

AMHP Service

Approval and Authorisation Policy

Organisations	Central Bedfordshire Council (CBC) Bedford Borough Council (BBC) Luton Borough Council (LBC) East London Foundation Trust (ELFT)		
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Right Care, Right Person Statement:

Right Care, Right Person (RCRP) (DoH, July 2023) sets out a collective national commitment from the Home Office, Department of Health & Social Care, the National Police Chiefs' Council, Association of Police and Crime Commissioners, and NHS England to work to end the inappropriate and avoidable involvement of police in responding to incidents involving people.

EDT and the AMHP Service will signpost and respond to contact's taking into consideration the RCRP principles. Meaning, where possible the right person with the rights skills, training and expertise will respond. Staff will use the escalation process in place if they feel this is required. The police have a legal duty to Keep the Kings peace, respond to imminent threat to life and respond where a crime has been committed. All documents will be reviewed and updated in 2025 to include specific details relating to RCRP.

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1. Introduction

- 1.1 This Policy applies to the approval and authorisation of Approved Mental Health Professionals (AMHPs) under the Mental Health Act [MHA] 2007, including the appointment of temporary Locum AMHPs.
- 1.2 Section 13 (1) of the MHA 1983 places a Duty on Local Social Services Authorities [LSSA] to make arrangements for AMHPs to consider requests under the MHA. It is therefore the duty and responsibility of LSSA to ensure that there are sufficient AMHPs available to perform this task as laid down in Section 114 of the Mental Health Act 1983. To fulfil this obligation LSSA are required to provide AMHP provision 24 hours a day (Code of Practice [CoP] 14:35).
- 1.3 The Duty of approving AMHPs under the MHA 2007 may not be a delegated Duty and remains the Duty of the approving LSSA. This includes AMPHs working in mental health, learning disability services and any other services provided by the LSSA either directly or indirectly via section 75 agreements.
- 1.4 The day to day operational management of the Daytime AMHP Service have been delegated to ELFT through the section 75 partnership agreements.
- 1.5 Central Bedfordshire Council, Bedford Borough Council, Luton Borough Council and East London Foundation Trust (ELFT) have agreed to adopt a single AMHP Approval and Authorisation Policy for the provision of AMHP services. The process for approving and reviewing this policy and all related practice guidance is the AMHP Governance Group (AGG) which in turn, links into each respective organisations' individual governance arrangements.
- 1.6 The Policy is intended to assist in the approval process of:
 - a) AMHPs working within the Emergency Duty Team (EDT) which is hosted by Central Bedfordshire Council on behalf of Bedford Borough and Luton Borough Council;
 - b) AMHPs working with the Daytime AMHP Services provided by ELFT across the county;
 - c) AMHPs who have completed the AMHP training and are yet to be authorised;
 - d) AMHPs whose approval is due for renewal on a five year cycle;
 - e) New members of staff whose previous employer authorised them under s114;
 - f) Locum AMHPs working with EDT or Daytime AMHP Services.
- 1.7 This policy must be read and incorporated into practice by any member of Council or Trust staff whether permanent, temporary or seconded, who act on behalf of the Local Authority to carry out Mental Health Act 1983 assessments as amended by the 2007 Act.

2. Legislative Framework

- 2.1 Under Section 114 (1) of the Mental Health Act 1983, as amended by the Mental Health Act 2007 a LSSA may approve a person to act as an AMHP for the purposes of this Act.
- 2.2 This document is informed by the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 and the Mental Health Act 2007: New Roles, published by the National Institute for Mental Health in England, 2008.

