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OFFERYNNAU STATUDOL  
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WELSH  
STATUTORY INSTRUMENTS

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**2008 Rhif 2436 (Cy.209)**

**2008 No. 2436 (W.209)**

**IECHYD MEDDWL, CYMRU**

**MENTAL HEALTH, WALES**

Rheoliadau Iechyd Meddwl  
(Cymeradwyo Personau i fod yn  
Weithwyr Proffesiynol Iechyd  
Meddwl Cymeradwy) (Cymru)  
2008

The Mental Health (Approval of  
Persons to be Approved Mental  
Health Professionals) (Wales)  
Regulations 2008

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Gwneir y Rheoliadau hyn o dan adran 114 o Ddeddf Iechyd Meddwl 1983 (p.20) fel y'i hamnewidiwyd gan adran 18 o Ddeddf Iechyd Meddwl 2007 (p.12). Maent yn nodi nifer o faterion y mae'n rhaid i awdurdod gwasanaethau cymdeithasol lleol ("AGCLI") gydymffurfio â hwy pan fyddant yn cymeradwyo person i fod yn weithwyr proffesiynol iechyd meddwl cymeradwy ("GPIMC").

These Regulations are made under section 114 of the Mental Health Act 1983 (c.20) as substituted by section 18 of the Mental Health Act 2007 (c.12). They set out a number of matters with which a local social services authority ("LSSA") must comply when approving a person to be an approved mental health professional ("AMHP").

Mae rheoliad 3 yn nodi rhagofynion penodol cyn y gall person gael ei gymeradwyo'n GPIMC yng Nghymru gan AGCLI. Bod person yn perthyn i un o'r proffesiynau a geir yn Atodlen 1, a bod ganddo'r cymhwysedd priodol o ystyried y sgiliau a restrir yn Atodlen 2 a'i dystlythyrau yw'r rhagofynion hyn. Cyn y caniateir i berson gael ei gymeradwyo'n GPIMC am y tro cyntaf, rhaid i'r person hwnnw fod wedi gorffen cwrs cymeradwy o fewn y ddwy flynedd ddiwethaf. Hefyd, os dim ond yn Lloegr y bydd y person hwnnw wedi gweithredu fel GPIMC, rhaid i'r AGCLI ei fodloni ei hun y gall y person hwnnw ddangos bod ganddo'r cymhwysedd priodol i'w alluogi i weithredu fel GPIMC yng Nghymru, neu yn niffyg hynny, bod y person yn ymgymryd â pha hyfforddiant bynnag sydd ei angen ym marn yr AGCLI i sicrhau bod y GPIMC yn ymgymhwyso i weithredu fel GPIMC.

Regulation 3 sets out certain prerequisites before a person can be approved in Wales as an AMHP by an LSSA. These are that the person belongs to one of the professions set out in Schedule 1, and has appropriate competence taking into account the skills listed in Schedule 2 and his or her references. Before a person may be approved as an AMHP for the first time, that person must have completed an approved course within the last two years. Additionally where that person has only acted as an AMHP within England, the LSSA must satisfy itself that the person is able to demonstrate that he or she has appropriate competence such as will enable him or her to act as an AMHP within Wales, or failing which, to undertake whatever training the LSSA considers necessary to ensure that the AMHP becomes competent to do so.

Mae rheoliad 4 yn pennu mai pum mlynedd yw'r cyfnod hwyaf o gymeradwyaeth neu ail gymeradwyaeth.

Regulation 4 specifies a maximum period of approval or reapproval as five years.

Mae rheoliad 5 yn nodi o dan ba amgylchiadau y daw cymeradwyaeth i ben ac yn gosod gofynion o ran hysbysu AGCLlau eraill o'r ffaith honno.

Mae rheoliad 6 yn darparu ar gyfer atal cymeradwyaeth os caiff person ei atal o gael ei gynnwys ar y gofrestr neu'r rhestr gymwysadwy o broffesiynau a restrir neu, os oes amodau wedi eu hatodi i'w enw ar y gofrestr neu'r rhestr, mae'n darparu ar gyfer atodi amodau i gymeradwyaeth.

Mae rheoliad 7 yn rhestru amodau y bydd cymeradwyaeth neu ail gymeradwyaeth yn ddarostyngedig iddynt yn gyffredinol.

Mae rheoliad 8 yn nodi'r rhagofynion cyn y gellir ailgymeradwyo person yn GPIMC.

Mae rheoliad 9 yn ei gwneud yn ofynnol i AGCLl gadw cofnodion yn cynnwys manylion penodedig GPIMC pan yr AGCLl yw'r AGCLl ar ei gyfer.

Mae Atodlen 1 yn rhestru'r proffesiynau y caniateir i berson gael ei gymeradwyo'n GPIMC mewn cysylltiad â hwy.

Mae Atodlen 2 yn nodi ffactorau sydd i'w cadw mewn cof pan fydd cymhwysedd person sydd i'w gymeradwyo'n GPIMC yn cael ei asesu.

