

## Constitutional and Legislative Affairs Committee

CLA(4)-11-12

CLA142

### Constitutional and Legislative Affairs Committee Draft Report

**Title: The Mental Health (Secondary Mental Health Services) (Wales) Order 2012**

**Procedure: Affirmative**

This Order provides that, for the purposes of Parts 2 and 3 of the Mental Health (Wales) Measure 2010, local primary mental health support services made available in a particular local authority areas are not to be regarded as secondary mental health services in that local authority area.

The order further provides that services in England, Scotland or Northern Ireland which are the equivalent of secondary mental health services provided in Wales are to be regarded as secondary mental health services for certain purposes in Part 3 of the Measure.

#### **Technical Scrutiny**

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

#### **Merits Scrutiny**

[No points are identified for reporting under Standing Order 21.3 in respect of this instrument.]

**OR**

[Under Standing Order 21.3.(ii) the committee is invited to consider whether the Assembly should pay special attention to this instrument as it gives rise to issues of public policy likely to be of interest to the Assembly.

- Part 2 of the Measure contains requirements in respect of care co-ordination and care and treatment planning. Part 3 of the Measure enables eligible adults who have been discharged from secondary mental health services to refer themselves back to secondary services directly if they believe their mental health is deteriorating.
- Article 3 of the Order has the effect of excluding any service or treatment identified and made available as part of a local primary mental health service in a local authority area under Part 1 of the Measure from the requirements of Parts 2 and 3 of the Measure.

- Consequently service providers (LHBs and local authorities) will not be required to appoint care co-ordinators or provide care and treatment plans for individuals accessing services or treatment which are regarded as local primary mental health support services within a local authority area. A further consequence is that a person who has been discharged from services delivered as part of local primary health support service will not be entitled to seek reassessment.
- The Order extends the entitlement of those eligible to receive an assessment under Part 3 of the Measure to persons who have received secondary mental health services (equivalent to those provided in Wales) in England, Scotland or Northern Ireland.]

**Legal Advisers**  
**Constitutional and Legislative Affairs committee**

**8 May 2012**