

MENTAL HEALTH (WALES) MEASURE 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 2 – Joint schemes for the provision of local primary mental health support services

4. Local mental health partners are required to take reasonable steps to agree a scheme which secures the provision of primary mental health support services for the local authority area. The schemes established under section 2 will set out the arrangements for the services, including the type and extent of the local primary mental health treatment that will be made available as part of the services, and which partner is responsible for the different aspects of the service.
5. This provision, when read with provisions for cooperative and joint working set out in section 41 of the Measure, allows for flexibility for the mental health partners and allows a diverse range of delivery mechanisms, so that the scheme can be responsive to the needs of the population of the local authority area. However it also ensures that at a strategic level both bodies are involved in setting out the arrangements under which the services are to be delivered, and will have clear responsibilities to provide particular services.
6. A particularly important aspect of local primary mental health support services is the primary mental health assessment, which acts as a ‘gateway’ to the other services – particularly local primary mental health treatment. There is a right to an assessment where an individual (of any age) is referred by their GP, or where a GP refers an individual who is not registered with the GP but who falls within a category of additional persons listed in the regulations made under section 7(6)(a) of the Measure.
7. In addition, the scheme may confer rights to assessment on other categories or groups, such as individuals receiving secondary mental health services, and those subject to compulsion under the Mental Health Act 1983.
8. It is anticipated that as services develop and improve, schemes will need to be reviewed and altered. Subsection (6) of section 2 provides that the schemes may be altered, including those schemes made by Welsh Ministers under section 4 of the Measure.