3. Role of the AMHP

- 3.1 The five statutory competencies in schedule 2 of the MHA 1983 (2008) sets out the values, experience and technical expertise required of AMHPs.
- 3.2 An AMHPs role is varied and is wider than considering requests for compulsory admission to hospital, making arrangements and ensuring legal compliance. AMHPs have specialist knowledge and skills and are a resource for making appropriate decisions in respect of both people using services and their relatives and co-ordinating appropriate service responses. They 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.
- 3.3 The AMHP role is to consider appropriate courses of action and demonstrate consideration of the Guiding Principles within the Code of Practice, with particular emphasis on the 'least restrictive principle'. This will require evidence of using risk assessment tools, a good understanding of local community resources, and a personalised approach that promotes co- production with people and their carers.
- 3.4 The AMHP role is to provide an independent decision as to the alternatives to detention (CoP 14.52), and to make application for admission, where appropriate (founded on appropriate medical recommendations as defined by S12).
- 3.5 When interviewing an individual, the AMHP has overall responsibility for co-ordinating the process and implementing any decision that is taken. They must identify themselves and explain in clear terms the AMHP role and purpose of the assessment (CoP 14:51).
- 3.6 The Guiding Principles, contained in Chapter one of the CoP must be observed at all times during the assessment process and any other process undertaken under the Mental Health Act 1983.

4. Approval

- 4.1 For the purpose of the approval and re-approval, an Approval Panel will be convened and chaired by the Authorised Senior Manager of the LSSA and Lead AMHP for Bedfordshire and Luton. For ELFT employees the Daytime AMHP Service Operational Manager will also be in attendance. In addition to this the following representatives may attend;
 - a) Relevant Head of Service
 - b) AMHPs line manager
 - c) ELFT AMHP representative
- 4.2 Approval Panel dates will be planned throughout the year specifically to coincide with twice yearly AMHP training dates and planned re-approval dates. LSSA's will make their own arrangements for Approval Panel where possible twelve months in advance.
- 4.3 The panel can recommend approval, request extra evidence prior to making recommendations, place conditions on approval, or refuse approval.
- 4.4 Where there are concerns regarding a practising AMHP the panel may be convened to consider suspension or termination of a current approval.
- 4.5 The three councils in Bedfordshire and Luton have agreed to issue letters of authority to act in their area to any AMHP approved by the Approval Panel. The person issuing the approval

will routinely notify the other two councils of the issue, suspension or termination of approval.

- 4.6 A set agenda has been designed for Approval Panels (Appendix 1 Approval Panel Template).
- 4.7 Following successful approval, the LSSA responsible for approving the AMHP will issue a warrant card and letter. Arrangements for the authorisation letters to practice on behalf of the remaining two LSSAs will be obtained.
- 4.8 The approving LSSA will ensure, when appropriate, the AMHP bolt-on contract is progressed and will ensure the AMHP's pay reflects the new approval status.

5. Portfolio Requirements and Approval Panel

- 5.1 At least 7 working days prior to the panel convening, the AMHP is required to submit their AMHP portfolio to the approving LSSA (Appendix 2 AMHP Portfolio template). The portfolio will contain the required evidence of competence and the AMHP is expected to present the evidence, in person, as part of the approval process. The AMHP is expected to provide confirmation as detailed in Appendix 3.
- 5.2 Should the portfolio be assessed by the approval panel as not demonstrating competence; the AMHP will re-submit their portfolio to a re-convened panel. They will be given written details of the work to be undertaken and they will be provided with the necessary support via their line manager. A decision will be reached and documented by the approval panel regarding their ability to continue to practice, while the additional evidence is obtained. An agreed timeframe will be applied to the re-submission of work.
- 5.3 Should the portfolio be assessed by the Approval Panel as not demonstrating competence at the second submission, a meeting will be convened between the AMHP and their line manager. The meeting will take place within 21 working days of the panel's decision and the purpose of this meeting will be to review reasons why the AMHP has not evidenced the necessary competencies and what support needs to be put into place to enable a successful completion.
- 5.4 If the AMHP does not submit a portfolio within the required timescale, they will be deemed not to have demonstrated competence. The AMHP will be required to re-submit for what is in effect, the second submission as described above. Mitigating circumstances may be taken into account by the Senior Manager of the respective approving LSSA.
- 5.5 If it proves necessary to remove an AMHP from duties following unsuccessful completion of re-approval, appropriate and proportionate action will be considered, which may include HR procedures.
- 5.6 Subject to due process, any AMHP who does not complete their re-approval for any reason will be removed from duties and will be deemed to be in breach of their contract and their salary will be adjusted accordingly.

6. Approval Arrangements

- 6.1 Regulation 4 is clear an LSSA may approve a person to act as an AMHP for a period of five years.

