

North Somerset AMHP Service Debt Respite Scheme (Breathing Space) Process.



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1. What is a Mental Health Crisis Breathing Space?

A Mental Health Crisis Breathing Space (MHCBS) is a scheme which supports a respite from debt in certain circumstances. This scheme is available to those who are experiencing a Mental Health Crisis, who are receiving crisis treatment.

If someone is not receiving Mental Health Crisis Treatment, they can access a Standard Breathing Space. An Accredited Mental Health Practitioner (AMHP) is not involved in the process for a Standard Breathing Space.

This scheme has been created by the government in recognition of the difficulty accessing debt advice whilst experiencing mental health crisis as well as the impact that debt can have on someone's mental health.

The MHCBS has stronger protections than the Standard Breathing Space. If the person is deemed to be in Mental Health Crisis, the MHCBS lasts for the duration of someone's period of crisis treatment plus 30 days.

Someone can be eligible for a MHCBS on more than one occasion within a year unlike the Standard Breathing Space which is only available once annually.

It will help to create time and space for a person to get the treatment they need, without having to worry about their debts growing or them being contacted by creditors during a mental health crisis.

The AMHP role is to certify that the person being referred for the scheme is in Mental Health Crisis. AMHPs are the only profession who can certify that a person is experiencing a Mental Health Crisis in respect of a MHCBS. This decision does not have to be based on the AMHP seeing the person and can be based on information provided by others. The regulations suggesting that the AMHP should be supported in this decision making.

The regulations also suggest that the AMHP may not be best placed to act as the nominated point of contact for the debt agency and this role could be taken on by others who the person is already in contact with such as the Intensive Support Service (crisis team), mental health recovery team where there is a care coordinator etc.

2. Who is eligible?

A person may be eligible for a MHCBS if they are resident in England and Wales and receiving mental health crisis treatment (including if that treatment has already started).

For a MHCBS to begin an AMHP, and only an AMHP, must confirm that a person is “receiving mental health crisis treatment”.

Provided an AMHP is satisfied that the person meets one of the three criteria set out below, the AMHP can complete the evidence form to certify this.

For these purposes, “receiving mental health crisis treatment” means that the individual:

- Has been detained in hospital for assessment or treatment (including under part 3 of the Mental Health Act 1983);
- Has been removed to a place of safety by a police constable; or
- is receiving any other crisis, emergency or acute care or treatment in hospital or in the community from a specialist mental health service in relation to a mental disorder of a serious nature. This can include services offered by community mental health services and crisis houses.

A “specialist mental health service” means a mental health service provided by a crisis home treatment team, a liaison mental health team, a community mental health team or any other specialist mental health crisis service that the AMHP considers appropriate.

A “mental disorder of a serious nature” means any mental health problem, disorder or disability of the mind that the AMHP considers to be of a serious nature.

3. Recording Consent

AMHPs completing an evidence form for a MHCBS need to have the consent of the person to do so. The individual’s personal information will be used by a debt advisor to process an application for a MHCBS.

The person making the referral also needs to have consent from the individual for the referral to be made – this should be recorded at the point of referral.

The following statement is contained in the guidance to explain the scheme and its effects to an individual when seeking consent – we can provide this in writing to someone either by post or email as well as verbally;

- “You are receiving mental health crisis treatment, and you may be struggling with problem debt. With your permission, I can complete a form to be sent to a debt adviser on your behalf to ask for a mental health crisis breathing space for you. Having a breathing space should stop you being contacted by someone you owe money to or being charged fees and interest on your debts while you are receiving crisis treatment. The breathing space will last for 30 days after your crisis treatment ends.

A debt adviser will share the information I provide in the form with other organisations, including the breathing space scheme administrator, your creditors and their agents. This needs to happen for them to establish your financial situation and make sure your creditors know you are protected by the scheme. Your creditors will be notified that you are in a mental health crisis breathing space, but they will not be given any specific information about your condition or your treatment. The debt adviser will also be able to contact you later, to offer you help to manage your debts. Are you happy for me to share your details with a debt adviser to see whether you are eligible for a mental health crisis breathing space?”

