# GUARDIANSHIP

(Section 7 of the Mental Health Act 1983)

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<th>1. Patient’s name</th>
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<th>2. Your guardian’s</th>
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<tbody>
<tr>
<td>2.1 Name</td>
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<td>2.2 Address</td>
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<td>2.3 Telephone no.</td>
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<th>3. Your responsible local social services authority</th>
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## What is guardianship?

Under section 7 of the Mental Health Act 1983, people who have a mental disorder can be given a guardian to help them, if two doctors say this is needed.

Your guardian may be your local social services authority, or someone who has been approved by a social services authority. If your guardian is not a social services authority, they are called a “private guardian”.

Your guardian has legal powers to tell you:

- where you must live
- to attend appointments for medical treatment, work, education or training at set places and at set times
- to allow a doctor or another named person to see you.
Why do I need a guardian?

Two doctors think that you need help to live in the community as you have a mental disorder and you need a guardian for your own welfare or to protect other people.

How long does it last?

Guardianship lasts for up to six months at first.

Your guardianship may be renewed for a further six months, and again for a further year at a time, if your responsible clinician or your nominated medical attendant thinks this is necessary. They will talk to you about this nearer the time.

Your responsible clinician is the doctor, or other person, asked by the local social services authority to say whether you still need a guardian. If you have a private guardian, this will be done by a doctor called your “nominated medical attendant” instead.

Can I appeal?

If you want to stop having a guardian, you should talk to your guardian, your social worker, your responsible clinician or your nominated medical attendant.

You can also write to the social services authority to ask them to end your guardianship. Someone from the social services authority may want to talk to you before deciding whether you still need a guardian.

Your nearest relative can end your guardianship by writing to the social services authority. This leaflet explains further down who your nearest relative is.

You can also ask a Tribunal to say that you should not have a guardian any more.

What is a Tribunal and what happens?

The Tribunal is an independent panel which can decide whether you still need a guardian. It will hold a meeting with you and with staff who know you. This meeting is called a “hearing”. You can ask someone else to come to the hearing to help you, if you want. Before the hearing, the members of the Tribunal will read reports about you and your guardianship. One of the members of the Tribunal will also come to talk to you.

When can I apply to the Tribunal?

You can apply to the Tribunal once at any time during the first six months of your guardianship. You can then apply again once during the next six months and then once in every year that you are still under guardianship.
If you want to apply to the Tribunal you can write to:

The Tribunals Service
PO BOX 8793
5th Floor
Leicester
LE1 8BN      Tel. 0845 2232022

You can ask a solicitor to write to the Tribunal for you and help you at the hearing. Your social services authority and the Law Society have a list of solicitors who specialise in this. You will not have to pay for help from a solicitor with this. It is free of charge under the Legal Aid scheme.

Letting your nearest relative know

A copy of this leaflet will be given to the person the Mental Health Act says is your nearest relative.

There is a list of people in the Mental Health Act who are treated as your relatives. Normally, the person who comes highest in that list is your nearest relative. Your social services authority can give you a leaflet which explains this and what rights your nearest relative has in connection with your care and treatment.

In your case, we have been told that your nearest relative is:

If you do not want this person to receive a copy of the leaflet, please tell your guardian, social worker or the person who gave you this leaflet.

If you do not think this person is suitable to be your nearest relative, you can apply to the County Court for someone else to be treated as your nearest relative instead. Your social services authority can give you a leaflet that explains this.

Code of Practice

There is a Code of Practice that gives advice about the Mental Health Act to people involved in your care. They have to consider what the Code says when they take decisions about your care. You can ask to see a copy of the Code, if you want.
Further help and information

If there is anything you do not understand about your care, please ask your guardian, your social worker or someone else involved in your care. Please also ask them to explain if there is anything in this leaflet you do not understand or if you have other questions that this leaflet has not answered.

Please ask if you would like another copy of this leaflet for someone else.