Ni luniwyd asesiad effaith reoleiddiol llawn ar gyfer yr offeryn hwn gan ragwelir y caiff effaith arwyddocaol ar y sector preifat nac ar y sector gwirfoddol.

Regulation 5 sets out the circumstances in which approval ends and imposes requirements as to the notification of such a fact to other LSSAs.

Regulation 6 provides for suspension of approval in the event of a person being suspended from the applicable register or listing of the listed professions or the attachment of conditions to approval in the event of conditions being attached to his or her registration or listing.

Regulation 7 lists conditions to which approval or reapproval generally will be subject.

Regulation 8 sets out prerequisites before a person can be reapproved as an AMHP.

Regulation 9 requires LSSAs to keep records with specified details of AMHPs for whom it is the approving LSSA.

Schedule 1 lists the professions in respect of which a person may be approved as an AMHP.

Schedule 2 sets out factors to be taken into account when assessing competence of a person to be approved as an AMHP.

A full regulatory impact assessment has not been produced for this instrument as no significant impact on the private or voluntary sector is foreseen.

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**IECHYD MEDDWL, CYMRU**

**MENTAL HEALTH, WALES**

**Rheoliadau Iechyd Meddwl  
(Cymeradwyo Personau i fod yn  
Weithwyr Proffesiynol Iechyd  
Meddwl Cymeradwy) (Cymru)  
2008**

**The Mental Health (Approval of  
Persons to be Approved Mental  
Health Professionals) (Wales)  
Regulations 2008**

*Gwnaed* 15 Medi 2008

*Made* 15 September 2008

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 17 Medi 2008

*Laid before the National  
Assembly for Wales* 17 September 2008

*Yn dod i rym* 3 Tachwedd 2008

*Coming into force* 3 November 2008

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adran 114 o Ddeddf Iechyd Meddwl 1983(1), drwy hyn yn gwneud y Rheoliadau canlynol:

The Welsh Ministers, in exercise of the powers conferred upon them by section 114 of the Mental Health Act 1983(1), hereby make the following Regulations:

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Iechyd Meddwl (Cymeradwyo Personau i fod yn Weithwyr Proffesiynol Iechyd Meddwl Cymeradwy) (Cymru) 2008 a deuant i rym ar 3 Tachwedd 2008.

1.–(1) The title of these Regulations is the Mental Health (Approval of Persons to be Approved Mental Health Professionals) (Wales) Regulations 2008 and they come into force on 3 November 2008.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

**Dehongli**

**Interpretation**

2. Yn y Rheoliadau hyn–

2. In these Regulations–

ystyr "AGCLI" ("*LSSA*") yw awdurdod gwasanaethau cymdeithasol lleol yng Nghymru;

"the Act" ("*y Ddeddf*") means the Mental Health Act 1983;

ystyr "AGCLI sy'n cymeradwyo" ("*approving LSSA*") yw'r AGCLI sydd wedi cymeradwyo'r person i fod yn GPIMC;

"AMHP" ("*GPIMC*") means an approved mental health professional;

ac eithrio yng nghyd-destun rheoliad 3, mae "cymeradwyo" ("*approve*") a "cymeradwyaeth" ("*approval*") yn cynnwys "ail gymeradwyo" ("*re-approve*") ac "ail gymeradwyaeth" ("*re-approval*");

except in the context of regulation 3, "approve" ("*cymeradwyo*") and "approval" ("*cymeradwyaeth*") include "re-approve" ("*ail gymeradwyo*") and "re-approval" ("*ail gymeradwyaeth*");

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(1) 1983 p.20. Amnewidiwyd adran 114 gan adran 18 o Ddeddf Iechyd Meddwl 2007 (p.12). Mae'r Ysgrifennydd Gwladol wedi dyroddi rheoliadau ar wahân o ran Lloegr.

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(1) 1983 c.20. Section 114 was substituted by section 18 of the Mental Health Act 2007 (c.12). The Secretary of State has issued separate regulations in relation to England.

ystyr "cymwyseddau perthnasol" ("*relevant competencies*") yw'r sgiliau a nodir yn Atodlen 2;

mae i "Cyngor Gofal Cymru" yr ystyr a roddir i "*Care Council for Wales*" gan adran 54(1) o Ddeddf Safonau Gofal 2000(1);

ystyr "y Ddeddf" ("*the Act*") yw Deddf Iechyd Meddwl 1983;

ystyr "gofynion proffesiynol" ("*professional requirements*") yw'r gofynion a geir yn Atodlen 1;

ystyr "GPIMC" ("*AMHP*") yw gweithiwr proffesiynol iechyd meddwl cymeradwy.

"approving LSSA" ("*AGCLL sy'n cymeradwyo*") means the LSSA that has approved the person to be an AMHP;

"Care Council for Wales" ("*Cyngor Gofal Cymru*") has the meaning given by section 54(1) of the Care Standards Act 2000(1);

"LSSA" ("*AGCLL*") means a local social services authority in Wales;

"professional requirements" ("*gofynion proffesiynol*") means the requirements set out in Schedule 1;

"relevant competencies" ("*cymwyseddau perthnasol*") means the skills set out in Schedule 2.