If you want to go ahead, but are worried that your creditors may be violent, we can ask the debt adviser not to share your address with your creditors. Do you want the debt adviser to consider this?”

Note the final sentence above which should be asked and recorded on the Evidence Form if required.

The current rules relating to sharing information and confidentiality that all professionals need to abide by, covers the referrals received by the AMHP service in relation to the MHCBS. Therefore, the AMHP is responsible for making the decision

that it is appropriate to share information that the person being referred is deemed to be in Mental Health Crisis and respite from follow up for debt is appropriate for a period of time, until the person is no longer in crisis and receiving crisis Mental Health treatment.

If someone lacks capacity to make a decision about a referral for a MHCBS then you may seek consent from someone the individual has previously indicated can make decisions on their behalf (e.g. a person with Lasting Power of Attorney under the Mental Capacity Act, a deputy appointed by the court of protection, or an appointee), if that is appropriate.

In the absence of someone who can consent on the individual's behalf, you can disclose information on their behalf, once you have conducted a 'best interests' assessment. You should be consulting involved in the individuals care, treatment and support.

In all cases where the individual lacks capacity for consent, you must record in your own records why you believe the person does not have the capacity to make a decision on their own behalf; and that they are unlikely to regain capacity by the time a decision needs to be taken; and the reasons why disclosure of confidential patient information is in their best interests (e.g. to protect them from serious physical or psychological harm).

4. What does an AMHP have to do?

When an AMHP has received the referral and evidence form (see below for information required from referrer) they will:

- Review the information provided by the referrer and follow up within 4 working days.
- Record the referral on the AMHP referral and data form.

The relevant legislation does not set out the steps an AMHP should follow before completing an evidence form. They may carry out an assessment in person or remotely or rely on evidence provided to them by another professional about a

person in that professional's care. It is not necessary for an AMHP also to have carried out a Mental Health Act assessment in relation to the individual, although they may consider whether to complete an evidence form when they do such an assessment.

In most cases it is not anticipated that an AMHP should have to carry out a significant amount of investigation to satisfy themselves that a person is in receipt of Mental Health Crisis Treatment. If it is not immediately clear from the referral then further supporting evidence should be requested to support the referral and any AMHP decision making.

The AMHP does not need to know or provide any specific details of the person's debts in the evidence form, but it is very helpful for them to include any information they do have in the relevant section of the form.

If the AMHP is satisfied that the person is receiving mental health treatment, the evidence form should be completed, including details of the AMHP and a Nominated Point of Contact.

Evidence Form to be completed by a North Somerset Council AMHP can be found by following the link below. [This link provides detailed guidance if it is required.](#)

The debt adviser may be unable to put a MHCBS in place unless the information provided is accurate and sufficient to identify the individual. A person's name, address and date of birth are essential. Please also try to include a current mobile number and or email address as this will support the debt advisor to make contact with the individual at the end of the MHCBS to offer further support.

Although an AMHP may be asked to complete an evidence form, the AMHP is not under any statutory duty to complete a form, and there are no circumstances in which an AMHP can be required to complete an evidence form by anyone else. It is the AMHP's judgement that is of paramount importance.

Referrals to the North Somerset AMHP Service will be received via awp.NorthSomersetAMHPservice@nhs.net.

The team administrator can also be asked to support with associated tasks such as contacting people to request additional information or submitting the evidence form.

5. Identification of Nominated Point of Contact

The nominated point of contact can be an AMHP, a care co-ordinator, or mental health nurse.

In North Somerset it is not anticipated that an AMHP will be regularly identified as the Nominated Point of Contact.

If someone has a Care Coordinator, then they should be identified as the Nominated Point of Contact. This should be made clear at the time of referral and up to date contact details recorded on the evidence form submitted to the AMHP service i.e. email address, work mobile number and team/base telephone number.

