

Education and Training Committee, 9 June 2011

Approved mental health professionals (AMHPs)

Executive summary and recommendations

### **Introduction**

The General Social Care Council (GSCC) currently has a statutory responsibility to approve Approved Mental Health Professional (AMHP) training programmes.

The Health and Social Care Bill 2011 provides that this responsibility will pass to the Health and Care Professions Council (HCPC) when the Register of social workers in England transfers. It is currently anticipated that the Register will transfer in July 2012.

The attached paper provides the Committee with more information about this area and discusses the implications for the HPC.

### **Decision**

The Committee is invited to:

- discuss this paper including the implications described in section six; and
- agree to recommend to the Council that the Register should be annotated to denote someone who has completed an approved AMHP programme (which confers eligibility to be approved to perform the functions of an AMHP).

### **Background information**

The Committee previously considered papers about the AMHP role in 2007, when annotation of the Register had been suggested by the Department of Health working group looking at the operational implementation of the proposed new mental health legislation. The Department of Health subsequently decided not to make annotation a specific part of the specific regulations.

<http://www.hpc-uk.org/aboutus/committees/archive/index.asp?id=258> (click on enclosure 22)

## **Resource implications**

Specific resource implications of annotating the Register (in addition to work that would need to take place to fulfill statutory responsibilities).

- Project to upgrade the registration system to allow the flexibility to annotate the Register when required (already planned and resourced for 2011/2012 financial year, subject to ongoing project prioritisation and resourcing).
- Development of processes / guidance notes / forms to gather information in order to annotate the Register.
- Administrative time to annotate the Register – initial and ongoing.
- Any other communications activity to inform registrants, employers, partners, internal employees and others as appropriate.
- Partner recruitment (NB: recruitment of social worker partners is part of the social workers project).

Resource implications in order to fulfill statutory responsibilities outlined in this paper include the following.

- Arranging and conducting visits of AMHP programmes (to timescale to be developed)
- Developing and consulting on criteria (in 2012/2013 financial year).
- Publishing list of approved AMHP programmes online.

The above will be managed within existing planning and resourcing for 2011/2012 and in 2012/2013 and 2013/2014.

## **Financial implications**

Specific financial implications of annotating the Register (in addition to work that would need to take place to fulfill statutory responsibilities).

- Project to upgrade the registration system to allow the flexibility to annotate the Register when required. Estimated at around £25,000. (Already allocated within project budget for 2011/2012 financial year, subject to ongoing project prioritisation and resourcing).
- Printing of guidance notes and forms as required.
- Any other communications activity to inform registrants and employers.
- Partner recruitment

Unless otherwise stated, the above to be accounted for within funding to cover the transitional costs of bringing social workers in England onto the Register and/or within existing departmental budgets.

All other financial implications to be included in Departmental planning for 2012/2013 and subsequent financial years.

**Appendices**

None

**Date of paper**

27 May 2011

## **Approved mental health professionals (AMHPs)**

### **1. Introduction**

- 1.1 Approved mental health professionals (AMHPs) exercise functions under the Mental Health Act 1983 (as amended by the Mental Health Act 2007). They relate to decisions made about individuals with mental health disorders such as applications for compulsory admission to hospital or guardianship. This replaced a similar role that was previously only open to social workers – Approved Social Workers (ASW).
- 1.2 Social workers, mental health and learning disabilities nurses, occupational therapists and practitioner psychologists, registered with the respective regulators, can train to become AMHPs.
- 1.3 There is not an absolute link between successfully completing approved training and performing the functions of an AMHP. A local social services authority (LSSA) has to additionally approve a person to act as an AMHP for the purposes of the Act.
- 1.4 The General Social Care Council (GSCC) currently has a statutory responsibility to approve AMHP qualifying programmes. The Health and Social Care Bill 2011 ('the Bill') provides that this responsibility will pass to the Health and Care Professions Council (HCPC) when the Register of social workers in England transfers.
- 1.5 This paper provides the Committee with more information about this area. The information in this paper has been informed by legal advice sought by the Executive.

