

These notes relate to the Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13) which received Royal Assent on 25 April 2003

MENTAL HEALTH (CARE AND TREATMENT) (SCOTLAND) ACT 2003

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 14 – Assessment of Needs

413. **Part 14** deals with three situations relating to the assessment of needs of persons with mental disorder.

Section 227: assessment of needs for community care services etc

414. **Section 227(1)** deals with the situation where a local authority is informed by a mental health officer that a patient for whom the authority have a duty or power to provide (or secure the provision of) community care services may be in need of such services. The notification by the mental health officer triggers the authority's duty under section 12A of the Social Work (Scotland) Act 1968 to undertake an assessment of needs in relation to that patient.
415. Section 23(3) of the Children (Scotland) Act 1995 places a duty on a local authority to carry out an assessment of the needs of a child when a request for such an assessment is made by a parent or guardian. Section 227(2) amends that section to allow the child's mental health officer to make such a request.

Section 228: request for assessment of needs: duty on local authorities and Health Boards

416. **Section 228** requires a local authority or health board on receipt of a written request for an assessment of the needs of a patient in the circumstances set out in subsection (2), to respond to the request within 14 days, saying whether or not they intend to carry out the assessment, and, if not, why not.