

MHB013 – British Association for Counselling and Psychotherapy

Senedd Cymru | Welsh Parliament

Bil arfaethedig – Datblygu'r Bil Safonau Gofal Iechyd Meddwl (Cymru) |
Proposed Development of the Mental Health Standards of Care (Wales) Bill

Ymateb gan: Steve Mulligan, Arweinydd y Pedair Gwlad, Cymdeithas Cwnsela a Seicotherapi Prydain| Evidence from: Steve Mulligan, Four Nations Lead, British Association for Counselling and Psychotherapy

Enshrining overarching principles in legislation

**Question 1: Do you think there is a need for this legislation?
Can you provide reasons for your answer.**

Yes, we welcome this draft Bill and particular its focus on improving access and choice. Choice is a vital part of a good psychological therapy service. This includes choice of therapist, choice of how you access the service and crucially choice over the modality of intervention you access. Research also backs this up, with clear evidence showing that where service users are part of planning their care they're outcomes are vastly improved.

Question 2: Do you agree or disagree with the overarching principles that the Bill seeks to enshrine?

We support the overarching principles of the bill for greater choice and autonomy, underpinned by Therapeutic Benefit and the need to ensure a person centred approach to care.

A. Nearest Relative and Nominated Person

Question 3: Do you agree or disagree with the proposal to replace the Nearest Relative (NR) provisions in the Mental Health Act 1983 with a new role of Nominated Person?

Can you provide reasons for your answer.

This question is outside our competence

B. Changing the criteria for detention, ensuring the prospect for therapeutic benefit

Question 4: Do you agree or disagree with the proposal to change in the criteria for detention to ensure that people can only be detained if they pose a risk of serious harm either to themselves or to others?

Can you provide reasons for your answer.

This question is outside our competence

Question 5: Do you agree or disagree with the proposal to change in the criteria that there must be reasonable prospect of therapeutic benefit to the patient?

Can you provide reasons for your answer.

This question is outside our competence

C. Remote (Virtual) assessment

Question 6: Do you agree or disagree with the proposal to introduce remote (virtual) assessment under ‘specific provisions’ relating to Second Opinion Appointed Doctors (SOADs), and Independent Mental Health Advocates (IMHA)?

Can you provide reasons for your answer.

We are supportive of any changes which may improve the assessment process although our core concern relates to the restrictive nature of Part 1 of the Measure, which excludes certain trained professionals from undertaking Local Primary Mental Health Support Service (LPMHSS) assessments. We provide more detail in our response to question 11.

D. Amendments to the Mental Health (Wales) Measure 2010

Question 7: Do you agree or disagree with the proposal to amend the Measure to ensure that there is no age limit upon those who can request a re-assessment of their mental health?

Can you provide reasons for your answer.

We welcome this although would need to ensure an expansion of the workforce able to undertake assessment to ensure this additional demand could be met. Please see our response to question 11.

Question 8: Do you agree or disagree with the proposal to amend the Measure to extend the ability to request a re-assessment to people specified by the patient?

Can you provide reasons for your answer.

We welcome this although would need to ensure an expansion of the workforce able to undertake assessment to ensure this additional demand could be met. Please see our response to question 11.

General Views

Question 9: Do you have any views about how the impact the proposals would have across different population groups?

Enshrining in legislation the principles of greater choice and autonomy, Therapeutic Benefit and the need to ensure a person centred approach to care will have an increased benefit particularly on marginalised groups and communities.

Question 10: Do you have any views about the impact the proposals would have on children's rights?

We believe the proposal to extend the right of re-assessment to children and young people would be very positive in terms of extending their human rights.

Question 11: Do you have any general views on the proposal, not covered by any of the previous questions contained in the consultation?

An important area outside the competence of this legislation, as currently drafted, is the need to review Part 1 of the Mental Health Measure which stipulates which professionals can undertake Local Primary Mental Health Support Service (LPMHSS) assessments.

Whilst the Measure has improved access to primary mental health services with almost 70,000 all-age referrals made to LPMHSS each year. However, for every 10 referrals made less than six assessments were carried out, this suggests possible barriers between referral and assessment. Waiting times for children and young people within LPMHSS are also significantly longer than adults. The target for 80% of children and young people to receive an assessment within 28 days of a referral was not met in any of the five years to 2021.

The 2017 Duty to Review (the Measure) Report recommended amending the legislation to expand the list of health professionals that can undertake

assessments to improve access and address some of the barriers to assessment. This has yet to be undertaken by Welsh Government.

BACP has engaged closely with Welsh Government officials to inform different reviews of the Measure in 2014, 2017 and most recently in 2023, to make the case that this should include be widened to include counsellors and psychotherapists who are registered practitioners under the Accredited Voluntary Register scheme. We believe it is an anomaly that trained and qualified NHS counsellors are excluded from the list of professionals able to undertake assessments, which can be undertaken by HCPC registered therapists. As well as having a negative impact on waiting times it is an additional barrier to counsellors and psychotherapists securing roles within the NHS in Wales.

We firmly believe that trained and qualified therapists who are members of a register accredited by the PSA should be classed as 'equivalents' within the legislation and we would welcome the opportunity to discuss whether this could be addressed within the Mental Health Standards of Care Bill. Significantly, the Scope of Practice and Education Framework (SCoPEd) a ground-breaking shared standards framework adopted by the PSA registered counselling and psychotherapy bodies, transparently sets out the core training, practice and competence requirements for practitioners and clearly demonstrates which members can deliver these assessments. This would help to support the central objective of the new bill – to improve the delivery of mental health plans for Child and Adolescent Mental Health Services and adult services in Wales as well as ensuring that patients have more choice over their treatment.

It would also provide an expanded workforce to address increased demand from the two measures within the Bill to remove the age limit on those who can request a re-assessment of their mental health and to extend the ability to request a re-assessment to people specified by the patient.
