

**WRITTEN QUESTION TO THE MINISTER FOR HEALTH AND SOCIAL SERVICES
BY THE CONNÉTABLE OF ST. MARTIN
ANSWER TO BE TABLED ON TUESDAY 20th NOVEMBER 2018**

Question

Will the Minister advise how many people have been temporarily detained under Mental Health legislation in the last 12 months; and will he request confirmation from the Minister for Social Security of how many of these people were in receipt of benefits administered by her department and how many of any such people had their benefits stopped whilst they were so detained?

Answer

The total number of people detained under an Article of the Mental Health law between 1 November 2017 and 31 October 2018 is 130.

The period of time people are detained under Article varies according to the Article of Detention and can range from 6 hours (nurse holding powers), 72 hours (emergency holding powers), 28 days (assessment) and 6 months (treatment which is renewable every 6 months if required).

It is not possible to say how many of these individuals were in receipt of benefits administered by Social Security. As part of the process around their detention, there is an assessment of their social circumstances and health and social care needs and this would normally include discussion of their benefit arrangements.

As a general guide, most contributory benefits are unaffected by the claimant being detained. These include old age pension, long- and short-term incapacity allowance and maternity allowance.

The main Social Security benefits that might be affected in these situations are Income Support and Long-Term Care. Both have rules around stays in hospital or other health facilities but are designed not to affect people who have temporary stays of 28 days or less.

Income support claimants continue to receive their full benefit for the first 28 days of any hospital stay. The two Departments work together to ensure that the needs of vulnerable people are safeguarded if a longer stay is required and the patient's benefits may be affected.

In the case of longer stays, the Income Support benefit has procedures for people who enter hospital or another publically-funded facility on an in-patient basis. Their personal components, which are the parts of Income Support that pay for daily expenses such as food, will continue in payment for up to 28 days. After that point they are stopped until the person returns home, as their daily needs are being met by the hospital or other facility. Exceptions are made in some situations, such as people who still face expenses whilst in a facility in the UK. Support for rental costs can also continue to be paid for up to 12 weeks. For longer stays, claims are looked at on an individual basis and rental costs can continue to be provided in some cases.

For individuals living in a care home who have a stay in hospital, the Long-Term Care benefit will continue paying in full for the first two weeks of hospitalisation. Following the first two weeks, the benefit is paid at 90% of the full rate for the following four weeks. Again, for longer stays, cases are considered on an individual basis.

A person receiving Home Carer's Allowance will temporarily stop receiving that benefit after 28 days in hospital in any 12-month period.

Any benefit that is suspended during a hospital stay is fully reinstated on the day that the individual leaves hospital.