

Debt and Mental Health Evidence Form V3

Flowchart: how should creditors use the DMHEF?

Step 1

A mental health problem is identified

The customer tells the creditor that they have a mental health problem that is affecting their ability to manage their money.

Step 2

The creditor finds out more about this

The creditor should aim to develop a good understanding of the customer's situation by asking a range of questions. These include:

- how the mental health problem affects their ability to manage money
- how the mental health problem affects their ability to communicate with their creditors
- whether anyone helps the customer manage their finances (such as a family member)

Step 3

the creditor decides

a) whether medical evidence is needed

By this point, the creditor should have spoken with the individual to establish how their ability to manage money has been impacted by the reported mental health problem.

If unanswered questions, concerns or doubts remain, or the individual's situation is complex and needs further exploration, the creditor may consider that medical evidence needs to be collected.

When taking this decision, the creditor should check whether the customer has recently collected any medical evidence about their mental health problem (e.g. in response to a previous request from another creditor) either using the DMHEF or another method.

b) whether the customer can collect this evidence

The creditor should then assess whether the customer will be able to collect this evidence from a health or social care professional. If the customer is:

- **able** to collect this evidence, please continue to follow steps 4-10.
- **unable** to collect this evidence, the customer will need to get help from an independent debt adviser who will do this for them (the customer may need to be given additional time to arrange this).

Step 4

the creditor explains to the customer how the evidence will be used

The creditor will need to explain to the customer how the medical evidence collected from the health and social care professional will be used (the exercise of obtaining *explicit consent*)

This includes an explanation of why the creditor wishes to collect this data, what the data will be used for, who the evidence might be shared with (e.g. the creditor's agent), how it will be stored, and how long it will be stored for. Without this explanation, the customer cannot know what they are consenting to, and consent therefore cannot be properly obtained.

and the creditor gets their *explicit consent* to collect evidence for this purpose

The creditor will also need to ask the customer if they understand this explanation, and allow them to ask questions if necessary to clarify any points.

Only after doing this, should the creditor ask the customer for their *explicit consent* to process their information in this way.

There may be additional steps or actions that your organisation requires you to take to record this *explicit consent*. However, you should always ask the customer to read, complete and sign the Consent Form that accompanies the DMHEF (Step 6).

Step 5

the creditor sends the customer a blank DMHEF, a blank Consent Form, a stamped addressed envelope (with the creditor's address on it), and a covering letter pack

The creditor will need to send the customer the following:

- a blank DMHEF version 3
- a blank Consent Form (creditor version) and standard template covering letter – see Appendix 1 in Guide
- a stamped addressed envelope (with your organisation's address on it)
- instructions on what they have to do/how to use these resources

The creditor should always attempt to write the customer's contact details, the name of their organisation and if appropriate any reference number on the front of the DMHEF in the boxes provided.

Step 6

the customer reads and signs the Consent Form

By reading and signing the Consent Form the customer is giving their *explicit consent* for the health or social care professional to complete the DMHEF.

Unless the Consent Form is completed and signed, the health or social care professional should not complete the DMHEF.

The creditor should be aware that before signing the Consent Form, the customer may want to ask the creditor further questions about the DMHEF, including what will happen to their information, or with whom it might be shared. It is important for creditors to remember that the Consent Form can also be completed and signed by a third party authorised to act on their behalf.

Step 7

the customer approaches a health or social care professional of their choosing to complete the DMHEF (and gives them the blank DMHEF, the signed Consent Form, and stamped addressed envelope)

The customer should decide which health or social care professional to approach for evidence. This should be someone who knows the customer in a professional capacity such as a general practitioner, psychiatrist, nurse, psychologist, occupational therapist, social worker or another worker.

The customer should provide this health or social care professional with a completed and signed Consent Form, a blank copy of the DMHEF to complete, and a stamped addressed envelope with the creditor's address on it.

Step 8

the health or social care professional completes the DMHEF, and returns this (and the Consent Form signed by the customer) in the stamped addressed envelope

The health and social care professional completes, **signs and stamps** the DMHEF, and returns this to the creditor in the stamped addressed envelope (along with a copy of the Consent Form signed by the customer).

Step 9

the creditor receives the completed DMHEF and the customer Consent Form, and decides what action they will now take

On its receipt, the creditor should read and check the DMHEF (ensuring it is signed and stamped by the health or social care professional to authenticate its completion and combat fraud). The creditor should take into account the information in the DMHEF to help it make a decision on what action to take next. For credible information on a range of mental health problems, please visit www.rcpsych.ac.uk/debt

The creditor may also wish to store in its records the Consent Form signed by the customer.

Step 10

the creditor

a) sends the customer a photocopy of the completed DMHEF and signed Consent Form for their records

The creditor should send a photocopy of the completed DMHEF and the signed Consent Form to the customer as soon as possible, as they will want to see what has been written about their mental health problem. When doing this, the creditor should always strongly recommend to the customer that they send a copy of the completed DMHEF and a copy of the signed Consent Form to any other creditors they may have.

b) discusses the action they are now going to take with the Customer

The creditor should also discuss with the customer the action they intend to take.