Guardianship Mental Health Act 1983 Section 7

This Factsheet is for people who have been received into Guardianship under the Mental Health Act 1983 because the doctors and social worker believes this to be necessary for your own welfare. We hope that this Factsheet will offer you and your family an introduction to this area of care.

What is the Mental Health Act 1983?
It deals with the care and treatment of people with mental health needs who are living in their own homes or other accommodation.

What is Guardianship?
This is a way of encouraging people living in the community to engage with services or to live in a particular place.

How is Guardianship arranged?
Under Section 7 of the Mental Health Act, an Approved Mental Health Professional (AMHP) can apply for someone over 16 to be received into Guardianship. The application is supported by recommendations from two doctors, one of whom must be a psychiatrist, who must agree that:

- The application is made to the Community Care and Housing Department. If they accept it, they can appoint a social worker as Guardian or any other person who is willing to act

- The guardian can require the person to live at a specified place, to attend at particular places or times for treatment, occupation, education or training, and to allow a doctor, AMHP or other specified person to enter where he or she is living.
What does Guardianship mean for me?
Initially, the Guardianship will last for six months, but may be renewed for a further six months. Any further renewals will be for 12 months. We believe that Guardianship will be helpful to you at present, but we wish to assure you that it will be discharged as soon as it is thought to be no longer necessary.

Who is my Guardian?
Your Guardian can be either Community Care and Housing or a person who is accepted by Community Care and Housing to act as your Guardian, e.g. a relative. If Community Care and Housing acts as your Guardian, a named social worker will take on the role.

Why do I need a Guardian?
The people involved in your care have assessed 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.

The Powers of a Guardian
Section 8 of the Mental Health Act 1983 gives the Guardian the following powers:

- to require you to live at an address the Guardian thinks is best for you
- to require you to provide access to people named by the Guardian, such as a doctor, nurse or social worker
- to require you to attend any place the Guardian may specify for medical treatment, occupation, education or training. You may be required to attend, but no treatment may be given to you without your consent
- if you are assessed as lacking mental capacity to consent to treatment, it may be given to you under the mental capacity act 2005, if it is determined as being in your best interests.

Can I appeal?
If you want to stop being under Guardianship, you should discuss this with your guardian, doctor or social worker. You (or your Nearest Relative) can also write to your local Community Care and Housing Department to ask them to look into your case.
You can also ask a Mental Health Review Tribunal to discharge you from Guardianship. You can apply to a Tribunal any time in the next six months. If your doctor thinks you need to stay under Guardianship for a further six months you will be able to apply to the Tribunal again. After that, you can apply once every year that you are still under Guardianship.

**What happens at a Mental Health Review tribunal?**
The tribunal is independent of the local authority. The Tribunal members will come and meet with you and listen to your views and to those of your representative (if you have one). The Tribunal doctor will also come and see you before the Tribunal hearing. They will speak to your doctor, social worker and read reports about you before deciding if you are well enough to be discharged from Guardianship. The Tribunal will give you a written decision within 7 days of the date of the hearing. You might want to ask a solicitor to help you with the Tribunal. This is free of charge under the legal aid scheme.

**Will I be given treatment?**
Your doctor will tell you about any treatment he thinks you need while you are subject to Guardianship. You cannot be given any treatment without your consent while under Guardianship.

If you are assessed as lacking mental capacity to consent to treatment, it may be given to you under the mental capacity act 2005, if it is determined as being in your best interests. Please direct any enquiries to your Social Worker in the first instance.

**Details of Social Worker:**
**Telephone number:** Email:

**Better Care, Higher Standards**
Better Care, Higher Standards charters describe the long-term community care that people can expect to receive, and set out standards relating to the delivery of services. These are joint documents covering the work of Community Care, Housing and Health and are aimed at anyone aged 18 or over who has difficulties in maintaining independence because of age, long-term illness, physical and/or sensory impairments or housing need, and carers who support people in any of these circumstances.
The South Gloucestershire charter sets out our underlying service principles as well as key targets and our performance against them. For a copy of the charter, please phone us on 01454 866345 or visit our website www.southglos.gov.uk.

Further information:
Alzheimer’s Society:
Phone 020 7423 3500, Web http://www.alzheimers.org.uk/site/index.php
Dementia Care Trust:
Phone 0117 952 5325, Web http://www.dct.org.uk/
Mental Health Foundation:
Phone 020 7803 1101, Web http://www.mentalhealth.org.uk/
MIND:
Phone 0845 766 0163, Web http://www.mind.org.uk/
Rethink:
Phone 0845 456 0455, Web http://rethink.org/index.html
Sainsbury Centre for Mental Health:
Phone 020 7827 8300, Web http://www.scmh.org.uk/

The Mental Health Advocacy Project
The Mental Health Advocacy Project provides free mental health support for people aged 18-65 years who use mental health services in South Gloucestershire. The Project supports people to look at different options and possible outcomes. You can refer yourself or be referred by someone else. For more information:
Phone: 0117 958 9331
Fax: 0117 965 0200
Email: sgmaha@thecareforum.org.uk
Web: www.thecareforum.org
Write to: Mental Health Advocacy, The Care Forum
The Vassall Centre, Gill Avenue
Fishponds
Bristol BS16 2QQ.

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