

Planning your social care

For adults who live with mental illness

If you can get social care, you can plan what care and support you will get. This is called care and support planning. This factsheet explains how you can plan your care, who is involved and when you must pay for services.

This factsheet is for people 18 and over and living with a mental illness in England who get social care. If you care for someone with mental illness, you may also find this information helpful.

Key Points.

- You might have a physical or mental health issue and need social care from social services. This might be if you cannot meet all your needs to live your daily life.
- If you get social care, you will get a care and support plan.
- Your care and support plan will show how social services will meet your needs.
- If your carer can get support, you can have a joint care and support plan with them.
- You can combine your care plan from your NHS mental health team with your care plan from social services.
- You will get a personal budget which says how much your care and support will cost.
- You can choose for social services to give you the money to pay for services yourself. These are called direct payments.
- Your local authority should support you if you move to another area.
- You may have to pay for your care and support. But any care or support you get under section 117 of the Mental Health Act will be free.

This factsheet covers:

1. [What is care and support planning?](#)
2. [How will social services meet my needs?](#)
3. [What will be in my support and care plan?](#)
4. [Will I have to pay for social care?](#)
5. [What is my personal budget?](#)
6. [What if my situation changes whilst I am getting services?](#)
7. [What if I am under Section 117 aftercare?](#)
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1. What is care and support planning?

You might have a physical or mental health issue and need social care from social services. This might be if you cannot meet all your needs to live your daily life.

Your local authority is responsible for your social care and support. This is under a law called the Care Act 2014. Social services are the part of your local authority which manages social care.

If you need help to support and take care of yourself, then you can have an assessment of your needs by social services. This assessment will look at all your needs. It will then decide if you are eligible for social care.¹

Being 'eligible' for social care means you can get social care.

If you are eligible, you will get a care and support plan.² This plan will agree how social services will meet your care and support needs.

This factsheet looks at the care and support plan. You can find more information about '**Social care assessment – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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2. How will social services meet my needs?

Once social services have assessed you as having eligible needs, they must meet these needs.³

Social services can meet your needs in the following ways.⁴

- Arranging services for you.
- Providing services themselves.
- Giving you the money to pay for services yourself. This is called giving you 'direct payments'.

Social services are still responsible for your care and support plan even if you use direct payments.⁵

You can find more information about '**Social care - Direct Payments – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Some examples of how the social services may meet your needs are:⁶

- giving you support and care at home,
- making sure you can play an active part in the community,
- giving you information, advice and advocacy, or
- arranging a care home or other accommodation.

Social services will not arrange medical treatment or other health services that the NHS should give you.⁷

Should social services involve me in support planning?

If you want to be involved, social services must involve you in making your care and support plan. You should be at the centre of the assessment and support planning.⁸

Social services should not just tell you how they will meet your needs without asking you what you prefer. They should ask you about the level and nature of the support you want. And how much control you would like.⁹

You should agree on the final plan with social services.

Your needs are personal to you. Social services must offer services that meet your specific needs. Social services should consider your individual and diverse situation.¹⁰

Something should not be offered to you just because that service is available. Anything that is offered to you should be something you also want.¹¹

What if I am already getting support?

If another service is already meeting your needs, the social services does not have to meet these needs.¹²

But they must do an assessment to make sure the support you get meets your needs. They must put this in your care and support plan and review it.¹³

Social services do not have to:^{14,15,16}

- arrange treatment or a health service that the NHS should provide,
- do anything that the housing authority should, or
- arrange care that your carer is already giving you.

If you have a carer, social services must check that your carer is still willing and able to continue caring for you. Social services must write this in your care plan and review it.¹⁷

What if I do not have eligible needs?

If you do not have eligible needs social services does not have to meet your needs.¹⁸

They will write to you to explain why they made their decision.¹⁹ They must send this letter to your advocate if you ask them to.²⁰

You might have needs but they are not eligible. If so, social services must give you information and advice about:²¹

- how you can reduce them, and
- what can be done to stop or delay the development of these needs in the future.

Should I be given information?

Social services should use your assessment to decide on what advice to give you. The advice:²²

- should be personal and specific based on your needs assessment,
- should not be general advice asking you to visit a website, for example, and
- should directly point you towards what action you can take.

