Mental Health Act 1983

Approved Mental Health Professionals Appointment Panel, West Sussex

Guidance
Status: Revised and updated
Version number: 3.0
Issue date: 1st September 2017

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<td>Date</td>
<td>17th August 2017</td>
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Changes history:

<table>
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<tr>
<th>Issue number</th>
<th>Date</th>
<th>Author</th>
<th>Principal Changes</th>
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<tr>
<td>1</td>
<td>Dec 2008</td>
<td>Greg Slay (GS)</td>
<td>Revisions relating to observations of practice</td>
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<tr>
<td>2</td>
<td>Dec 2010</td>
<td>GS</td>
<td>General updating</td>
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<tr>
<td>2.1</td>
<td>Sept 2013</td>
<td>GS</td>
<td>General updating. Removing the requirement for newly qualified AMHPs to produce a portfolio.</td>
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<tr>
<td>2.2</td>
<td>Feb 2014</td>
<td>Daryl Hitchings (DH)</td>
<td>General updating</td>
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<td>3.0</td>
<td>Aug 2017</td>
<td>DH</td>
<td>General updating</td>
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Equality and diversity

As part of our commitment to equality and diversity, and in line with the requirements of the Equality Act 2010, the county council will ensure that all customers of our services are treated with fairness, dignity and respect irrespective of any of the following protected characteristics: age, race, gender, disability, sexual orientation, gender reassignment, marriage or civil partnership status, pregnancy/maternity status or religion and belief.

Feedback:

West Sussex residents expect first class service from us and we aim to provide it. We therefore welcome feedback about our policies, procedures and practice guidance. If you have any comments about this document please e-mail: as.webpage.requests@westsussex.gov.uk
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1. Legislation and policy background

1.1 The Mental Health Act 1983 was revised in 2007. It requires West Sussex County Council to provide a 24/7 Mental Health Act (hereafter, MHA) assessment service. This service works closely with GPs based in primary health care teams, with forensic medical examiners (providing a medical service in police station custody centres across Sussex), with Sussex Police, South East Coast Ambulance Service, with the Court Liaison and Diversion Service, and also with medical and other staff employed by Sussex Partnership NHS Foundation Trust.

1.2 The Approved Mental Health Professional (hereafter, AMHP) role is set out in the revised MHA and took effect from 3rd November 2008. AMHPs may be professionally qualified and registered in the disciplines of social work, mental health or learning disabilities nursing, occupational therapy or psychology. In order to work as AMHPs, they have to have satisfactorily completed an accredited AMHP training course provided at a higher education institution, assessed at Masters level, and on completion of that course be able to demonstrate their competence to practise in the role.

1.3 The University of Brighton currently provides the AMHP initial training course. It is a course that is also used by other local social services authorities. The course meets the requirements specified by the Health and Care Professions Council (HCPC).

1.4 AMHPs need not be officers employed by a local social services authority. However it will be on behalf of a local social services authority that they undertake their duties under the Act. It is the task of the West Sussex Appointment Panel to be satisfied that all AMHPs working on behalf of West Sussex County Council can demonstrate appropriate practice and competence in dealing with people who have mental disorder.

1.5 AMHPs are carrying out statutory functions of a public nature. All work undertaken by an AMHP within the context of the MHA must be consistent with respecting the human rights of all individuals, which are set out in the European Convention of Human Rights, and the Equality Act 2010.

1.6 Where AMHPs undertake MHA assessments on behalf of West Sussex County Council, the council is required to:

- Ensure that all AMHPs have access to professional supervision and support in their role (including access to debriefing opportunities);
- Provide a minimum of 18 hours of refresher training, relevant to the AMHP role, for each year of an individual AMHP’s authorisation;
- Provide for the health and safety of AMHPs whilst they are undertaking assessments on its behalf;
- Provide for scrutiny of the professional competence of AMHPs, and for appointing, re-appointing, removing or suspending AMHPs as necessary;
- Provide legal indemnity for AMHPs whilst they undertake the role; and to
- Provide access to legal and professional advice whilst AMHPs carry out their MHA assessment duties.

1.7 Social care managers, seconded to work as Mental Health Service Managers in Sussex Partnership NHS Foundation Trust’s West Sussex locality, are responsible for the operation of the AMHP Service during working hours.

