

**APPLICATION FOR APPROVED CLINICIAN APPROVAL
MENTAL HEALTH ACT 1983
SOUTH WEST APPROVALS PANEL ON BEHALF OF NHS SOUTH WEST STRATEGIC HEALTH
AUTHORITY**

1. PERSONAL DETAILS

1.A

ARE YOU APPLYING FOR: APPROVAL YES / NO RE-APPROVAL YES / NO

SURNAME _____ Date of Birth _____

FULL FORENAMES _____

Home address (strictly confidential NOT for the Register)

Post code: _____

Phone Nos. (not for Register) Home: _____ Mobile: _____

E-mail (strictly confidential NOT for the Register) _____

1.B Current Post		
Trust / Employer	Speciality	Starting Date
Address of Trust / Employer		
Current Position / Grade		
Is your present appointment – Substantive / Locum / Independent / Retired / Fixed Term / Training Post?		

1.C	
Professional Address	Professional Phone No.
_____	_____
_____	Out of Hours Phone No.
_____	_____
Post code _____	Secretary Name and Phone No:
E-mail _____	_____

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1.D If approval has previously been granted by another Health Authority, please state Health Authority granting that approval:

Expiry Date: _____ (please enclose a copy of letter/certificate of approval)

1.E

Have you **EVER** been refused approval / re-approval by another authority?

YES

NO

If YES, by which authority, and why?

2. PROFESSIONAL REQUIREMENTS

2.A Professional Qualifications

2.B Are you a:

- | | | |
|---|------------------------------|-----------------------------|
| a) Registered medical practitioner | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| b) Registered psychologist listed in the British Psychological Society's Register and holding a relevant practicing certificate issued by that Society | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| c) First level nurse, registered in Sub-Part 1 of the Nurses' Part of the Register maintained under Article 5 of the Nursing & Midwifery Order 2001(b), with the inclusion of an entry indicating their field of practice is mental health or learning disability nursing | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| d) Occupational therapist registered in Part 6 of the Register maintained under Article 5 of the Health Professions Order 2001 (c) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |
| e) Social worker, registered as such with the General Social Care Council(d) | YES <input type="checkbox"/> | NO <input type="checkbox"/> |

2.C Details of Registration

Registration Body _____

Type of Registration _____

Registration Number _____

Date of Registration _____

Are there any restrictions on your Registration or professional practice, or are you

Please return to: Hilary Eagles, Approved Clinician Lead, NHS South West, Jenner House Langley Park Estate, Chippenham Wiltshire SN15 1GG. Telephone 01246 468350/1 Fax: 01249 468356: Email: hilary.eagles@southwest.nhs.uk

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subject to any proceedings which may impact on your professional registration?

YES

NO

Please include copies of relevant documentation

3. COMPETENCIES

Applicants are required to fulfill the statutory competencies set out in the Approved Clinician Directions. Please indicate the evidence of competencies you are submitting.

All applicants are requested to submit a copy of their CV. Please indicate this is enclosed .

3.A Medical Practitioners who are on the SpR for Psychiatry

- Evidence of specialist registration
- Evidence of CPD

3.B Medical Practitioners within 6 months of CCT, and are appointed to a locum role involving RC responsibility

- Date of CCT _____
- Declaration from programme director _____
- Declaration of relevant clinical manager _____

3.C Other Applicants

- Portfolio - You must have a portfolio of supporting evidence signed off by you employer as demonstrating the relevant competencies. You need to retain your portfolio during your period of approval. The South West Approvals Panel will inform you if it requires you to submit your portfolio to them as supporting evidence for your application or the purpose of audit.

4. TRAINING

4.A First Approval

- 2-day induction course

Medical applicants – have you previously been approved under Section 12 (please provide copy certificate)

4.B Re-approval

- 1-day Refresher course

Copies of your attendance certificate must be enclosed

5. REFERENCES

Name & Address of 2 Referees – who are suitably qualified as an Approved Clinician or an Approved Mental Health Professional who have known you for a reasonable period of time and who have the necessary knowledge to form a judgement as to your suitability to undertake the role of Approved Clinician.

