

Welsh Government Policy Implementation Guidance on Local Primary Mental Health Support Services and Secondary Mental Health Services for the purposes of the Mental Health (Wales) Measure 2010 and related subordinate legislation

INTRODUCTION

Purpose and status of the Guidance

1. This good practice guidance is provided to Local Health Boards (LHBs) and local authorities in connection with the operation of the Mental Health (Wales) Measure 2010, and the subordinate legislation which is being made in connection with it.
2. It is intended to be used by LHBs, local authorities and others as an aid when considering the definition of 'secondary mental health services' as set out in the Mental Health (Wales) Measure 2010 and the Mental Health (Secondary Mental Health Services) (Wales) Order 2012, and in developing joint schemes for the provision of local primary mental health support services under Part 1 of the Mental Health (Wales) Measure 2010.

Presentation

3. Throughout this Guidance the Mental Health (Wales) Measure 2010 is referred to as 'the Measure'. Where there are references to other statutes, the relevant Act or Measure is clearly indicated.
4. This Guidance also makes reference to the Mental Health (Secondary Mental Health Services) (Wales) Order 2012 - this is referred to as 'the Order'. Where there are references to other subordinate legislation, the relevant Regulations, Rules, Directions or Orders are clearly indicated.
5. Finally, whilst the term 'service user' is often used to describe people accessing services for care and treatment of their mental ill-health, this Guidance uses the term 'patient' in line with the term used in Part 2 of the Measure; where a person is not in receipt of secondary mental health services, this Guidance generally uses the term 'individual'.

WHY ARE DEFINITIONS OF PRIMARY AND SECONDARY MENTAL HEALTH SERVICES REQUIRED?

6. Whilst the meaning of the terms 'primary' and 'secondary' mental health services may be commonly understood by mental health practitioners and service users, the Measure and the subordinate legislation related to it¹ use these terms in relation to specific legal responsibilities, or 'statutory duties', which are placed on LHBs and local authorities to provide certain services.
7. Part 1 of the Measure places statutory duties on LHBs and local authorities in Wales to provide certain services which are known as 'local primary mental health support services' across Wales. The services to be provided in an LHB region must be recorded and agreed in written joint schemes between the relevant LHB and local authority/ies.
8. Part 2 of the Measure places duties on LHBs and local authorities in Wales to ensure that patients in secondary mental health services in Wales have a care coordinator and a care and treatment plan, whilst Part 3 requires LHBs and local authorities to have arrangements in place to deal with requests for assessment from former users of secondary mental health services who believe that their mental health may be deteriorating following discharge.
9. To assist LHBs and local authorities in meeting their duties under the Measure, this Guidance seeks to provide advice on what is meant by 'local primary mental health support services' and 'secondary mental health services' for the purposes of the Measure and the subordinate legislation which underpins it. This Guidance explains the principles which informed the development of the Measure and the aims the legislation is seeking to achieve. This Guidance also provides some general advice regarding the types of services which the Welsh Government would consider to be most appropriately delivered by LHBs and local authorities as part of their local primary mental health support services under Part 1 of the Measure, and as such included within their Part 1 joint schemes, and those services which would be more appropriately delivered as secondary mental health services, and therefore subject to the care and treatment planning provisions and access to assessment for former service users arrangements under Parts 2 and 3 of the Measure.
10. This Guidance does not apply to Part 4 of the Measure, which provides an expanded Independent Mental Health Advocacy scheme in Wales. This is because Part 4 relates specifically to inpatients or those subject to the provisions of the Mental Health Act 1983, which are defined separately elsewhere.

¹ <http://wales.gov.uk/topics/health/nhswales/healthservice/mentalhealthservices/?lang=en>

LOCAL PRIMARY MENTAL HEALTH SUPPORT SERVICES

What does Part 1 of the Measure seek to achieve?

11. The intended effects of Part 1 of the Measure include providing consistency in primary mental health services across Wales and earlier access to mental health services than is currently the case in some parts of the country. The Welsh Government's aim is that the services to be provided should be designed to meet the needs of individuals who are experiencing mild to moderate and/or stable severe and enduring mental health problems - the aim being to lessen the risk of further decline in mental health, and in some cases, to reduce the potential need for subsequent inpatient treatment and possible compulsory detention.
12. The Welsh Government anticipates that earlier intervention and treatment will lead to both an improved experience and better clinical outcomes for this group of individuals. It is expected to reduce the number of referrals currently made into secondary services by GPs and assist timely access to specialist care for those that require it. It is hoped that these improvements will come about as a result of an enhancement of assessment and onward referral capacity and the provision of additional services within primary care. Fewer referrals should reduce the pressure on secondary services, enabling them to better concentrate on those individuals experiencing more complex, severe or enduring mental disorders and to provide a more timely response when such services are required.

