

National Assembly for Wales

[Health and Social Care Committee](#)

[Post-legislative scrutiny of the Mental Health \(Wales\) Measure 2010](#)

Evidence from British Association for Counselling & Psychotherapy –  
MHM 06

## **Written Evidence: Health and Social Care Committee Inquiry into Post-legislative scrutiny of the Mental Health (Wales) Measure 2010**

The British Association for Counselling and Psychotherapy (BACP) would like to submit the following response to the Health and Social Care Committee's inquiry into the post-legislative scrutiny of the Mental Health (Wales) Measure 2010.

### **1. The British Association for Counselling and Psychotherapy**

The British Association for Counselling and Psychotherapy (BACP) is the leading body for counselling and psychotherapy in the UK with over 41,000 members, including 1,600 members in Wales.

BACP has a strong public commitment to high practice standards and public protection. All BACP members are bound by the Ethical Framework for Good Practice for Counselling and Psychotherapy and within this, the Professional Conduct Procedure. These set out the basis of good practice for BACP therapists and their clients.

### **2. Summary**

Whilst the introduction of the Mental Health (Wales) Measure 2010 (The Measure) has led to an increase in the number of mental health assessments taking place, BACP believes that an unintended consequence of removing the eligibility to complete these assessments by trained and qualified professionals such as counsellors and psychotherapists has had a negative impact on psychological therapy delivery in Wales.

- **BACP recommends that trained and qualified therapists, registered by the Professional Standards Authority for Health and Social Care (PSA) under the Health and Social Care Act (2012) and members of a professional body with an ethical framework, should be able to perform mental health assessments in Wales as part of attempts to achieve prudent healthcare.**

### **3. Inquiry response**

**Theme 1 (achievement of stated objectives): The Measure was implemented during 2012.**

a) Do primary mental health services now provide better and earlier access to assessment and treatment for people of all ages? Are there any barriers to achieving this?

- Reports from Welsh members of the British Association for Psychotherapy and Counselling (BACP) have been positive in that overall the Measure has led to increased mental health assessments. However, a result of the Measure has been that counsellors, psychotherapists, CBT therapists and other psychological therapy practitioners, all of whom were eligible to provide mental health assessments prior to the Measure, are now no longer able to provide assessments.
- While more assessments are taking place, treatment services still have barriers to access due to a lack of therapy provision. As a result of the Measure's professional exclusion of counsellors, psychotherapists, CBT therapists and other therapy practitioners there are reports that in at least two Health Board areas in Wales counselling posts are being reduced, practitioners who are leaving are not being replaced and so choice and access to psychological intervention treatments are under threat.
- The Measure has created an anomaly whereby a professional such as an Occupational Therapist can perform a mental health assessment on the basis that they are a statutory regulated professional, whilst trained therapists cannot.
- BACP recommends this anomaly be removed from the Measure allowing therapy professionals registered with the Professional Standards Authority for Health and Social Care (PSA) and members of an appropriate professional body with an ethical framework, to perform mental health assessments.

b) What has been the impact of the Measure on outcomes for people using primary health services?

- As mentioned above, an unintended consequence of the Measure has been to reduce the employability and therefore the employment of counsellors. While the purpose of the Measure has been to improve provision and access to mental health support, some areas of psychological therapy are being cut back.
- Counsellors who are leaving their posts are not being replaced, the funding freed up from these lost posts is either being redirected into savings or the new services that come under Part One of the Measure that primarily deal with assessment and signposting. A result is that more funding is now going to assessments and signposting at the expense of therapy treatment, once provided by qualified and experienced counsellors. This is at a time when there is already a shortfall in the provision of therapy services for those who need it.
- BACP recommends that in order to improve outcomes for people using primary health services that the Measure enshrine in law a requirement for local Health Boards in Wales to ensure "appropriate provision for psychological therapies."
- BACP would be very willing to work with the Welsh Government to help define appropriate provision of psychological therapy.

i) To what extent has the Measure helped to raise the profile of mental health issues within health services and the development of services that are more sensitive to the needs of people with mental health problems?

- Among General Practitioners there is an expectation that the Measure (Part One) would enable more access to therapies, however given a general lack of access to therapies across Wales, the Measure has, whilst raising the profile of mental health issues, identified a priority for the need to improve therapy provision in NHS Wales.

**Theme 2 (lessons from the making and implementation of the legislation): The proposed Measure was scrutinised by the Assembly during 2010 and implemented during 2012. Please answer any of the following questions in relation to the making and implementation of the Measure on which you feel able to comment.**

b) How effective were the consultation arrangements with stakeholders and service users during the development, scrutiny and implementation of the Measure?

- The experience of the British Association for Counselling and Psychotherapy has been positive in engaging on all levels of the consultation process.

f) Did any unforeseen issues arise during the implementation of the Measure? If so, were they responded to effectively?

- Despite being (in many cases) better or more appropriately trained than some of the professionals included in the list able to undertake mental health assessments under the legislation, counselling/psychological therapy posts have come under threat as a result and BACP is hoping that the Welsh Government will respond effectively by changing the legislation in this regard.

g) Are there any lessons which could be learned or good practice which should be shared, for the development and implementation of other legislation?

- While BACP's experience of the consultation process has been, on the whole, positive, for future reference consulting on the potential negative consequences of any possible legislation should be considered in order to better pre-empt them.

**Theme 3 (value for money): The Welsh Government prepared and laid an Explanatory Memorandum to accompany the proposed Measure when it was introduced, including a Regulatory Impact Assessment. Please answer any of the following questions on which you feel able to comment.**

c) What has been the impact of the Welsh Government's policy of ring-fencing the mental health budget on the development of services under the Measure?

- Potentially, while ring-fencing the budget is commendable in terms of raising the priority of mental health in Wales, pre-existing budgets of Health Boards previously set aside for treatment services have suffered as Health Boards compensate for the ring-fenced budget for services covered in Part One of the Measure by making savings in treatment budgets.

- BACP believes that in order to protect this from occurring further the Welsh Government should consider ring-fencing therapy service budgets in order to prevent a possible counter-productive situation where assessment and signposting services increase while treatment service provision suffers.

e) Does the Measure represent value for money, particularly in the broader economic context? What evidence do you have to support your view?

- BACP is encouraged by the Welsh Government's attempts to raise the profile of mental health in the wider health system. In order to ease the burden of public health issues on the NHS and achieve prudent health, tackling mental health problems is key because of the link between physical and mental health.
- Mental illness is often both a source of physical illness and a symptom of it too, so by therapy services and other mental health support policies being further integrated into the health system, as the Measure has sought to do, BACP believes this is a step in the right direction.
- Medically unexplained symptoms (MUS) cost the NHS £3.1 billion in 2008/09, yet often these symptoms arise from undiagnosed mental health problems and psychological distress which could be relieved through psychological interventions. Further savings could be made by integrating psychological therapy services even more into the health system.

#### **4. Further information**

Should the Committee be seeking further written or oral evidence, BACP would be delighted to provide additional information about counselling provision in Wales with regards to the Mental Health (Wales) Measure 2010.

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