



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Proposed Mental Health (Wales) Measure

Date: 22 March 2010

By: Minister for Health and Social Services

Members will wish to note that the proposed Mental Health (Wales) Measure will be laid today, 22 March. I will be making a Legislative Statement in plenary tomorrow, 23 March, to introduce the proposed Measure.

The proposed Measure seeks to introduce a number of important changes to the current legislative arrangements in relation to the assessment and treatment of people with mental health problems.

The proposed Measure deals with accessing and receiving care and treatment within primary and secondary mental health services. It will apply to people receiving care and treatment within these services in Wales. The proposed Measure will also make provision for people receiving care and treatment in hospital so that they can access independent and specialist advocacy, if they wish to.

The proposed Measure does not deal with compulsory admission and treatment, and cannot be used to require a person to receive assessment, treatment or advocacy who does not wish to do so - these remain matters for the Mental Health Act 1983.

The proposed Measure has five broad policy intentions:

1. To provide assessment of a person's mental health and, where appropriate, provide treatment for their mental ill-health within primary care, by placing a statutory duty on Health Boards and Local Authorities to deliver local primary mental health support services across Wales.

The Welsh Assembly Government recognises the crucial role that primary care plays in delivering effective mental health care and treatment. The aim of the proposed Measure is to strengthen that role so that throughout Wales there will be local primary mental health support services. These will be delivered by Health Boards and Local Authorities in partnership, and it is expected that these services will operate alongside existing GP practices.

2. To create statutory requirements around care and treatment planning and care coordination for all persons receiving care and treatment within secondary mental health services.

The proposed Measure will require there to be a care and treatment plan for all service users aged 18 and over who have been assessed as requiring care and treatment within secondary mental health services.

3. To require secondary mental health services to have in place arrangements to ensure the provision of timely access to assessment for previous service users.

This will enable individuals who have been discharged from secondary mental health services, but who subsequently believe that their mental health is deteriorating to such a point as to require such care and treatment again, to refer themselves back to secondary services directly, without necessarily needing to first go to their general practitioner or elsewhere for a referral. Health Boards and Local Authorities will be required to have arrangements in place to receive self-referrals of this

kind, and to undertake timely assessments.

4. To extend the group of 'qualifying patients' under the Mental Health Act 1983 entitled to receive support from an Independent Mental Health Advocate (IMHA), so that all patients subject to the formal powers of that Act are able to receive IMHA support if they request it.

The Mental Health Act 1983 currently enables patients subject to the longer-term sections to receive help and support from an IMHA. Such IMHAs are not currently available to those patients on the shorter-term, emergency sections of the Act. This proposed Measure will provide that these patients can receive IMHA support if they wish. The expansion of the IMHA scheme in this way will ensure that all individuals subject to the 1983 Act are able to receive independent help and support from an advocate if they wish to.

5. To enable all patients receiving care and treatment for mental health problems in hospital to have access to independent and specialist mental health advocacy.

Many patients receiving care and treatment in hospital for their mental health problems are not detained under the Mental Health Act 1983, but are voluntary (or informal) patients. These patients sometimes require help from an advocate during their stay in hospital, but such services may not always be available. This proposed Measure will create statutory duties to ensure such help and support is available for all inpatients. Such advocacy will assist inpatients in making informed decisions about their care and treatment, and support them in getting their voices heard.

I look forward to working with Members over the coming months as the scrutiny of this proposed Measure is taken forward.