

South West Strategic Health Authority
Jenner House
Langley Park Estate
Chippenham
Wiltshire
SN15 1GG

Direct Telephone: 01249 468350
Direct Fax: 01249 468356
E-mail: Hilary.Eagles@southwest.nhs.uk
Web: www.section12.southwest.nhs.uk

Dear Dr

Re-Approval Of Medical Practitioners Under Section 12(2) Of The Mental Health Act 1983

According to our records your Section 12 approval expires on

I enclose a copy of the National Criteria for approval and an application form MHRA1. If you wish to apply for re-approval the following you need to:-

- Answer all questions on form MHRA1 (**in black ink**) in full; including your home address which is required for the confidential database, and is not entered in register.
- Supply the names of two referees who have known you for a reasonable period of time, at least one must be a Section 12 (2) approved Consultant.
- You must be registered for CPD with the Royal College of Psychiatrists (Except for training grades)
- GPs must have an up-to-date Appraisal record
- Attended a refresher course within the previous five years.
- If you were previously registered in another region please enclose a current CV and a copy of your approval certificate.

It is the practitioner's responsibility to secure approval under section 12 before carrying out any of the functions for which such approval is a legal pre-requisite. Because approval cannot be given retrospectively, practitioners whose approval has lapsed must refrain from carrying out those functions until their approval is renewed.

Section 12 approval allows you to exercise the functions reserved to doctors approved under Section 12(2) of the Mental Health Act 1983 but **does not** authorise you to act as an Approved Clinician or Deprivation of Liberty Safeguards medical assessor.

It is obligatory to attend a Section 12(2) refresher training course every five years although the South West Panel recommends attendance every two years. According to our records you attended a Section 12 training course in .

Failure to respond to this letter by your expiry date will result in your name being removed from the Section 12 Register of approved practitioners under section 12(2) MHA, and you will no longer be able to undertake section 12(2) duties

If you do not wish to seek re-approval, please inform me as soon as possible, to enable me to amend the records accordingly.

Yours sincerely

Hilary Eagles LLM
Section 12 (2)/Approved Clinician/Deprivation of Liberty Safeguards Lead - NHS South West

PLEASE PRINT AND USE BLACK INK - ALL THE QUESTIONS MUST BE ANSWERED

1. Full name: Date of birth:

Previous Surname.....

2. Professional address.....

3. Professional Phone number Out of Hours.....

4. Home address (strictly confidential not for register).....

Mobile (not for register) Home Phone (not for register).....

5. E-mail address.....

Confidential For section 12 (2) records only, will not be added to Register:

I give my permission for my details to be held on the confidential electronic database and my professional details entered into both the confidential paper and electronic register.

Signed:.....

6. Have you ever been refused approval/re-approval by another health authority, if so, by which authority and why?

7. Professional qualifications:

8. GMC Status and Registration Number :

8a. Is your GMC Registration with Conditions YES (provide details) NO

9. Present Appointment..... Locum/Substantive/Retired/ Independent

10. Date of Appointment Speciality.....

11. Employing Authority.....

12. Please give the date of last section 12 training course attended: *delete as applicable

Date:..... Place..... s12 Induction/s12 Refresher/ *

13. where you and Approved Clinician under the MHA 2007 Transitional Arrangement? YES NO

If yes what Group do you fall in Group 1 Group 2 Group 3

Nb: this application is for Section 12 approval only and not Approved Clinician reapproval

14. For GPs – Do you have an up-to-date appraisal record? YES NO
(submit copy of record/sign off sheet if available)

14.1 For PSYCHIATRISTS are you in good standing in CPD/PDP in the RCPsych Scheme

and an up to date appraisal record

YES

NO

TRAINING POST

(submit copy of record/certificate if available)

Please give CPD registration number with PDP/Training number and Course details:-

15. If approval has previously been granted by another health authority, please state:

a) Health Authority granting approval: b) Expiry date:

16. Please confirm that you have undertaken at least one or more of the following:

- i. Active involvement as a medical member of a MHRT
- ii. Second Opinion Appointed Doctor for the Care Quality Commission
- iii. Furnishing a court report
- iv. Undertaken at least two MHA assessments with the previous calendar year
- v. Confirmation of having managed a caseload as an Approved or Responsible Clinician.
- vi. For Forensic Medical Examiners only, confirm they you have taken part in a significant number (normally 15) formal Mental Health Act Assessments during the previous 12 month period.

