



Teaching | Addysgu  
**Bwrdd Iechyd Lleol**  
**Local Health Board**  
Caerphilly  
Caerffili



Our Ref: CH/ce/pab/April2008/ letter/LCO  
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24 April 2008

Olga Lewis  
Deputy Committee Clerk  
Proposed Mental Health LCO Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Dear Ms Lewis

**Public Consultation Proposed Provision of Mental Health Services LCO  
Committee - The National Assembly for Wales (Legislative Competence) (No6)  
Order 2008 (Relating to Provision of Mental Health Services).**

Thank you for giving Caerphilly Teaching Local Health Board (tLHB) the opportunity to comment on the above legislative competence order. Please find attached the responses to the specific questions outlined in your letter dated 13<sup>th</sup> March 2008. The tLHB would be prepared to give oral evidence to the committee should this be required.

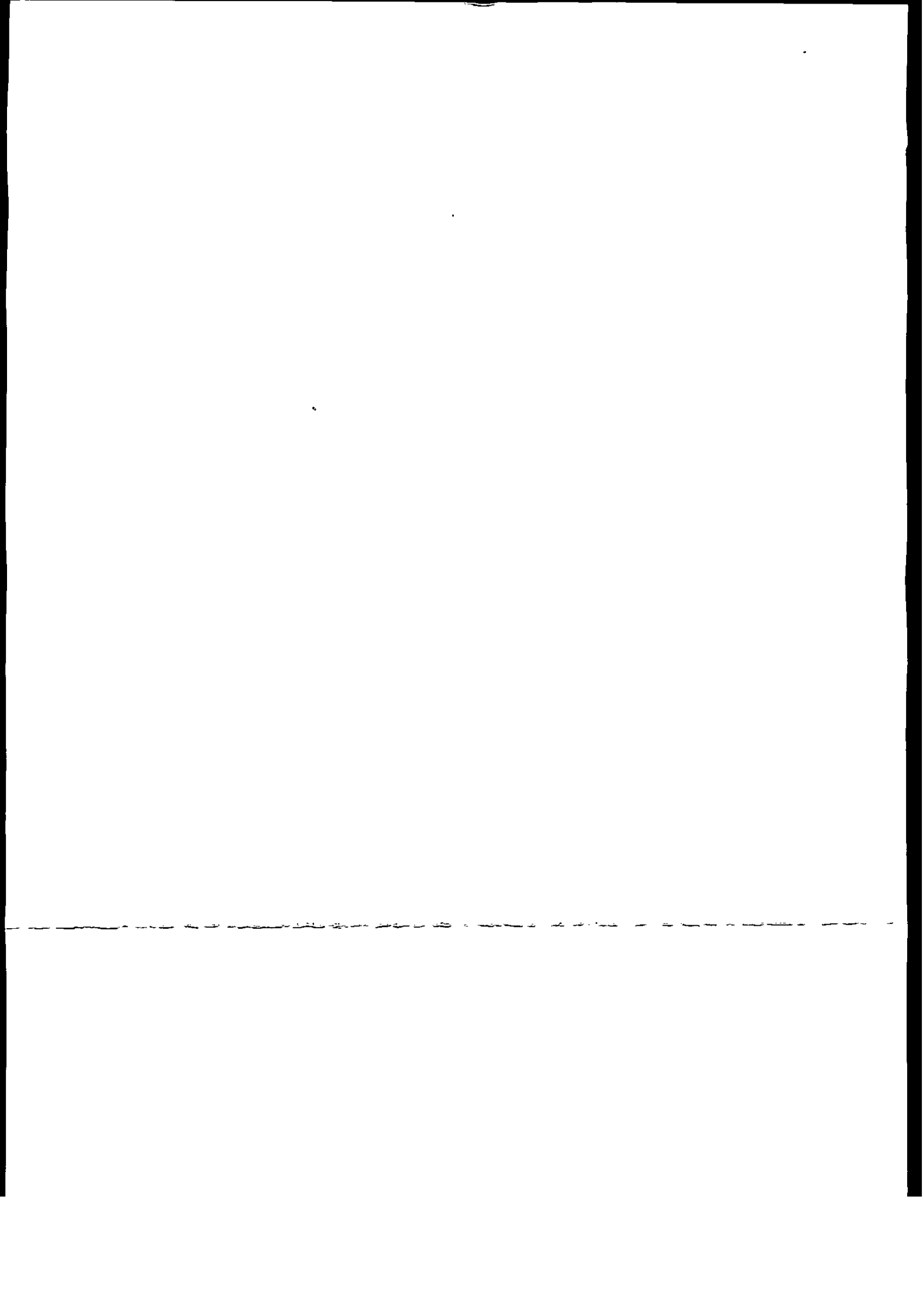
Should you require any additional information please do not hesitate contact me.