Reference 1

Reference 2

Full Name: _____

Job Title: _____

Address: _____

Post Code: _____

Telephone: _____

E-mail: _____

6. DECLARATION

Those employments concerning the care of the elderly, sick or disabled are exempt from the Rehabilitation of Offenders Act 1974 and applicants are therefore **NOT** entitled to withhold information about 'spent' convictions. Any information given will be treated confidentially and considered only in relation to the application.

Have you ever been convicted of a criminal offence?

YES

NO

If YES, please give details:

- Applicants must declare criminal convictions or police cautions (S17 NHS Act 1977) and if they are or have been subject to fitness to practice proceedings by GMC or equivalent body. Please contact this office if this applies to you.
- Applicants must comply with the conditions of approval required by regulation 6(1) of the AC Directions, that is:
 - Notification if requirements of approval are no longer met;
 - Stopping work as an AC and notifying the approving authority if suspended; and,
 - Agreeing to any other condition that the approving authority thinks appropriate.

I understand that if Approved Clinician approval is granted, pursuant to this application, my name, employment address, telephone numbers, grade and reapproval date will be added to the Register of Approved Practitioners. The Register is maintained by the Strategic Health Authority in accordance with the Statutory Code of Practice implanted under section 118 Mental Health Act 1983 and copies will be made available on line in the National Data Base, and circulated via email and post to Strategic Health Authorities, Primary Care Trusts, Mental Health Trusts, Local Authorities, Care Quality Commission Organizations, Police and Prison Services to confirm Approved Clinician status to which the public may have limited access. The Data Protection Act 1998 applies.

I declare the information I have given on this application form is true and accurate and I accept the above terms and conditions of Approved Clinician approval.

Signature of Applicant: _____

Date: _____

Enclosure checklist:

- I enclose evidence of attendance at an approved clinician training course (only necessary if you attended a course not organized by NHS South West)
- I enclose confirmation from my employer of their support for my application and their agreement to provide information to the panel on competency issues
- I enclose a full Curriculum Vitae
- I enclose a evidence of an up-to-date appraisal record
- I enclose a certificate of Continuing Professional Development
- I enclose evidence of my competencies as per questions 3

Please allow a minimum of six weeks to process your application.

APPLYING FOR APPROVED CLINICIAN APPROVAL National Reference Group, June 2010

THE ROLE OF THE APPROVED AND RESPONSIBLE CLINICIAN

This document has been prepared by the National Reference Group on Section 12 and Approved Clinician approval with the aim of providing clear and consistent national guidance on the approval process for Approved Clinicians in England.

The Mental Health Act 2007 introduced the new roles of Approved Clinician and Responsible Clinician that can be filled by a range of mental health professionals.

An Approved Clinician is "a person approved by the appropriate national authority to act as an Approved Clinician for the purposes of the Mental Health Act 1983".

A Responsible Clinician is the Approved Clinician who has been given overall responsibility for a patient's case. Approved Clinicians who are allocated as Responsible Clinicians will undertake the majority of the functions previously performed by Responsible Medical Officers.

WHO CAN BECOME AN APPROVED CLINICIAN?

The Mental Health Act 1983 Approved Clinician (General) Directions 2008 allow Strategic Health Authorities to approve a range of registered and professionally qualified practitioners to act as Approved Clinicians. These are:

- Registered medical practitioners
- Registered psychologists
- First level nurses whose field of practice is mental health or learning disability
- Registered occupational therapists
- Registered social workers

WHAT ARE THE REQUIREMENTS FOR APPROVAL?

All potential applicants will need to apply under the General Approval Arrangements. The requirements for approval are:

1. That you fulfill one of the professional requirements.
2. That you have undertaken the appropriate training.
3. That you possess the necessary competencies.

HOW DO I APPLY FOR APPROVAL?

As part of the application process you will need to:

- Complete an application form.
- Attend a two-day initial training course for Approved Clinicians.
- Demonstrate that you meet the competencies as outlined in Schedule 2 of the Approved Clinician Directions and the associated guidance *Mental Health Act 2007 New Roles* (www.its-services.org.uk/silo/files/mental-health-act-2007--new-roles.pdf)

For medical practitioners on the specialist register:

The National Reference Group has adopted the position outlined in *New Roles* that doctors' accreditation to the Specialist Register is considered to constitute evidence of the competencies required to become an Approved Clinician, providing that this is supported by a completed application form, appropriate references, and a Curriculum Vitae demonstrating relevant experience. Applicants must also demonstrate that they are up to date with their professional Continuing Professional Development requirements.