17. Have you ever had any problems with the work that you are being re-approved for?

YES NO

Details.....

18. Are you under GMC Fitness to Practice investigation? Yes (provide details) NO

19. 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 so please give details.....

I hereby declare that the information given above is true and accurate:

SIGNATURE: DATED:

The applicant understands that if s12(2) approval is granted, pursuant to this application, the practitioner's name, employment address and telephone numbers, grade and re-approval date will be added to the Register of s12(2) Approved Practitioners. The Register is maintained by the Strategic Health Authority in accordance with the Statutory Code of Practice implemented under s118 MHA 1983, and copies will be circulated to the following agencies Directors of Social Services, PCTs, Mental Health Trusts, Health Authorities, Police Authorities, Police Surgeons and Courts. Please PRINT clearly the details you wish to be entered into the register.

NAMES AND ADDRESSES OF TWO REFEREES ONE MUST BE A S12 APPROVED CONSULTANT:

1)

TEL NO: EMAIL.....

2)

TEL NO: EMAIL.....

TO BE SUBMITTED TO: Hilary Eagles, Section 12 (2)MHA Lead NHS South West, Jenner House, Langley Park Estate, Chippenham, Wiltshire, SN15 1GG Telephone 01249 468350, FAX: 01249 468356, email hilary.eagles@southwest.nhs.uk

**DECLARATION FOR MEDICAL STAFF SEEKING APPROVAL UNDER SECTION
12(2) OF THE MENTAL HEALTH ACT 1983**

The following information is required in accordance with Section 17 of the National Health Service Act 1977. Please see overleaf for a full explanation.

1. Have you been convicted of a criminal offence, been bound over or cautioned or are you currently the subject of any police investigations, which might lead to a conviction, an order binding you over or a caution in the UK or any other country?

Yes/No (*please delete as appropriate*)

If yes, please provide details of the criminal offence, order binding you over or caution or details of any current proceedings which might lead to a conviction, an order binding you over or a caution, including approximate date, the offence, and the authority and country which dealt with the offence.

2. Have you been or are you currently subject to any fitness to practise proceedings by an appropriate licensing or regulatory body in the UK or any other country?

Yes/No (*please delete as appropriate*)

If yes, please provide details of the nature of proceedings undertaken, or contemplated, including approximate date of proceedings, country where proceedings were undertaken and the name and address of the licensing or regulatory body concerned.

I hereby declare that the information given here is true.

Signature: _____

Full Name: _____ (Block Capitals)

Date: _____

Registration with the General Medical Council imposes on doctors the duty to provide a good standard of medical care for, and behave appropriately, towards patients. NHS Employers also have a duty to ensure that patients receive a good standard of medical care and ensure as far as possible the safety of patients. We therefore need to establish if you have been found guilty of a criminal offence, been bound over or cautioned or are currently the subject of proceedings which might lead to a conviction, an order binding you over or a caution, in the UK or any other country.

Applicants for posts in the NHS are exempt from the Rehabilitation of Offenders Act 1974. The application form includes a declaration for applicants to complete declaring any previous or pending prosecutions or convictions, including those considered "spent" under this Act. Any cautions or bind-overs should also be disclosed.

We also need to establish if you have been the subject of any fitness to practise proceedings in the past, or if any fitness to practice proceedings are being contemplated, by a licensing or regulatory body in the UK or another country and this is also reflected in the declaration.

This information will be treated in confidence and will not debar you from approval unless the panel considers that it renders you unsuitable for approval. In reaching such a decision we will consider the nature of the conviction/action, how long ago it took place and any other factors which may be relevant.

Failure to disclose a criminal offence, having been bound over or cautioned or that you are currently the subject of criminal proceedings which might lead to a conviction, an order binding you over or a caution, or fitness to practice proceedings undertaken or being undertaken by an appropriate licensing or regulatory body, may disqualify you from approval, or result in withdrawal of approval and referral to the General Medical Council for consideration if such a discrepancy came to light.