## Rhoi cymeradwyaeth

3.–(1) Yn ddarostyngedig i baragraff (2), dim ond yn yr amgylchiadau canlynol y caiff AGCLL roi cymeradwyaeth i berson i fod yn GPIMC, os nad yw'r person hwnnw eisoes wedi ei gymeradwyo'n AGCLL o dan y Rheoliadau hyn, neu os nad yw wedi ei gymeradwyo felly o fewn y pum mlynedd flaenorol,—

- (a) os yw'r person hwnnw'n bodloni'r gofynion proffesiynol;
- (b) os yw'r person hwnnw'n gallu dangos ei fod yn meddu ar y cymwyseddau perthnasol; ac
- (c) os yw'r person hwnnw wedi cwblhau o fewn y ddwy flynedd ddiwethaf gwrs hyfforddi cychwynnol i GPIMCau a gymeradwywyd gan Gyngor Gofal Cymru.

(2) Dim ond o dan yr amgylchiadau canlynol y caiff AGCLL roi cymeradwyaeth i berson i fod yn GPIMC, pan nad yw'r person hwnnw eisoes wedi ei gymeradwyo'n GPIMC o dan y Rheoliadau hyn ond pan yw wedi ei gymeradwyo i weithredu o ran Lloegr neu wedi ei gymeradwyo felly o fewn y pum mlynedd flaenorol—

- (a) os yw'r person hwnnw'n bodloni'r gofynion proffesiynol; a
- (b) os yw'r person hwnnw'n gallu dangos ei fod yn meddu ar y cymwyseddau perthnasol a fydd yn galluogi'r person hwnnw i weithredu yng Nghymru neu, yn niffyg hynny, bod y person yn cwblhau'r cyfryw gwrs hyfforddi ag y mae'r AGCLL sy'n cymeradwyo o'r farn bod ei angen i'w alluogi i wneud hynny.

(3) Wrth benderfynu a yw'r person sy'n ceisio cymeradwyaeth fel GPIMC yn meddu ar y cymwyseddau perthnasol fel sy'n ofynnol o dan baragraffau (1)(b) neu (2)(b) uchod, rhaid i'r AGCLL roi sylw i dystlythyrau'r person hwnnw.

## Granting approval

3.–(1) Subject to paragraph (2), an LSSA may only grant approval to a person to be an AMHP, where that person is not already approved as an AMHP under these Regulations, or has not been so approved within the previous five years, if that person—

- (a) fulfils the professional requirements;
- (b) is able to demonstrate that he or she possesses the relevant competencies; and
- (c) has completed within the last two years a course for the initial training of AMHPs approved by the Care Council for Wales.

(2) An LSSA may only approve a person to be an AMHP, where the person is not already approved as an AMHP under these Regulations, but is approved to act in relation to England, or has been so approved within the previous five years if that person—

- (a) fulfils the professional requirements; and
- (b) is able to demonstrate that he or she possesses the relevant competencies such as will enable that person to act within Wales, or if not, completes such course as the approving LSSA deems necessary to enable him or her to do so.

(3) In determining whether a person seeking approval as an AMHP possesses the relevant competencies as required under paragraphs (1)(b) or (2)(b) above, the LSSA must have regard to the references of that person.

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(1) 2000 p.14.

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(1) 2000 c.14.

## **Cyfnod cymeradwyaeth**

4. Yn ddarostyngedig i reoliad 5, caiff AGCLL gymeradwyo person i fod yn GPIMC am gyfnod o hyd at bum mlynedd.

## **Cymeradwyaeth yn dod i ben**

5.–(1) Yn ddarostyngedig i baragraff (2) isod, bydd cymeradwyaeth GPIMC yn dod i ben cyn gynted ag y bydd y cyfnod o gymeradwyaeth wedi dod i ben.

(2) Bydd cymeradwyaeth person i fod yn GPIMC yn dod i ben cyn i'r cyfnod cymeradwyaeth ddod i ben yn yr amgylchiadau canlynol–

- (a) os yw'r person hwnnw'n peidio â chyflawni swyddogaethau GPIMC ar ran AGCLL sy'n cymeradwyo;
- (b) os yw'r person hwnnw'n methu â bodloni unrhyw un neu rai o'r amodau a atodwyd i'w gymeradwyaeth yn unol â rheoliad 7;
- (c) os nad yw'r person hwnnw mwyach, ym marn yr AGCLL sy'n cymeradwyo, yn meddu ar y cymhwyseddau perthnasol priodol;
- (ch) os nad yw'r person hwnnw mwyach yn bodloni'r gofynion proffesiynol;
- (d) os bydd AGCLL arall yn cymeradwyo'r person hwnnw yn GPIMC;
- (dd) os yw'r person hwnnw'n gwneud cais ysgrifenedig am i'r gymeradwyaeth ddod i ben.

(3) Ar ôl i gymeradwyaeth ddod i ben, rhaid i'r AGCLL sy'n cymeradwyo hysbysu unrhyw AGCLL arall y mae'n gwybod bod y person hwnnw wedi cytuno i weithredu fel GPIMC iddo o'r ffaith honno.