1.8 Outside normal working hours (Monday – Friday, 0900 – 1700 hours), the county council is responsible for the operation of the AMHP Service, through its AMHP Out of Hours Emergency Service.

1.9 Ensuring that the governance arrangements for the AMHP Service are sound and meet legal requirements is the responsibility of the Operations Manager – Mental Health in Adults’ Operations.

2. Regulations

2.1 The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 set out the key responsibilities for local social services authorities in England. The Regulations are a Statutory Instrument, and came into effect on 3rd November 2008.

2.2 The Regulations fall short of advising on the constitution of AMHP Appointment Panels, other than to confirm that they should operate in a similar fashion to the arrangements that had previously existed. The Association of Directors of Adult Social Services has however published guidance for local social services authorities to enable their understanding and application of the Regulations at a local level.

3. Standards

3.1 In order to determine whether a person has appropriate competence to act as an AMHP, the Appointment Panel has to be satisfied that the person meets at least one of the professional requirements, is registered with their relevant professional association – the Health and Care Professions Council or the Nursing and Midwifery Council or the British Psychological Society - and can demonstrate all five of the **Key Competence Areas** as set out in Schedule 2 to the Regulations.

3.2 The *professional requirements* are that the AMHP is either:

- A social worker registered with the Health and Care Professions Council; OR
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; OR

An occupational therapist registered in Part 6 of the Register maintained under article 5 of the Health Professions Order 2001; OR

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.

3.3 The five Key Competence Areas are:

Area 1: Application of Values to the AMHP Role
(a) The ability to identify, challenge and, where possible, redress discrimination and inequality in all its forms in relation to AMHP practice;
(b) An understanding of and respect for an individual's qualities, abilities and diverse backgrounds, and is able to identify and counter any decision which may be based on unlawful discrimination;
(c) The ability to promote the rights, dignity and self determination of patients consistent with their own needs and wishes, to enable them to contribute to the decisions made affecting their quality of life and liberty, and
(d) Sensitivity to an individual's needs for personal respect, confidentiality, choice, dignity and privacy while exercising the AMHP role.

Area 2: Application of Knowledge - The Legal and Policy Framework
(a) Appropriate knowledge of, and ability to apply in practice (i) Mental health legislation, related codes of practice and national and local policy guidance, and (ii) Relevant parts of other legislation, codes of practice, national and local policy guidance, in particular the Children Acts 1989 and 2004, the Human Rights Act 1998, the Mental Capacity Act 2005 and the Equality Act 2010;
(b) A knowledge and understanding of the particular needs of children and young people and their families, and an ability to apply AMHP practice in the context of those particular needs;
(c) An understanding of, and sensitivity to, race and culture in the application of knowledge of mental health legislation;
(d) An explicit awareness of the legal position and accountability of AMHPs in relation to the Act, any employing organisation and the authority on whose behalf they are acting;
(e) The ability to - (i) evaluate critically local and national policy to inform AMHP practice, and (ii) base AMHP practice on a critical evaluation of a range of research relevant to evidence-based practice, including that on the impact on persons who experience discrimination because of mental health.

Area 3: Application of Knowledge - Mental Disorder
A critical understanding of, and ability to apply, in practice:
(a) A range of models of mental disorder, including the contribution of social, physical and development factors;
(b) The social perspective on mental disorder and mental health needs, in working with patients, their relatives, carers and other professionals;
(c) The implications of mental disorder for patients, their relatives and carers; and
(d) The implications of a range of treatments and interventions for patients, their relatives and carers.

Area 4: Application of Skills - Working in Partnership

The ability to:
(a) Articulate, and demonstrate in practice, the social perspective on mental disorder and mental health needs;
(b) Communicate appropriately with and establish effective relationships with patients, relatives, and carers in undertaking the AMHP role;
(c) Articulate the role of the AMHP in the course of contributing to effective inter-agency and inter-professional working;
(d) Use networks and community groups to influence collaborative working with a range of individuals, agencies and advocates;
(e) Consider the feasibility of and contribute effectively to planning and implementing options for care such as alternatives to compulsory admission, discharge and aftercare;
(f) Recognise, assess and manage risk effectively in the context of the AMHP role;
(g) Effectively manage difficult situations of anxiety, risk and conflict, and an understanding of how this affects the AMHP and other people concerned with the patient’s care;
(h) Discharge the AMHP role in such a way as to empower the patient as much as practicable;
(i) Plan, negotiate and manage compulsory admission to hospital or arrangements for supervised community treatment;
(j) Manage and co-ordinate effectively the relevant legal and practical processes including the involvement of other professionals as well as patients, relatives and carers, and
(k) Balance and manage the competing requirements of confidentiality and effective information sharing to the benefit of the patient and other persons concerned with the patient’s care.