If you would like to discuss what effect any previous convictions, police investigations or fitness to practise proceedings taken or being taken either in the UK or by an overseas licensing or regulatory body might have on your application, you may telephone Mrs Hilary Eagles Section 12 MHA (2), Approved Clinician and DoLS Implementation Lead NHS South West , on 01249 468350, or Mobile 07825 843488 in confidence, for advice.

APPROVED CLINICIAN/ SECTION 12 MONITORING INFORMATION

PRIVATE AND CONFIDENTIAL

SURNAME.....

GIVEN NAME.....

Grade.....Speciality.....

Present Appointment: Substantive/Locum/Independent/Retired/ Other.....

Geographical Location.....

Equality & Diversity Monitoring

Date of Birth.....Gender Male Female

Race Relations (Amendment) Act 2000

I would describe my ethnic origin as:-

A. White British		K. Bangladeshi	
B. White Irish		L. Any other Asian background	
C. Any other White		M. Black or Black British Caribbean	
D. Mixed – White & Black Caribbean		N. Black or Black British African	
E. Mixed – White & Black African		P. Any other black background	
F. Mixed – White & Asian		R. Chinese	
G. Any other mixed Background		S. Any other ethnic group	
H. Indian		Z. Chinese	
J. Pakistani			

Disability Discrimination Act 1995

Do you have a disability? Yes No

If yes please give details.....

APPROVAL UNDER SECTION 12(2)(2) MENTAL HEALTH ACT 1983 (AS AMENDED)

THE NATIONAL CRITERIA FOR ENGLAND.

1. INTRODUCTION

- 1.1 Section 12(2) of the Mental Health Act 1983 (as amended) requires that, in those cases where two medical recommendations for the compulsory admission of a mentally disordered person to hospital, or for reception into guardianship, are required one of the two must be made by a practitioner approved for the purposes of that section by the Secretary of State as having special experience in the diagnosis or treatment of mental disorder. Approval is also required for practitioners providing reports or giving evidence under Part III of the Act.
- 1.2 Statutory responsibility for approving doctors under Section 12(2) of the Mental Health Act 1983 in England is delegated to the ten Strategic Health Authorities. These authorities maintain a register of Section 12(2) approved practitioners and have in place their own mechanisms for administering the register, maintaining it and authorising approval, re-approval and removal from the register.
- 1.3 Each Section 12(2) Approval Panel consists of doctors 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. Potential applicants who do not find their particular training backgrounds or experience identified in the criteria below but who still wish to be considered for Section 12(2) approval are invited to contact their relevant Section 12(2) Administrator or Section 12(2) Panel Chair for further advice as to whether exceptional relevant experience can be considered.
- 1.4 This guidance applies only to Section 12(2) approval/re-approval under the Mental Health Act 1983 (as amended)

2. ENTITLEMENTS

- 2.1 During their period of approval Section 12(2) practitioners can:
 - Make recommendations under Part II of the Act (compulsory admission to hospital and guardianship).
 - Make recommendations & give evidence to the Court under Part III (patients concerned in criminal proceedings or under sentence)
 - Give reports to be considered by the Secretary of State for Justice for directing the transfers to hospital or guardianship of prisoners and certain other persons.
 - If trained, act as a mental health assessor within the meaning of the Mental Capacity Act 2005 (Deprivation of Liberty Safeguards).
- 2.2 Approval allows practitioners to undertake duties as above in any part of England and Wales.

3. RESPONSIBILITIES

- 3.1 Aspiring or established Section 12(2) practitioners **must**:
 - Ensure they are approved **before** carrying out any of the functions for which approval is a legal prerequisite.