(4) Os bydd cymeradwyaeth person i fod yn GPIMC yn dod i ben yn yr amgylchiadau a ddarperir ym mharagraff (2)(d) uchod, rhaid i'r AGCLL newydd sy'n cymeradwyo hysbysu'r AGCLL blaenorol sy'n cymeradwyo o'r ffaith honno.

(5) Pan fo'r AGCLL sy'n cymeradwyo'n dod â chymeradwyaeth GPIMC i ben o dan baragraff (2), rhaid i'r AGCLL hwnnw ysgrifennu ar unwaith i hysbysu'r person hwnnw o'r dyddiad y daw'r gymeradwyaeth i ben ac o'r rheswm am ddod â'r gymeradwyaeth i ben.

## **Atal GPIMC Rhag Bod yn Gofrestredig neu Atodi Amodau i'w Gofrestru**

6.–(1) Os caiff GPIMC, ar unrhyw adeg ar ôl ei gymeradwyo, ei atal rhag bod ar gofrestr neu restr yn unol â bodloni gofynion proffesiynol fel sy'n ofynnol o dan reoliad 3(1), rhaid i'r AGCLL sy'n cymeradwyo atal cymeradwyaeth y person hwnnw'n tra pery cyfnod ei atal rhag bod ar gofrestr neu restr.

## **Period of approval**

4. Subject to regulation 5, an LSSA may approve a person to be an AMHP for a period of up to five years.

## **End of approval**

5.–(1) Subject to paragraph (2) below, the approval of an AMHP will cease as soon as the period of the approval has expired.

(2) The approval of a person as an AMHP will cease before the period of approval has expired in the following circumstances–

- (a) if that person ceases to carry out functions as an AMHP on behalf of the approving LSSA;
- (b) if that person fails to meet any of the conditions attached to his or her approval in accordance with regulation 7;
- (c) if, in the opinion of the approving LSSA, that person no longer possesses the relevant competencies;
- (d) if that person no longer fulfils the professional requirements;
- (e) if that person becomes approved as an AMHP by another LSSA;
- (f) if that person makes a written request for cessation of approval.

(3) Following the end of an approval, the approving LSSA must notify that fact to any other LSSA for whom it knows that person has agreed to act as an AMHP.

(4) If the approval of a person as an AMHP ends in the circumstance provided in paragraph (2)(e) above, the new approving LSSA must notify that fact to the previous approving LSSA.

(5) Where an approving LSSA ends the approval of an AMHP under paragraph (2), that LSSA must immediately notify that person in writing of the date of the ending of and the reasons for ending that approval.

## **Suspension of or Conditions attaching to Registration**

6.–(1) If at any time after being approved, an AMHP's registration or listing in accordance with fulfilment of the professional requirements as required under regulation 3(1) is suspended, the approving LSSA must suspend that person's approval for the duration of the suspension of his or her registration or listing.

(2) Os atodir amodau i enw GPIMC ar gofrestr neu restr, yn ôl y digwydd, caiff yr AGCLL atodi i'w gymeradwyaeth y cyfryw amodau y mae o'r farn bod eu hangen, neu caiff atal y gymeradwyaeth.

(3) Pan fo'r cyfnod atal y gymeradwyaeth wedi dod i ben, bydd y gymeradwyaeth yn parhau'n weithredol am unrhyw gyfnod cymeradwyaeth nad yw wedi dod i ben, onid yw'r AGCLL sy'n cymeradwyo'n dod ag ef i ben yn gynharach yn unol â rheoliad 5.

### **Amodau Cymeradwyaeth**

7. Bydd unrhyw gymeradwyaeth yn ddarostyngedig i'r amodau canlynol—

- (a) rhaid i'r GPIMC gwblhau tra bydd yn parhau'n gymeradwy y cyfryw hyfforddiant ag y mae'r AGCLL sy'n cymeradwyo'n ei wneud yn ofynnol ac yn ôl y cyfryw ysbeidiau ag y mae'r AGCLL yn penderfynu bod eu hangen ;
- (b) rhaid i'r GPIMC ddarparu, er boddhad rhesymol yr AGCLL sy'n cymeradwyo a heb fod yn llai aml nag unwaith y flwyddyn ar ôl dyddiad ei gymeradwyo, dystiolaeth ei fod yn parhau i fod â'r cymhwysedd priodol i gyflawni swyddogaethau GPIMC;
- (c) os yw'n cytuno i gyflawni dyletswyddau GPIMC ar ran AGCLL arall, rhaid i'r GPIMC hysbysu'n ysgrifenedig yr AGCLL sy'n cymeradwyo cyn gynted ag y bo'n rhesymol ymarferol, a rhaid ei hysbysu pan ddaw'r cyfryw gytundeb i ben;
- (ch) os yw'r GPIMC yn cael ei gymeradwyo gan AGCLL gwahanol, rhaid i'r GPIMC hysbysu'n ysgrifenedig yr AGCLL sy'n cymeradwyo cyn gynted ag y bo'n rhesymol ymarferol;
- (d) os nad yw mwyach yn bodloni unrhyw un neu rai o'r gofynion a geir yn rheoliad 3 neu yn reoliad 8 yn ôl y digwydd, rhaid i'r GPIMC hysbysu'r AGCLL sy'n cymeradwyo ar unwaith;
- (dd) os caiff ei atal o fod ar gofrestr neu restr, yn ôl y digwydd, neu os atodir amodau i'w enw ar gofrestr neu restr, rhaid i'r GPIMC hysbysu'r AGCLL sy'n cymeradwyo ar unwaith.