If there is no care coordinator, for example someone is being admitted to hospital having not previously been in receipt of secondary mental health services previously then a named nurse from the ward could be identified.

If neither of the above is possible then an AMHP can nominate themselves as NPOC however further investigation and identification of a NPOC should be made by the AMHP as soon as possible. The responsibility for this lies with the AMHP that has nominated themselves as NPOC. They will be responsible for updating the debt advice service of any change in NPOC.

An AMHP NPOCs should be agreed by the AMHP team manager who will monitor the frequency and numbers of people whose NPOCs are AMHPs to limit the impact this might have on the day-to-day functioning of the team.

The nominated point of contact will:

- Be notified by email when the MHCBS starts
- Be expected to respond to requests for information from the debt adviser (e.g. if there is a problem with the evidence form or delay in starting the MHCBS)

- Be available to be contacted by the debt adviser to check that the person's crisis treatment is ongoing, establish when that treatment ends and provide them with a notification that the MHCBS has ended
- The Nominated Point of Contact can be changed as long as it is changing to someone who will remain a significant person involved in the individuals crisis treatment. It is the responsibility of the current NPOC to inform the debt advisor of the change.

6. Submit the form

Once completed the evidence form must be sent to a debt adviser. The evidence form explains how to do this, using a dedicated online service provided by the Money and Pensions Service at <http://www.maps.org.uk/mhcbs>

In most circumstances the AMHP will submit the form via the link above. The regulations do allow for others to submit the form. The list of others permitted to submit the form is as follows;

- the individual,
- their carer,
- care co-ordinators,
- mental health nurses,
- social workers,
- independent mental health or mental capacity advocates,
- relevant person's representatives,
- approved mental capacity professionals

Save a copy of the form and upload to the AWP information record system and the AMHP to save in AMHP folder and LAS so the NSC have access to this information (details of this to be checked) and for audit purposes.

Once the evidence form has been received by the debt advice service the AMHP has no further role unless they will also be the nominated point of contact for the individual.

7. Carers, Advocates and representatives

A person's carer, advocate or representative may be involved in the process of applying for a MHCBS. They can:

- request that an AMHP complete the evidence form
- assist the AMHP in completing the evidence form by providing information about the person or their debts
- take responsibility for sending the completed evidence form to a debt adviser
- provide information about any additional debts to the debt adviser, after the MHCBS has started
- liaise with the debt adviser on the person's behalf

However, they may not:

- act on the individual's behalf if the individual has mental capacity and has objected to them acting in this way or making decisions on their behalf
- require an AMHP to complete the evidence form if the AMHP does not consider that the person is receiving mental health crisis treatment
- act as the nominated point of contact

8. Further Information

For more detailed information about the Mental Health Crisis Breathing Space scheme [please see the guidance](#).

This will include further information about the scheme, the protections it offers individuals, how the scheme will end for an individual, the role of the debt advisor, complaints and what happens if someone dies during a MHCBS.

9. Feedback

We value your feedback and welcome both compliments and areas for development. You can send us feedback through our [website](#). If you have any concerns about any action or decision taken by Adult Social Services and Housing, you should initially talk to the person you normally talk to. You can also contact our complaints manager at:

Complaints Manager,

Adult Social Services and Housing,

Town Hall,

Walliscote Grove Road,

Weston super Mare,

BS23 1UJ

Telephone: 01275 882171

Email: complaints.manager@n-somerset.gov.uk

Complaints Manager, North Somerset Council, Town Hall, Weston-Super-Mare,
BS23 1UJ

10. Accessibility

All North Somerset Council documents can also be made available in large print, audio, and other formats. Documents on our website can also be emailed to you as plain text files. Help is also available for people who require council information in languages other than English. Please email asshsstrategyandpolicyteam@n-somerset.gov.uk or ring 01934 888 888.