Applications from doctors nearing completion of higher specialist training:

Doctors within 12 months of their expected date of Certificate of Completion of Training, who have been offered an acting-up locum consultant post which requires Approved Clinician approval, should be eligible providing that they:

- Complete the application form.
- Attend the two-day introductory course.
- Provide evidence from their programme director of satisfactory progress and anticipated completion date.
- Provide confirmation from their clinical or medical director that they have been offered an acting-up post with this degree of responsibility and are competent to take it up.

Approval in these circumstances would be made conditional upon successful accreditation to the Specialist Register within a specific timeframe.

Other doctors approaching Certificate of Completion of Training, who are not intending to take up a locum post, may also apply in advance. This will allow time for references to be obtained and for the application to be considered in advance of the date of obtaining the Certificate of Completion of Training. Applicants will need to inform the Administrators of the anticipated date of their Certificate of Completion of Training. Approval in these circumstances will normally start on the date of accreditation to the Specialist Register.

For professionals not on the specialist register:

For those professionals, in any professional group, who are NOT on the Specialist Register a portfolio must be submitted with their application to demonstrate that they meet the competencies required to become an Approved Clinician. Applicants should seek the support and nomination of their employing organization, which should be registered with the Care Quality Commission.

Registered Psychologists are referred to the advice prepared by The British Psychological Society (*Guidance for registered Psychologists in Making Applications to the British Psychological Society Approved Clinician Peer Review panel, Bruce T. Gillmer & John L Taylor, January 2010*). In accordance with these guidelines, Registered Psychologists are strongly advised to submit their portfolio to the British Psychological Society Approved Clinician Peer Review Panel for scrutiny before submitting their application for approval. Once they have received the Review Panel's report this should be included in the portfolio which should then be forwarded to the relevant Regional Approval Panel.

Other professional groups have not, to date, developed such guidelines and at present are requested to submit their portfolio directly to the Regional Approval Panel. Where Regional Clinician Pre-Approval Scrutiny Panels have been developed, it is recommended that these be used prior to submission.

WHAT DOCUMENTS SHOULD I INCLUDE IN MY PORTFOLIO?

As a minimum, your portfolio will need to provide evidence that you meet the competencies as outlined in *New Roles* which are:

- Understanding the role of the Approved Clinician and Responsible Clinician
- Legal and Policy Framework
- Assessment
- Treatment
- Care planning
- Leadership and multi-disciplinary team working
- Equality and cultural diversity
- Communication

Your portfolio should also contain:

- Documentary evidence of professional qualification.
- Evidence of current registration with the appropriate registration body.
- An up to date Curriculum Vitae.
- A summary of your experience as relevant to the role of Approved Clinician.
- Two anonymised case commentaries relating to your involvement in the care of a detained patient, which should demonstrate awareness, understanding and reflection on key areas of Approved Clinician competence and the guiding principles of the Code of Practice. They should be appended to examples of at least two relevant, anonymised, statutory reports (eg. Tribunal or Section renewal reports) which you have also prepared. The statutory reports may be hypothetical (ie. they may have been prepared solely for the purposes of your AC application but as though for a statutory purpose), but must be based on your personal contact with a patient.
- Two testimonies from suitably qualified professionals in a senior role who can validate your aptitude for the Approved Clinician role, one of whom must be an Approved Clinician.
- A 360 degree appraisal or equivalent that should include your immediate line manager/supervisor and multi-disciplinary team colleagues.
- A citation from the Medical Director or the Chief Executive of a Care Quality Commission registered organisation confirming that you meet the competencies as outlined above and supporting your application.
- A copy of your certificate of attendance from a two-day initial training course.
- Any other information you feel may be relevant. However, please bear in mind that any information relating to cases which you may decide to include MUST be completely anonymised and contain no detail that may be patient identifiable.

Detailed guidance can be found in Annex E 1 of the *New Roles* Guidance.

WHAT HAPPENS TO MY APPLICATION?

