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| STRICTLY PRIVATE & CONFIDENTIAL  <<NAME OF SERVICE MANAGER>>  ADDRESS  ADDRESS  ADDRESS  ADDRESS  ADDRESS | C/O AMHP Service  3rd Floor, Invicta House  County Hall  Sandling Road  Maidstone  Kent, ME14 1XX    Tel: 03000 415762  Ask for: Akua Agyepong  Email: [MHGuardianship@kent.gov.uk](mailto:MHGuardianship@kent.gov.uk)    <<DATE>> |
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Dear <<Service Manager>>

**Re Local Authority Responsibilities in Relation to Section 7 Guardianship**

I am writing to you in connection with <<PERSON>> who is currently under Guardianship (Section (S) 7 of the Mental Health Act 1983 as amended by the Mental Health Act 2007 (MHA)).

Kent County Council is the Guardian for <<PERSON>>. This function has been delegated to <<AMHP NAME>>, who is a mixed role Approved Mental Health Professional (AMHP) within your team.

**The local authority’s responsibilities, which are delegated to <<AMHP NAME>>, are outlined below.**

**<<AMHP NAME>> should be visiting <<PERSON>> at regular intervals which should be at a minimum once every 3 months** as per The Mental Health (Hospital, Guardianship and Treatment) (England) Regulations 2008 Regulation 23 Visits to patients subject to guardianship 23(a) and Reference Guide to the Mental Health Act 1983 28.89. These visits will be an opportunity to review the person’s circumstances including their needs, mental state, their capacity in relation to Guardianship and any risks.

The Mental Health Act Code of Practice (MHA COP) (30.20-22) makes it clear that **for Guardianship to be effective its use should be fully reflected and integrated within the person’s care plan. <<AMHP NAME>> will need to liaise with the team that work with <<PERSON>> and attend and contribute to multi-agency reviews. <<AMHP NAME>> should also be in ongoing communication with the team** as to any significant issues which arise in relation to <<PERSON>>’s care and which have implications regarding the Guardianship.

**If <<PERSON>> were to be taken into hospital, then <<AMHP NAME>> would be required to visit them there as described by MHA S116. <<AMHP NAME>> has a responsibility to provide Kent County Council with a social circumstances report relating to the renewal of Guardianship. This occurs within 6 months on the first two occasions and thereafter on a yearly basis unless** it were to be discharged in the interim MHA S20 stating their views regarding necessity for Guardianship. This report will be informed by the contacts which <<AMHP NAME>> has maintained throughout the period of Guardianship. The period of review commences and must be completed within the last two months of the respective periods of detention.

Note

If a person is transferred into Guardianship from inpatient care via S19 MHA, then the period of detention under Guardianship will run from the start of the section from which they are being transferred e.g., when the S3 commenced and so will be shorter than six months in these incidences. The review period will still occur within the last two months.

People who are detained under Guardianship are entitled to appeal to a Tribunal (S66 MHA) to request their discharge and their Nearest Relative (as per S26 MHA) has a power of discharge (S23 (2)(b) MHA). **<<AMHP NAME>> should ensure that all relevant parties are aware of their rights** in these respects. **<<AMHP NAME>> should also ensure that the Guardianship Administrator is advised of any tribunals via email to** [**mhguardianship@kent.gov.uk**](mailto:mhguardianship@kent.gov.uk)**.**

**If <<AMHP NAME>> becomes aware that <<PERSON>> is not residing at the address specified by the order, then they should instigate the Absent Without Leave (AWOL)** policy (Guardianship policy: 10. Procedure for when a service user is AWOL) and they should also consider the continuing appropriateness of the order. **If <<AMHP NAME>> is on leave or otherwise unavailable, then you should arrange for another AMHP to act on their behalf.**

**Please be advised that these are statutory duties, and you should ensure <<AMHP NAME>> is supported to undertake these responsibilities fully and effectively.**

These duties are also described within the Guardianship Policy, section 9 Procedure for Monitoring of Guardianship, which is accessible on Knet. This policygives comprehensive coverage to procedures and duties related to Guardianship and will be highly informative to yourself and <<AMHP NAME>> in this respect.

Yours sincerely

Akua Agyepong

Assistant Director Countywide Services