### **2. Health and Social Care Bill 2011**

- 2.1 The Bill includes a number of clauses about AMHPs. These clauses amend the Mental Health Act 1983 and the Health Professions Order 2001. The following provides a summary of the principle changes.
  - The HCPC may approve AMHP programmes and must publish a list of those programmes (including both current and historical programmes).<sup>1</sup>
  - The HCPC has to set the criteria to be applied in exercising its approval function and publish a statement of the criteria 'from time to time'. These are 'stand alone criteria'. The power to establish standards of proficiency and standards of education and training will not apply to AMHP programmes. In establishing the criteria, the Council is required to consult the Education and Training Committee; there is no statutory obligation to consult publicly but we would normally do so as part of good practice. However, this does provide for some degree of flexibility in determining transitional arrangements.

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<sup>1</sup> The Bill refers to 'AMHP courses' but, for consistency, the term 'programme' is used throughout this paper.

- The HCPC has to ensure that education providers are notified of the criteria it sets.
- The Education and Training Committee is required to take ‘appropriate steps’ to ensure that it is satisfied that AMHP programmes meet the criteria. The HPC’s approval process can apply to AMHP programmes. Decisions to approve a programme, refuse approval or withdraw approval would need to be taken against the stand alone criteria published for AMHP training.
- The HPC is currently required to ensure that at least one of the visitors scrutinising a programme is from the relevant profession. This does not apply to AMHP programmes (because programmes are open to four professions). However, advice received is that the visitors will need to be selected with ‘due regard’ to the visit being undertaken, and therefore at least one visitor should be an AMHP (i.e. this could include nurses in the relevant parts of the Nursing and Midwifery Council Register).

### 3. GSCC and approval of AMHP programmes

- 3.1 The GSCC currently has the statutory responsibility to approve AMHP programmes. In order to be approved by an LSSA to act as an AMHP, an individual has to hold an approved qualification (i.e. a programme approved by the GSCC) and be appropriately registered (i.e. with the Nursing and Midwifery Council, the HPC, and, currently, the GSCC).
- 3.2 The GSCC publishes requirements for AMHP education and training.<sup>2</sup> The requirements combine areas covered by the existing HPC standards of proficiency and standards of education and training and include both input and outcome requirements. The requirements include the following.
- Admissions requirements.
  - AP(E)L requirements
  - The knowledge base for AMHPs including learning outcomes
  - Requirements for service user involvement as part of programme design and delivery – including involvement in selection, teaching, assessment and planning.
- 3.3 The GSCC is a ‘workforce regulator’ and has a wider remit in promoting excellence in social work education and training. It publishes a post qualifying (‘PQ’) framework for social work education and training.<sup>3</sup> Post-registration awards delivered by universities or colleges are approved

<sup>2</sup> General Social Care Council, Specialist standards and requirements for post-qualifying social work education and training

<http://www.gsccl.org.uk/page/133/Post+qualifying+documents.html>

<sup>3</sup> General Social Care Council, Post-qualifying framework for social work education and training  
<http://www.gsccl.org.uk/page/133/Post+qualifying+documents.html>

against the framework. The awards are in one of five different areas of practice (listed below) with three levels of award: specialist; higher specialist; or advanced.

- Children and young people, their families and carers
- Leadership and management
- Practice education
- Social work in mental health services
- Social work with adults<sup>4</sup>

3.4 The GSCC encourages social workers to undertake PQ awards and they can contribute towards a registrant meeting its CPD requirements – known as Post-Registration Training and Learning (PRTL). This function is about promoting excellence in social work post-qualifying training and developing the workforce and there is no link between the approval of PQ awards and entry in the Register (i.e. the GSCC register is not annotated).

