
EXPLANATORY NOTE

(This note is not part of the Regulations)

1. These Regulations contain provisions about care co-ordination and care and treatment planning for patients using secondary mental health services (within the meaning of The Mental Health (Wales) Measure 2010 (“the Measure”). They also contain provision about the identification of relevant mental health service providers, and transitional provisions for patients who are already in secondary mental health services at the coming into force date of these Regulations.

2. Regulation 3 provides for the identification of a relevant mental health service provider in circumstances where a patient is using secondary mental health services provided by both a Local Health Board and a local authority.

3. Regulation 4 makes provision about the eligibility requirements which must be met before a person may be appointed as a care coordinator. Professional requirements which a person must satisfy are set out in Schedule 1.

4. Regulation 5 makes provision about the form and content of care and treatment plans. The form of a care and treatment plan is set out in Schedule 2, and is to be completed in the Welsh or the English language, or partly in Welsh and partly in English.

5. Regulation 6 makes provision about the persons who must be consulted by the care coordinator as part of the care coordinator’s functions of preparing, reviewing and revising care and treatment plans. Provision is made also regarding persons who may be consulted by the care coordinator, and for the views of the patient to be taken into account before any consultation under this regulation takes place.

6. Regulation 7 provides for the review and revision of care and treatment plans. This includes provision about how frequently a plan must be reviewed and if necessary, revised, and who may request a review and, if necessary, revision.

7. Regulation 8 makes provision about the persons who must be provided with a copy of a patient’s care and treatment plan following the preparation, review or revision of that plan. Provision is made also regarding persons who may be provided with copies of such plans, for copies of plans to be withheld or only parts of copies to be provided, and for the views of the patient to be taken into account before any copies of plans or parts of plans are provided.

8. Regulation 9 makes provision about how copies of care and treatment plans are to be provided, and allows for the use of both electronic and non-electronic means of provision.

9. Regulation 10 makes provision about the information which is to be provided to an individual when he or she is discharged from secondary mental health services.

10. Regulation 11 makes transitional provision for patients who are already in secondary mental health services at the coming into force date of these Regulations. This includes provision for patients who do not have a care coordinator or a care and treatment plan at the coming into force date.

11. A regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Mental Health Legislation Team, Department for Health, Social Services and Children, Welsh Government, Cathays Park, Cardiff CF10 3NQ.