

Multi-Agency Practice Guidance

Breathing Space

Organisations	Central Bedfordshire Council (CBC) Bedford Borough Council (BBC) Luton Borough Council (LBC) East London Foundation Trust (ELFT)		
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Right Care, Right Person Statement:

Right Care, Right Person (RCRP) (DoH, July 2023) sets out a collective national commitment from the Home Office, Department of Health & Social Care, the National Police Chiefs' Council, Association of Police and Crime Commissioners, and NHS England to work to end the inappropriate and avoidable involvement of police in responding to incidents involving people.

EDT and the AMHP Service will signpost and respond to contact's taking into consideration the RCRP principles. Meaning, where possible the right person with the rights skills, training and expertise will respond. Staff will use the escalation process in place if they feel this is required. The police have a legal duty to Keep the Kings peace, respond to imminent threat to life and respond where a crime has been committed. All documents will be reviewed and updated in 2025 to include specific details relating to RCRP.

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1. Introduction

- 1.1 It is recognised it may be difficult to engage with debt advice while receiving mental health crisis treatment and support. The Government is committed to supporting people by introducing protections and alternative routes to access support when people are in mental health crisis and experiencing problem debts.
- 1.2 Breathing Space is a debt respite scheme which launched on the 04th May 2021. There are two approaches:
 - Standard Breathing Space; available to anyone in problem debt, this is available to anyone who accesses debt advice and meets the eligibility criteria and conditions.
 - Mental Health Crisis Breathing Space (MHCBS); provides access to protections for people in problem debt without the need to access debt advice first. Available to people who meets the eligibility criteria and following consideration and certification from an Approved Mental Health Professional (AMHP).
- 1.3 The MHCBS has stronger protections than a standard breathing space, the protections included are:
 - Pausing enforcement action.
 - Pausing contact from creditors.
 - Freezing interest and charges on debts.
 - A list of excluded debts and guidance for money advisers can be found at; www.gov.uk/government/publications/debt-respite-scheme-breathing-space-guidance/debt-respite-scheme-breathing-space-guidance-for-money-advisers
- 1.4 MHCBS lasts as long as a person's mental health crisis treatment, plus 30 days. It does not matter how long the crisis treatment lasts. It is anticipated the MHCBS will help to create time and space for a person to receive the support and treatment they need without having to worry about their debt.
- 1.5 Whilst it is recognised other professionals, carers, advocates and representatives are unable to complete the certification of MHCBS they are able to refer to an AMHP for consideration and provide information to support the certification.
- 1.6 A copy of the full HM Treasury Guidance on Mental Health Crisis Breathing Space can be found at Appendix 1.

2. Eligibility for Mental Health Crisis Breathing Space

- 2.1 A person may be objecting to treatment or wanting to leave prior to urgent investigations or treatment.
- 2.2 In order to be eligible for MHCBS a person must be a resident within England or Wales.
- 2.3 Provided an AMHP is satisfied that the person meets one of the three criteria set below they can complete the certification;
 - Has been detained in hospital for assessment or treatment (including Part 3 MHA).

- Has been removed to a place of safety by police (S135 or S136 MHA).
- Is receiving crisis, emergency or acute care or treatment in hospital or the community from specialist services in relation to a mental disorder of a serious nature.
 - specialist mental health service includes, CMHT, crisis houses, CRHT or any other service an AMHP considers appropriate.
 - a mental disorder of a serious nature means any mental health problem, disorder or disability an AMHP considers to be of serious nature.

3. Role of the Approved Mental Health Professional

- 3.1 AMHPs are specially trained professionals who are experienced in assessing people with a mental disorder under the Mental Health Act (MHA). AMHPs are the professional group required to certify and provide evidence that a person is receiving mental health crisis treatment which makes them eligible for MHCBS. The expertise of the AMHP allows debt advisers receiving the evidence form to trust the person is in crisis without further assessment.
- 3.2 The AMHP has a duty of confidentiality therefore it is essential the AMHP or the person completing the referral for MHCBS has obtained consent from the person. Consideration of capacity will also need to be documented:
 - If the person has capacity to consent to their information being shared this will need to be documented. If a person does not consent to sharing of information no further action can be taken by the AMHP, the MHCBS cannot be put into place in these situations.
 - If the person lacks capacity this should be documented via a Mental Capacity Assessment, consent can be obtained from someone the person has indicated can make this decision on their behalf (e.g. Lasting Power of Attorney, Deputy appointed by the Court of Protection or an appointee). In the absence of someone who can consent on the persons behalf a best interests decision will be required.
- 3.3 The AMHP does not need to know anything about the persons debts to complete the certification form however, it is helpful to include any information they do have on the evidence form.
- 3.4 The AMHPs role is to decide if someone is receiving mental health crisis treatment and certify this. The AMHP is not under any statutory duty to complete certification, the decision is the AMHPs judgements based on their information available and their experience.
- 3.5 This evidence and certification will be used by debt advisers to check a person's eligibility for MHCBS. It is recognised MHCBS will have implications (including financial) for creditors therefore it must only be applied when necessary and appropriate.
- 3.6 If the AMHP is satisfied the person meets the criteria and is receiving mental health treatment the evidence form for certification should be completed. Once the AMHP has completed certification they will have no further role, unless they are also the persons nominated point of contact.
- 3.7 The evidence form has five sections which will need to be considered by the AMHP, this can be found at Appendix 2:

