An easy read fact sheet

Guardianship

This fact sheet is about Guardianship and your rights.

Know your rights

The Mental Health Act Code of Practice
Guardianship

Key facts

- Guardianship is used to help you live outside of hospital.
- Your Guardian can decide things for you, like where you live.
- You can ask your Independent Mental Health Advocate to help you understand about your Guardianship.
What is Guardianship?

- Guardianship is used to help and encourage you to get the care you need outside of hospital.
- A Guardian could be your Local Authority, or someone else that the Local Authority has agreed to be your Guardian.
- Under Guardianship you should still be free to come and go from the place that you live.

![My area map](image)
When are you given Guardianship?

- You can be placed under Guardianship if you are 16 or over, have a mental disorder and it is necessary to protect you or other.

- You might be placed under Guardianship even though you do have mental capacity to make certain decisions because it is felt you are vulnerable because of your mental disorder.

- The choice of Guardianship would be made instead of you being detained in hospital for treatment.
What rights does a Guardian have?

Your Guardian:

- Has the right to decide where you should live.
- Should talk to you about where they want you to live.
- Can require that a doctor, Approved Mental Health Professional (AMHP) or other such person is able to see you at the place where you live.
- Can require you to go for treatment, work, training or education at agreed times and places.
- Your Guardian or anyone else **does not have the right** to make you have treatment without your agreement.
- Your Guardian or anyone else **does not have the right** to agree to treatment on your behalf if you have capacity to consent to the treatment.
How am I placed under Guardianship?

- You can only be placed under Guardianship if two doctors say that the requirements in the Act are met.
- An application is usually made by an Approved Mental Health Practitioner (AMHP) but in some cases it can be made by your Nearest Relative.

How long does Guardianship last?

- Six months, after this time your Guardianship can be renewed.
Can my Guardianship be ended?

- You can apply to the Tribunal for discharge from Guardianship.
- Your Nearest Relative can usually discharge you from Guardianship.
- Sometimes your Local Authority decides your Nearest Relative cannot discharge you. If this happens, your Nearest Relative can ask the Tribunal if they will discharge you.
- Your Local Authority can discharge you from Guardianship at any time and so can your Responsible Clinician.
- Your Guardianship would end straight away if you were detained in hospital for treatment of your Mental Disorder.
Where in the code?

This easy read fact sheet comes from:

- DH Mental Health Act 1983: Code of Practice: Chapter 30 ‘Guardianship’ pages 342-348

Download the code:

Download the easy read fact sheets:
www.nhs.uk/easy-mentalhealthact

Download the easy read glossary:
www.nhs.uk/glossary

More information:

Mind UK Sectioning and Guardianships:
www.mind.org.uk/information-support/legal-rights/nearest-relative/sectioning-and-guardianships/#.VQI7EhCsVSs