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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2942**

**The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

**Part 4 —**

**Preparing, reviewing and revising care and treatment plans**

**Copies of care and treatment plans**

**8.—**(1) Where a relevant patient's care coordinator has—

- (a) agreed a care and treatment plan for a relevant patient and recorded the plan in writing as provided by section 18(1) and (2) of the Measure;
- (b) recorded the plan or plans determined under the provisions of section 18(4) or (5) of the Measure in writing as provided by section 18(6) of the Measure; or
- (c) reviewed or revised a care and treatment plan for a relevant patient as provided by regulation 7 or 11 of the Regulations,

then the provisions of this regulation apply.

(2) Subject to paragraph (4), where the following persons are identified in relation to a relevant patient, the care coordinator is to take all practicable steps to ensure that such persons are provided with a written copy of that patient's care and treatment plan—

- (a) that patient, unless—
  - (i) that patient has declined to receive a copy of the plan; or
  - (ii) the provision of a copy of the plan is likely to cause serious harm to the physical or mental health or condition of that patient;
- (b) all persons with parental responsibility for that patient, unless a person with such responsibility has declined to receive a copy of the plan;
- (c) all carers and adult placement carers of that patient, unless a carer or adult placement carer has declined to receive a copy of the plan;
- (d) that patient's registered medical practitioner;
- (e) the mental health service providers and voluntary organisations who provide mental health services to that patient;
- (f) that patient's responsible clinician;
- (g) where a guardian has been appointed for that patient as a result of a guardianship application made under section 7 of the 1983 Act or a guardianship order made under section 37 of the 1983 Act—
  - (i) that patient's guardian, and
  - (ii) that patient's responsible Local Social Services Authority;

- (h) a donee of that patient's lasting power of attorney who has been appointed in accordance with section 10 of the 2005 Act, or a deputy of that patient who has been appointed by the Court of Protection in accordance with section 16 of the 2005 Act, provided that—
    - (i) in the case of a donee, the matters with which the plan is concerned including (but not limited to) outcomes which have been agreed in accordance with section 18(1)(a) of the Measure, fall within the scope of the lasting power of attorney, or
    - (ii) in the case of a deputy, the matters with which the plan is concerned including (but not limited to) outcomes which have been agreed in accordance with section 18(1)(a) of the Measure, fall within the scope of the order, directions or terms of appointment of the deputy which may have been specified by the Court of Protection;
  - (i) where there are acts or decisions proposed in relation to that patient under sections 37, 38, 39, 39A, 39C or 39D of the 2005 Act, an Independent Mental Capacity Advocate who has been appointed to represent that patient in accordance with section 35 of that Act;
  - (j) where that patient is subject to a standard authorisation given under Part 4 of Schedule A1 to the 2005 Act, the managing authority, the supervisory body and the relevant person's representative who has been appointed for that patient under paragraph 139 of Schedule A1 to the 2005 Act; and
  - (k) where that patient is subject to an urgent authorisation given under Part 5 of Schedule A1 to the 2005 Act, the managing authority and the supervisory body.
- (3) Subject to paragraph (4), where the following persons are identified in relation to a relevant patient, he or she may be provided with a written copy of that relevant patient's care and treatment plan—
- (a) any person who the care coordinator wishes to receive a copy of the plan, in order to facilitate the achievement of the outcomes which the provision of mental health services are designed to achieve for that patient; and
  - (b) any person who that patient wishes to be provided with a copy of the plan.
- (4) Before providing copies of a relevant patient's care and treatment plan to any of the persons mentioned in paragraphs (2) and (3)(a) the care coordinator is to take account of the views of that patient regarding whether such persons ought to be provided with such copies.
- (5) But the care coordinator may provide copies of a relevant patient's plan to any of the persons mentioned in paragraphs (2) and (3)(a) against the wishes of that patient provided that the care coordinator has given due consideration to the views of that patient.
- (6) For the purposes of this regulation—
- (a) where a copy of a plan is to be provided to a person, the care coordinator may withhold that copy or provide a copy of part of that plan if the care coordinator is of the view that it is in a relevant patient's interests to do so;
  - (b) where a person is eligible to receive more than one copy of a plan relating to a relevant patient, only one copy of the plan need be provided;
  - (c) a person is eligible to receive a copy of a plan if he or she is eligible under one or more of the categories in paragraph (2) at the time when copies of the plan are to be provided under paragraph (1);
  - (d) a person to whom a plan is to be provided cannot decline to receive a plan unless a provision in paragraph (2) expressly allows him or her to do so.