APPROVED MENTAL HEALTH PROFESSIONAL APPROVAL AND REAPPROVAL PROCEDURE

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PROCEDURE SUMMARY

These procedural guidelines are to assist in the approval of professionals holding the Mental Health Award, to act as Approved Mental Health Professionals (AMHP) under the Mental Health Act 1983 (as amended by the 2007 Act) 2007 within the Local Authority of Southend.

The Trust monitors the implementation of and compliance with this procedure in the following ways;

Approval and Reapproval process to be followed.

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The Director responsible for monitoring and reviewing this procedure is the Associate Director for Social Care
ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST


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Assurance Statement

These procedural guidelines are to assist in the approval of professionals holding the Mental Health Award, to act as Approved Mental Health Professionals (AMHP) under the Mental Health Act 1983 (as amended by the 2007 Act) 2007 within Southend Borough Council (SBC).

1.0 INTRODUCTION


1.2 Under Section 114 (1) of the Mental Health Act 1983, (as amended by the Mental Health Act 2007) a local social services authority [LSSA] may approve a person to act as an Approved Mental Health Professional [AMHP] for the purposes of this Act.

2.0 SCOPE

2.1 This procedure must be read and incorporated into practice by any member of Trust staff whether permanent, temporary or seconded who act on behalf of the Local Authority to carry out Mental Health Act assessments under the Mental Health Act 1983 (as amended by the 2007 Act).

2.2 This procedure is in respect of new members of staff whose previous employer approved them under s114, those who have completed the Mental Health (AMHP) Award and are yet to be approved, those whose approval is due for re-approval or their approval lapsed or expired.

2.2 Section 13 (1) of the Mental Health Act 1983 places a duty on Local Social Service Authorities (LSSA) to arrange for an Approved Mental Health Professional to undertake MHA Assessments on their behalf. It is the duty and responsibility of Local Authorities to ensure that there are sufficient AMHPs available to perform this task (Paragraph 14.35 Mental Health Act: Code of Practice 2015). Local Authorities are required to provide a 24 hours, 7 days per week AMHP service.

2.3 An AMHP can only be approved by one LSSA, at any time, however can perform AMHP functions in the area of another LSSA if that authority has authorised them to perform such functions on its behalf. Confirmation of
**authorisation** can be given informally, e.g. by e-mail. On such an authorisation being made, the AMHP must notify the approving LSSA.

2.4 AMHPs act independently when performing functions under the MHA; however as an AMHP acts on behalf of a LSSA that authority will be vicariously liable for any lack of care or bad faith on behalf of the AMHP (*TTM v London Borough of Hackney* [2010]). There is no requirement for the AMHP to be an employee of the LSSA who approves them, and approval is only be granted if the LSSA is satisfied that the AMHP has appropriate competence in dealing with mentally disordered people and complies with regulations issued by the Secretary for State in England.

2.5 The day to day operational management of the AMHP service have been delegated to EPUT through the respective section 75 Partnership agreement.

### 3.0 ROLE OF THE AMHP

3.1 AMHP’s have a wider role than responding to requests for compulsory admission to hospital, making arrangements and ensuring legal compliance with the coordination of Mental Health Act Assessments. AMHPs also have specialist knowledge and skills, and are a resource for making appropriate decisions in respect of both service users, their relatives and co-ordinating appropriate service responses. AMHPs should be familiar with the day-to-day working of integrated mental health services and able to assess what is required in each case and mobilise appropriate responses.

3.2 The AMHP role is to consider appropriate courses of actions and demonstrate consideration of the Guiding Principles in Chapter 1 of the Mental Health Act: Code of Practice 2015 in all areas of AMHP practice.

3.3 The AMHP role is to prevent admission wherever possible, and also to make application for admission (founded on appropriate medical recommendations as defined by S12 mental Health Act 1983 (as amend by the 2007 Act).

3.4 When assessing an individual under the Mental Health Act, an AMHP has overall responsibility for co-ordinating the process and implementing any decisions taken. At the start of the interview AMHPs must identify themselves to the person being assessed, members of family, carers or friends and other professionals present and explain in clear terms the AMHP role and purpose of the assessment. (*CoP 14.51*)

### 4.0 PREPARING FOR APPROVAL

4.1 An LSSA may approve a person to act as an AMHP for a period of five years.

4.2 Approving **Newly-trained** Approved Mental Health Professionals (AMHPs)

4.3 Getting Ready for AMHP Practice:
On completion of the AMHP training programme and awaiting results, it is important that Practitioners (AMHP student) maintain and further advance the
competences they developed during the training; therefore must shadow three MHA assessments and write up the LA Mental Health Act Assessment Reports on the approval of the shadowed AMHP. This work provides the Practitioner (AMHP student) with the material required for the approval panel.