They need to make sure you can use the information they send you.²³ For example, they should not tell you to look at a website if you do not use a computer.

What if I have some needs that are eligible and some that are not?

You may have some needs that are eligible and some that are not.

Social services must give you:²⁴

- a care and support plan to meet your eligible needs, and
- information and advice about your other needs in a way that you understand.

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3. What will be in my care and support plan?

You will work with someone from social services to write your care and support plan. This plan will explain:²⁵

- what your needs are,
- how these needs will be met,
- how this plan meets your needs and wishes,
- how the support will help you do the things you want to do,
- details of your personal budget,
- information and advice about how you can reduce your needs, and
- if you are using direct payments for your support, what you will use them on. And how much this will cost.

Social services should involve you in developing your plan. You should tell them how you want to achieve your goals. You should also tell them what your wishes are and what is important to you. You should be involved as much or as little as you want.²⁶

Your needs may change during the year. These are called fluctuating needs. Your plan should explain what services or support is available if you have a crisis. Or if your needs change suddenly.²⁷

How long will it take to make my plan?

The law does not say how quickly social services should complete your plan. They should take time to get it right.²⁸

But they should also make sure that it is finished as quickly as possible.²⁹

Can someone help me with my plan?

If you find it hard to make the plan you can ask someone to help you. Like family or friends.

If you cannot understand the information you might be able to get a Care Act advocate. An advocate can help you understand the information and get your views across.

The local authority must get you an advocate if:³⁰

- you have substantial difficulty in dealing with the assessment, and
- there is no other suitable person to help you.

You can find more information about '**Advocacy for mental health – Making your voice heard**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I have a joint plan with my carer?³¹

If you have a carer, they may also have eligible needs. In this case your needs can be assessed together and you can have a joint plan.

You can only have a joint plan if both you and your carer agree to it.

You can find more information about '**Carers' assessments – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I combine plans from different services?

Your plan should have a holistic approach. This means it should include information about other needs you may have. Not just your eligible social care needs.³²

Social services should find out if you have plans with other services. For example, you might have a care plan from your NHS mental health team. If you do, they can combine the different plans together.³³

When will my plan begin?

Your care and support will begin when you agree to your final plan and sign it off.

They should write your plan in a way you can understand it.

You, social services and anyone else who is involved in the plan must agree on your final plan.³⁴ Everyone needs to agree on:

- if the information in your plan is right,
- how much your personal budget is, and
- how your needs will be met.

This is a big part of the planning process. You will have a copy of the agreement in your plan.³⁵

When you agree, social services will sign off your plan and give you a copy. You can ask them to give a copy to your carer or advocate.³⁶

The LA can give a copy to other professionals you have contact with if you want them to. For example, your GP.

What is an approved panel?

You might have agreed a large personal budget or an uncommon plan. Social services may have to send the plan to an approval panel.³⁷

The approval panel should have proper training and skills to decide whether to approve your plan. The LA should only use approval panels in exceptional situations.³⁸

What if social services do not agree my plan?³⁹

If social services will not agree to your plan, they need to tell you why.

You may have to go back to parts of the planning process. You should still get support while you are agreeing the right plan.

If you cannot agree on a plan, social services should signpost you to their local complaints procedure.

You can find more information about '**Complaining about the NHS and social services**' at www.rethink.org. Or contact our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

When will social services review my plan?

Your plan should be reviewed regularly.

The review is to make sure your plan is meeting your needs. Social services may decide your needs have changed. And that you need another assessment.

You may need to change your plan. This is called revising the plan.⁴⁰ Social services can review your carer's plan at the same time as yours.

There are 3 types of review.

