



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 2

### COORDINATION OF AND CARE PLANNING FOR SECONDARY MENTAL HEALTH SERVICE USERS

#### *Appointment of care coordinators*

#### **14 Duty to appoint a care coordinator for a relevant patient**

- (1) The relevant mental health service provider for a relevant patient must appoint an individual as care coordinator for the patient to perform in relation to the patient the functions conferred on care coordinators by and under this Part.
- (2) The duty under subsection (1) is to be performed as soon as is reasonably practicable after—
  - (a) an individual becomes a relevant patient; or
  - (b) in a case where an individual permanently ceases to be appointed as a relevant patient's care coordinator, that permanent cessation.
- (3) Where the relevant mental health service provider considers that a patient's care coordinator is for whatever reason temporarily unable to act as such, the provider may appoint an individual to be the patient's temporary care coordinator to perform in relation to the patient the functions referred to in subsection (1).
- (4) A temporary appointment under subsection (3) ceases when the relevant mental health service provider considers that the individual previously appointed as care coordinator has regained the ability to act as such, in which case that individual's appointment shall revive.
- (5) Arrangements may be made between two Local Health Boards for the functions of one of them under subsection (1) or (3) to be exercised by the other.
- (6) Any arrangements under subsection (5) do not affect the responsibility of a Local Health Board as relevant mental health service provider under subsection (1) or (3).

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Cross Heading: Appointment of care coordinators. (See end of Document for details)*

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- (7) Section 15 makes provision about the identification of the relevant mental health service provider for a relevant patient.

## **15 Identification of the relevant mental health service provider for a relevant patient**

- (1) This subsection applies where–
- (a) a Local Health Board is responsible for providing a secondary mental health service for a relevant patient; and
  - (b) a local authority is not responsible for providing such a service.
- (2) Where subsection (1) applies, the Board is the relevant mental health service provider.
- (3) This subsection applies where–
- (a) a Local Health Board is responsible for providing a secondary mental health service for a relevant patient; and
  - (b) a local authority is also responsible for providing such a service.
- (4) Where subsection (3) applies, the identification of one of the persons referred to in that subsection as the relevant mental health service provider is to be made in accordance with provision in regulations made by the Welsh Ministers.
- (5) Regulations under subsection (4) may–
- (a) provide for disputes as to the operation of the regulations to be determined by the Welsh Ministers;
  - (b) provide for the Welsh Ministers to make such determination as they think fit requiring payments to be made by one of the persons referred to in subsection (3) to the other person in the light of a determination referred to in paragraph (a);
  - (c) identify a provider as the relevant mental health service provider pending a determination under paragraph (a).
- (6) Where neither subsection (1) nor subsection (3) apply, the relevant mental health service provider is–
- (a) if a local authority is responsible for providing the patient with a secondary mental health service, the authority;
  - (b) if the patient is under the guardianship of a local authority, the authority;
  - (c) where neither paragraph (a) nor (b) apply but the Welsh Ministers are responsible for providing a secondary mental health service for the patient, the Welsh Ministers.

### **Commencement Information**

- I1** S. 15 in force in so far as not already in force at 6.6.2012 by S.I. 2012/1397, art. 2(d)
- I2** S. 15 partly in force; s. 15 in force at 15.2.2011 in so far as it confers power to make subordinate legislation see s. 55

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## 16 Further provision about the appointment of care coordinators

- (1) A provider must not appoint an individual as a care coordinator under section 14(1) unless the individual is eligible to be appointed as a care coordinator under regulations made under section 47.
- (2) A provider must not appoint an individual as a care coordinator under section 14(1) from amongst the staff of another person without that person's consent.
- (3) Unless regulations made by the Welsh Ministers provide otherwise, an individual's appointment as a care coordinator does not come to an end as a result of a change in a relevant patient's relevant mental health service provider as identified under section 15.
- (4) A relevant mental health service provider may terminate the appointment of an individual appointed as a care coordinator under section 14(1).

### Commencement Information

**I3** S. 16 in force in so far as not already in force at 6.6.2012 by S.I. 2012/1397, art. 2(e)

**I4** S. 16 partly in force; s. 16 in force at 15.2.2011 in so far as it confers power to make subordinate legislation see s. 55

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010,  
Cross Heading: Appointment of care coordinators.