cases on Mental Health Professional Assurance Team shared drive
	20 **AMHP Service Manager** emails CMHT Service Manager requesting they identify a Nominated Officer and a Back up and copies in Nearest Relative mailbox	
21 **Nominated Officer** emails Assistant Director confirming contact details and those of the Back Up and copies in: • AMHP Service Manager • MHPAT Business Support Manager • Nearest Relative mailbox		
	22 **MHPAT Business Support Manager** arranges authorisation for access to Service User folder on MHPAT shared folder for Nominated Officer	
		23 **Administrator** scans and saves copy of delegation form in Service User folder on

		Mental Health Professional Assurance Shared Drive and on Rio
24 **AMHP** completes report for Assistant Director Mental Health		
25 **AMHP** emails a copy of draft report to AMHP Advance Practitioner to quality assure via AMHP generic mailbox and copies in Nearest Relative mailbox		
		26 **Administrator** scans and saves draft report to Service User folder on Mental Health Professional Assurance Team shared drive and on Rio
27 **AMHP Advance Practitioner** reviews report and sends comments back to AMHP via AMHP generic mailbox email and copies in Nearest Relative mailbox		
28 **AMHP** makes changes (if required) and emails Assistant Director Mental Health final version of report and copies in Nearest Relative mailbox		
		29 **Administrator** scans and saves final

		report to Service User folder on Mental Health Professional Assurance Team shared drive and on Rio and deletes draft copy
		30 **Administrator** creates draft letters, scans and saves in Service User file and gives copies to Assistant Director Mental Health (For template letters please see checklist and Knet)
	31 **Assistant Director Mental Health** quality assures letters	
		32 **Administrator** amends letters (if necessary) and gives to Assistant Director Mental Health along with the Nearest Relative delegation form
	33 **Assistant Director Mental Health** signs letters and delegation form and hands back to Administrator	
		34 **Administrator** scans and saves all paperwork to Service User folder on Mental Health Professional Assurance Team shared drive and Rio and deletes draft copies

		35 **Administrator** sends letters with enclosures by post and/or secure email (For list of enclosures please see checklist of letters. For guidance on safe use of email please see Secure email policy on Knet and Secure email whitelist on Service now)
		36 **Administrator** updates register, prints a copy off and passes to Assistant Director Mental Health (refer to register update process)
	37 **Assistant Director Mental Health** checks register using validation information (see below)	
	37a **Using Nearest Relative delegation form:** • Name of Service User • Name of Nearest Relative • Address of Nearest Relative • Relationship to Service User • Date of Delegation • Expiry date (if there is one)	
	36b **Using AMHP's report:** • Address of Service	

	User	
	37c **Using Nominated Officer's email:** • Name of AMHP • Address of AMHP • Contact details • Details of Back up	
		38 **Administrator** amends register (if necessary) and gives to Assistant Director Mental Health
	39 **Assistant Director Mental Health** signs register and hands back to Administrator	
		40 **Administrator** scans and saves register in Register folder on Mental Health Professional Assurance Team shared drive and deletes draft version
		41 **Administrator** adds expiry dates to outlook calendars (and reminders if required for an interim delegation)
42 **Nominated Officer** records contact with Service User in Service User folder on Mental Health Professional Assurance Shared Drive		

Process for Discharge

Discharge can happen at any time but only when:

1) The circumstances of the Service User have changed, which warrants the AMHP to return to Court to have the Order changed

2) The Nearest Relative changes so s/he no longer has the right to delegate his/her functions

3) The Nearest Relative chooses to take back their functions

4) The Service User dies

AMHP & AMHP Service Manager	KCC Management	Nearest Relative Administrator
1 **Nominated Officer** emails Assistant Director Mental Health giving notification of reason for discharge and copies in: • AMHP Service Manager • MHPAT Business Support Manager • Nearest Relative mailbox		
	2 **Assistant Director Mental Health** emails Nominated Officer acknowledging reason for discharge and copies in AMHP Service Manager and Nearest Relative mailbox	
3 **Nominated Officer** informs Care Coordinator and/or Case Manager and records decision in Service User file on Mental Health Professional Assurance Team shared drive and Rio		

4a If new court application is required please follow process above (page 3)		
4b For all other reasons please follow process below		
		5 **Administrator** creates draft letters, saves in Service User file and gives copies to Assistant Director Mental Health (For template letters please see checklist and Knet)
	6 **Assistant Director Mental Health** quality assures letters	
		7 **Administrator** amends letters (if necessary) and gives back to Assistant Director Mental Health
	8 **Assistant Director Mental Health** signs letters and hands back to Administrator	
		8 **Administrator** scans and saves letters to Service User folder on Mental Health Professional Assurance Team shared drive and Rio and deletes draft copies

		9 **Administrator** sends letters by post and/or secure email (For guidance on safe use of email please see Secure email policy on Knet and "Secure email whitelist" on service now)
		10 **Administrator** updates register, prints a copy off and passes to Assistant Director Mental Health
	11 **Assistant Director Mental Health** checks register using validation information (see below)	
	11a Email from Nominated Officer	
	12 **Assistant Director Mental Health** signs register and hands back to Administrator	
		13 **Administrator** scans and saves in Register folder on Mental Health Professional Assurance Team shared drive
		14 **Administrator** moves Service User

		folder into Closed Cases folder on Mental Health Professional Assurance Team shared drive
		15 **Administrator** updates Archiving spread sheet
	MHPAT Business Support Manager arranges for Nominated Officer's access to Service User folder on MHPAT shared folder to be removed	