- **Planned review:** Social services should review your plan 6 to 8 weeks after it is signed off and agree how often they will review your plan with you.⁴¹
- **Unplanned review:** This happens if your circumstances change. For example, if you go into hospital.⁴²
- **Requested review:** You, your carer or advocate can ask for a review at any time. Social services can refuse to do a review if they feel the plan is correct and your circumstances have not changed.⁴³ If they refuse to do a review, they need to tell you why.⁴⁴

When social services reviews your care plan they need to think about the following things.⁴⁵

- Has your situation or care needs changed?
- What works, what is not working and what you might need to change?
- Do you have any new outcomes you want to meet?
- Do you need more support to achieve your outcomes?
- Can you meet your needs with the personal budget?
- Do you need to think about a different way of meeting your needs, such as direct payments?
- Is your personal budget enough to meet your needs?
- Has your social support changed and how it is affecting you?
- Are you at risk of abuse or neglect?
- Are you and your carer or advocate happy with the plan?

If social services decides to change the care plan you must go through the assessment and planning stages. You do not have to start from the beginning. You can use information in the plan that is still right.⁴⁶

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4. Will I have to pay for social care?

If you have eligible needs for social care, you will have a financial assessment. This is to work out if you must pay anything towards your care.

Your assessment will be free. If you must pay towards your care, it is up to you if you would like the support or not.⁴⁷

Your social care might be free. Or you might have to pay for part or all the fees. This will depend on your financial circumstances.

Social services may charge you for social care services if you can afford to pay.⁴⁸

You can find more information about '**Social care: Charging for non-residential services – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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5. What is my personal budget?

Your personal budget will explain:⁴⁹

- how much your care costs,
- how much you may have to pay for your care, see [section 4](#) of this factsheet, and
- how much social services may pay for your care.

Social services should give you an idea how much your personal budget will be when you start planning. This is called an indicative amount.⁵⁰ This will change as you make your care plan.⁵¹ The personal budget is the final budget contained in the care plan.

Who will manage my budget?⁵²

Your personal budget lets you choose how money is spent on your care. You can choose how your personal budget is managed.

You can:

- ask social services to manage it,
- use direct payments to manage it,
- get another organisation to manage it – this is an individual service fund (ISF), or
- a combination of all these options.

Can I ask social services to manage my personal budget?

You can ask social services to manage your person budget. They will organise services for you that meet your needs.

How can I use direct payments?

You can use direct payments to buy your own care or services for your needs in the plan.⁵³

You can find more information about '**Social care - Direct payments – Under the Care Act 2014**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

How does using an individual service fund (ISF) work?

You can ask the social services to organise an individual service fund. An ISF is when social services gives your budget to another service to hold.

You are still in control of the budget if you have an ISF.⁵⁴ But there is not as much responsibility as having a direct payment. That is because someone else is managing the money for you. ISFs are not available in all areas.⁵⁵

You can read more about ISFs from the **Affinity Trust** here:
www.affinitytrust.org/what-we-do/individual-service-funds

Affinity Trust only supports people with learning disabilities and autistic people. But it's information on ISFs applies to all people.

How do social services decide how much my personal budget is?

Your personal budget should be enough to meet your care and support needs.

Your personal budget will say how much your care costs.⁵⁶

Social services do a financial assessment with you to see if you must pay towards your care. See [section 4](#) of this factsheet for more information.

There are different ways that an LA can work out your personal budget. The LA needs to make sure you understand how they do this.

The LA can use any process they want but it must follow the rules below.⁵⁷

- **Transparent:** they need to tell you how they calculate your budget. They need to make sure you understand how they decided your indicative budget and final budget. If the process is complicated, they need to find a way to explain it so you can understand it.
- **Timely:** they should give you an indicative budget when you are starting the care and planning process. This will help you develop your plan quicker. Your final budget may be different to the indicative budget. This is so there is the right amount of money to meet your needs.
- **Sufficient:** the LA need to make sure your personal budget is enough to meet your needs.

You may get money from somewhere else to meet your needs. For example, you might have a personal health budget from the NHS. If you do have other budgets, your personal budget may have information about these.⁵⁸

Your personal budget may change if you move area. This is because the cost of local services may be different.⁵⁹

Social services must explain how they worked out how much your personal budget is.

What if I chose direct payments?

You may choose to have direct payments to buy care services yourself. Rather than social services do it for you.

If so, it might cost you more money to pay for your services than what is in your personal budget.

This is because social services might get a discount for paying for a lot of services at once. But you might not get the discount if you are paying yourself using a direct payment.