Once your application is received by the S12/AC office the AC Administrators will check that:

- You have correctly completed your application form (you will be advised if this is not the case).
- Carry out a check of your professional registration.
- Carry out a check against the Regional "Doctors Alerts" system.
- Take up references.

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Once these checks have been completed and your references received, your application will be reviewed by the Regional Approval Panel. Exceptional circumstances will be considered by the panel where relevant, and the panel reserves the right to request applicants to attend interview. The decision of the panel will be communicated in writing to you once it is known.

WHERE AND FOR HOW LONG IS MY APPROVAL VALID?

Approval is granted for a period of five years and is valid throughout England. It is essential that you notify the Approved Clinician Administrators of any change in your home, work addresses or telephone numbers.

WHAT ELSE WILL MY APPROVED CLINICIAN APPROVAL ALLOW ME TO DO?

For **medical practitioners only**, Approved Clinician status will also allow you to exercise the functions reserved to doctors approved under Section 12(2) of the Mental Health Act. If you have not been previously approved as a Section 12(2) doctor, the National Reference Group and the Regional Approval Panel strongly recommend that you attend a two-day Section 12(2) induction course to familiarize yourself with this part of the Mental Health Act.

ARE THERE ANY CONDITIONS OF APPROVAL?

All Approved Clinician applicants must comply with the conditions of approval which are required by Direction 6 of the Approved Clinician Directions. These are:

- (a) That you notify the Section 12/Approved Clinician office if the requirements of approval are no longer met.
- (b) That you stop working as an Approved Clinician and notify the Section 12 / Approved Clinician office if you should be suspended from any of the registers or listings referred to in the professional requirements.
- (c) That you agree to any other condition that the Regional Approval Panel thinks appropriate. This will always include a requirement to remain up to date with Continuing Professional Development, and to undertake update training in the year before renewal, but may also include other conditions as may be relevant.

RE-APPROVAL

The statutory requirements for re-approval are the same as those for approval, apart from the requirement to attend an initial training course. Applicants must fulfill the professional requirements and possess the relevant competencies. Applicants for re-approval are expected to have attended an appropriate update course and to have kept up to date with professional Continuing Professional Development requirements. Appropriate references and an up-to-date Curriculum Vitae should be included with the application, but re-submission of a portfolio will not normally be required. These requirements also apply to practitioners previously approved under the transitional arrangements.

FURTHER ADVICE

Further advice or guidance can be obtained from the Section 12 / Approved Clinician Administrators who are:

NHS East of England	geraldine.bushell@eoe.nhs.uk	01223 596953
	jennie.papa@eoe.nhs.uk	01223 597744
NHS London	bertha.knott@nhs.net	020 8869 3515
NHS North East	neerap@tevv.nhs.uk	01642 837392
NHS North West	roberta.constantine@northwest.nhs.uk	0161 625 7253
NHS South Central	section12@southcentral.nhs.uk	01635 275663

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NHS South East

Victoria.Wickenden@southeastcoast.nhs.uk

01293 778857

NHS South West

Hilary.eagles@southwest.nhs.uk
janice.goodway@southwest.nhs.uk
heather.walltham@bsmht.nhs.uk

01249 468351

NHS West Midlands

0121 678 4650

NHS Yorkshire &
Humber

elizabeth.morgan@rdash.nhs.uk

01302 327355



Mental Health Act 1983 Approved Clinician (General) Directions 2008

APPROVED CLINICIAN PROCEDURES AND PROCESSES

1. INTRODUCTION

- 1.1 Section 145 (1) of the Mental Health Act 2007 gives the definition of an Approved Clinician as “A person approved by the appropriate national authority to act as an Approved Clinician for the purposes of the Mental Health Act 1983”
- 1.2 The Directions allow Strategic Health Authorities to approve a range of registered and professionally qualified mental health professionals to act as an Approved Clinician. These are
 - Registered medical practitioners with a licence to practice (doctors)
 - Registered Chartered psychologist
 - First level nurses whose field of practice is mental health or learning disabilities
 - Registered occupational therapists
 - Registered social workers.
- 1.3 Each Approval Panel consists of professionals practising in the relevant fields and considers every new application against the criteria listed below. The suitability of every applicant is considered individually with account taken of experience, training, qualifications and references. Approval is not automatic. These criteria are offered as guidance to practitioners seeking approval under the Act. The guidance includes those seeking both initial approval and re-approval.
- 1.4 This guidance applies only to Approved Clinician approval/re-approval under the Mental Health Act 2007.