- Ensure they have insurance and /or indemnity for Section 12(2) work with a recognised medical defence organisation or similar body to cover work undertaken which is not part of a contract of employment.
- Keep up to date with the latest Mental Health Act guidance & have ready access to the current Mental Health Act Code of Practice.
- If acting as a mental health assessor within the meaning of the Mental Capacity Act 2005 (Deprivation of Liberty Safeguards) keep up to date with the latest Mental Capacity Act Guidance & have ready access to the current Mental Capacity Act Code of Practice.
- Ensure they have insurance and or indemnity if acting as a mental health assessor within the meaning of the Mental Capacity Act 2005 (Deprivation of Liberty Safeguards) with a recognised medical defence organisation or similar body to cover work undertaken which is not part of a contract of employment.
- Recognise and work within the limits of their competence (General Medical Council Good Medical Practice 2006).
- Work in accordance with the General Medical Council “Duties of a Doctor”. (annex A)
- Inform the Section 12(2) Administrator for their area if they become subject to General Medical Council Fitness to Practice proceedings (suspension of registration automatically cancels Section 12(2) approval.)
- Inform their Section 12(2) Administrator for their area of any change to home or work address or telephone numbers, or other contact information.
- Inform the Section 12(2) Administrator for their 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 Section 12(2) Administrators endeavour to notify practitioners when their approval is due for renewal. That is why it is **essential** that practitioners inform Section 12 Administrators of any of the changes outlined in section 3 above.
- 4.3 Approval may be withdrawn on the recommendation of the relevant Section 12(2) Panel. Panels have their own criteria and arrangements for making these decisions and for considering any appeals against such decisions.
- 4.4 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 Section 12(2) Panel Members, Strategic Health Authorities, Primary Care Trust, Mental Health Trusts, Local Authorities, Private Hospitals, Police and Prison Services to which 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.

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

5. **CRITERIA FOR INITIAL APPROVAL**

5.1 **Eligibility**

Medical practitioners with special experience in the diagnosis or treatment of mental disorder are eligible to apply (including GP Principals or GPs in a salaried position) for registration as Section 12(2) doctors.

Approved Clinicians who are doctors do not need to be separately approved under the Section 12(2) process in order to exercise functions which the Act reserves to Section 12(2) doctors. However, as a condition of approval, Strategic Health Authorities (and where relevant Primary Care Trusts) require medical Approved Clinicians to attend initial and update courses, which will include training on Section 12(2) functions.

5.2 Applicants must satisfy the following criteria:

- a) Have full registration with the General Medical Council (not time-limited)
- b) Within one year prior to or during the application process attend S12(2) induction training course approved by a relevant Section 12(2) Panel.
- c) Individuals must declare they have an up-to-date record of appraisal, are registered for Continuing Professional Development.
If so registered for over one year , provide a Certificate of Good Standing [training grade doctors are exempt from these requirements]
- d) When License to Practise commences, present a current re-validation certificate.
- e) Supply the names of two referees who have known the applicant for a reasonable period of time, at least one with whom you have worked in the past year. One must be a Section 12(2) approved Consultant.

The other referee may be drawn from one of the following groups.

- A Section 12(2) approved consultant
 - Their current professional appraiser.
 - From an Approved Mental Health Professional with whom the applicant has worked within the preceding twelve months.
 - Medical or Clinical Director
 - Clinical Educator (for GPs)
- f) Provide an up-to-date curriculum vitae.
 - g) Satisfy at least one of the following sets of additional criteria:-

Criteria A

- Be a member or fellow of the Royal College of Psychiatrists or equivalent **or**
- Be a member of the Royal College of General Practitioners or equivalent
- **and**
- Have three years equivalent whole time experience in a substantive salaried or principal post where there was substantial experience in the diagnosis or treatment of mental disorder. Such experience may have been recognised by the award of a higher degree or diploma relevant to mental health work. At least four months of such experience must have been in an approved supervised psychiatric training post and accredited training scheme or satisfy the criteria for General Practitioner with Special Interest in Mental Health.

Criteria B

- Have four years whole time equivalent experience in a substantive salaried or principal post where there was substantial experience in the diagnosis or treatment of mental disorder. Such experience may have been recognised by the award of a higher degree or diploma relevant to mental health work.

At least four months of such experience must have been in a supervised psychiatric training post or training scheme or satisfy the criteria for General Practitioner with Special Interest in Mental Health

and

- Undertake four Mental Health Act assessments supervised by a Section 12(2)(2) approved consultant psychiatrist and provide satisfactory reports.

Criteria C

Either – Be included on the Specialist Register of the General Medical Council as a Specialist in Psychiatry (or equivalent specialty) **or**

Hold a General Medical Council licence to practice as a Consultant Psychiatrist **or**

Hold a substantive post in the National Health Service as a Consultant Psychiatrist under the NHS National Fellowship programme **and**

Undertake four Mental Health Act assessments supervised by a Section 12(2) approved consultant psychiatrist and provide satisfactory reports.

Have three months experience of psychiatric practice in England or Wales to be approved under this criterion.