3.5 The PQ framework and the GSCC's approval of post-qualifying programmes (with the exception of AMHP training) will not transfer to the HPC. It is currently expected that the College of Social Work will have a role in this area and that the PQ framework will be incorporated within a framework for supporting social workers' CPD needs. The CPD framework is being developed by the Career Working Group of the Social Work Reform Board.

3.6 AMHP training currently provides credit toward PQ awards. Therefore the HPC may approve parts of PQ awards where they deliver the competencies necessary to be eligible for approval as an AMHP.

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<sup>4</sup> Source: GSCC

<http://www.gsc.org.uk/page/124/Post+qualifying+education.html>

## 4. Local Service Services Authority (LSSA) approval

4.1 Schedule 1 to the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 sets out the regulations for LSSA approval in England. The following summarises the key points.

- AMHPs do not need to be direct employees of an LSSA but all individuals acting as an AMHP have to be approved by an LSSA.
- Approval involves ensuring that a person is competent to act as an AMHP. This includes being registered with one of the regulators and holding an approved qualification.
- AMHPs can be approved for up to five years and 18 hours of AMHP specific training is a statutory requirement for each year of approval.
- Local authorities hold a list of approved AMHPs and can suspend or withdraw approval. Approval by one local authority means that you could act as an AMHP for another local authority during the period of approval.

## 5. Annotation of the Register

5.1 The GSCC, NMC and the HPC do not currently annotate their registers to indicate that someone has successfully completed AMHP training. There is no statutory responsibility for the regulators to annotate their registers; the only statutory responsibility is approval of courses and this currently rests with the GSCC (prior to the transfer).

5.2 The Health Professions Order 2001 ('the Order) and associated rules provide a number of powers for approval and annotation of 'post-registration qualifications' including the following.

- Article 19(6) allows the Council to establish standards of education and training in respect of 'additional qualifications which may be included on the register'.
- Article 6(4) of the Health Professions (Parts of and Entries in the Register) Order of Council 2003 (as amended) provides that:

*'The Council may also include such entry in the Register as it considers appropriate to indicate that a registrant possesses any other qualification (whether or not it is an approved qualification) or competence in a particular field or at a particular level of practice.'*

5.3 Therefore, the HPC has discretionary powers in its existing legislation which would allow it, if it chose to do so, to annotate a registrant's entry in the Register to indicate that they held an AMHP qualification.

## **6. Implications of approval of AMHP programmes**

6.1 This section looks at the (operational) implications of the HPC's new statutory responsibility of approving AMHP training. In particular, the Committee is invited to discuss, agree and recommend to the Council that the Register should be annotated to denote a registrant who holds an approved AMHP qualification.

6.2 The implications are discussed below in three areas: proposals for annotation; approval of programmes; and criteria.

6.3 In summary, in light of the Bill and the HPC's existing processes, the HCPC will (need to) do the following.

- Establish criteria for approving AMHP courses. As the criteria are 'stand alone' they will need to be self-contained to fulfil the role of both proficiency and education standards.
- Consult on the 'formal criteria' before publishing it and keep the criteria under review (i.e. in a similar fashion to the HPC's standards which are subject to periodic and ongoing review). Inform education providers of the criteria.
- Establish an approach to the 'transitional' criteria that would apply in the interim period prior to HCPC criteria being published.
- Establish a transitional, and ongoing, approach to approving AMHP programmes. (For example, recognising existing GSCC approval at the point of transfer and then developing arrangements for subsequent HPC re-approval within a prescribed period.)
- Prior to commencing visits, ensure sufficient visitors who hold AMHP qualifications.
- Publish a list of the approved programmes.

### **Annotation of the AMHP qualification**

6.4 The HPC currently annotates the Register where chiropodists / podiatrists hold qualifications that allow them to administer certain anaesthetics and sell / supply certain prescription only medicines; and where chiropodists / podiatrists, physiotherapists and radiographers have qualifications which allow them to act as supplementary prescribers. The annotations are required by medicines legislation and there is a link between the annotation and the ability to lawfully undertake a function.



