

## Mental Health Moratorium: consultation

### Consultation Questions

**Question 1.** Do you agree with the proposed initial mental health eligibility criteria?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

RCGP Scotland welcomes the opportunity to respond to this consultation. As the membership body for general practitioners in Scotland, we exist to promote and maintain the highest standards of patient care.

The College warmly welcomes this initiative as these patients can often find themselves in terrible situations, which often make their mental health worse and delay recovery. As GPs, we are very aware from our everyday work of the detrimental impacts of poverty and the cost of living crisis on our patients' mental health.

We agree with the rationale for a tight definition - those in detention are the most severely ill, but are often not in a situation where they are able to manage their debt, or the administration regarding it.

We presume that responsibility for signatures on the paperwork for exemption would ordinarily rest with the Mental Health Officer (MHO) and the psychiatry team supporting the patient during significant mental health problems. While GPs can often offer insight into a person's background and situation, this decision making demands knowledge of the latest standing or clinical condition of a patient (for example, if they are an inpatient, or whether or not they are still being compulsorily

detained). As such GPs do not appear to be well placed to sign the paperwork for the exemption.

Broadening the definition might be an option for the future, but the College agrees that a clearly defined narrow start, seeing the implications of that, and then proceeding on the basis of experience and learning would be an appropriate approach.

**Question 1a.** If you believe the proposed mental health criteria are too narrow, please suggest an alternative that could be measured fairly and easily implemented.

Please comment in the box below:

**Question 2.** Do you agree that no minimum debt level should be set for the eligibility criteria?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

In regard to the setting of a 'minimum debt level', we would note that seemingly small debt may be disproportionately impactful if the person has a low income, or does not have the ability to manage it.

**Question 3.** Do you agree that there is no need to establish the individual's financial position at the application stage?

- Agree

Disagree

Neither agree nor disagree

Please add any further comments on this proposal in the box below:

We believe that the norm should be to easily establish the debt where possible, but avoid delaying the claim. Consideration needs to be given to retrospective confirmation too if there is a concern regarding dishonest claims to avoid harming highly vulnerable patients who are being adversely affected by their debt through a delay of the application process.

**Question 4.** Do you think the proposed role of the Mental Health Professional at the application stage is appropriate?

Yes

No

Don't know

Please add any further comments on this proposal in the box below:

**Question 4a.** Do you think the proposed role of the Mental Health Professional at the application stage is practical?

Yes

No

Don't know

Please add any further comments on this proposal in the box below:

**Question 5.** Do you think the proposed role of the debt adviser at the application stage is appropriate?

- Yes
- No
- Don't know

Please add any further comments on this proposal in the box below:

**Question 5a.** Do you think the proposed role of the debt adviser at the application stage is practical?

- Yes
- No
- Don't know

Please add any further comments on this proposal in the box below:

**Question 6.** Connecting the Mental Health Professional to the debt adviser - which option would you choose?

- AiB acts as a link
- Debt advice organisation or third party commissioned
- Neither option

Please explain the reason for your answer in the box below:

**Question 7.** Do you believe that specialist debt advice and support is required for frontline debt advisers for their involvement with the Mental Health Moratorium process?

- Yes
- No
- Don't know

Please explain the reason for your answer in the box below:

This is the preferred option, though alternatives may be necessary if a specialist is not available in an appropriate time frame.

**Question 8.** Do you agree that a Mental Health Moratorium application should only be consented to by the individual, a power of attorney or guardianship?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

RCGP Scotland would consider this is a human right rather than mental health issue. While the College understands the recommendation, we have concerns that some people may not have access to help where they do not have capacity and no other arrangement is in place, such as guardianship or power of attorney. We would recommend that consideration of this aspect be part of any future review of the moratorium.

**Question 8a.** If you disagree, we would be grateful for your views on how a Mental Health Moratorium application is made available to those who do not have the capacity to consent.