### **Ail gymeradwyaeth**

8.—(1) Caiff AGCLL roi cymeradwyaeth yn unol â'r Rheoliadau hyn i berson sydd wedi ei gymeradwyo o'r blaen yng Nghymru, a bod y cyfryw gymeradwyaeth wedi bod mewn grym o fewn y pum mlynedd flaenorol cyn dyddiad arfaethedig yr ail gymeradwyaeth yn yr amgylchiadau canlynol —

- (a) os yw'r person hwnnw'n bodloni'r gofynion proffesiynol; a
- (b) os yw'r person hwnnw'n gallu dangos ei fod yn meddu ar y cymhwyseddau perthnasol.

(2) In the event of conditions being attached to an AMHP's registration or listing, as the case may be, the LSSA may attach such conditions to the approval as it may deem necessary, or it may suspend the approval.

(3) Where the suspension of approval has ended, the approval will continue to run for any unexpired period of approval, unless the approving LSSA ends it earlier in accordance with regulation 5.

### **Conditions of Approval**

7. Any approval is subject to the following conditions—

- (a) the AMHP must complete whilst he or she remains approved such training as required by the approving LSSA, at such intervals as determined by the LSSA as being necessary;
- (b) the AMHP must provide evidence to the reasonable satisfaction of the approving LSSA, at no less than annual intervals of the date of his or her approval, that he or she continues to have appropriate competence to carry out functions as an AMHP;
- (c) the AMHP must notify the approving LSSA in writing as soon as reasonably practicable if he or she agrees to carry out duties as an AMHP on behalf of another LSSA, and when such agreement ends;
- (d) the AMHP must notify the approving LSSA, in writing as soon as reasonably practicable, if the AMHP is approved by a different LSSA;
- (e) the AMHP must notify the approving LSSA immediately if he or she no longer meets any of the requirements set out in regulation 3 or regulation 8 as the case may be;
- (f) the AMHP must notify the approving LSSA immediately in the event of him or her being suspended from registration or listing, as the case may be, or having conditions attached to the same.

### **Reapproval**

8.—(1) An LSSA may grant approval of a person who has previously been approved within Wales, such approval having been in force within the previous five years prior to the proposed date of reapproval, in accordance with these Regulations where that person—

- (a) fulfils the professional requirements; and
- (b) is able to demonstrate that he or she possesses the relevant competencies.

(2) Wrth benderfynu a yw'r person sy'n ceisio cymeradwyaeth i fod yn GPIMC yn meddu ar y cymwyseddau perthnasol fel sy'n ofynnol o dan baragraff (1)(b) uchod, rhaid i'r AGCLL roi sylw i dystlythyrau'r person hwnnw.

### **Monitro a Chofnodion**

9.–(1) Rhaid i'r AGCLL sy'n cymeradwyo gadw cofnod o bob person y mae'n ei gymeradwyo'n GPIMC, gan gynnwys–

- (a) ei enw;
- (b) ei broffesiwn;
- (c) y dyddiad y'i cymeradwywyd;
- (ch) y cyfnod y rhoddir cymeradwyaeth ar ei gyfer;
- (d) manylion ynghylch cwblhau unrhyw hyfforddiant y cyfeirir ato yn rheoliad 7(a);
- (dd) tystiolaeth a roddwyd iddo gan y GPIMC o dan reoliad 7(b);
- (e) enw pob AGCLL arall y mae'r cyfryw berson yn gweithredu fel G PIMC iddo;
- (f) unrhyw fanylion am gymeradwyaeth yn dod i ben neu am atal cymeradwyaeth, neu am amodau a atodwyd iddi.

(2) Rhaid i'r AGCLL sy'n cymeradwyo gadw'r cofnodion y cyfeirir atynt ym mharagraff 1 uchod ac sy'n ymwneud â phersonau a gymeradwywyd ganddo'n GPIMCau am dair blynedd yn dilyn diwedd cymeradwyaeth y cyfryw bersonau.

(2) In determining whether the person seeking approval as an AMHP possesses the relevant competencies as required under paragraph (1)(b) above, the LSSA must have regard to the references of that person.

### **Monitoring and Records**

9.–(1) The approving LSSA must keep a record of all persons that it approves as AMHPs, including–

- (a) their names;
- (b) their professions;
- (c) the dates of approval;
- (d) the periods for which approval is given;
- (e) details of completion of any training referred to in regulation 7(a);
- (f) evidence provided to it by the AMHPs under regulation 7(b);
- (g) names of other LSSAs for whom such persons act as an AMHPs;
- (h) any details of the ending or suspension of approval, or conditions attached to the same.