What are local primary mental health support services?

13. The aim of Part 1 of the Measure is to improve access to mental health services within primary care settings, to improve the outcomes for individuals accessing these services. It also seeks to facilitate appropriate and timely referrals to secondary mental health services and support for patients discharged from secondary mental health services.
14. Section 5 of the Measure requires that five components be delivered as part of local primary mental health support services. These are:
 - a) comprehensive mental health assessments for individuals who have first been seen by a GP, and for whom the GP considers a more detailed assessment is required, or who are referred through secondary mental health services (where the local joint scheme provides that individuals in receipt of secondary mental health services are eligible);
 - b) short-term interventions (i.e. treatment), either individually or through group work, if the initial assessment has identified this as appropriate. Such interventions may include counselling, a range of psychological interventions including cognitive behavioural therapy, solution-focussed therapy, family work, online support, stress management, bibliotherapy and education;

- c) onward referral and the co-ordination of next steps with secondary mental health services, where this is felt to be appropriate for an individual;
 - d) provision of support and advice to GPs and other primary care providers (such as practice nurses) to enable them to safely manage and care for people with mental health problems;
 - e) provision of information and advice to individuals and their carers about interventions and care, including the options available to them, as well as 'signposting' to other sources of support (such as support provided by third sector organisations), and helping them to access these services.
15. Section 2 of the Measure (as modified by the *Mental Health (Regional Provision) (Wales) Regulations 2012*) requires that LHBs and local authorities agree joint written schemes for each LHB region in Wales. These schemes will set out what services are to be provided, how they are to be provided, by whom, and where, to meet the legal requirements of Part 1 of the Measure.
16. The *Mental Health (Wales) Measure 2010 National Service Model for Local Primary Mental Health Support Services*² sets out the Welsh Government's views on the types of primary care services which may be provided by LHBs and local authorities and the mental health problems which these services should seek to address.
17. These services are designed to address mild to moderate mental health problems including:
- anxiety;
 - mild to moderate depression;
 - psychosocial, behavioural and emotional difficulties experienced by children and young people which are typically managed by tier 1 & 2 CAMHS; and,
 - memory impairment experienced by older adults.
18. Further to paragraph 14(d) above, local primary mental health support services can also provide advice and support to primary care practitioners in managing stable enduring conditions such as schizophrenia, bi-polar disorder, dementia and eating disorders.
19. This role may include, for example:
- supporting the monitoring of mental healthcare needs for individuals with enduring mental health problems;
 - supporting the appropriate prescribing (both medical and non-medical) for such mental health conditions, improving medication management and encouraging compliance with medication that is prescribed;

² <http://wales.gov.uk/topics/health/publications/health/guidance/national/?lang=en>

advice and support in monitoring psychiatric medication.

20. Local primary mental health support services should be available to individuals regardless of age or any other co-occurring conditions such as learning disability, physical disability or substance misuse problems, so long as the reason for referral or treatment provided is in a relation to a mental health problem.

21. The National Service Model recommends that local primary mental health support services be accessible and close to those who require them. The Welsh Government's expectation is that, so far as possible, they will operate within or alongside existing GP practices, except where the provision of services to certain groups, such as prisoners, requires other arrangements. The Welsh Government acknowledges that, in some circumstances, certain aspects of local primary mental health support services may be provided from secondary care premises within the community, but expects that such arrangements should be the exception rather than the rule and that there will be a shift to primary care facilities over time.

SECONDARY MENTAL HEALTH SERVICES

What do Parts 2 and 3 of the Measure seek to achieve?

22. Part 2 of the Measure is designed to ensure that all individuals accepted into secondary mental health services in Wales have a dedicated care coordinator and receive a care and treatment plan which is proportionate to their clinical need. Part 2 is designed to enable greater involvement of service users in decision-making around their care and treatment, and better outcomes for those individuals. It is also anticipated that placing duties on mental health service providers to coordinate the services that they deliver will lead to more cohesive, focussed and effective multi-disciplinary working amongst mental health and social care professionals in delivering services.
23. Part 3 of the Measure will help to ensure that service users discharged from secondary mental health services may seek direct access back to those services when they believe that their mental health may be deteriorating. The aim of Part 3 is to encourage appropriate discharge from secondary mental health services, supported by swift re-access to specialist assessment in the event of a previous service user recognising that they are, or may be, relapsing. Discharge from secondary services should be seen as a key outcome of the delivery of the recovery model, the aim of which is to regain mental health and achieve a better quality of life for the individual.

