

PRACTICE GUIDANCE

GUARDIANSHIP ORDER - SECTION 7 OF THE MHA 1983 (REVISED 2007) FLOWCHART

Guardianship Order Invoked

2 medical recommendations, one from the Responsible Clinician, plus AMHP application – decision reached following consultation with Nearest Relative, care coordinator, carers and any other interested party via CPA process. The guardian is the LSSA, i.e. Kent County Council. **DO NOT identify an individual practitioner as the guardian.**

Guardianship Order Received

Original application sent to Interim Director Mental Health/Learning Disability (Penny Southern) c/o Mitzi Brown with accompanying proforma and social circumstances report. Register amended by Mitzi Brown and appointment made with Guardianship Review Panel for scrutiny. On receipt of the signed copy of paperwork the AMHP must advise the subject of the guardianship order of their legal status and of their right of appeal. The AMHP must also advise Nearest Relative of their respective rights including power to discharge. **Please record the name of the service user's care coordinator/key professional and their contact details on the proforma, if different to the AMHP making the application. Please send a copy of the social circumstances report to the MHA administrator so that RiO can be up-dated.**

Renewal

Prior to expiration of order – initially at six months, then at the end of a further period of six months, and annually after one year – a CPA review meeting to take place in order to consider formal status of service user and whether it is appropriate to continue under guardianship: note it is advised that the review is carried out at least four – eight weeks prior to expiration, and must include consultation with NR. A prompt will be sent to the **care coordinator** 6 weeks prior to the date of expiration to allow sufficient time for assessment arrangements and referral to AMHP if appropriate. **However, please do not rely on a reminder.** Renewal papers sent to Interim Director Learning Disability/Mental Health c/o Mitzi Brown. Additionally a proforma must be completed and sent to Mitzi Brown recording decision to renew, accompanied by an up to date social circumstances report. **Additionally the social circumstances report needs to be forwarded to the MHA administrator.**

Guardianship Review Panel

AMHP and/or care coordinator/key professional will be notified four weeks prior to appointment with Guardianship Review Panel and invited to attend. An up to date report will be requested, if not already forwarded. Process and decision-making scrutinised by Guardianship Review Panel and any decision will be given in writing along with feedback.

Discharge

A guardianship order can be discharged by the RC as soon as it is no longer required. Those subject to guardianship can appeal to the MHRT. The Nearest Relative can also discharge the order under Section 23 of MHA. The LSSA has the power to discharge, in accordance with the process of review. It is best practice that guardianship orders are positively discharged, once no longer required, rather than allowed to lapse – **as soon as a guardianship order comes to an end for whatever reason, including as a result of the death of the service user, a proforma must be completed and sent to Mitzi Brown so that the register can be amended. Additionally you will need to advise the MHA administrator so that RiO can be up-dated.**