(2) The approving LSSA must keep the records referred to in paragraph 1 above relating to persons approved by it as AMHPs for three years following the ending of such persons' approval.

*Edwina Hart*

Y Gweinidog dros Iechyd a Gwasanaethau  
Cymdeithasol, un o Weiniogion Cymru

Minister for Health and Social Services, one of the  
Welsh Ministers

15 Medi 2008

15 September 2008

## ATODLEN 1

Rheoliadau 2 a 3

### Gofynion Proffesiynol

1. Er mwyn bodloni'r gofynion proffesiynol, rhaid i berson fod yn un o'r canlynol—

- (a) yn weithiwr cymdeithasol a gofrestrwyd gyda Chyngor Gofal Cymru;
- (b) yn nyrs lefel gyntaf, a gofrestrwyd yn Is-ran 1 o'r gofrestr a gedwir o dan erthygl 5 o Orchymyn Nyrsio a Bydwreigiaeth 2001(1), gan gynnwys cofnod sy'n dynodi mai maes ymarfer y nyrs o ran nyrsio yw iechyd meddwl neu anableddau dysgu;
- (c) yn therapydd galwedigaethol yn Rhan 6 o'r Gofrestr a gedwir o dan erthygl 5 o Orchymyn Proffesiynau Iechyd 2001(2);
- (ch) yn seicolegydd siartredig a restrir yng Nghofrestr Seicolegwyr Siartredig Cymdeithas Seicolegol Prydain ac sy'n dal tystysgrif ymarfer berthnasol wedi'i dyroddi gan y Gymdeithas honno(3).

## SCHEDULE 1

Regulations 2 and 3

### Professional Requirements

1. In order to fulfil the professional requirements, a person must be one of the following—

- (a) a social worker registered with the Care Council for Wales;
- (b) a first level nurse, registered in Sub-Part 1 of the register maintained under article 5 of the Nurses and Midwifery Order 2001(1), with the inclusion of an entry indicating that his or her 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(2);
- (d) a chartered psychologist listed in the British Psychological Society's Register of Chartered Psychologists and who holds a relevant practising certificate issued by that Society(3).

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(1) O.S. 2002/253.

(2) O.S. 2002/254.

(3) Mae Cymdeithas Seicolegol Prydain yn gorff o dan Siarter Frenhinol, wedi'i chofrestru'n elusen yng Nghymru a Lloegr Rhif 229642 a'i chyfeiriad yw St Andrews House, 48 Princess Road East, Leicester, LE1 7DR.

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(1) S.I. 2002/253.

(2) S.I. 2002/254.

(3) The British Psychological Society is a Royal Charter body, registered as a charity in England and Wales No.229642 and is at St Andrews House, 48 Princess Road East, Leicester, LE1 7DR.



Ffactorau i'w hystyried wrth benderfynu cymhwysedd

Factors to be taken into account to determine competence

**Maes Cymhwysedd Allweddol 1: Ymarfer ar Sail Gwerthoedd**

**Key Competence Area 1: Values-based Practice**

- 1.1 Gallu nodi'r gofal iechyd a'r gofal cymdeithasol sy'n cyfyngu leiaf ar y rhai sy'n cael eu trin neu a all gael eu trin o dan y Ddeddf;
- 1.2 Gallu nodi a herio camwahaniaethu ac anghydraddoldeb o bob math mewn perthynas ag ymarfer gan GPIMC a, phan fydd hynny'n ymarferol, gwneud iawn amdanynt;
- 1.3 Deall amrywiaeth a'i barchu a gallu nodi a gwrthwynebu unrhyw benderfyniad a all fod wedi ei seilio ar ymarfer gormesol;
- 1.4 Deall nodweddion, galluedd a chefnid amrywiol unigolion a'u parchu;
- 1.5 Deall materion yn ymwneud â hil a diwylliant a bod yn sensitif iddynt wrth gymhwyso gwybodaeth am ddeddfwriaeth iechyd meddwl;
- 1.6 Ystyried anghenion unigolion y mae'r Gymraeg yn ddewis iaith ganddynt;
- 1.7 Gallu hybu hawliau, urddas a hunanbenderfyniad cleifion sy'n unol â'u hanghenion a'u dymuniadau hwy eu hunain, ac sy'n eu galluogi i gyfrannu at y penderfyniadau a gaiff eu gwneud sy'n effeithio ar ansawdd eu bywyd a'u rhyddid.

- 1.1 The ability to identify what constitutes least restrictive health and social care for those dealt with or who may be dealt with under the Act;
- 1.2 The ability to identify, challenge and, where practicable, redress discrimination and inequality in all its forms in relation to AMHP practice;
- 1.3 Understanding and respect for diversity and the ability to identify and counter any decision which may be based upon oppressive practice;
- 1.4 Understanding and respect for individuals' qualities, abilities and diverse backgrounds;
- 1.5 Race and culturally-sensitive understanding in the application of knowledge of mental health legislation;
- 1.6 Consideration of the needs of individuals for whom Welsh is their language of choice;
- 1.7 The ability to promote the rights, dignity and self determination of patients consistent with their own needs and wishes, to enable them to contribute to the decisions made affecting their quality of life and liberty.