If this happens, the local authority should arrange the service for you. Or increase your direct payment.⁶⁰

You can find more information about '**Social care - Direct payments – Under the Care Act 2014**' at www.rethink.org. Or call our General

Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Can I pool my personal budget with someone else?⁶¹

You can mix your personal budget with someone else's, so you have more money to buy a service.

This is called pooling your budget.

You can pool your budget with someone you live with, your carer or other people in your community with the same needs.

You can then buy a service together.

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6. What if my situation changes while I am getting services?

What happens if my health changes?

Your needs may change during your support and care plan.

During your assessment you will look at how your needs may change over time. This is called having fluctuating needs.⁶² Your plan will explain what care you will get when your needs change.

Your condition might get better while you are receiving direct payments. If so, social services may stop your direct payments for a short time.⁶³

Your health might change a lot, or it might change for a long time. If this happens you will have a new assessment to see if you have eligible care needs. Or to see if your plan still meets your needs.⁶⁴

You, your carer or advocate can request a review at any time.⁶⁵

What happens to my social care if I want to move to another area?

If you move to another local authority (LA) area, you should have care and support during the move.⁶⁶

Your existing social services needs to organise your care with social services in your new area of the area.⁶⁷

Your new social services should assess your needs before you move.⁶⁸

If they cannot do this, they need to continue the care and support plan you already have. They should do this until they do their own assessment.⁶⁹

You should have a named person from both social services. They should work together to support you to move.⁷⁰

Your current social services needs to send the following things to your new social services.⁷¹

- Your current plan.
- Your carer's plan.
- Any other information about your care.

Both social services need to keep in touch with you during your needs assessment and care and support planning. They need to make sure you know what is going on. And what progress they are making.⁷²

If you have health needs, your new social services needs to work with the NHS. This is to ensure you get the support you need.⁷³

What if my personal budget is different?⁷⁴

Your new social services say might work out that your new personal budget as being less than your old one. They must explain why.

See [section 5](#) of this factsheet for more information.

What if I have direct payments?⁷⁵

If you have direct payments, you might have signed a contract pay for services in the area you live.

Social services should give you advice to make sure you understand how long you are supposed to pay for the services for.

You can find more information about:

- Social care assessment – Under the Care Act 2014
- Social care - Direct payments – Under the Care Act 2014

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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7. What if I am under section 117 aftercare?

You might have been detained in hospital under sections 3, 37, 45A, 47 or 48 of the Mental Health Act 1983. You are entitled to free aftercare, known as section 117 aftercare.⁷⁶

'Aftercare' means the help you get after you leave hospital to:⁷⁷

- meet needs that you have because your mental health condition or conditions,⁷⁸ and
- reduce the chance of your condition getting worse, so you do not have to go back into hospital.

Any social care you need to help with the above things should be free of charge for as long as you need it.⁷⁹

You can still be assessed and supported by social services.

Section 117 aftercare can pay for things like:

- certain types of housing,
- free prescriptions,
- services in your home or in a day centre, and
- help to get supported employment.

You can find more information about '**Section 117 aftercare – Under the Mental Health Act 1983**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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8. How can I deal with problems with social care?

You can deal with problems with social care services informally or formally. Social services should make sure you know how to complain or appeal their decisions.

What informal options are there to get issues resolved?

You can try to deal with the problem informally first. You can contact the professional who oversees your care plan about your concerns.

If you do not have a care plan you can contact the person who did the assessment. You can ask them to explain their decision or discuss your concerns.

Be specific about what your issue are. Say what you would like to happen to sort the issue out.

You can make contact by phone, in face-to-face, or in writing.

If you speak to someone keep a note of:

- the full name of who you spoke to,
- when you spoke to them, and
- what you discussed.

What formal options are there to getting my social care problems resolved?

How can I complain?

If you want to complain you have to use the local authority's complaints procedure.

You can find more information about '**Complaining about the NHS and social services**' at www.rethink.org. Or call our General Enquiries

team on 0121 522 7007 and ask them to send you a copy of our factsheet.

How can I take legal action?

You should be able to deal with most problems informally or through the complaints procedure.

But, if you think that your local authority is not following the law, you could get legal advice. You can speak to a community care solicitor.