4.3.1 Approval will be granted by the LSSA under the following conditions:

- Evidence of recently and successfully completing an AMHP training programme approved by the Health and Care Professional Council.
- Fulfills one of Professional Requirements in Schedule 1 AMHP Regulations 2008:
  a) a social worker registered with the Health and Care Professional Council;
  b) a first level nurse, registered in Sub-Part 1 of the Nurses’ Part of the Register maintained under article 5 of the Nursing and Midwifery Order 2001(a), with the inclusion of an entry indicating their field of practice is mental health or learning disabilities nursing;
  c) an occupational therapist registered in Part 6 of the Register maintained under article 5 of the Health Professions Order 2001(a); or
  d) a chartered psychologist who is listed in the British Psychological Society’s Register of Chartered Psychologists and who holds a relevant practising certificate issued by that Society(b).
- Evidence that since completing/passing the AMHP programme the practitioner has maintained and continued to develop the AMHP competences.(See Appendix 5)

4.4 Newly-appointed staff who is qualified AMHPs

4.4.1 There is an expectation that newly appointed staff who are qualified AMHPs will be approved by Southend Borough Council, dependent on employing LSSA

4.4.2 The newly appointed staff member will need to prepare for an Approval Panel by providing the following:

- Evidence of a Social Work or relevant professional qualification
- Evidence of an AMHP qualification
- Evidence of professional registration
- Evidence of approval status and dates of period of approval by approving LSSA
- Provide a Record of Achievement which will include evidence of at least 18 hours of AMHP CPD, per approval year in compliance with the conditions set out in a 5 (a) AMHP Regulations (2008)

4.4.3 The Approval Portfolio will include

- Three MHA Assessment the practitioner shadowed (taking the Lead) where one must be a community setting
- Three written SBC535 Social Circumstances (AMHP) report on the MHA assessment shadowed
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- A written Reflective Summary on two of the shadowed assessments. The Reflective Summaries must be comprehensive and demonstrate continuing development of the AMHP competences.
- A write up of a Mental Health Review Tribunal the AMHP attended and was author of the report, or a write up of a warrant the AMHP was granted via the Magistrate’s Court.
- A reference from the practitioner’s former approving LSSA commenting on their AMHP practice (see Appendix 3).

5.0 RE-APPROVAL

5.1 One year prior to the end of the five years approval period, AMHPs will be required to prepare for Re-approval Panel and will be sent a letter given notice of when to start preparation for re-approval (Appendix 4). A second letter will be sent nine months prior to the re-approval date informing of date/time and location of the panel and panel members. This letter will also outline the requirements for the Re-approval panel (see Appendix 5).

5.2 AMHPs must present to the Re-approval panel a portfolio consisting of:
- A report outlining AMHP activity within the year leading to the re-approval panel and reasons why seeking re-approved.
- An AMHP Supervision Grid evidencing continual development of the AMHP competences. AMHPs are required to attend a minimum of 8 supervision sessions per year.
- Three completed ECC 535 Social Circumstances (AMHP) Reports, to evidence the AMHP’s knowledge/competence. One must be in a community setting.
- A Tribunal Report or a report to the Magistrates Court requesting a warrant under section 135 (1) MHA or evidence of assisting the LA Legal Department to make an application to the County Court to appoint or displace a nearest relative under section 29 MHA. This competences needs to be evidenced at a minimum of once during the five year approval period.
- Evidence of at least 18 hours AMHP CPD training per approval year in compliance with the conditions set out in a 5 (a) AMHP Regulations (2008).
- Evidence of the AMHP’s Line Manager’s support for the AMHP to participate on the AMHP Rote.

Re approval will be granted on the completion and presentation of a Re-Approval Portfolio, which must provide evidence that the AMHP continues to meet the requirements set out in Schedule 1 of the AMHP Regulations 2008 and demonstrate the competences set out in Schedule 2 of the AMHP Regulations 2008 (Appendix 1).
5.3 Re-approval process for non-approved AMHPs:

EPUT practitioners, who for various reasons are no longer approved to function as AMHPs will be required to present a Portfolio to the Re-approval panel in a similar format to that of Approved AMHPs seeking re-approval via the normal process (above). However to demonstrate AMHP competences, practitioners will be required to write a reflective summary on two of the MHA assessments they shadowed when preparing for Re-approval (Appendix 6).

