

**PROPOSED PROVISION OF MENTAL HEALTH SERVICES LCO COMMITTEE
– THE NATIONAL ASSEMBLY FOR WALES (LEGISLATIVE COMPETENCE)
(NO 6) ORDER 2008 (RELATING TO PROVISION OF MENTAL HEALTH
SERVICES)**

**RESPONSE FROM THE CHARTERED SOCIETY OF PHYSIOTHERAPY (CSP)
IN WALES**

1. Introduction – about the Chartered Society of Physiotherapy

- 1.1 The Chartered Society of Physiotherapy (CSP) is pleased to provide a response to this Welsh Assembly Government consultation document.
- 1.2 The CSP represents around 1,500 physiotherapists, technical instructors, assistants and students in Wales. CSP members work primarily in the NHS but also in the independent sector, education, research, the voluntary sector, industry and occupational health.
- 1.3 The CSP is the professional, educational and trade union body for its 47,000 members in the UK, physiotherapy being the third largest health profession after doctors and nurses. 98-99% of all registered physiotherapists are members of the CSP.
- 1.4 Chartered physiotherapists, their technicians and assistants provide treatment and support for their patients, clients and carers in a variety of different clinical environments in the course of NHS treatment. These include intensive care, acute and rehabilitation hospital wards, outpatient departments, hydrotherapy pools and multidisciplinary clinics. Physiotherapists also work in community settings, within schools, GP practices, health centres and in peoples own homes.
- 1.5 ‘Physiotherapy is a health care profession concerned with human function and movement and maximizing potential. It uses physical approaches to promote, maintain and restore physical, psychological and social well-being, taking account of variations in health status. It is science-based, committed to extending, applying, evaluating and reviewing the evidence that underpins and informs its practice and delivery. The exercise of clinical judgement and informed interpretation is at its core.’ (Chartered Society of Physiotherapy (2002) *Curriculum Framework for Qualifying Programmes in Physiotherapy*. CSP, London).

2. Questions posed by the Proposed Provision of Mental Health Services Legislative Competence Order Committee

- 2.1 *Would the terms of the proposed order confer the appropriate powers on the National Assembly of Wales to allow for the implementation of the policy proposals outlined in the Explanatory Memorandum?*

The CSP considers the terms of the proposal Order does confer the appropriate powers on the National Assembly for Wales to allow for implementation of the policy proposals outlined in the Explanatory Memorandum. The CSP notes the Order confines itself to provisions in health services only.

- 2.2 *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.*

The CSP considers the scope of the proposed Order is clear. In particular, points 8, 9 and 10 of the draft Explanatory Memorandum outline how the Legislative Competency Order will be used and details the objectives relating to health services.

The wording used is broad enough to allow for a range of measures to be brought forward under the new powers and does not appear to be restrictive.

- 2.3 *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?*

The CSP considers that it would be very useful to include local government in the proposed order but realises that this could seriously complicate the LCO in relation to its proposals for health services. It would be a shame to jeopardize this development.

However, the CSP does note that the Mental Health (and treatment) Scotland Act 2003 did impose duties on local authorities. It will be essential that the Welsh Assembly Government looks at this and applies for any necessary legislative competence to make changes in similar provisions for local authority social services.

- 2.4 *The parts of the proposed matter which relate to assessment and treatment (paragraphs (a) and (b)) are limited to 'the health services in Wales'. Would this deal appropriately with any cross-border issues?*

The CSP considers that the proposed Order is clear that the jurisdiction is only for services in Wales. However, it would be useful to explore the cross border relationships where services are provided to Welsh residents outside of Wales. It might be useful for the Committee to take evidence from Scotland as service planners and providers there will have experience of cross-border issues and can share lessons learned.

- 2.5 *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?*

The CSP considers that all involved in supporting those with mental health disorders, across all sectors and organisations must be clear what is required and what is available. As measures are brought forward, it will be essential that developments and new requirements are known and understood. Others, who may not work directly in the field must also be clear about what is meant by 'persons who are or may be mentally disordered'.

- 2.6 *Is it appropriate to limit legislative competence to exclude persons detained under the Mental Health Act 1983?*

The CSP considers it is appropriate. The LCO, it appears, aims to make sure that those who are not covered by the Mental Health Act 1983 will have access to assessment, treatment and advocacy.

- 2.7 *Is the definition of 'mentally disordered persons' in the proposed order appropriate? If not, how should the definition be re-drafted and why?*

The CSP considers the definition to be appropriate.

- 2.8 *Should the term 'treatment' also be defined within the matter?*

The CSP considers a definition might be useful, although with advances in techniques and approaches this definition may need to be updated and/or modified regularly. The advantage of providing a definition would be the opportunity to demonstrate that treatment is wider than just drug treatment or medical intervention.

3. Concluding Comments

- 3.1 The CSP has been pleased to play an active part in the consultation process for this member proposed Legislative Competence Order.

- 3.2 The profession is happy for this response to be made available for public scrutiny.
- 3.3 The CSP would be prepared to give oral evidence to the committee.
- 3.4 If you have any questions arising from this response please do not hesitate to contact the CSP's Cardiff office.

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In association with

Welsh Board of the Chartered Society of Physiotherapy

The All Wales Physiotherapy Managers

The Wales Mental Health Physiotherapy Network