



## **NSPCC CYMRU/WALES RESPONSE TO:**

# **Proposed Provision of Mental Health Services LCO Committee's Call for Evidence**

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- 1.0 NSPCC Cymru/Wales welcomes the opportunity to respond to the Committee's call for evidence around the proposed provision of mental health services Legislative Competence Order (LCO).
- 1.1 The NSPCC's purpose is to end cruelty to children. Our vision is of a society where all children are loved, valued and able to fulfil their potential.
- 1.2 We seek to achieve cultural, social and political change – influencing legislation, policy, practice, attitudes and behaviours for the benefit of children and young people. This is achieved through a combination of service provision, lobbying, campaigning and public education.

## **2.0 General Comments**

- 2.1 NSPCC Cymru/Wales provides services for children and young people in Wales who are or have been in contact with their local CAMHS teams. As part of or current work on the influencing of CAMHS service provision and delivery across Wales, we completed a briefing paper in 2007 on the experience of our service users and practitioners in Wales.
- 2.2 Based on our research findings, we feel that the following proposed Legislative Competence Order (LCO) around mental health services, could provide an opportunity for the Welsh Assembly Government (WAG), if approved by the National Assembly for Wales (NAfW) themselves and Westminster, to further legislate on this key area of work. We are seeking to contribute to its developments and ensure that the rights of children and young people to high quality and timely mental health services are included, taken forward and acted upon.
- 2.2 We welcome the opportunity to contribute to the Committee's call for evidence on the proposed LCO and are encouraged that the NAfW is committing itself to improving mental health policy and the provision of services in Wales.
- 2.3 We have responded to the questions set by the Committee where we feel we have the practice experience and knowledge to do so.

## **3.0 Response to the Committee's Questions**

### **3.1 *Would the terms of the proposed Order confer the appropriate powers on the NAfW to allow for the implementation of the policy proposals outlined in the Explanatory Memorandum?***

- 3.1.1 NSPCC Cymru/Wales would urge the Committee to seek clarification on whether the proposals will relate to children and young people. In order to consider the impact the proposals will have on the children and young people our services come into direct and indirect contact with, the definition of "persons" needs consideration. We urge the Committee to address this as a matter of urgency.
- 3.1.2 If the Committee agrees that this LCO is to rightfully include children and young people, we would highlight the need for this clarification to be added within the Order itself. This will help avoid any possible confusion.
- 3.1.3 We also feel it may help to include references to the current guidance around Child and Adolescent Mental Health Services (CAMHS) in Wales within the explanatory memorandum. This will help place the proposed LCO within the current Welsh context and emphasise again the impact this will have on mental health services for children and young people in Wales.

3.1.4 If the terms of the Order include children and young people, which we feel is appropriate, then overall, we agree that the terms of the proposed Order will enable the NAFW to legislate by Measure in the area of mental health.

**3.2 *Is the scope of the proposed Order appropriate, too narrow or too broad to allow the Assembly to bring forward the Measures to address issues you believe should be addressed via legislation in the field of Mental Health in Wales? If necessary, how should the proposed Order be re-drafted and why?***

3.2.1 Again, NSPCC Cymru/Wales would urge the Committee to seek clarification on whether the proposals will relate to children and young people. We would then like reassurance that the proposed Matter 9 relating to assessment, treatment and the provision of independent advocacy arrangements would include the needs of children and young people in Wales. The proposed Order should then include and clarify this.

3.2.2 We would also urge the Committee to consider other relevant legislative proposals either current or to come, so that the proposals detailed here are co-terminus with others, and that the Matter and subsequent Measures do not conflict with proposals in other legislative Fields.

**3.3 *The proposal is to impose duties on the Health Service to provide assessment of and treatment for mentally disordered persons. Should it cover duties on other bodies?***

3.3.1 NSPCC Cymru/Wales advocates a need-led approach to the assessment and treatment of children and young people. Therefore, if the proposals are to include children and young people, we believe that mental health professionals within the National Health Service (NHS) and CAMHS would be best placed to provide this.

3.3.2 However, from our research findings, we are concerned that this may lead to a further reliance on a medical model of assessment and treatment. We would therefore advocate a strengthened partnership ethos, where the NHS in Wales works with other statutory agencies, stakeholders and others as appropriate. This could provide the arena for a needs-led approach and help provide high quality and timely assessments and treatment for children and young people who are in need of mental health services.