What are secondary mental health services?

24. Section 49 of the Measure provides a definition of 'secondary mental health services', a term which is used in various provisions throughout Parts 1, 2 and 3 of the Measure. The relevant sub-sections of section 49 are set out below:

- (1) ... a secondary mental health service is –
- (a) a service in the form of treatment for an individual's mental disorder which is provided under Part 1 of the National Health Service (Wales) Act 2006;
 - (b) a service provided under section 117 of the Mental Health Act 1983;
 - (c) a community care service the main purpose of which is to meet a need related to an adult's mental health;
 - (d) a service provided for a child under Part III of the Children Act 1989 the main purpose of which is to meet a need related to that child's mental health.
- (2) For the purposes of subsection (1), a service is not to be taken as provided under Part 1 of the National Health Service (Wales) Act 2006 if it is provided under –
- (a) section 41 of that Act;

(b) a general medical services contract entered into by a Local Health Board under section 42 of that Act;

(c) arrangements for the provision of primary medical services entered into by a Local Health Board under section 50 of that Act;

(d) Schedule 1 to that Act.

(3) A service in the form of treatment for an individual's mental disorder includes a service that, in the opinion of the person providing or making arrangements for the provision of the service, is intended to treat a mental disorder that the individual receiving the service is suspected to have.

Within this context, community care services has the same meaning as in section 46 of the National Health Service and Community Care Act 1990, i.e. a service which a local authority may provide or arrange to be provided under any of the following provisions –

- a) Part III of the National Assistance Act 1948;
- b) section 45 of the Health Services and Public Health Act 1968;
- c) section 254 of, and Schedule 20 to, the National Health Service Act 2006, and section 192 of, and Schedule 15 to, the National Health Service (Wales) Act 2006;
- d) section 117 of the Mental Health Act 1983.

Guidance on section 117 of the Mental Health Act 1983 is given in Chapter 31 of the *Mental Health Act 1983 Code of Practice for Wales*³.

- 25. This definition essentially means that, in most cases, all services provided to an individual for the treatment of their mental health (except those which are delivered as part of the General Medical Services contract) are, in effect, secondary mental health services.
- 26. Section 49(4) of the Measure enables the Welsh Ministers to make Orders (a type of subordinate legislation) to modify this definition of secondary mental health services for the purposes of any of the provisions of the Measure. The Welsh Ministers have used these powers to introduce the *Mental Health (Secondary Mental Health Services) (Wales) Order 2012*⁴ which is scheduled for debate by the National Assembly in May 2012. If agreed by the Assembly, this Order will do two things:

it will amend the definition of secondary mental health services in section 49 of the Measure so that any services which are provided as local primary mental health support services within an LHB region under Part 1 of the Measure are excluded from the definition, and therefore the care coordination

³ <http://www.wales.nhs.uk/sites3/page.cfm?orgid=816&pid=33960>

⁴ <http://wales.gov.uk/consultations/healthsocialcare/order/?lang=en&status=closed>

and care and treatment planning and assessment of former service users provisions of Parts 2 and 3 of the Measure; and'

it will extend the definition to the effect that any services delivered elsewhere in the United Kingdom which are the equivalent of secondary mental health services in Wales are included for the purpose of Part 3. This means that an individual will be entitled to an assessment under Part 3 of the Measure if they have received a service in England, Scotland or Northern Ireland which is the equivalent to a secondary mental health service provided in Wales (provided they also meet the other eligibility requirements set out in section 22 of the Measure).

27. This Order has the effect of excluding any service provided in an LHB region as part of a local primary mental health support service under Part 1 of the Measure from the requirements of Parts 2 and 3 of the Measure. That is; any service or treatment provided as part of a local primary mental health support service scheme which has been agreed by an LHB and local authority/ies under section 2 of the Measure for an LHB region (or established under section 4 of the Measure where the Local Health Board and local authority cannot agree), is not to be considered as a secondary mental health service for the purposes of Parts 2 and 3 of the Measure in that LHB region.

28. In practice this means that the provisions of Parts 2 and 3 of the Measure are disapplied in respect of any service which is identified within the joint scheme for an LHB area under Part 1 of the Measure and delivered as part of a local primary mental health support service. LHBs and local authorities will not be required to appoint care coordinators or provide care and treatment plans for individuals accessing local primary mental health support services which are identified and provided under the local joint scheme for their LHB region. Similarly, where individuals have received services identified in a local joint scheme under Part 1 of the Measure and delivered as part of local primary mental health support services, they will not be entitled to the requirements for care and treatment planning under Part 2, which are intended to improve the co-ordination of mental health services for people with complex or enduring needs.