5.4 The candidate will need to prepare for an Re-Approval Panel by providing the following:
- A report outlining the AMHP’s activity over the last year of their approval period and reason why they wish to become re-approved.
- The AMHP’s supervision Grid they developed when functioning as an AMHP.
- Evidence of shadowing three MHA Assessment and completion of the associated SBC 535 Social Circumstances (AMHP) Reports they shadowed in preparation for Re-approval (taking the Lead). One of these must be a community setting.
- A written Reflective Summary on two of the shadowed MHA assessments.
- A write up of a Mental Health Review Tribunal the AMHP attended and was the author of the report, or a write up of a warrant the AMHP was granted via the Magistrate’s Court (within the last five years whilst functioning as an AMHP).
- Evidence of the AMHP’s Line Manager’s support for the AMHP to participate on the AMHP Rota.

5.5 Non approved AMHPs who have not been approved / functioned as an AMHP for a period of five years or more, cannot be re-approved and will have to undertake the full AMHP training programme again if they want to practice as an AMHP.

6.0 THE APPROVAL AND RE-APPROVAL PANEL

6.1 LSSA’s will make their own arrangements for approval panels, but it is suggested that panels will be chaired by the Director of Adult Social Services or a senior manager acting on his/her behalf.

6.2 Senior staff could include, AMHP Lead, AMHP Hub Coordinator, Associate Director of Social Care, the LA

6.3 The AMHP is required to submit their professional portfolio (See Appendix 5 one month prior to the panel meeting. The AMHP will present their/portfolio/ evidence to the panel as part of the panel process.

6.4 Panel outcomes are:
1. Approval/Re-approval granted
2. The panel concluding that the AMHP did not adequately evidence all the competences within the portfolio and/or during the panel discussions and
ask the AMHP to complete additional work to present to the panel at a later date for consideration of approval /re-approval.

3. If after providing additional evidence (as 2 above) and the panel remain unsatisfied the AMHP/practitioner meets all the competences, approval will not be granted. In some circumstances the AMHP Lead will work with the practitioner to identify a development plan to consider approval/re-approval and a later stage.

6.5 AMHPs will receive an outcome letter informing approval/authorisation is granted and the five year approval period dates (See Appendix 7).

6.6 When approval has not been granted the practitioner cannot function as an AMHP and must immediately inform the AMHP Hub Coordinator and their line manager. The AMHP increments will cease and subsequently a meeting will be held between the individual, their Manager, the relevant Service Manager and a representative from Human Resources, to discuss the practitioner's future duties and responsibilities.

### 7.0 GRANTING APPROVAL /RE-APPROVAL

7.1 When any approval is granted it shall be subject to the following conditions

**Set out 5 in the AMHP Regulations 2008**

- 5(a) In each year that the AMHP is approved, the AMHP must complete at least 18 hours of training agreed with the approving LSSA as being relevant to their role as an AMHP.
- 5(b) The AMHP shall undertake to notify the approving LSSA in writing as soon as reasonably practicable if they agree to act as an AMHP on behalf of another LSSA, and when such agreements ends;
- 5 ( c ) The AMHP shall undertake to cease to act as an AMHP and to notify the approving LSSA immediately if they are suspended from any of the registers or listings referred to in the professional competencies, or if any such suspensions ends, and
- 5(d) The AMHP shall undertake to cease to act as an AMHP and to notify the approving LSSA immediately if they no longer meet at least one of the professional requirements.

### 8.0 AMHP HUBS/ROTAS AND PRACTICE SUPPORT

8.1 AMHP’s will be required to fully participate on the relevant Hub Rota and will receive salary increments as outlined in the service agreement with the SBC.

8.2 Approved Mental Health Professionals will receive regular AMHP supervision, which must be a minimum of 8 sessions per 1 year. Please see the EPUT AMHP Supervision Protocol.

8.3 Support will be available for AMHP’s from the relevant AMHP Hub Coordinators in the LA.
8.4 EPUT AMHP leads in the LA will support the local authority by managing the process for approval/re-approval as agreed between the local authorities and the Associate Director of Social care and Partnerships in the LA.

8.5 All AMHPs will have access to AMHP CPD Refresher training. This training will provide AMHPs with:

- Updates on case law and relevant legislation
- National and local mental health policies
- Practice issues identified SUIs and via supervision and Re-approval processes.

AMHP’s are expected to keep their portfolio as a live document and maintain it continuously throughout their five year approval period.