3.3.3 Current Assembly guidance for statutory services continues to highlight the importance of improving partnership working between the NHS in Wales and all local authorities (e.g. Designed for Life, 2005). We believe highlighting these within the explanatory memorandum would help reaffirm duties on all relevant local bodies.

3.3.4 We would also highlight the strategic vision detailed within the CAMHS Strategy<sup>1</sup>. Based on a multi-agency, four-tier concept which seeks partnerships between children, young people, their families and professionals, proposals detailed within the LCO could reflect such an inclusive approach to assessment and treatment. According to the Strategy, a “joint endeavour” to tackle mental health problems means that “no sector or component of a sector should be absolved from playing its full part in CAMHS”<sup>2</sup>. Despite some practical issues, the strategic vision aims to highlight the responsibility each sector has around the mental wellbeing of children and young people in Wales. Likewise, a cross-agency working ethos should be applied to the planning and commissioning of CAMHS.

**3.4 *The parts of the proposed Matter which relate to assessment and treatment (paragraphs (a) and (b)) are limited to “the health service in Wales”. Would this deal appropriately with any cross-border issues?***

3.4.1 NSPCC Cymru/Wales is pleased to note that the Committee has highlighted through asking this question, the potential cross-border difficulties from the proposals. We believe that mental health service users ought to be assessed and offered appropriate treatment at a time and place which meets their needs appropriately. We also believe that this ought to be provided as close to home as possible to allow the process of recovery to be as uncomplicated as possible.

3.4.2 We would like to take this opportunity to highlight that many parts of Wales currently have no access to emergency hospital provision. This has led to Welsh residents presenting themselves with mental health problem(s) to the health service outside of Wales. We would urge the Committee to seek clarification on how the proposals would come into effect in such situations.

3.4.3 We also believe that other circumstances may arise where the current proposals may not be clearly applicable. For example, Welsh children and young people who present themselves as in need of an assessment and treatment though may be placed in the care of a local authority outside of Wales; or children and young people, resident in Wales though currently accessing services across the Welsh border. We therefore urge the Committee to clarify how the proposals would potentially impact on these children and young people.

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<sup>1</sup> Welsh Assembly Government (2001) Everybody’s Business: Child and Adolescent Mental Health Services – Strategy Document, Cardiff.

<sup>2</sup> Ibid: 3

3.4.4 We would also urge the Committee to ensure that all work around assessment and treatment includes a clear and fully effective pathway of communication between all agencies involved. We believe that clear systems of accountability and monitoring will help ensure this.

**3.5 *In relation to assessment of persons and advocacy services, the matter applies to persons “who are or may be mentally disordered”. What are your views on this?***

3.5.1 In relation to advocacy, if children and young people are to be included within the definition of “persons” within the proposals, we believe there will be a few issues that the Committee will need to address.

3.5.2 NSPCC Cymru/Wales provides a children’s rights based advocacy service currently to six authorities across South and Mid Wales, as well as some advocacy within Hillside Young Offenders Institution. We understand that current legislation allows for children in need to have access to independent advocacy. Children and young people who suffer from a mental disorder are included under this definition<sup>3</sup>. We would urge the Committee to seek clarification as to whether, and if so, how, the proposals may impact on the current provision based on this legislation.

3.5.3 We believe that the proposal to provide independent advocacy for persons “who are or may be mentally disordered” must take into account the recent Ministerial Statement around the new service framework for the future provision of advocacy services for children in Wales. We would like to take this opportunity to raise awareness of the need to consider the possibility of specialist advocacy provision based on the specific needs of the children and young people.

**3.7 *Is the definition of “mentally disordered persons” in the proposed Order appropriate? If not, how should the definition be re-drafted and why?***

3.7.1 Again, NSPCC Cymru/Wales would urge the Committee to seek clarification as to whether the proposals will relate to children and young people. Clarification of this would allow the relevant mental health professionals to consider whether a definition of “mentally disordered persons” could be applied appropriately across both adults and children and young people, or whether a separate definition would be more effectively used.

3.7.2 We would also like to highlight that if, having consulted with those responsible for the proposals, the Committee confirms that the details will only directly impact on adult mental health service provision, the

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<sup>3</sup> Children’s Act (1989:13) HMSO: London

Committee must raise again the indirect impact the proposals will have on children and young people. This may surface either through the young person involved in CAMHS potentially needing to access transition support, but also as members of families where the adult(s) may be suffering and therefore accessing mental health services.

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