Area 5: Application of Skills - Making and Communicating Informed Decisions

The ability to:
(a) Assert a social perspective and to make properly informed independent decisions;
(b) Obtain, analyse and share appropriate information having due regard to confidentiality in order to manage the decision-making process including decisions about supervised community treatment;
(c) Compile and complete statutory documentation, including an application for admission;
(d) Provide reasoned and clear verbal and written reports to promote effective, accountable and independent AMHP decision making;
(e) Present a case at a legal hearing;
(f) Exercise the appropriate use of independence, authority and autonomy and use it to inform their future practice as an AMHP, together with consultation and supervision;
(g) Evaluate the outcomes of interventions with patients, carers and others, including the identification of where a need has not been met;
(h) Make and communicate decisions that are sensitive to the needs of the individual patient, and
(i) Keep appropriate records with an awareness of legal requirements with respect to record keeping and the use and transfer of information.

4. **The West Sussex AMHP Appointment Panel**

4.1 The **purpose** of the Appointment Panel is to appoint, on behalf of West Sussex County Council, AMHPs to act on its behalf under the MHA. The Panel is also authorised to suspend or terminate any existing AMHP appointment. Executive authority is vested in the Appointment Panel to make these appointment decisions.

4.2 The **principal objectives** are to be satisfied that the complement of the AMHP Service in West Sussex is competent to act in that role and is sufficient in number to meet the council’s statutory requirement to ensure the provision of a 24-hour service. Additionally, the Appointment Panel ensures that the professional development of the AMHP workforce matches the requirements for professional competence set out in the Regulations and described in section 3 of this document.

4.3 The **membership** of the county’s Appointment Panel includes:
- The Principal Social Worker (Adults) as chair;
- A member of the Capital Project Trust (or a similar organisation) who provides independent scrutiny from the perspective of personal lived experience of mental distress;
- A member of COPE (Carers Offering Personal Experience) (or a similar organisation) who provides independent scrutiny from the perspective of a carer;
- A senior manager from Sussex Partnership NHS Foundation Trust;
- The Operations Manager - Mental Health (Adults’ Operations);
- One of the Mental Health Service Managers responsible for the operation of the AMHP Service during working hours – as convenor.

4.4 The Appointment Panel usually meets quarterly; it may meet on other occasions as required.
4.5 It is not the responsibility of the Appointment Panel to physically deploy AMHPs on rota duties. Nor does the Panel’s responsibility include cajoling, where necessary, AMHPs to produce portfolios for its consideration - this is the responsibility of AMHPs themselves, assisted by their professional supervisors and line managers.

5. Procedures – new/aspiring AMHPs

5.1 The University of Brighton has been commissioned to provide the AMHP training course on behalf of West Sussex County Council and a number of other local social services authorities.

5.2 The following evidence is expected to be available to assist the West Sussex Appointment Panel in appointing staff to work as an AMHP in the county:

- Written evidence of successful completion of the University of Brighton training programme that includes provision for assessment of competence;
- Written confirmation of existing and continuing professional registration with the relevant body;
- Written notification from the line manager identifying the name, location and of an agreed AMHP-specific professional supervisor;
- Written notification from the line manager that adequate time will be allowed in the work place for carrying out the duties associated with the role of AMHP.

5.3 The AMHP and his/her line manager will be notified in writing of the outcome of the appointment process and the arrangements for developing portfolios for subsequent re-appointment. A photographic identification card will also be issued: this will confirm that the AMHP is acting on behalf of West Sussex County Council under the Mental Health Act.

6. Procedures – AMHPs previously authorised in another local authority area

6.1 AMHPs can be appointed to act in more than one local social services authority area. There is an expectation that individual local social services authorities will notify each other where an existing individual AMHP is appointed to act within the area of another authority’s geographic and legal jurisdiction.