- 6.2 Under Regulation 3, an LSSA may only approve a person to act as an AMHP if it is satisfied that the person has appropriate competence in dealing with persons who are suffering from mental disorder.
- 6.3 Under Regulation 3, LSSA need to determine that AMHPs have an appropriate level of competence in line with the professional requirements and matters set out in Schedule 2.

Professional Requirements are detailed under Schedule 1 as;

- a) a social worker registered. The schedule stated General Social Care Council however, Social Workers are now registered by Social Work England (SWE);
- 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(3), 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(4); 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 (5).

Matters set out in Schedule 2 are defined in the AMHP Competence, Standards and Expectations Practice Guidance.

Prior to approving, the LSSA needs to satisfy itself that the AMHP fulfils at least one of the professional requirements, and the following conditions: -

- a) Completed an AMHP course approved by the Health Care Professions Council or the Care Council for Wales.
- b) Demonstration to the AMHP Approval Panel of their competence to carry out their duties under the Act, having undertaken, since training, a minimum of: -
 - i. Evidence that they have passed the course
 - ii. Evidence three assessments have been completed
 - iii. Case reflection which evidences at least one of the professional requirements.
 - iv. Evidence how competencies to act as an AMHP are met, (training, supervision, AMHP Competence framework).
 - v. Statement from their manager in support of the AMHP's intention to warrant and confirming their competencies in line with one of the professional requirements.

- 6.4 Newly-appointed staff who have already worked as an AMHP with other authorities will be authorised by the LSSA following the same guidance. Written confirmation from a manager in the previous authority will be provided, this will include confirmation the AMHP is competent. The AMHP will be responsible for obtaining this confirmation to include within their Approval Portfolio.

6.5 No AMHP will undertake the AMHP role until the Approval Panel approves their competence to practice as an AMHP.

7. Re-approval

7.1 AMHPs will be formally re-approved within five years of their first appointment or within five years of approval or last re-approval by requiring them to demonstrate their competence against The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008, Schedule 2.

7.2 AMHPs who are re-approving will submit an AMHP Portfolio to confirm their competence. Regulation 5 specifies the conditions for approval are: -

- 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 for each year within the five-year period. In Bedfordshire and Luton at least one of these training requirements should be on the Mental Health Act/law updates.
- 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 an agreement comes to an end.
- 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.
- 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.

7.3 Whilst it is acknowledged the AMHP will need to undertake 18 hours of refresher training in relation to the AMHP role, the LSSAs agree this can be obtained from a variety of sources. The AMHP should attend AMHP specific training of preference, however, training provided by their employing organisation or relevant independent training can be accepted in some cases. For example, employing organisation's Mental Health Act training may cover the main objectives of a legal update, as an interim measure, until the AMHP could attend the AMHP specific legal update. Attendance of employing organisations or independent training is not intended to be done as a substitute for AMHP specific training, provided via the LSSA. AMHPs should discuss their training attendance and requirements regularly within AMHP supervision to ensure the requirements for re-approval are achieved.

7.4 To support the monitoring of AMHP compliance with training under Regulation 5, Central Bedfordshire Council Learning and Development lead will forward monthly training updates to the AMHP Leads and EDT Manager. This will support the EDT and Daytime AMHP Service to monitor AMHPs training attendance (which will be discussed in AMHP professional supervision), this will include AMHP's compliance with the 18 hours training and non-attendance to training booked by the AMHP. This data will be reviewed at the AMHP Operational Steering Group and reported to the AMHP Governance Group.

7.5 Following successful re-approval the AMHP will be issued a new version of the Mental Health Act Manual, this will be funded via the LSSA (three way split). CBC will fund the manuals and then re-charge BBC and LBC for their contribution.

8. Approving AMHPs returning to practice

- 8.1 The requirements for approving an AMHP where their approval has lapsed, will depend upon individual circumstances and will be determined by the Approval Panel in consultation with the registering body and the LSSA in question. As part of this process the Approval Panel will expect to see evidence of the returning AMHP doing the following
- AMHP shadowing experience, minimum five MHAA.
 - Mandatory AMHP training.
 - Three fronted MHAA, including report writing.
- 8.2 Where a LSSA has agreed to consider re-approving an AMHP whose approval has lapsed, the same procedure applies.
- 8.3 Where the lapse period exceeds 5 years, specific re-accreditation may be required. This may include completion of part / all of an accredited AMHP course and will be determined on a case by case basis.

