

A guardianship order

Information for patients being treated under the Mental Health Act



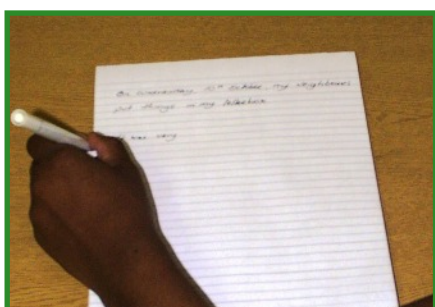
East London
NHS Foundation Trust



EasyRead version



East London NHS Trust runs mental health and community health services.



We wrote this information to help you understand your rights.



This is an EasyRead version of **Guardianship Order (Sections 37 of the Mental Health Act 1983)**.



The Mental Health Act is the law that tells people with a **mental disorder** about their rights and how they can be treated.

Mental disorder means a disorder or disability of the mind such as:



- a mental illness



- a learning disability



- a personality disorder.

About you



Your name:



Your guardian's:

- name



- address



- telephone number



Your social services:



What is a guardian?



The court said you need a guardian to help you.



Your guardian may be your social services.
Or someone your social services chooses.



The law says your guardian can tell you:



- where to live



- to go to doctor or hospital appointments for treatment



- when and where to go to work or college



- to see a doctor or someone else - they will tell you the names of these people.



Why do I need a Guardian



2 doctors say you have a mental disorder.



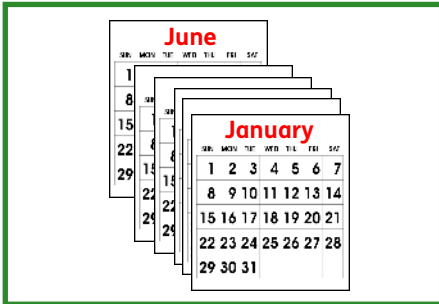
They think you need help to live in the community.



Your guardian helps to make sure you look after yourself and do not hurt or upset others.



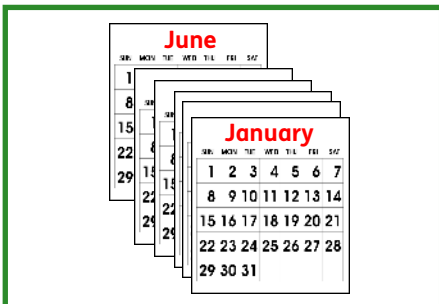
How long will I have a guardian for?



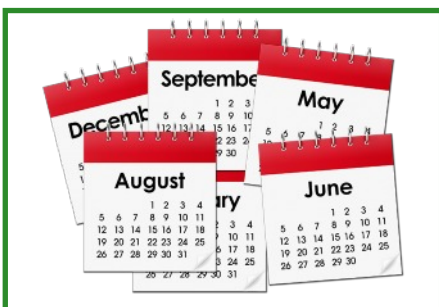
At first for 6 months.



The person in charge of your treatment will decide if you need a guardian for longer. They will talk with you about this when they have to decide.



If you need it, your guardian will carry on for another 6 months.



Then it is looked at every year.



Can I appeal if I do not agree with this?



You can ask the court to think about you again. You must do this quickly. It is best to ask a solicitor to help you.



If you want to stop having a guardian:

- talk to your guardian



- or talk to your social worker



- or talk to the person in charge of your treatment



- or write to your social services



You and your nearest relative can also go to a tribunal. You can ask the tribunal to say you do not need a guardian any more.



We explain on page **16** what your nearest relative means.



What is a tribunal and what happens?



The tribunal is an independent group of people. They can decide if you still need a guardian.



They have a meeting with you and staff who know you. This meeting is called a **hearing**.



You can ask someone to go with you to the hearing to help you.



