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Our Ref: PL/JAJ

9th April 2008

David Melding AM
Chair of the Proposed Provision of Mental Health Services
Legislative Competence Order Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

Dear Mr Melding

**Proposed Provision of Mental Health Services LCO Committee –
The National Assembly for Wales (Legislative Competence) (No 6) Order 2008
(Relating to Provision of Mental Health Services)**

My name is Peter Lepping. I work as a Consultant Psychiatrist and Honorary Senior Lecturer in Wrexham. I have been responsible for the implementation of the Mental Capacity Act and the Mental Health Act in the local area. I therefore have a particular interest in the matters that your Committee have been discussing and beyond. I would like to address a number of issues that have come to my attention as part of the consultation exercise about the LCO.

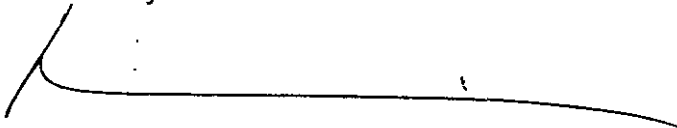
1. Legislative power for the Welsh Assembly is an important matter which I support in principle. I also support the opportunity of having Welsh solutions for particular problems which may be different to solutions found in other parts of the UK.
2. I believe that Mental Health is a particularly bad field in which to try legislative powers because of the long tradition with a combined Mental Health Act. Particularly plans to allow members of the public to ask for Mental Health Act assessments worry me greatly. They seem a particularly bad test case for legislative changes because of their wider implication on a particularly vulnerable patient group. The resource implications for a move that would allow a much wider group of people to ask for Mental Health Act assessments would be absolutely immense and disastrous for an already stretched Mental Health Service. It would also open the doors for false accusations and further

stigmatisation. It is already very rare that people are not assessed if they have a genuine mental health problem and the potential benefit would be completely outweighed by a vast number of superfluous assessments that do not lead to any treatment. I therefore feel that this is a particularly bad example as a test case for law making powers for the Welsh Assembly Government.

3. There is no case for a Welsh Mental Health Act. The Code of Practice already allows variations in the interpretation of the Act. Mental Health legislation is particularly intertwined with other legislation like the Mental Capacity Act and the Human Rights Act, which makes it a poor candidate for Welsh legislative powers. I think the WAG would be better off finding a test case of a less intertwined and less controversial nature. Furthermore one should be especially convinced that the legislation for England and Wales is so poor that Wales and its' citizens would benefit from a different law. This is clearly not the case with the Mental Health Act. Therefore one should make a case for the necessity of a Welsh legislation rather than using a particularly vulnerable group to increase legislative powers.

I would be happy to expand on these arguments but do appreciate the time constraints of a consultation process. Please do not hesitate to contact me if you wish. Otherwise my summary assessment of the proposed Order is that I fully support increased legislative powers for Wales but feel that Mental Health legislation is a particularly bad example to test those powers on. Specific proposals like opening up the right to request Mental Health Act assessments will have disastrous consequences on clinical time and resources and will prove extremely wasteful with no significant benefit. This will have a counterproductive result regarding the public's acceptance of more legislative powers for the Welsh Assembly Government.

Yours sincerely



Dr P Lepping, MRCPsych, MSc
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