- **Section 1 - Information about the person;** basic information required to support the application process.
- **Section 2 - Evidence of mental health crisis treatment;** section to certify that in the AMHPs professional judgement the individual is receiving mental health crisis treatment. The AMHP should sign and date the form to confirm there is appropriate consent in place to share confidential and personal information. The AMHPs details will be provided including the Local Authority an AMHP is approved by.
- **Section 3 - Nominating a point of contact;** The AMHP will need to provide details for a nominated person including email address and contact details. The nominated person is someone who is likely to have ongoing involvement in a persons care. The nominated point of contact must either be an AMHP, care co-ordinator or mental health nurse. The nominated person will be notified when MHCBS starts, will be asked to respond to requests for information from the debt adviser and may be contacted for updates.
- **Section 4 – Providing additional information;** This section is to include any other relevant information including any financial information known.
- **Section 5 – Passing on evidence form;** Once the form is completed it will be submitted on line via <http://www.maps.org.uk/mhcbcs>. The AMHP will submit this form however, the person, their carer, nominated person or other relevant person can also action this. Once received a debt adviser will then undertake actions needed to progress the MHCBS and will keep the person and/or nominated person updated.

3.8 Any complaints regarding MHCBS should not be directed to the AMHP or their employer, they should be directed to the debt adviser, debt provider or financial ombudsman.

3.9 Local guidance in relation to the AMHPs role can be found in section 5.

4. Monitoring and Ending Mental Health Crisis Breathing Space

- 4.1 Between 20 and 30 days after MHCBS starts, the debt adviser will attempt to contact the nominated person to check the crisis treatment is ongoing. If the treatment is ongoing the debt adviser will continue to contact the nominated person every 20-30 days until the crisis treatment is concluded.
- 4.2 If a person is contacted by a creditor during the MHCBS the debt adviser should be notified as soon as possible, this will enable the debt adviser to undertake actions with the creditor to stop any contact during MHCBS.
- 4.3 Once the persons crisis treatment has been ended the nominated person should notify the debt adviser that the crisis treatment has ended. The debt adviser will remove the person from the MHCBS register and MHCBS will end after 30 days. The MHCBS will end 30 days after the date the crisis treatment ended even if the nominated person has failed to keep the debt adviser updated.
- 4.4 If a debt adviser is unable to contact a nominated point of contact an assumption will be made the mental health crisis has ended and the MHCBS will end 30 days from that date.
- 4.5 The person can request MHCBS is ended at any time via the debt adviser.

- 4.6 In the unfortunate event that the person dies during MHCBS the nominated person should notify the debt adviser as soon as possible. MHCBS will end the following day, the persons next of kin will still need to contact creditors directly, in the usual way.
- 4.7 The person's details will remain on a register for 15 months after MHCBS has ended.
- 4.8 The debt adviser will continue to support the person with their debts even after MHCBS has ended, this is to ensure the person manages their debt in a sustainable manner.

5. Bedfordshire and Luton Arrangements

- 5.1 The three Social Services Local Authorities (LSSAs) in Bedfordshire and Luton, Bedford Borough Council (BBC), Central Bedfordshire Council (CBC) and Luton Borough Council (LBC) are responsible for AMHP provision. The LSSAs have overall responsibility of AMHP functions and actions undertaken.
- 5.2 The day-to-day operational management of the Bedfordshire and Luton Daytime AMHP service has been delegated to East London Foundation Trust (ELFT) through the section 75 Partnership agreements. The MHCBS is viewed as a routine AMHP function therefore ELFT and the Daytime AMHP Service will respond to actions required.
- 5.3 All AMHPs and professionals who come into contact with MHCBS will be able to access training provided by the HM Treasury to support them within their role. This will continue to be monitored and should bespoke training be required this will be arranged as part of the LSSA's AMHP Refresher training programme.
- 5.4 Should a person or anyone involved in their care believe they may be eligible for MHCBS this must discussed with the multi-disciplinary team to explore eligibility and matters of consent.
- 5.5 It is likely the person will be known to services and have an allocated team therefore if there is an AMHP based within the team the referral can be discussed with them in the first instance. AMHPs located in the teams will be responsible for considering and progressing the MHCBS. In these cases the AMHP should complete the AMHP Breathing Space Referral and Outcome Form (Appendix 3) and send this to the Daytime AMHP Service.
- 5.6 In the event there is no AMHP based within the allocated team or the person does not have an allocated team an AMHP Breathing Space Referral and Outcome Form (Appendix 3) should be sent to the Daytime AMHP Service.
- 5.7 An AMHP Breathing Space Referral and Outcome Form (Appendix 3) must be completed in all situations regardless of who is considering the application (team AMHP or Daytime AMHP Service AMHP). This form is important to retain a record of all people considered for MHCBS, the outcome and the impact of this activity.
- 5.8 AMHPs are not required to interview a person to complete the certification, it has been agreed locally AMHPs can undertake this role remotely and will not need to liaise directly with the person. The AMHP Breathing Space Referral and Outcome Form (Appendix 3) will contain all information required to consider and progress MHCBS.
- 5.9 The Daytime AMHP Service will be retaining a record of all MHCBS certifications considered, regardless of the outcome. All AMHP Breathing Space Referral and Outcome Forms (Appendix 3) should be sent to the Daytime AMHP Service to support this recording.

5.10 Activity and performance related to MHCBS will be reviewed as part of the AMHP Operational Partnership Group which is held monthly and relates to activity across Bedfordshire and Luton.

6. Appendices

- National Guidance on Breathing Space
- Debt Respite Scheme Form
- AMHP Breathing Space referral and outcome form
- AMHP Breathing Space Consent Form.