**Maes Cymhwysedd Allweddol 2: Cymhwyso Gwybodaeth: Deddfwriaeth a Pholisi**

**Key Competence Area 2: Application of Knowledge: Legislation and Policy**

- 2.1 Gwybodaeth briodol i gymhwyso'r canlynol wrth ymarfer ei waith a'r gallu i wneud hynny—
  - (a) deddfwriaeth iechyd meddwl, codau ymarfer cysylltiedg a chanllawiau polisi cenedlaethol a lleol, a
  - (b) rhannau perthnasol o ddeddfwriaeth arall, codau ymarfer, canllawiau polisi cenedlaethol a lleol, yn benodol Deddf Plant 1989(1), Deddf Plant 2004(2), Deddf Hawliau Dynol 1998(3) a Deddf Galluedd Meddwl 2005(4);
- 2.2 Cymhwyso gwybodaeth am ddeddfwriaeth a pholisi sy'n ymwneud â'r iaith Gymraeg;

- 2.1 Appropriate knowledge of and ability to apply in practice—
  - (a) mental health legislation, related codes of practice and national and local policy guidance, and
  - (b) relevant parts of other legislation, codes of practice, national and local policy guidance, in particular the Children Act 1989(1), the Children Act 2004(2), the Human Rights Act 1998(3) and the Mental Capacity Act 2005(4);
- 2.2 Application of knowledge of Welsh language legislation and policy;

(1) 1989 p.41.  
 (2) 2004 p.31.  
 (3) 1998 p.42.  
 (4) 2005 p.9.

(1) 1989 c.41.  
 (2) 2004 c.31.  
 (3) 1998 c.42.  
 (4) 2005 c.9.

- 2.3 Bod yn llwyr ymwybodol o sefyllfa ac atebolrwydd cyfreithiol GPIMCau mewn perthynas â'r Ddeddf, mewn perthynas ag unrhyw gorff cyflogi ac â'r awdurdod y maent yn gweithredu ar ei ran;
- 2.4 Gallu gwerthuso'n feirniadol bolisi lleol a chenedlaethol a deddfwriaeth achos berthnasol er mwyn i hynny fod yn sail i ymarfer gan GPIMC;
- 2.5 Gallu seilio ymarfer GPIMC ar werthuso'n feirniadol ystod o ymchwil sy'n berthnasol i ymarfer ar sail tystiolaeth, gan gynnwys ymchwil i'r effaith a gaiff profiad o gamwahaniaethu ar iechyd meddwl.

**Maes Cymhwysedd Allweddol 3: Cymhwyso Gwybodaeth: Anhwylder Meddwl**

- 3.1 Meddu ar ddealltwriaeth feirniadol a chymhwysol o ystod o fodolau iechyd meddwl ac anhwylder meddwl, gan gynnwys y cyfraniad a wneir gan ffactorau cymdeithasol, corfforol a datblygiadol;
- 3.2 Meddu ar ddealltwriaeth feirniadol a chymhwysol o'r persbectif cymdeithasol ar anghenion anhwylder meddwl ac ar anghenion iechyd meddwl, wrth weithio gyda chleifion, perthnasau, gofalwyr a phroffesiynolion eraill;
- 3.3 Meddu ar ddealltwriaeth feirniadol a chymhwysol o oblygiadau anhwylder meddwl i gleifion, plant, teuluoedd a gofalwyr;
- 3.4 Meddu ar ddealltwriaeth feirniadol a chymhwysol o oblygiadau ystod o driniaethau ac ymyraethau perthnasol i gleifion, plant, teuluoedd a gofalwyr;
- 3.5 Meddu ar ddealltwriaeth feirniadol o'r adnoddau a allai fod ar gael i wneud darpariaeth amgen yn hytrach na derbyn claf i'r ysbyty.

**Maes Cymhwysedd Allweddol 4 – Cymhwyso Sgiliau: Gweithio'n Effeithiol mewn Partneriaeth**

- 4.1 Gallu rhoi llais i'r persbectif cymdeithasol ar anghenion anhwylder meddwl ac iechyd meddwl, a'i ddangos yn ymarferol;
- 4.2 Gallu cyfathrebu'n briodol â chleifion, perthnasau a gofalwyr, a sefydlu cydberthynas effeithiol â hwy;
- 4.3 Gallu rhoi llais i swyddogaeth y GPIMC wrth gyfrannu at gydweithio effeithiol rhwng asiantaethau a rhwng proffesiynolion;
- 4.4 Gallu defnyddio rhwydweithiau a grwpiau cymunedol i ddylanwadu ar weithio ar y cyd gydag ystod o unigolion, asiantaethau ac eiriolwyr;
- 4.5 Gallu cyfrannu'n effeithiol at gynllunio a rhoi ar waith opsiynau ar gyfer gofal, fel dewisiadau amgen yn hytrach na gorfodi claf i fynd i'r

- 2.3 An explicit awareness of the legal position and accountability of AMHPs in relation to the Act, any employing organisation and the authority on whose behalf they are acting;
- 2.4 The ability to evaluate critically local and national policy and relevant case law to inform AMHP practice;
- 2.5 The ability to base AMHP practice on a critical evaluation of a range of research relevant to evidence based practice, including that on the impact of the experience of discrimination on mental health.