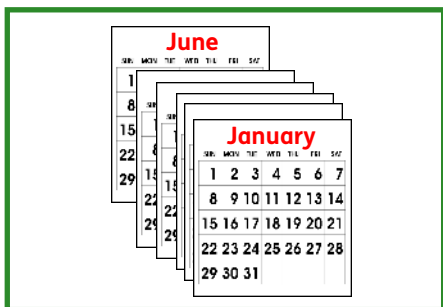
Before the hearing the tribunal will read reports about you and your guardian.



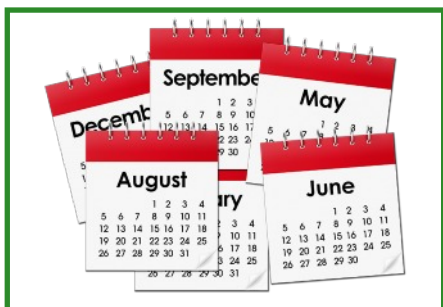
One of the tribunal will come to talk with you.



When can I contact the Tribunal?



You can contact the tribunal once in the first 6 months of having a guardian. Then you can contact them again once in the next 6 months.



Then you can contact the tribunal once every year that you have a guardian.



Your nearest relative can contact the tribunal once in your first year of having a guardian. Then once every year that you have a guardian.

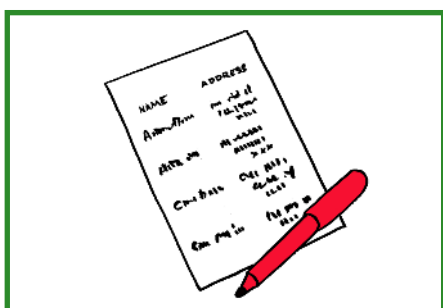
Contact the tribunal at:

Telephone: 0845 2232022

Write to: The Tribunals Service
PO Box 8793
5th Floor
Leicester
LE1 8BN



You can ask a solicitor to write to the tribunal and help you at the hearing.



Your social services and the Law Society have a list of solicitors who do this. You do not have to pay for a solicitor to help you with this. It is free with Legal Aid.



Independent mental health advocate



You can have support from an independent mental health advocate if you want it.



The advocate is independent. This means they do not work for the NHS or anyone else involved in your care.



They can:

- tell you about your rights



- help you understand what is happening



- help you tell people what you want.



- help you with the Tribunal.



You can contact the advocacy service yourself. The telephone number for the advocacy service is:



You can ask the person who gave you this leaflet to telephone them for you. Or your nearest relative.



Telling your Nearest Relative



We will give your Nearest Relative a copy of this leaflet.



Your nearest relative looks out for you if you are treated under the Mental Health Act. They are seen as your nearest relative if you are in hospital or the community.



The Mental Health Act has a list of people who are seen as your nearest relative. Your social services can give you a leaflet that explains it more.

We have been told your nearest relative is:

If you do not want this person to get a copy of this leaflet please tell:



- your guardian



- or social worker



- or the person who gave you this leaflet.



You may not think the person named will be good as your nearest relative. You can ask the county court to change your nearest relative.



Social services have a leaflet that explains how to do this.



The Code of Practice



The Code of Practice tells staff how to treat people under the Mental Health Act.



They have to think about it when they decide about your care.



You can ask to see a copy of the Code.



How to complain



Tell the person who gave you this leaflet if you are not happy with anything about your guardian. They may be able to sort it out.



If you are still not happy they can tell you how to complain.



They can also tell you who can help you to complain. Such as an independent mental health advocate.



You can tell the Local Government Ombudsman as well.



You can find out more about how to complain about local councils on the internet:

www.lgo.org.uk



Or you can telephone them at 0845 602 1983.



You can also tell the Care Quality Commission. They check that people use the Mental Health Act properly.



You can ask for another leaflet about them.



How to find out more

Please ask the person who gave you this leaflet or other member of staff if:



- you do not understand anything



- you want to ask any questions



- you want a copy of this leaflet for someone else.



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