You may be entitled to legal aid but there are rules around this. **Civil Legal Advice** will tell you if you qualify for legal aid. They can give you information about local solicitors who accept legal aid.

Disability Law Service may also be able to give you advice about your situation.

You can find details of both organisations in the [Useful Contacts](#) section towards the end of this factsheet.

You can find more information about '**Legal advice – How to get help from a solicitor**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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Further Reading

Care Act 2014 - Statutory Guidance

This is guidance written by the Department of Health and Social Care. It explains how local authorities should apply the Care Act. It could help you to understand your rights under the Care Act.

Website: www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance

Useful Contacts

Civil Legal Advice

Civil Legal Advice can help you to find a solicitor who works under legal aid.

Phone: 0345 345 4 345

Minicom: 0345 609 6677

Website: www.gov.uk/civil-legal-advice

Disability Law Service

They give free legal advice on social care, employment, housing and welfare benefits to disabled people and their carers. This is to ensure that they have access to their rights and justice.

Telephone: 0207 791 9800
Address: The Foundry, 17 Oval Way, London, SE11 5RR
E-mail: advice@dls.org.uk
Website: www.dls.org.uk

Access Social Care

Limited service that provides advice and information for people with social care needs by chatbot.

Website: accesscharity.org.uk

Broken links?

All links to other pages on our website, and other websites, worked when we last reviewed this page. If you notice that any links no longer work, you can help us by emailing us at feedback@rethink.org and we will fix them. Many thanks.

Incorrect information?

All the information in this factsheet was correct, to the best of our knowledge, when we published it. If you think any information is incorrect you can help us by emailing us at feedback@rethink.org. Many thanks.

References

¹ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance. Para 6.10 (accessed 28th May 2024).

² Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.9 (accessed 28th May 2024).

³ s8(1) (Care Act 2014).

⁴ s8(2) Care Act 2014.

⁵ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.17 (accessed 28th May 2024).

⁶ s8(1) Care Act 2014.

⁷ s22(1) Care Act 2014.

⁸ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance Para 10.2 (accessed 28th May 2024).

⁹ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance Para 10.20 (accessed 18 July 2024).

¹⁰ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.10 (accessed 28th May 2024).

¹¹ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 10.10 (accessed 28th May 2024).

⁶¹ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 11.34 (accessed 28th May 2024).

⁶² Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 6.58 (accessed 28th May 2024).

⁶³ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 12.72 (accessed 28th May 2024).

⁶⁴ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 13.4 (accessed 28th May 2024).

⁶⁵ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 13.20 (accessed 18 July 2024).

⁶⁶ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 20.1 (accessed 28th May 2024).

⁶⁷ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 20.2 (accessed 28th May 2024).

⁶⁸ s38(1) Care Act 2014.

⁶⁹ s38(1) Care Act 2014.

⁷⁰ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 20.18 (accessed 28th May 2024).

⁷¹ s37(5) Care Act 2014.

⁷² s37(10) Care Act 2014.

⁷³ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 20.33 (accessed 28th May 2024).

⁷⁴ s37 (12) Care Act 2014.

⁷⁵ Department of Health & Social Care. *Care and Support Statutory Guidance*. www.gov.uk/government/publications/care-act-statutory-guidance/care-and-support-statutory-guidance at para 20.14 (accessed 28th May 2024).

⁷⁶ s117(1)(2), Mental Health Act 1983 c20.

⁷⁷ s117(6) Mental Health Act 1983 c20.

⁷⁸ Earl Howe in Hansard, House of Lords Vol. 748, col.600
<https://publications.parliament.uk/pa/ld201314/ldhansrd/text/131016-0002.htm#13101684000550>

⁷⁹ Department of Health. *Mental Health Act 1983 Code of Practice*. UK: TSO; 2015. Paragraph paragraph 33.6.

This factsheet is available in large print.

Rethink Mental Illness Advice Service

Phone 0808 801 0525

**Monday to Friday, 9:30am to 4pm
(excluding bank holidays)**

Email advice@rethink.org

Did this help?

We'd love to know if this information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 18252
Solihull
B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)

**Rethink
Mental
Illness.**

Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org

**Trusted
Information
Creator**

Patient Information Forum

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

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