6.2 Where an AMHP requests to be deployed in West Sussex, the Appointment Panel expects all transferring AMHPs whom it appoints to have undertaken professional training that is at least comparable with that offered by the University of Brighton for all new prospective AMHPs.
6.3 Consequently, in relation to AMHPs who move to West Sussex from another local social services authority area, or request to be appointed to be able to operate as an AMHP locally, the Appointment Panel will expect a written demonstration of the following to be supplied:

- Written evidence of formal appointment from the previous local social services authority, together with a reference for AMHP practice there;
- Written confirmation of existing and continuing professional registration with the relevant body;
- Evidence of recent practice as an AMHP (during office hours and/or the Out of Hours Emergency Service - or equivalent);
- Evidence of learning from recent participation in a formal Continuing Professional Development programme (and/or any other programme of relevant and specific professional study) - noting the legal requirement for 18 hours AMHP-relevant training per each year of AMHP authorisation;
- Information about any other local social services authorities where the AMHP has currently agreed to act as an AMHP;
- Written notification from the line manager that adequate time will be allowed in the work place for carrying out the duties associated with the role of AMHP.

6.4 The AMHP and his/her line manager will be notified in writing of the outcome of the appointment process and the arrangements for developing portfolios for subsequent re-appointment. A photographic identification card will also be issued: this will confirm that the AMHP is acting on behalf of West Sussex County Council under the Mental Health Act. The County Council will also notify the previous local social services authority of this new appointment.

7. Procedures – AMHPs previously authorised by West Sussex and now seeking re-appointment

7.1 As re-appointment in West Sussex is usually for the maximum five-year period, AMHPs will be expected to prepare a portfolio for re-appointment and submit this to the quarterly Appointment Panel, three months before the current appointment status expires.

7.2 AMHPs will be supported in negotiating study leave to help in the construction of the portfolio. AMHPs will however need to negotiate such study leave with their line manager. As a general rule, two days study leave will usually be provided.

7.3 Professional supervisors of AMHPs have an important role to play in providing supervision of practice and supporting portfolio preparation. This should be a continuous process throughout the individual’s AMHP authorisation period. The report by the professional supervisor (an expected component of
the portfolio) will comment on the practice of the AMHP in relation to the five
Key Competence Areas set out in the 2008 Regulations.

7.4 AMHPs seeking re-appointment are expected to arrange for one or more
independent observations of their practice and for an account of any
observation(s) to be made available as part of the re-appointment portfolio.

7.5 Portfolios must be submitted in time to be copied and circulated to Panel
members. This means in practice no later than three weeks in advance of the
quarterly meeting of the Appointment Panel. AMHPs are not required to attend
the Panel meeting.

7.6 From November 2008, the maximum period of AMHP appointment is five
years. A further appointment can be offered after that time subject to the
satisfactory demonstration of competence.

7.7 Extensions to current appointments, without the production of a portfolio
for re-appointment, will not be offered unless for exceptional reasons – and will
only then be offered at the discretion of the Appointment Panel.

7.8 A full time AMHP will be expected to carry out a minimum average of 10
assessments per year.

8. Procedures – miscellaneous arrangements

8.1 The 2008 Regulations state that appointment as an AMHP is for a period
of five years. There is no provision in the Regulations for extension
appointments. (The West Sussex AMHP Appointment Panel may exercise
discretion in providing an extension appointment, such as for occupational
health-related reasons, but any such extension will be considered on its
individual merits, and only in very exceptional circumstances.)

8.2 Any AMHP seeking re-appointment in West Sussex will need to refer back
to his/her previous letter of appointment for the expiry date of the current
appointment status. It is the responsibility of AMHPs to keep their own records
of appointment status, and to prepare a portfolio for re-appointment before
that period of appointment is concluded.

8.3 The Appointment Panel is authorised to suspend or end an AMHP’s
appointment if the grounds, as set out in the 2008 Regulations, are met.
Further details are provided in the 2008 Regulations.

8.5 AMHPs will also need to notify the responsible Social Care Professional
Lead immediately and in writing if they are suspended from the professional
registration requirements or no longer meet at least one of the professional
requirements set out in the 2008 Regulations. In such cases the AMHP appointment will cease with immediate effect.

