

## Policy 27 Mental Health Care and Treatment

**Owner: ILF Scotland**

**Subject: Mental Health Care and Treatment**

**Version: 1.0**

**Last Amended: 1 July 2015**

**Date Reviewed:**

### 1.0

A Compulsory Treatment Order (CTO) under the Mental Health (Care and Treatment) (Scotland) Act 2003 may impose conditions relating to a person's place of residence, medical treatment and care services which mean that the person might not be able to satisfy ILFS that they are living independently.

In addition, a plan for the user's care may be agreed at or before a hospital discharge that covers **all** the needs arising from the mental health disorder of the person concerned, and those which are identified to reduce the likelihood of the person requiring admission to a hospital again for treatment for the disorder.

The health authority and social work services may **both** have a duty to provide this care for as long as the needs remain, and free of charge to the person.

If ILFS were to include any needs covered by a care plan within an ILF package that would mean that the client was being required to contribute to care they have a legal right to receive free of charge.

### 2.1 Policy

ILFS will not fund any care that is included under the provisions of a CTO. If an ILF package were to include any **additional** support needs not covered by the CTO, then ILF funding could continue, provided that the local authority was meeting the relevant threshold sum. The relevant threshold sum must be made up of social care provision provided by a local authority that is **additional** to that covered by the CTO provision.

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## 2.2 Process

ILFS needs to be reassured that any additional support needs not covered by the CTO/care plan are in line with QSS policy.

Where it has been identified that a user is entitled to CTO/care the caseworker will need to request a copy of the user's CTO/care plan from the LA, this should detail the needs attributed to a person's mental health disorder.

In addition they will need to request the user's LA care and support plan delivering the Minimum Threshold Sum.

Where it is clearly evidenced that an ILF package is exempt from a CTO/care plan, then the award may continue, providing that the LA threshold is still being maintained.

In all cases where there is a request for funding and the user is subject to a CTO/care plan or any compulsory order the file should be referred to the ILFS senior management team.

Where someone is subject to a Compulsory Treatment Order there may be circumstances where an ILF award is inappropriate depending upon the terms of the order. The file should **always** be referred to the ILFS senior management team.

## 3.0 Northern Ireland

The Mental Health (Northern Ireland) Order 1986 does not require such an care plan to be provided.

### Source

Mental Health (Care and Treatment) (Scotland) Act 2003

## 4.0 Cross References

Independent Living & Shared Care policy  
LA Threshold Sum policy

## 5.0 History Date Reviewed

1 July 2015