

**Y Pwyllgor ar y Gorchymyn Arfaethedig
ynghylch Darparu Gwasanaethau Iechyd
Meddwl**

**Proposed Provision of Mental Health
Services Legislative Competence Order
Committee**



**Cynulliad National
Cenedlaethol Assembly for
Cymru Wales**

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

13 March 2008

Dear Colleague

Public Consultation – Invitation to respond

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)

The National Assembly for Wales established a Committee on 26 February 2008 to consider and report on the Proposed Provision of Mental Health Services Legislative Competence Order (LCO). I am writing to invite you to submit evidence to the Committee on the proposed LCO by the 25 April 2008.

The purpose of the Committee's work is to scrutinise:

- The general principles of the proposed Order ie, that legislative competence as specified in 'Matter 9 []' be conferred to the Assembly.
- Whether the proposed Order provides an appropriate framework for the delivery of the policy agenda on Mental Health and Mental Health Services, in particular whether the terms of the proposed Order are too broadly or too narrowly defined.

The Committee's work will focus on considering whether the Assembly should have the power, in principle, to legislate by Measure in the area identified in the proposed Order, i.e. mental health and mental health services. It will avoid engaging in detailed discussions on the specific proposed Measures which could be brought forward as a result of the conferral of legislative competence, for example, views relating to how Measures should be implemented and financing of policies. This will be a matter for scrutiny by the Assembly at a later date.

A copy of the proposed Order and its accompanying Explanatory Memorandum are enclosed at Annex 1. An electronic version of these documents and details of the Committee can be found on the Legislation pages of the Assembly's website:
<http://www.assemblywales.org/bus-home/bus-legislation/bus-leg-legislative-competence-orders/bus-legislation-lco-2008-6.htm>

In particular the Committee would like to receive evidence on the following:

1. Would the terms of the proposed Order confer the appropriate powers on the National Assembly for Wales to allow for the implementation of the policy proposals outlined in the Explanatory Memorandum?
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. 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?
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?
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?
6. Is it appropriate to limit legislative competence to exclude persons detained under the Mental Health Act 1983?
7. Is the definition of “mentally disordered persons” in the proposed Order appropriate? If not, how should the definition be re-drafted and why?
8. Should the term “treatment” also be defined within the matter?

If you would like to respond to the consultation, please keep the following in mind:

- Your response should be as succinct as possible. Please reference your response using the title applied above.
- The National Assembly normally makes responses to public consultation available for public scrutiny, for example through the Assembly’s website, and they may also be seen and discussed at Committee meetings. **If you do not want your response or name published it is important that you specify this at the end of your submission.**
- Please indicate whether you are responding on behalf of an organisation, or as an individual.
- Please indicate whether or not you would be prepared to give oral evidence to the Committee.

To submit evidence please send, preferably by email or on disk, otherwise in hard copy to Olga Lewis, Deputy Committee Clerk, Proposed Mental Health LCO Committee, National Assembly for Wales, Cardiff Bay CF99 1NA. The email address is legislationoffice@wales.gsi.gov.uk. Please entitle the email *Consultation MH LCO*.

Submissions should be sent to arrive by Friday 25 April 2008. All submissions will be acknowledged. It may not be possible to take into account responses received after this date.

The Committee will consider responses to the written consultation during April.

If you have any queries regarding the consultation, the Committee's work or about the Assembly's legislative process etc, please do not hesitate to contact the Clerk, Anna Daniel (tel: 029 2089 8144), or Olga Lewis, the Deputy Clerk (tel.: 029 2089 8154).

David Melding AM
Chair