



# Mental Health (Wales) Measure 2010

2010 nawm 7

## PART 3

### ASSESSMENTS OF FORMER USERS OF SECONDARY MENTAL HEALTH SERVICES

#### *Assessment arrangements*

#### **19 Arrangements for assessment of former users of secondary mental health services**

- (1) The local mental health partners for a local authority area must take all reasonable steps to agree arrangements for—
  - (a) the carrying out of assessments in accordance with sections 25 and 26 for adults who are usually resident in that area and are entitled to such assessments under section 22; and
  - (b) the making of referrals described in section 28(1) following such assessments.
- (2) If arrangements have been agreed, the partners must ensure that the arrangements are recorded in writing.
- (3) The arrangements must identify the extent to which each of the partners is to carry out those assessments and make those referrals.
- (4) The arrangements may provide that—
  - (a) one of the partners is to provide all the assessments and make all the referrals;
  - (b) different aspects of an assessment, and different referrals following an assessment, will be undertaken by different partners.
- (5) The partners may alter their arrangements (including arrangements determined by the Welsh Ministers under section 21 and arrangements which have already been altered) if they agree the alterations.
- (6) If arrangements are altered under subsection (5), the partners must ensure that the alterations are recorded in writing.

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*Changes to legislation: There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010, Cross Heading: Assessment arrangements. (See end of Document for details)*

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## **20 Duty to carry out assessments**

- (1) Unless section 21(1)(a) applies, the local mental health partners for a local authority area must carry out assessments and make referrals in accordance with—
  - (a) the arrangements for their area agreed under section 19; or
  - (b) the arrangements for their area determined by the Welsh Ministers under section 21.
- (2) If arrangements have been altered under section 19(5) or 21(2), assessments must be carried out and referrals made in accordance with the altered arrangements.

## **21 Failure to agree arrangements**

- (1) If the partners cannot agree arrangements under section 19—
  - (a) for so long as there is no agreement, the Local Health Board must carry out the assessments referred to in section 19(1)(a) and make the referrals referred to in section 19(1)(b);
  - (b) the Local Health Board must inform the Welsh Ministers that agreement cannot be reached;
  - (c) the Welsh Ministers may determine arrangements and, if they do, must record them in writing.
- (2) If one partner wishes to alter the arrangements, but the other does not, the arrangements may, upon a request being made to the Welsh Ministers by either partner, be altered by the Welsh Ministers to such extent as the Welsh Ministers think fit.
- (3) If the Welsh Ministers alter arrangements under subsection (2), they must record the alterations in writing.

**Changes to legislation:**

There are currently no known outstanding effects for the Mental Health (Wales) Measure 2010,  
Cross Heading: Assessment arrangements.