Please comment in the box below:

**Question 9.** Do you have any other comments on the proposed application process?

Please provide them in the box below:

**Question 10.** Do you agree with the proposed period of protection?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

We expect that many patients who have treatments where there is a level of compulsion to improve in terms of their condition and level of function, however many are likely to have enduring illness, may continue be mentally unwell for some time afterwards, and could relapse or indeed remain mentally very ill. Six months is not a long period for such people.

**Question 11.** Do you agree with the proposed approach to the qualifying debts?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

Agree but would support a review of this at a later date.

**Question 12.** Do you agree that interest and charges should not be added to the individual's debt during the full period of their Mental Health Moratorium, i.e. frozen?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 12a.** We would be grateful for your views on the possible costs to creditors by the freezing of interest and charges on debts during the Mental Health Moratorium period.

Please provide comments in the box below:

**Question 13.** We would be grateful for your views on the possible practicalities of limiting creditors from contacting the individual during the Mental Health Moratorium period.

Please provide comments in the box below:

**Question 14.** Do you agree with the proposed approach to the protections against diligence?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 15.** Do you agree with the proposed position on creditor consequences for not adhering to a Mental Health Moratorium?

- Agree
- Disagree

Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 16.** Do you agree with the proposed position on the creditor's right to challenge the granting of a Mental Health Moratorium?

Agree

Disagree

Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 16a.** Do you think creditors should be able to request the cancellation of an approved Mental Health Moratorium?

Yes

No

Don't know

Please explain the reason for your answer in the box below:

**Question 16b.** If you answered yes to question 16a, in what circumstances could the creditor request a cancellation?

Please provide your comments in the box below:

**Question 16c.** Further to question 16b, we would be grateful for your views on how a cancellation process could work.

Please provide comments in the box below:

**Question 17.** Do you agree with the proposed approach to the obligations on the individual?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 18.** Do you believe penalties should be applied to the individual for not following the rules of the Mental Health Moratorium?

- Yes

No

Don't know

Please add any further comments in the box below:

**Question 18a.** If you answered yes, we would be grateful for your views on what kind of penalty would be appropriate.

Please comment in the box below:

**Question 19.** Do you agree there is insufficient justification to place restrictions on the individual's access to credit?

Agree

Disagree

Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 20.** Do you believe other obligations should be placed on an individual in a Mental Health Moratorium?

- Yes
- No
- Don't know

Please explain the reason for your response in the box below:

**Question 21.** Which of the following options would you choose as the delivery mechanism for the Mental Health Moratorium?

- Option 1 - Clone the underlying IT system in place for the Debt Arrangement Scheme to administer the Mental Health Moratorium
- Option 2 - Enrol the individual into a Debt Payment Programme under the Debt Arrangement Scheme with no payments due
- Neither option

Please provide the reason(s) for your response in the box below:

**Question 21a.** If you selected neither option, we would be grateful for your views on a workable alternative which would meet the Mental Health Moratorium requirements.

Please provide comments and reasoning in the box below:

**Question 22.** Do you agree with the proposed position on how the Mental Health Moratorium will interact with a standard moratorium?

- Agree
- Disagree
- Neither agree nor disagree

Please add any further comments on this proposal in the box below:

**Question 23.** We would be grateful for your views on how best to promote the Mental Health Moratorium.

Please provide your views in the box below:

**Question 24.** We would be grateful for any further comments you have about the Mental Health Moratorium which has not been raised in this consultation.

Please provide comments in the box below:

Most GPs and their teams do not have access to regular properly protected learning time, so as with all new schemes, this will create a significant challenge in terms of how clinical teams in primary care will become familiar with new arrangements. Creation of educational resource and promoting awareness of this may help GPs to educate themselves and provide guidance to their teams regarding the moratorium.

Question 24a. Would you be happy for officials to contact you to discuss your response if we want to explore your comments in more detail?

Yes

No