

MHB025 – British Psychological Society

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: Manel Tippett, Uwch Gyngorydd Materion Cyhoeddus, Cymru,
Cymdeithas Seicolegol Prydain | Evidence from: Manel Tippett, Senior Public
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BPS comments on the Mental Health Standards of Care (Wales) Bill

The BPS is the representative body for psychology and psychologists throughout the UK. We are committed to providing and disseminating evidence-based expertise and advice, engaging with policy and decision makers, and promoting the highest standards in learning and teaching, professional practice and research. Psychology has an important role to play in government policy and improving lives of the public. We are a registered charity with a total membership of around 60,000 – over 1,600 of whom are in Wales.

Enshrining overarching principles in legislation

Question 1: Do you think there is a need for this legislation?

Can you provide reasons for your answer.

We are pleased to see the introduction of the Mental Health Standards of Care (Wales) Bill (the Bill), which aims to strengthen existing mental health legislation in Wales, specifically around the Mental Health Act and the Mental Health (Wales) Measure. It's important that Wales considers what is within devolved powers to ensure improvements to our population's mental health.

These proposals come after further delays on behalf of the UK Government to reform the Mental Health Act (England and Wales) despite its inclusion in this Government's most recent manifesto. At the time, we wrote that "Reforming the Act would have ... been an opportunity to strengthen the protections and safeguards for those admitted to mental health hospitals where and when appropriate, and make sure people can access the right support, from the right professionals when in a time of crisis."

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

We agree with the proposed policy objectives of the Bill. We feel that these are in line with both the *Together for Mental Health* strategy and what is being proposed for the revised mental health strategy for Wales.

Specific changes to existing legislation

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.

We agree with the proposal to “replace the Nearest Relative (NR) provisions in the Act with a new role of Nominated Person”. We feel that this empowers people as it provides them with choice, flexibility, and autonomy. But we must ensure there is no opportunity for coercion or exploitation within the process.

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.

Yes, we agree with these proposals. However, it is important that the legislation defines “serious harm” and includes in that definition both mental and physical harm.

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.

In terms of “reasonable prospect of therapeutic benefit” this must be associated with patient engagement and that it still covers “preventing deterioration”.

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 would welcome the introduction of remote assessments under ‘specific provisions’ relating to SOADs and IMHA’s. But patients requiring assessments can be particularly vulnerable so the provisions must ensure that there is genuine agreement for an assessment to be conducted online (and not simply for convenience to the SOAD/IMHA). Also, the provisions must ensure that those without access to technology do not end up waiting longer for assessments.

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.

Yes, we agree that there should be no age limit to request a reassessment for re-referral into mental health services. Although the numbers of children and young people waiting for their first appointment has decreased¹ since the pandemic, these numbers are still too high. Once a child or young person is in the system, it should be just as easy for them as it is for an adult to receive support if and when needed.

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.

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¹ [sCAMHS patient pathways waiting for a first appointment by month and grouped weeks \(gov.wales\)](https://gov.wales/scamhs-patient-pathways-waiting-for-a-first-appointment-by-month-and-grouped-weeks)

General Views

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

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

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

With the creation of professions in mental health services both recently and possibly in the future, there is opportunity for the Bill to expand the Measure to widen the list of professions able to provide mental health assessments in Local Primary Care Mental Health Support Services (LPCMHSS), and to those who are able to become Care Coordinators.