

SCHEDULE 3

Regulation 4(b)

**Mental Health Officer's report to accompany application for renewal of guardianship relating to personal welfare\* personal welfare and property and /or financial affairs\***

**AWI [3]**  
Adults with Incapacity (Scotland) Act  
2000  
Section 57(3)(b)

**PART A AUTHOR OF THE REPORT**

I

(Give full name, local authority for whom you are acting in this case, and work address.)

am a Mental Health Officer appointed by

Address

Tel No

E-mail

**PART B THE ADULT**

On  (Give date of interview and assessment of the adult)

I interviewed and assessed the adult who is the subject of this application

(name)

(Give full name, address and date of birth of the adult, as on the application) of  (address)

(DOB)

**PART C THE APPLICANT**

This report is written in relation to the application by

(state name of applicant)

\* Delete the one which does not apply

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**PART D**

*Please state your opinion in terms of the general principles as set out in section (1) of the Act where possible. Please comment fully on the adult's social circumstances*

**APPROPRIATENESS OF THE ORDER APPLIED FOR**

I have read the application, have taken note of the powers sought and the renewal of guardianship being applied for. My opinion as to the appropriateness of the order sought is as follows:-

1 Will the proposed order (a) benefit the adult and (b) will the benefit be unable to be reasonably achieved without the order?

(a) Describe how the proposed order will benefit the adult.

(b) Describe how the benefit will be unable to be reasonably achieved without the order.

2 Will the proposed order be the least restrictive option in relation to the freedom of the adult, consistent with the purpose of the order?

(Describe any alternatives considered. These may include a measure outwith the 2000 Act, a different measure under the 2000 Act or an order containing less restrictive powers. State whether you support the terms of the order sought or support it subject to amendment.)

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3 What are the past and present wishes and feelings of the adult?

State

(a) the past and present wishes and feelings of the adult about the order sought and the powers requested, so far as you have been able to ascertain them.

(b) If you have not been able to ascertain the adult's wishes and feelings, please explain the barriers to this.

(c) describe the efforts you made to overcome these barriers.

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4 What are the views of the nearest relative of the adult?

Name:

Relationship:

State

(a) the views of the nearest relative about the order sought if you have obtained these. Note this section relates to the relative's own views. Information which the relative wishes to provide about the adult's wishes and feelings should be included (and attributed) in section 3(a).

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?)  
Note: the nearest relative should not be consulted where an order to that effect has been made under section 4 of the Act.

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5 What are the views of the primary carer of the adult?

Name:

Relationship:

State

(a) the views of the primary carer about the order sought if you have obtained these.

(b) do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?

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*Complete if applicable*

6 What are the views of any guardian, continuing attorney or welfare attorney ?

Name:

Appointment (e.g. financial guardian):

State

(a) the views of such a person about the order sought if you have obtained these.

(b) Do you agree with these views?

(c) If you have not obtained these views, why was it not reasonable or practicable to do so?  
(Continue on a separate sheet if there is more than one such person).

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Complete if applicable

7 What are the views of any other relevant person which have been made known to you?

Name:

Connection to adult:

State

(a) the views of any other relevant person which have been made known to you and which are relevant to the order sought.

(b) Do you agree with these views? (Continue on a separate sheet if there is more than one such person.)

8 Are there any other matters which seem to you to be relevant?

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**PART E PROPOSED GUARDIAN'S SUITABILITY**

[Do not complete if the guardian is the Chief Social Work Officer.]

(If there is more than one guardian with personal welfare powers please duplicate Part E and complete for each guardian or proposed guardian.)

Name of proposed guardian:

Relationship to adult:

*Sections 59(3) & (4) of the Act require the sheriff to consider certain factors before appointing an individual as a guardian; comment on the suitability of the person nominated under the headings in Part E where possible. Refer as appropriate to discussion with him or her.*

My opinion as to the suitability of the person nominated is as follows:-

- 1.

- 2.



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3 Accessibility to adult and primary carer.

4. Ability to carry out the functions of a guardian with personal welfare powers

5. Any likely conflict of interest between the guardian and the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as conflict of interest.)

6. Any undue concentration of power which is likely to arise in the guardian over the adult. (NB: Being a close relative or living in the same household as the adult does *not* on its own count as undue concentration of power.)

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7. Any adverse effects which the reappointment of the guardian would have on the interests of the adult.

8. Any other matters which seem to you to be relevant.<sup>1</sup>

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<sup>1</sup> Where an application relates to both welfare and financial or property matters you should comment on the extent to which you have been able to cover the financial and/or property aspects of the application.

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**PART F: CONCLUSION**

My general conclusions on the appropriateness of the renewal of guardianship and the suitability of the guardian(s) for reappointment are as follows:

**PART G:                    DECLARATION OF INTEREST**

Delete (a) or (b)           (a) I am not related to the adult

(b) I am related to the adult being his /her  
(state relationship)

**AND**

Delete (c) or (d)           (c) I have no pecuniary interest in the appointment of a guardian  
or guardians

(d) I have a pecuniary interest in the appointment of a guardian or  
guardians

The nature and extent of that interest is

Signed<sup>2</sup>

Dated

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<sup>2</sup> Please note that the application and accompanying reports will be served on interested parties.