29. The Order also disapplies Part 3 of the Measure from local primary mental health support services. This means that the entitlement to request assessment following discharge will apply only to those individuals who have previously received secondary mental health services for complex or enduring needs, and not to individuals who have received services identified within a joint scheme which were delivered as part of a local primary mental health support service delivered under Part 1 of the Measure.

The characteristics of secondary mental health services in practice

30. A secondary mental health service is one which is delivered by specialist mental health practitioners in community and hospital settings to patients who, following specialist assessment for these services, have been formally

accepted as requiring ongoing specialist care and treatment.

31. Typically, secondary mental health services provide care and treatment for individuals suffering with more severe and/or enduring mental disorders where the level of need, risk and complexity requires the provision of specialist care. The services provided at secondary level will include services for individuals subject to the provisions of the Mental Health Act 1983, inpatient hospital care, community mental health teams for adults and older adults, and specialist child and adolescent mental health services at Tiers 3 & 4. The Welsh Government suggests that other specialist community functions such as crisis resolution and home treatment, assertive outreach, early intervention in psychosis, community eating disorder and specialist perinatal support services may also most appropriately be delivered as secondary mental health services, due to the levels of need experienced by the patients to whom they provide care and support.
32. It is also recognised that some individuals with severe and enduring mental disorders may also have other co-occurring problems which require specialist input, such as substance misuse services or learning disability services.
33. In order to become formally accepted for a particular secondary mental health service an individual must be regarded as standing in need of that service: this is determined by an assessment of the individual undertaken by a specialist mental health practitioner, or practitioners. It should be noted that whilst ongoing assessment frequently constitutes part of an individual's care and treatment within secondary mental health services, specialist assessment for secondary mental health services are assessments undertaken *prior to formal acceptance* and do not therefore constitute secondary care and treatment of themselves.
34. In order to be considered a patient within secondary mental health services (and therefore a 'relevant patient' under Parts 2 and 3 of the Measure) an individual is required, usually following a specialist assessment, to have been formally accepted into the service by the provider of that service. Individuals referred and assessed but not formally accepted within secondary mental health services are not therefore within the scope of the provisions of Part 2 or 3 of the Measure.

COULD SOME SERVICES BE DELIVERED WITHIN BOTH PRIMARY AND SECONDARY MENTAL HEALTH SERVICES?

35. It is entirely possible that a service, treatment or intervention may be provided as both part of a local primary mental health support service and also within secondary mental health services (for instance a lithium clinic, cognitive behaviour therapy, medication review or memory clinic).
36. As Part 2 of the Measure places duties on mental health service providers to deliver care coordination and care and treatment planning for individuals in receipt of secondary mental health services, it is advisable that local primary mental health support service joint schemes make it clear under what circumstances such services are to be delivered as part of the local primary mental health support services. Such distinctions may depend on where clinical responsibility for the individual rests and/or the complexity of the individual's mental health problems and treatment (for instance, a local primary mental health support scheme may set out that where an individual attends a lithium monitoring clinic, but receives no other mental health services, that service would be delivered within local primary mental health support services).
37. The Welsh Government is of the view that services or treatments will not be identified in local primary mental health support service schemes simply to avoid the requirement for care and treatment planning.

The provision of specialist consultation and advice

38. Whilst specialist mental health practitioners predominantly deliver care and treatment within secondary mental health services, they may on occasions provide consultancy and advice in primary care settings. Such consultancy and advice, given following a request by a primary care practitioner (such as a GP), may fall within the remit of local primary mental health support services and, if so, would not therefore constitute a secondary mental health service. The Welsh Government does not believe that such activity carried out by mental health specialists within primary care settings, including local primary mental health support services, need constitute a secondary mental health service.
39. Where any such consultation or advice is to be provided as a component of a local primary mental health support service (for example initial assessments in memory clinics, or shared care under a prescribing protocol when the GP remains leading under GMS), this should be recorded and agreed in the relevant joint scheme between the LHB and local authority/ies.
40. In terms of requests for specialist mental health liaison advice from secondary care *physical* health services: the Welsh Government considers the provision of such consultation and advice to be an important function carried out by professionals who also provide secondary mental health services. However, the Welsh Government believes that the provision of such advice and consultation in and of itself should not be considered to constitute a secondary mental health service for the purposes of Parts 2 and 3 of the Measure, unless an individual is assessed as requiring ongoing secondary mental health

services and accepted into those services, in which case they would become a 'relevant patient' and subject to the provisions of Parts 2 and 3. This would apply equally to mental health assessments carried out and advice for ongoing care provided to people who are in prison..