Yours sincerely

Chrissie Hayes  
Interim Chief Executive

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**Caerphilly Teaching Local Health Board**  
**Submission on Proposed Mental Health Services Legislative Competence**  
**Order No 6 2008.**

Caerphilly Teaching Local Health Board (tLHB) welcomes the opportunity to comment on the proposed Legislative Competence Order.

- 1, The tLHB is supportive of the LCO. The wording of the Order is broad which will enable flexibility in the drafting the specific measures required to manifest the spirit of the Order within the delivery of mental health services in Wales.
- 2, We believe that there is an opportunity to make closer collaboration between health and social services implicit within the Order. This would further strengthen the ethos of a holistic and 'whole -system' approach to early assessment of mentally disordered persons.
- 3, The tLHB believes that there must be a health and social care assessment of all mentally disordered persons. This could and should be facilitated by the Unified Assessment Process (UAP) in conjunction with the Care Programme Approach (CPA). This would ensure a comprehensive assessment that will reflect the wider determinates of mental health and the needs of carers.
- 4, The tLHB does have some concerns in relation to those mentally disordered person who may be receiving treatment outside of Wales as a result of limited capacity of highly specialised services within Wales. Such as eating disorders or personality disorder services which may be provided on a ad hoc basis within Wales.
- 5, Whilst the tLHB is in agreement with the statutory provision of advocacy services for mentally disordered persons, there would need to be clarity around those who 'may' be mentally disordered. Many of the appropriate specialist mental health advocacy service providers may not currently have capacity to support those without a confirmed mental health disorder. This may also have consequences for statutory services in term of a appropriate definition of 'may be mentally disordered'. This could be highlighted by the possible short term influence of drugs and/or alcohol.
- 6, The tLHB is in agreement with the restriction of legislative competence to exclude persons detained under the Mental health act 1983. There has been a considerable amount of work already undertaken in preparation for the amended act. Any additional changes at this stage may compromise this work. However it may prove useful to extend the scope of the Order to include those detained under the Act at a later stage following a adequate period of review of both the Mental health act and the Order itself.

- 7, The tLHb supports the definition of "mentally disordered person" as established within the amended Act as this is far more broad and enables flexibility into the definition which had previously been more restricted to the cost of certain mental health conditions such as personality disorder. We have, as previously mentioned concerns around the term "who are or **may be** mentally disordered"
- 8, The tLHb firmly believes that the term "treatment" should be considered to be more holistic and not merely focus on health/medical services. Environmental factors will need to be addressed if health "treatment" is to be effective for services users and carers in the medium to long term. A health orientated interpretation of "treatment" has the potential to manage symptoms only rather than a holistic whole system approach that looks to support a comprehensive 'recovery' model of mental health services delivery.

In summary Caerphilly Teaching Local Health Board is supportive of the proposals and would wish to work constructively with all partners within the statutory, independent and voluntary sectors to achieve legislation and services which improve the lives of mental health service users and carers people in Wales.