Criteria D

Forensic Physicians (Forensic Medical Examiners)

Section 12(2) Panels recognise Forensic Physicians as a unique group. Many Forensic Physicians/Forensic Medical Examiners will be general practitioners and could qualify for approval under Criteria A above. However they can seek Section 12(2) approval as a Forensic Physician/Forensic Medical Examiner if they satisfy the following criteria:-

- Have membership of the Faculty of Forensic and Legal Medicine

- Have had at least four years post-registration clinical experience in relevant areas at least four months of which will have been in a supervised psychiatric training post.
- Have had a minimum of six months full time or twelve months part time (or the equivalent) employment as a Forensic Physician/Forensic Medical Examiner.
- Undertake four supervised Mental Health Act Assessment with a Section 12(2) approved Consultant & achieve satisfactory reports.
- Give the name and address of the local Lead Forensic Physician whom the Section 12(2) Panel will approach for a reference (which will include evidence with respect to training).

5.3 **Criteria for Seeking Re-approval**

Renewal is not automatic and applications are processed in the same way as new applications. In addition to satisfying the general criteria listed above at 5.2 the following criteria apply in all circumstances: -

Criteria E

- Must complete an application form applying for re-approval.
- Must provide evidence of attendance at a recognised training course within the current period of approval.
- Supply the names of two referees. References will routinely be taken and must be satisfactory.
- Must provide written confirmation of involvement in one or more of the following activities.
 - i) Confirmation of active involvement as a medical member of a Mental Health Review Tribunal.
 - ii) Or as a Second Opinion Appointed Doctor for the Care Quality Commission.
 - iii) Confirmation of furnishing reports for courts.
 - iv) Undertaking at least two Mental Health Act assessments within the previous calendar year.
 - v) Confirmation of having managed a caseload as an Approved or Responsible Clinician.
 - vi) For Forensic Medical Examiners only, confirm that they have taken part in a significant number (normally 15) of formal Mental Health Act assessments during the previous 12-month period.

5.4 **Period of Approval**

The period of approval can be between 1 and 5 years. Doctors in substantive post will usually be approved for 5 years and locum doctors for 1 year, but the precise period is entirely at the discretion of the panel in each individual case.

Section 6 – Procedures

NHS South West exercises its function by the retention of a panel and committee drawn from the membership of the register 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 committee meets four times a years. On two of these occasions it is joined by the full panel.

The functions of both the panel and the committee are administered by the senior 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:

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
- GMC check
- Check against NHS SW 'Doctor alerts'
- Contact with named referees and references taken
- Distribution to two panel members for scrutiny
- Decision made
- 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 and submitting additional information to support their appeal. 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 Committee or 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 National Criteria.
- Their decision and reasoning will be communicated to the individual and referees via the Chair of the South West Panel.

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

- An extra ordinary panel will be convened comprising of the vice Chair, a Senior Director from NHS South West, Section 12 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 Section 12 panel do not include provision of specialist training. However, the South West Section 12 panel has arranged for training events to be developed 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, their local representative, with the section 12 lead or via the Website on www.section12.southwest.nhs.uk.

Hilary Eagles Section 12/Approved Clinician/Deprivation of Liberty Safeguards Lead NHS South West on 01249 468350, mobile 07825 843488, email hilary.eagles@southwest.nhs.uk.

APPENDIX A

The duties of a doctor registered with the General Medical Council

Patients must be able to trust doctors with their lives and well-being. To justify that trust, we as a profession have a duty to maintain a good standard of practice and care and to show respect for human life. In particular as a doctor you must:

- make the care of your patient your first concern;
- treat every patient politely and considerately;
- respect patients' dignity and privacy;
- listen to patients and respect their views;
- give patients information in a way they can understand;
- respect the rights of patients to be fully involved in decisions about their care;
- keep your professional knowledge and skills up to date;
- recognize the limits of your professional competence;
- be honest and trustworthy;
- respect and protect confidential information;
- make sure that your personal beliefs do not prejudice your patients' care;
- act quickly to protect patients from risk if you have good reason to believe that you or a colleague may not be fit to practice;
- avoid abusing your position as a doctor; and
- work with colleagues in the ways that best serve patients' interests.

In all these matters you must never discriminate unfairly against your patients or colleagues. And you must always be prepared to justify your actions to them.