- 6.5 The HCPC will have a statutory function to approve AMHP programmes and has the discretionary ability to annotate the Register. However, this is different from the examples given in paragraph 6.4 as annotation will not be required by statute, and there is not an absolute link between completing the qualification and undertaking the statutory functions of an AMHP. Annotating the Register to denote where someone was qualified as an AMHP would not mean that someone could exercise those functions until first being approved by an LSSA.
- 6.6 However, the Executive argues that the following are cogent reasons for the annotation of AMHPs in the Register.
- At the moment, the HPC only approves programmes which are then linked to the Register – for example, completing an approved pre-registration programme leads to registration; completing an approved supplementary prescribing programme leads to annotation. Annotating the Register when someone has completed an approved AMHP programme would be consistent with this and failing to annotate would mean that the HPC was approving a programme which was then not reflected in any way in the Register.
  - Although approval by an LSSA is required before someone can act as an AMHP, an individual cannot be approved unless they hold the relevant qualification and are registered in a relevant register. Therefore, in this regard, there is a clear link between qualification and performing the functions of an AMHP.
  - Annotation of the Register would provide the public and employers with more information about those who are eligible to be approved to act as AMHPs.
- 6.7 The HPC has been separately considering its approach to annotation of the Register in a project named 'Post-registration qualifications'. The Education and Training Committee is due to receive an initial paper on this topic following the public consultation at this meeting.
- 6.8 Annotating the Register for AMHPs would be inconsistent in some respects with the Committee's evolving thinking in this area in that there would not be a direct link between annotation and a specific function and/or a specific title. However, although not 'direct', for the reasons outlined above, there is a clear link between the qualification and performing the functions of an AMHP. In addition, the focus of the post-registration qualifications work has been on annotation of the register where we do not have a statutory responsibility to approve and/or annotate; and the principle of a link between an approved qualification and the Register would be consistent with the underlying approach adopted to date.
- 6.9 **The Executive recommends that the HCPC Register should be annotated to denote when someone holds an approved AMHP qualification which means that they are eligible to be approved to act as an AMHP.**

- 6.10 There are a number of operational considerations, as a result of annotation, of which have already been identified by the Executive and, in anticipation of the Committee and the Council's discussion, discussed by the Social workers project team. As the GSCC does not currently annotate its Register, and therefore this cannot transfer, the Register of social workers in England would not be annotated when the Register opens in July 2012. The Executive would need to commence processes to invite practitioner psychologists, occupational therapists and social workers in England to submit proof of qualification which would allow the Register to be annotated. The exact arrangements and their timing are currently being considered by the Registration Department.
- 6.11 Individuals who qualify from AMHP programmes after the opening of the Register would be included on a pass list and therefore could have their entries in the Register annotated in the normal way, without the need to fill-in any additional forms.
- 6.12 Please note, this paper uses the term 'qualification' for ease of use. However, the approach to approval / annotation would need to recognise those who were Approved Social Workers (ASW) at the time of the introduction of the AMHP role. Someone who was an ASW when the new legislation was introduced was regarded as an AMHP for the period that they had been appointed. Additionally, a person who was appointed as an ASW without holding an approved qualification (i.e. before such qualifications were required), who has then 'grandparented' as an AMHP and has since continued to hold such a position does not need to hold an approved qualification. The arrangements for approval of historical routes would need to allow these individuals to be eligible for annotation.
- 6.13 In order to facilitate the HPC's ability to annotate the Register when necessary (for example, in light of Government's decisions to extend prescribing rights), a major project is already planned for 2011/2012 to develop the netregulate registration system (subject to ongoing project prioritisation and resourcing). This upgrade will allow the future flexibility to add, amend or remove annotations of the Register without the need for a separate technology upgrade on each occasion. Therefore the annotation of AMHPs can be facilitated without any specific technology costs.