9. Suspension of Approval (Regulation 6)

- 9.1 In line with Regulation 6, AMHPs who have their professional registration or listing suspended, will also have their AMHP status suspended for the duration of the professional suspension. The AMHP must inform their professional supervisor [for AMHP work] 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 cessation of any suspension of their registration or listing. The LSSA will then consider ending 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.
- 9.4 Where the suspension of the approval has ended, the approval shall continue to run in line with the original length of approval, unless the approving LSSA makes the decision to end it sooner.
- 9.5 Failure to notify the responsible LSSA of any suspension of their registration or listing in a timely manner could be subject to disciplinary action and/or their AMHP warrant being permanently removed.
- 9.6 An AMHP may be suspended or placed on restricted duties from their substantive post as part of a formal process, whilst this is a neutral act without prejudice, the AMHP will not be authorised to practice for the duration of this period. Where an AMHP's registration or listing has not been suspended but there is an ongoing formal process the AMHP's authority to practice on behalf of the LSSA will be suspended rather than the approval. The responsible LSSA will write to the AMHP to confirm they are not authorised to practice as an AMHP until the matter is resolved. Following the outcome of the formal process the responsible LSSA will review the AMHP's status and confirm in writing the outcome.

10. End of Approval (Regulation 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: -
- a) In accordance with a request in writing to do so from the AMHP.
 - b) If it is no longer satisfied that the AMHP has appropriate competence taking into account, the matters set out in Schedule 2; (Regulations 2008)
 - c) Immediately upon becoming aware that the AMHP;
 - i. is no longer a person who meets at least one of the professional requirements;
 - ii. is in breach of any of the conditions set out in regulation 5
 - iii. 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.
- 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 When an AMHP leaves the LSSA area in which they are approved during their approval period, the LSSA has the option of maintaining the approval or ending it. As stated in Regulation 7(2)(b), the LSSA shall end the approval if it is no longer satisfied that the AMHP has appropriate competence.
- 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 (SI 2008 no 1206: 7(5))

11. AMHPs not practicing within Bedfordshire or Luton

- 11.1 Under Regulation 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 agreement ends.
- 11.2 When an AMHP is not employed or practicing locally they will be asked to forward evidence to the approving LSSA to ensure their competence as defined under Schedule 2 can be reviewed. The approving LSSA will send the AMHP a letter confirming their approval status, this can be found in Appendix 4. AMHPs will be asked to provide the following evidence to support this review;
- Copies of training certificates.
 - Copies of AMHP supervision notes.
 - Copies of minutes to evidence attendance at AMHP Professional Meetings.
 - AMHP Competency Record.

- 11.3 Should the LSSA determine an AMHP does not have the appropriate competence in dealing with persons who are suffering from mental disorder an exceptional Approval Panel will be arranged to discuss next steps. Outcomes of this panel could include additional support and recommendations being agreed to ensure the AMHP meets the expected competencies. In some cases consideration of suspending or ending the AMHPs approval will be undertaken and usual processes as defined in this Policy will be followed.
- 11.4 Should the approving LSSA conclude an AMHP does have the competence in dealing with persons who are suffering from mental disorder they will continue to be approved and authorised to practice in Bedfordshire and Luton.
- 11.5 Under Regulation 3, the LSSA may only approve a person to act as an AMHP if it is satisfied that the person has appropriate competence in dealing with persons who are suffering from mental disorder. Within Bedfordshire and Luton, the LSSAs have close monitoring and support available to all AMHPs to ensure ongoing competence and best practice. The LSSA do not provide authorisation for the AMHPs approval to be used outside of Bedfordshire and Luton as practice and an AMHPs competency cannot effectively be monitored or supported.
- 11.6 AMHPs who intend to practice outside of Bedfordshire and Luton should approach the LSSA they will be practicing on behalf for consideration of approval. Should the AMHP be approved by another LSSA the original approval LSSA should be notified so the original approval can be ended in writing.
- 11.7 When an AMHP has left their substantive position within the trust or LSSA and do not intend to practice as an AMHP within Bedfordshire and Luton the AMHP is required to return their warrant card to the approving LSSA. Failure to do so will result in the LSSA and/or ELFT writing to the AMHP to request return of the warrant card in the first instance. If the warrant card is not returned within two weeks of the AMHPs leaving date, the LSSA will write to the AMHP and notify them that their approval has been suspended pending investigation.
- 11.8 Should the AMHP not make contact with the LSSA within 3 months of leaving their substantive position the LSSA will be unable to provide evidence of the AMHPs competence. The LSSA will progress with ending the AMHPs approval as detailed in Section 10.