8.6 AMHPs who decide to no longer practice as an AMHP will be required to notify the West Sussex Appointment Panel in writing of this intention. In such cases the AMHP appointment will cease with effect from a mutually agreed date within the current appointment period. (Further details are provided in the 2008 Regulations).

8.7 AMHPs who wish to reduce or temporarily cease their duties must make a formal request to the Appointment Panel. You should contact the Mental Health Service Manager for advice on the approach to be taken in your request.

9. Summary: the 'deal' for AMHPs in West Sussex

9.1 In return for meeting the professional requirements and being able to satisfy the Appointment Panel of their competence in relation to the five Key Competence Areas, AMHPs will receive a salary enhancement. (Further information on salary enhancement arrangements is available from the Mental Health Service Manager.) This will be payable from the date of their appointment as an AMHP. In return, AMHPs will be expected to be available to act on the County Council's behalf, as determined and confirmed in writing by the council. They will also be provided with AMHP professional supervision, debriefing opportunities, and a Continuing Professional Development programme and other resources to support practice.
Appendix 1
Re-appointment portfolio contents requirements

- **Introductory Information**
The name, current post and work address, date of appointment as an AMHP, name of line manager and of professional supervisor (where different); professional registration number and organisation, and expiry date.

- **Career Review**
A brief chronological account of work experience since previously appointed or re-appointed as an AMHP with particular emphasis on MHA-related activities, including training and learning. Information should be provided of any other current AMHP appointments, where relevant. As a guide, the Career Review should **not** exceed **1,000 words** in length.

The Career Review must also include a table accounting for your training and learning, specific and relevant to the AMHP role, that has been undertaken during the full course of the current period of AMHP appointment. From November 2008 it is a legal requirement for AMHPs to undertake 18 hours AMHP-relevant training and learning for **each** year of authorisation. The Regulations are clear that a cumulative record is not permissible and therefore there should be evidence of relevant training and learning for each year of the current authorisation. This table will identify that training and learning, and will include a brief commentary against each item explaining what you learnt from it and why it was therefore relevant to your AMHP practice.

Note. If you are unable to evidence the legal requirement of 18 hours AMHP-relevant training and learning per year a further AMHP appointment cannot be offered. If you are unsure what constitutes appropriate evidence please discuss this with your AMHP professional supervisor.

- **A table of MHA assessments**
This table will refer to work undertaken in a 12-month period, starting no earlier than 15 months before the portfolio submission date. This table should show: service user's (anonymised) initials, gender age and ethnic background of service user, source and date of referral, current MHA status, and outcome from the MHA assessment.

- **A Critical Self-Evaluation**
This is an analysis of your AMHP practice. The analysis should relate to the Key Competence Areas set out in the 2008 Regulations (described in section 3 of this document). The analysis will demonstrate the application of evidence from wider reading – which will need to be fully referenced - and critical reflection. As a guide, the Critical Self-Evaluation should **not** exceed **3,000 words** in length. Each of the five Key Competence Areas should be addressed in turn, and evidence taken from the table of Mental Health Act assessments.
Referencing is essential to show that you have researched your material, and that the analysis you are presenting has been considered in the light of other published material on the given subject. References should enable Panel members, should they wish to do so, to follow up your sources of information. An example of a reference would be to quote a particular paragraph or page from the Mental Health Act Code of Practice or other relevant guidance.

You may also want to provide a bibliography - listing books and articles that have been used as a source of information or inspiration but from which you have not provided any direct references. A bibliography enables Panel members to see that your AMHP practice is grounded within a wider professional and/or academic context.

- **A report from the professional supervisor**
  AMHP professional supervisors are expected to be discerning in their comments about the competence demonstrated in the portfolio. They should comment on the arrangements made for professional supervision and corroborate the evidence presented in the portfolio, highlighting any particular issues that merit further attention or special mention.

  Note. A proforma validation form is available from the Mental Health Service Manager.

- **A report from the line manager**
  AMHPs are accountable for their practice to line managers. The line manager's report confirms their understanding of this as well as the need for the AMHP to be available to undertake MHA and other duties.

  Note. A proforma validation form is available from the Mental Health Service Manager.

- **At least one independent observation of your AMHP practice**
  AMHPs seeking re-appointment are encouraged to arrange for one or more independent observations of their practice and for an account of that observation to be made available as part of the re-appointment portfolio.

  Note. An observation proforma is available from the Mental Health Service Manager.