### **Approval of AMHP programmes**

- 6.14 In the past when a new part of the Register has opened, the Education and Training Committee has agreed to recognise the approval of those programmes which lead or which led in the past to registration with the (normally voluntary) register or registers(s) that transfer.
- 6.15 For example, when hearing aid dispensers became registered by the HPC in April 2010, the HPC approved all those programmes approved by the Hearing Aid Council as leading to registration, and all those historic programmes that led to registration in the past. The Education and

Training Committee then agrees arrangements for confirming ongoing approval of those programmes. This has previously involved some kind of prioritisation process to identify those programmes which might be approved first (taking into account for example, previous approval and/or validation cycles) and then visiting those programmes within a prescribed period.

- 6.16 In the case of AMHP programmes, we understand that the GSCC plans to re-approve all AMHP programmes prior to the opening of the HPC Register in July 2012. As a result, it may be that the confirmation of ongoing approval of these programmes will be considered to be relatively lower risk and therefore these programmes can be a lower priority for visits. The Education Department will present a paper to the Committee prior to the opening of the Register seeking approval of its approach to confirming ongoing approval for social work programmes, including AMHP programmes.
- 6.17 With regards to partners, it is envisaged that in the recruitment process for social worker partners, it may be possible to recruit individuals holding qualifications / approval as AMHPs. The likely arrangements for confirming ongoing approval will also allow sufficient time to recruit more partners should this be required.

## **Criteria**

- 6.18 Prior to the opening of the Register the HPC will be consulting on the standards of proficiency for social workers in England; the threshold level of qualification for social workers in England; associated changes to the Rules; and undertaking an impact assessment and consultation process looking at student registration.
- 6.19 It is proposed that the Policy and Standards Department will not start work to publish criteria for AMHP training until the start of the 2012/2013 financial year. This will involve engagement with relevant stakeholders and a public consultation. In addition, as such stand alone criteria will be a departure from the HPC's approach to date, careful thought will need to be given as to format and content. It would be our intention to agree HPC criteria by the end of the 2012/2013 financial year.
- 6.20 As outlined in paragraphs 6.14 to 6.17, it is expected, that, in any event, confirming ongoing approval of AMHP programmes is likely to be a relatively low priority in light of the anticipated re-approval by the GSCC before the Register opens. Therefore, it is anticipated that the HCPC's own criteria would be in place well in advance of the first visits taking place.
- 6.21 However, it would be necessary for the HCPC to adopt 'transitional' or 'interim' criteria until its own criteria is in place, for use in the monitoring processes where appropriate or for new programme approval. The Executive anticipates that it will be possible to adopt the GSCC's criteria, in some form, in the interim period, and legal advice has confirmed this would be possible.

6.22 The above will need to be reviewed in light of the development of arrangements for confirming ongoing approval. The Committee will be asked to agree its approach in this area alongside agreeing approval arrangements prior to the opening of the Register.

## 7. Timetable

The following is a draft indicative timetable and incorporates the Executive's recommendation to annotate the Register, as outlined in this paper.

<b>Task</b>	<b>Department</b>	<b>Date</b>
Education and Training Committee discussion / approval	Policy and Standards	9 June 2011
Council discussion / approval	Policy and Standards	7 July 2011
Operational development including upgrade of IT system, communication with registrants / employers, and partner recruitment as necessary	All	Into 2012/2013
Approach to programme approval / visits	Education	Prior to the opening of the Register
Register can be annotated	Registration	From opening of the Register onwards
Development of AMHP criteria	Policy and Standards	From 2012/2013 financial year
Information sought / received to annotate the Register	Registration	Ongoing from opening of the Register

## **8. Decision**

8.1 The Committee is invited to:

- discuss this paper including the implications described in section six;  
and
- agree to recommend to the Council that the Register should be annotated to denote someone who has completed an approved AMHP programme (which confers eligibility to be approved to perform the functions of an AMHP).