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STATUTORY INSTRUMENTS

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**2008 No. 1206**

**The Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Mental Health (Approved Mental Health Professionals) (Approval) (England) Regulations 2008 and shall come into force on 3rd November 2008.

(2) These Regulations apply to England only.

**Interpretation**

2. In these Regulations—

“the Act” means the Mental Health Act 1983;

“AMHP” means an approved mental health professional;

“approve” and “approval” include “re-approve” and “re-approval”;

“approving LSSA” means the local social services authority in England that has approved the person to act as an AMHP;

“Care Council for Wales” has the meaning given by section 54(1) of the Care Standards Act 2000(1);

“General Social Care Council” has the meaning given by section 54(1) of the Care Standards Act 2000;

“LSSA” means a local social services authority in England;

“professional requirements” means the requirements set out in Schedule 1.

**Granting approval**

3.—(1) 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.

(2) In determining whether it is satisfied a person has appropriate competence, the LSSA must take into account the following factors—

(a) that the person fulfils at least one of the professional requirements, and

(b) the matters set out in Schedule 2.

(3) Before an LSSA may approve a person to act as an AMHP who has not been approved, or been treated as approved, before in England and Wales, the person must have completed within the last five years a course approved by the General Social Care Council or the Care Council for Wales.

### **Period of approval**

4. An LSSA may approve a person to act as an AMHP for a period of five years.

### **Conditions**

5. When any approval is granted under these Regulations, it shall be subject to the following conditions—

- (a) in each year that the AMHP is approved, the AMHP shall complete at least 18 hours of training agreed with the approving LSSA as being relevant to their role as an AMHP;
- (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;
- (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 suspension ends, and
- (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.

### **Suspension of approval**

6.—(1) If at any time after being approved, the registration or listing required by the professional requirements of a person approved to act as an AMHP is suspended, the approving LSSA shall suspend that AMHP's approval for as long as the AMHP's registration or listing is suspended.

(2) Where an AMHP's approval is suspended, that person may not act as an AMHP unless and until the suspension of approval is ended by the approving LSSA in accordance with subsection (3).

(3) Where the approving LSSA is notified that the suspension of the AMHP's registration or listing has ended, the approving LSSA shall, unless it is not satisfied the AMHP has appropriate competence in dealing with persons suffering from mental disorder, end the suspension of approval.

(4) Where the suspension of approval has ended, the approval shall continue to run for any unexpired period of approval, unless the approving LSSA ends it earlier in accordance with regulation 7.

### **End of approval**

7.—(1) Except where paragraph (2) applies, 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.

(2) Except where regulation 6 applies, 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 that AMHP;
- (b) if it is no longer satisfied that the AMHP has appropriate competence taking into account the matters set out in Schedule 2;
- (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, or
  - (iii) has been approved to act as an AMHP by another LSSA.

(3) When an approval ends, the approving LSSA shall notify the AMHP immediately that the approval has ended and give reasons for ending the approval.

(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.

(5) If an LSSA approves a person as an AMHP knowing that that AMHP is already approved by another LSSA, it shall notify the previous approving LSSA.

### **Records**

8.—(1) The approving LSSA shall keep a record of each AMHP it approves which shall include—

- (a) the name of the AMHP;
- (b) the AMHP's profession;
- (c) the AMHP's 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 LSSAs for whom the AMHP has agreed to act as an AMHP, and
- (h) the date of and reason for the end of approval, if applicable.

(2) The record referred to in paragraph (1) shall be retained by the approving LSSA for a period of five years commencing with the day on which the AMHP's approval ended.

Signed by authority of the Secretary of State for Health.

28th April 2008

*Ivan Lewis*  
Parliamentary Under-Secretary of State  
Department of Health