2. FUNCTIONS OF THE APPROVED CLINICIAN

For the most part, only an Approved Clinician can be in charge of treatment given under the Act to a patient who either cannot, or will not, consent to in particular:

- Treatment without consent (and without a Second opinion appointed doctor (Second Opinion Appointed Doctor) certificate) under section 36 of the Act can only be given by or under the supervision of the Approved Clinician in charge of the treatment (whether or not the Approved Clinician is also the Responsible Clinician) – this includes treatment given under Section 63 because it is “immediately necessary” as defined by section 62.

There must be an Approved Clinician in charge of medication given to a detained patient who cannot or will not consent to it but which has been approved by a Second Opinion Appointed Doctor under s58.

There must be an Approved Clinician in charge of Electro Convulsive Therapy given to a detained patient who cannot consent to it but which has been approved by a Second Opinion Appointed Doctor under the new section 58A;

- It is only the Approved Clinician in charge of the treatment who can decide under section 62 or 62A that treatment can be continued to avoid serious suffering to the patient while steps are taken to obtain a new certificate under section 58 or 58A
- Where a supervise community treatment patient who has not been recalled to hospital is unable to consent to treatment because of a lack of capacity or competence (and no one else with authority has consented on their behalf) treatment can only be given if there is an Approved Clinician in charge of treatment and it is given by or under the supervision of that Approved Clinician (part 4A of the Act)
- The Approved Clinician in charge of treatment must submit periodic reports under section 61 to the Care Quality Commission regarding medication and Electro Convulsive Therapy supported by a Second Opinion Appointed Doctor certificate under section 58 or 58A;
- Must submit report to the Care Quality Commission as required on treatment given to Supervised Community Treatment patients on the basis of a Second Opinion Appointed Doctor's "part 4A Certificate "
- Can sign a certificate under section 58 or 58A of the Act certifying that the patient has consented to medication or Electro Convulsive Therapy (respectively);
- Approved Clinicians are also bound by various duties on 'public authorities' under the Human Rights Act 1998, the Mental Capacity Act 2005, the Equality Act 2006 and other anti-discrimination legislation, all of which will contribute to the need for their independent decision making and for safeguarding the rights of the patient. Other legislation such as the Children Act 1995, the National Assistance Act 1948, the Care Standards Act 1995 and the Equal Opportunities Act 2006 form the legal framework within which they must undertake their duties.

2.2 Approval allows practitioners to undertake duties as above in any part of England

2.3 Doctors and only Doctors are automatically Section 12 approved doctors who are approved in England can be treated as approved in Wales and vice versa.

3. **RESPONSIBILITIES**

3.1 Aspiring or established Approved Clinicians **must:**

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- Ensure they are approved **before** carrying out any of the functions for which approval is a legal prerequisite.
- Keep up to date with the latest Mental Health Act guidance & have ready access to the current Mental Health Act Code of Practice.

Recognise and work within the limits of their competence

- Work in accordance with the General Medical Council “Duties of a Doctor”.
- Work in accordance with their professional bodies’ good standard of practice code.
- Inform the Approved Clinician Administrator for their area if they become subject to Fitness to Practice proceedings by their professional body (suspension of registration automatically cancels Approved Clinician approval.)
- Inform the Administrator for their area of any change to home or work address or telephone numbers, or other contact information.
- Inform the Administrator for the relevant area of any employment move to a different Strategic Health Authority anticipated to be longer than six months.