8.6 The Trust Associate Director of Social Care hold the master copy of the register of Approved Mental Health Professionals in the LA and quarterly communication with Local Authorities take place to update any changes to the master copies.

9.0 SUSPENSION OF APPROVAL

9.1 Anyone approved as an AMHP who has their professional registration or listing suspended, will also have their AMHP status suspended during the duration of the professional suspension. The AMHP must inform their AMHP professional supervisor and the LSSA immediately in writing if this occurs.

9.2 During a period of suspension the person may not act as an AMHP unless and until the suspension of approval is ended by the approving LSSA.

9.3 The AMHP must provide evidence to the LSSA of the ending of any suspension of their registration or listing. The LSSA will then end the suspension of the AMHP status, as long as it is satisfied the person still has appropriate competence in dealing with persons suffering from mental disorder; the approval shall continue to run for any unexpired period of approval, unless the approving LSSA ends it earlier. The period of approval will run as per the original length of approval.

10.0 END OF APPROVAL SI 2008/1206 (7)

10.1 A person shall cease to be approved to act as an AMHP at the end of the day on which their period of approval expires.

10.2 The approving LSSA shall end the approval of a person it has approved to act as an AMHP before their period of approval expires:

1) In accordance with a request in writing to do so from the AMHP.
2) if it is no longer satisfied that the AMHP has appropriate competence taking into account the matters set out in Schedule 2; (Regulations 2008)
3) Immediately upon becoming aware that the AMHP –
   • is no longer a person who meets at least one of the professional requirements;
   • is in breach of any of the conditions set out in regulation 5 (see section 7 above)
   • has been approved to act as an AMHP by another LSSA.

10.3 When approval ends, the approving LSSA shall notify the AMHP immediately that the approval has ended and give reason for ending the approval (See Appendices 8 & 8a for example letters).

10.4 When an approval ends, the approving LSSA shall notify that fact to any other LSSA for whom it knows the AMHP has agreed to act as an AMHP.

10.5 If an AMHP leaves EPUT SBC their continued approval with the LA County Council will be subject them continuing to meet the conditions set out in 5 of The AMHP Regulations, (in Section 6 above)
   a) The AMHP inform EPUT/SBC AMHP Lead the last day of each approval year that they have completed at least 18 hours of training agreed with the LA as being relevant to their role as an AMHP).
   b) They must also notify EPUT/SBC AMHP Lead in writing as soon as reasonably practicable if you agree to act as an AMHP (authorised) on behalf of another LSSA, and when such agreement ends.
   c) They must notify the LA immediately if they are suspended from their professional registration and/or no longer meet at least one of the professional requirements.
   d) They must notify EPUT/SBC AMHP Lead immediately if they become approved by another Local Social Services Authority However as set out under 7(2)(b) of the AMHP Regulations, on leaving EPUT/SBC the AMHP can make a request in writing to the EPUT/SBC AMHP Lead they want to end their approval with the LA. EPUT/SBCAMHP Lead will send the AMHP a letter informing their approval has ended giving reasons why (see Appendix 8a).

10.6 If an LSSA approves a person as an AMHP knowing that an AMHP is already approved by another LSSA, it shall notify the previous approving LSSA

11.0 RECORDS SI 2008/1206 (8)

11.1 The approving LSSA and the Associate Director for Social Care in EPUT shall keep a record of each AMHP it approves which shall include:
   • The name of the AMHP
   • The AMHP’s profession
   • The AMHP’s date of approval
   • Details of any period of suspension under regulation 6
   • Details of the completion of training (AMHP CPD) to comply with regulation 5(a)
   • Details of any previous approvals as an AMHP within the previous five years
11.2 The names of other LSSA’s for whom the AMHP has agreed to act as an AMHP and
the date of any reason for the end of approval if applicable.

12.0 ADMINISTRATION

12.1 All AMHPs will be placed on a rolling 5-year program so that they can be re-approved prior to their 5 year approval period ending.

12.2 The AMHP lead will notify an AMHP one year prior to the expiry date of their approval period (see Appendix 4), informing a re-approval panel will be arranged and highlight the need for the AMHP to start preparing for Re-approval. Nine months prior to Re-approval, the AMHP Lead will send a letter (Appendix 4a) informing the AMHP of the date/time of their Re-approval panel, portfolio requirements and submission date of portfolio.

13.0 REFERENCE INFORMATION

- The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 (SI 2008/ 1206 MENTAL HEALTH, ENGLAND)

- Mental Health Act: Code of Practice 2015. Department of Health

END