

Mental health crisis breathing space

Debt support for people receiving treatment following a mental health crisis

This document explains about the Government's mental health crisis breathing space scheme to help you decide whether to ask for a referral.

What is a mental health crisis breathing space?

While you are receiving crisis treatment for a serious mental health condition, a mental health crisis breathing space will:

- help stop you being chased to pay, or charged fees and interest on, your debts; and
- pause any enforcement action by your creditors (those you owe money to).

It will continue for 30 days after your treatment ends. The aim is to give you time and space to get the treatment you need, without having to worry about your debts growing or your creditors contacting you during your treatment.

You can only be considered for the scheme if you have a serious mental health condition and are receiving treatment for it.

An approved mental health professional (AMHP) will fill in a form to refer you for a mental health crisis breathing space. AMHPs are approved by councils with social services responsibilities, such as West Sussex County Council. Your carer or advocate (someone to speak on your behalf) can help you understand the scheme. They can also help the AMHP by providing information about your debts. The AMHP, and your carer or advocate, can only do these things if they have your permission.

In England all referrals for a mental health crisis breathing space are received and reviewed by Rethink Mental Illness and their specialist Mental Health and Money Advice team.

How does the scheme work?

1. Information is gathered

An AMHP will fill in a referral form for the mental health crisis breathing space scheme. They will ask you for permission to share your confidential personal information, including information about your problem debts.

All referrals to the scheme need to include a supporting statement by an AMHP. The supporting statement must confirm that you are receiving treatment for a mental health crisis.

The AMHP will need to identify a 'nominated point of contact' for you. This must be a social care or healthcare professional who is supporting you. Once your mental health crisis breathing space has started, the debt advice provider will contact your nominated point of contact. They will check that you are still receiving treatment for your mental health crisis and find out when the treatment will end.

Any information you can give about the type of debts you have will be helpful and can be included in the referral form. This may include, for example, details of how much your household bills are and any payments you have missed on any credit agreements.

If any of your debts are in joint names, the other person named on the agreement will also be protected against enforcement action by your creditors.

When they have all the information they need, the AMHP will fill in the referral form. The AMHP cannot submit the form without your permission.

The AMHP will give you and your nominated point of contact a copy of the referral form that has been submitted.

2. The debt advice provider carries out checks

The debt advice provider will check that you are eligible for a mental health crisis breathing space, and that you have given permission for your information to be shared.

They will also check that you have at least one qualifying debt. You may, for example, have outstanding personal loans or owe money on your utility bills (gas, electricity and water bills) or on credit cards. Government debts, such as tax and benefit overpayments, also qualify. The debt advice provider will check to see if you have listed any debts that are not allowed, for example, child maintenance payments or court fines.

The debt advice provider will carry out a credit check for you. This credit check will not affect your credit rating. They may contact your creditors to get more information about certain debts.

The debt advice provider will also contact you to tell you what they are doing on your behalf, and to tell you how they will protect your personal information.

3. The debt advice provider contacts the Insolvency Service

The debt advice provider will contact the Government's Insolvency Service on your behalf. The Insolvency Service supports those in financial difficulties.

The Insolvency Service will update its private register to show that you have applied for a mental health breathing space. The register is not published, and is only available to creditors and debt advice providers.

The Insolvency Service will tell your creditors and your nominated point of contact about your mental health crisis breathing space.

If you are already covered by an individual voluntary arrangement through the Insolvency Service, or by a debt relief order, or have been declared bankrupt by a court, you will not be able to apply for a mental health crisis breathing space.

4. Your mental health crisis breathing space starts

The day after your creditors receive notification from the Insolvency Service about your mental health breathing space, they must stop:

- any enforcement action;
- contacting you about your debts; and
- most interest, fees and charges on any debts you have with them.

The debt advice provider will check in with your nominated point of contact every 20 to 30 days. If you are still receiving treatment for your mental health crisis, your mental health crisis breathing space will continue to the next check-in date.

5. Your mental health crisis breathing space ends

Your nominated point of contact must tell the debt advice provider the date your treatment ends. Your mental health crisis breathing space will end 30 days later.

If the debt advice provider cannot get in touch with your nominated point of contact, they will assume you are no longer receiving treatment for your mental health crisis. Your mental health crisis breathing space will end 30 days from the date the debt advice provider failed to get a response from your nominated point of contact.

6. What happens after my breathing space ends?

The debt advice provider will contact you to offer any further advice and support you may need to help manage your debts. You may, for example, be eligible for support from another scheme. These organisations cannot help you without having access to your personal information. Please note, you can only be in one scheme at a time.

The Insolvency Service will delete your details from its private register 15 months after the end of your mental health crisis breathing space.

More free advice on how to manage your money

People of all ages can get free money advice from their local branch of Citizens Advice. We fund this service to give advice on a range of issues, such as benefits, National Insurance, budgeting, pensions and debt. Visit [the Citizens Advice website](https://www.citizensadvice.org.uk) or phone **0808 278 7969** to use this service.

We fund Age UK West Sussex, Brighton and Hove to provide a free money-advice service for people over 50. They offer advice on issues such as budgeting, pensions, benefits, debt and paying for care. Phone 0800 0191310 or email info@ageukwsbh.org.uk to use this service.

Permission

The AMHP will ask for your permission to share your personal information with the mental health crisis breathing space scheme. This is because social care and healthcare professionals must keep your details confidential.

This requirement is separate from the protection provided by the UK General Data Protection Regulation (GDPR) and the Data Protection Act 2018.

If you do not have the mental capacity to give permission (that is, you cannot make the decision to give your permission), the AMHP may ask someone who can make decisions on your behalf for permission. This might be a person with a lasting power of attorney for financial matters, or a deputy appointed by the Court of Protection. If the AMHP cannot find someone who can give them permission, they must carry out a 'best interests' assessment under the Mental Capacity Act 2005 before sharing information about you.

Confidentiality and privacy

Under the breathing space regulations and data protection legislation, all the organisations involved in the scheme must protect your personal information.

We will keep all the information you give us confidential. We will only share it with other organisations if you give us your permission or if we are allowed to do so under the Data Protection Act 2018.

We are the data controller for the purposes of the Data Protection Act 2018. This means that we are responsible for making decisions about how we use your personal information. We have a security procedure to protect information we hold in paper files and on our computers, and only the relevant staff—including AMHPs—can have access to your information.

You have a right to know how your personal information has been shared in the scheme. If you want to know more about this, your nominated point of contact or the debt advice provider can answer your questions and tell you where to find the relevant privacy notices.

Adults' CarePoint

Phone: **01243 642121**. Calls using Relay UK: 18001 01243 642121 (for deaf callers from a textphone or the NGT Lite app downloaded onto a computer, tablet or smartphone).

Email: socialcare@westsussex.gov.uk.

Website: visit [the West Sussex County Council website](#) (search under 'How to get adult social care support').

Write to: Second Floor, The Grange, County Hall, Chichester, West Sussex, PO19 1RG.

If you need this information in another format (for example, in large print or Easy Read, on audio CD or in a different language), please contact us using the contact details given above. Current versions of all our public information documents are available on [the Adults' Social Care Publications page](#) of the West Sussex County Council website.

We are committed to equality, celebrating diversity and preventing unlawful discrimination. We value the people we support, our staff and partners for who they are, and we actively promote fairness and respect for all.