4. GENERAL ADVICE AND WARNINGS

- 4.1 Approval **cannot** be given retrospectively. Practitioners whose approval has lapsed must refrain from carrying out those functions until their approval is renewed.
- 4.2 The Approved Clinician shall undertake to cease to act as an Approved Clinician and to notify the approving Authority immediately if the clinician no longer meets any of the criteria requirements.
- 4.3 The Approved Clinician shall undertake to cease to act as an Approved Clinician and to notify the approving Authority immediately if that clinician is suspended from any of the registers or listing referred to in the professional requirements, or if any suspension ends.
- 4.4 Approved Clinician Administrators endeavour to notify practitioners when their approval is due for renewal. That is why it is **essential** that practitioners inform Administrators of any of the changes outlined in section 3 above.
- 4.5 Approval may be withdrawn on the recommendation of the relevant Panel. Panels have their own criteria and arrangements for making these decisions and for considering any appeals against such decisions.
- 4.6 Your name, professional address, professional telephone number and period of approval will be entered in the Register of Approved Practitioners, which is made available on-line & routinely distributed to Approved Clinician Panel Members,

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Strategic Health Authorities, Primary Care Trust, Mental Health Trusts, Local Authorities, Private Hospitals, the public may have very limited access to only confirm Section 12(2) status.. The Data Protection Act 1998 applies. If the information held is needed for any other purpose your permission will be sought prior to release. Apart from the published information, your information will be stored on a secure database.

- 4.7 Practitioners affirm they have insurance and /or indemnity for Section 12(2) work with a recognised medical defence organisation or similar body. Approved Clinician Panels DO NOT indemnify.

Procedures

NHS South West exercises its function by the retention of a multi professional panel and committee drawn from the membership of the register and senior professionals representing all clinical groups and chaired by a senior psychiatrist. The panel endeavours to be representative of its membership in terms of its geography, specialty and diversity by age gender ethnic background and staff group. The panel meet four times per year in March, June, September and December

The functions of both the panel are administered by the senior manager administrator who is supported by an administrative assistant.

Applications

For approval or submissions for re-approval should be to the administrative team in the first instance. The contact details are

Hilary Eagles LLM
Section 12/Approved Clinician/Deprivation of Liberty Safeguards Lead
NHS South West
Jenner House
Langley Park Estate
Chippenham
Wiltshire SN15 1GG

Phone: 01249 468351/01249 468350
E-mail: hilary.eagles@southwest.nhs.uk
Website: www.section12.southwest.nhs.uk

Information is available on the website and downloadable application form can be used. Electronic submissions are acceptable and preferred.

Completed applications are subjected to administrative process which includes:-

- Check that forms have been completed correctly
- Initial appraisal against published criteria
- Professional Organisation Registration check
- Check against NHS South West Professional Performance Alerts Notices '
- Contact with named referees and references taken
- Distribution to two panel members for scrutiny
- Decision made

Please return to: Hilary Eagles, Approved Clinician Lead, NHS South West, Jenner House Langley Park Estate, Chippenham Wiltshire SN15 1GG. Telephone 01246 468350/1 Fax: 01249 468356: Email: hilary.eagles@southwest.nhs.uk

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- Decision communicated to applicant

In the above although processes are followed strictly, where there is minor doubt or disagreement the panel chair may be asked to make a decision. For major doubt or disagreement the matter is put to either the committee or the full panel at the next available hearing for resolution.

Appeals.

Individuals are able to appeal against any decision by notifying the chair of the panel in writing. The appeals process will then be

The appeals process will then be:-

- The Chair will review the application against the additional information and either
- Make the decision to approve;
- Send the application and additional information to the two panel members who scrutinised papers originally;
- Take to the next available Full Panel meeting for review;
- The decision and reasoning will then be communicated to Individual and referees.

If the individual is still not satisfied with the decision they must notify the chair of the panel in writing.

- The application will then be sent to a panel outside of the South West who will review the application against the NHS South West Criteria.
- Their decision and reasoning will be communicated to the individual and referees.

If the individual is still not satisfied with the decision they must notify the chair of the panel in writing.

- An extraordinary panel will be convened comprising of the vice Chair, a Senior Director from NHS South West, Section 12/Approved Clinician Lead, two additional members from panels outside the South West.
- The decision will be final and communicated to the individual and referees.

Training

The responsibilities of the Approved Clinician panel do not include provision of specialist training. However, the panel has arranged for training events to be developed under their auspice and will continue to provide practitioners with information in respect of training opportunities.

Aspiring Members of the Register or existing members of the Register

Should feel free to discuss any aspect of the function with either their speciality representative, a panel representative, with the administration team or via the Website .