12. Complaints & Appeals

- 12.1 All AMHPs have a right to complain, should they feel it necessary to do so, regarding the approval or re- approval process. There is no appeal process on the final decision made by the Approval Panel.
- 12.2 In the first instance concerns may be addressed to the Chair of the Panel directly however if this does not resolve the issue, or the AMHP feels unable to pursue this route then the complaint should be addressed in writing to the Chair of the Panel.
- 12.3 In the event that the AMHP remain unsatisfied with the response, they should seek advice from their AMHP line manager or alternatively from their union.

13. Record of AMHPs in Bedfordshire (Regulation 8)

- 13.1 The approving LSSA and the Daytime AMHP Service Manager (ELFT) shall keep a record of each AMHP it approves which shall include:
- a) The name of the AMHP
 - b) The AMHPs profession
 - c) The AMHPs date of approval
 - d) Details of any period of suspension under regulation 6
 - e) Details of the completion of training to comply with regulation 5(a)
 - f) Details of any previous approvals as an AMHP within the previous five years
 - g) The names of other LSSA for whom the AMHP has agreed to act
 - h) as an AMHP and
 - i) The date of any reason for the end of approval if applicable.
- 13.2 The record referred to in section 11 shall be retained by the approving LSSA/ELFT for a period of five years commencing with the day on which the AMHPs approval ended.
- 13.3 Each LSSA will have administrator support to ensure the record is maintained, this will include ensuring a system is in place for a review of records for pending re-approval dates.
- 13.4 The administrator will notify senior managers and the AMHPs line managers of any dates pending and arrange Approval Panel dates accordingly. Once the approval date has been identified a follow up letter or calendar invite outlining the date, time and venue will be sent. This will include expectations for the AMHP prior to and during the Approval Panel.
- 13.5 The administrator will ensure the AMHP portfolio is received within the timescales and will complete copies for panel members to review.
- 13.6 Following the Approval Panel the administrator will arrange for a letter from the LSSA confirming the approval, this will include a warranting card and dates. The administrator will facilitate authorisation letters from the other LSSA.

14. Approval Panels during Pandemics

- 14.1 As a result of Covid-19 the LSSAs have been unable to hold face to face panels due to the associated risks. National Guidance from The Department of Health & Social Care and National Health Service England has been published to support a digitalised approach during pandemics.
- 14.2 During a pandemic it has been agreed the authorising LSSA will hold a virtual Approval Panel, the details of this Policy will apply for any Approval Panel regardless of how it is conducted.
- 14.3 It is acknowledged during a pandemic AMHPs may experience difficulties collating a paper Approval Panel therefore it has been agreed a digital copy will be developed.

- 14.4 The AMHPs line manager for AMHP related practice will need to review the AMHPs evidence and complete a Supervisor Report to confirm they have the competency to act as an AMHP.
- 14.5 In order for a virtual Approval Panel to be held, the AMHP will need to submit four documents so panel members can consider their competency to act as an AMHP. The AMHP will need to submit two AMHP reports to support reflective discussions, the AMHP Competency Record and the AMHP Supervisor Report.

15. Relating Practice Guidance

- EDT / AMHP Competencies, Standards and Expectations

16. Appendices

- Appendix 1 - AMHP Portfolio template
- Appendix 2 - Approval Panel template
- Appendix 3 – AMHP Confirmation template
- Appendix 4- LSSA Letter