**Key Competence Area 3: Application of Knowledge: Mental Disorder**

- 3.1 Critical and applied understanding of a range of models of mental health and mental disorder, including the contribution of social, physical and development factors;
- 3.2 Critical and applied understanding of the social perspective on mental disorder and mental health needs in working with patients, relatives, carers and other professionals;
- 3.3 Critical and applied understanding of the implications of mental disorder for patients, children, families and carers;
- 3.4 Critical and applied understanding of the implications of a range of relevant treatments and interventions for patients, children, families and carers;
- 3.5 Critical understanding of the resources that might be available to provide an alternative to admission to hospital.

**Key Competence Area 4 – Application of Skills: Effective Partnership Working**

- 4.1 The ability to articulate, and demonstrate in practice, the social perspective on mental disorder and mental health needs;
- 4.2 The ability to communicate appropriately with, and to establish effective relationships with, patients, relatives and carers;
- 4.3 The ability to articulate the role of the AMHP in the course of contributing to effective inter-agency and inter professional working;
- 4.4 The ability to use networks and community groups to influence collaborative working with a range of individuals, agencies and advocates;
- 4.5 The ability to contribute effectively to planning and implementing options for care, such as alternatives to compulsory admission,

ysbyty, fel rhyddhau claf o'r ysbyty ac fel rhoi ôl-ofal i glaf;

- 4.6 Gallu nodi risg, ei hasesu a'i rheoli'n effeithiol yng nghyd-destun swyddogaeth GPIMC;
- 4.7 Gallu rheoli'n effeithiol sefyllfaoedd anodd o ran gorbryder, risg a gwrthdaro, sy'n adlewyrchu ar effaith bosibl y cyfryw sefyllfaoedd ar gleifion ac eraill;
- 4.8 Gallu cydbwysu'r pŵer sy'n gynhenid yn swyddogaeth GPIMC gyda'r amcanion o rymuso cleifion;
- 4.9 Gallu cynllunio, negodi a rheoli prosesau derbyn gorfodol i'r ysbyty, derbyn o dan warchodaeth neu drefniadau ar gyfer triniaeth o dan oruchwyliaeth yn y gymuned;
- 4.10 Gallu rheoli a chydlynu'n effeithiol y prosesau perthnasol cyfreithiol ac ymarferol, a chynnwys wrth wneud hynny broffesiynolion eraill yn ogystal â chleifion, perthnasau a gofalwyr;
- 4.11 Gallu cydbwysu a rheoli gofynion cystadleuol cyfrinachedd a rhannu gwybodaeth yn effeithiol er lles cleifion a rhanddeiliaid eraill.

#### **Maes Cymhwysedd Allweddol 5: Cymhwyso Sgiliau: Gwneud Penderfyniadau'n Broffesiynol**

- 5.1 Gallu arddel persbectif cymdeithasol ar broses gwneud penderfyniadau a gallu gwneud penderfyniadau annibynnol ar sail gwybodaeth briodol;
- 5.2 Gallu caffael gwybodaeth briodol gan unigolion, ynghyd ag adnoddau eraill, eu dadansoddi a'u rhannu er mwyn rheoli'r broses o wneud penderfyniadau;
- 5.3 Gallu darparu adroddiadau rhesymedig a chlir ar lafar ac yn ysgrifenedig er mwyn hybu proses gwneud penderfyniadau gan GPIMC sy'n broses effeithiol, atebol ac annibynnol;
- 5.4 Gallu cyflwyno achos mewn gwrandawriad cyfreithiol;
- 5.5 Gallu arfer eu swyddogaethau fel GPIMCau yn annibynnol, a chydag awdurdod ac awtonomi;
- 5.6 Gallu gwerthuso gyda chleifion, gofalwyr ac eraill ganlyniadau ymyraethau, gan gynnwys nodi unrhyw angen nas bodlonwyd.

discharge and aftercare;

- 4.6 The ability to recognise, assess and manage effectively risk in the context of the AMHP role;
- 4.7 The ability to manage effectively difficult situations of anxiety, risk and conflict, reflecting on the potential impact of such situations on patients and others;
- 4.8 The ability to balance the inherent power in the AMHP role with the objectives of empowering patients;
- 4.9 The ability to plan, negotiate and, manage, compulsory admission to hospital, reception into guardianship or arrangements for supervised community treatment;
- 4.10 The ability to manage and co-ordinate effectively the relevant legal and practical processes including the involvement of other professionals as well as patients, relatives and carers;
- 4.11 The ability to balance and manage the competing requirements of confidentiality and effective information sharing to the benefit of patients and other stakeholders.

#### **Key Competence Area 5: Application of Skills: Professional Decision Making**

- 5.1 The ability to assert a social perspective in decision making and to make properly informed, independent decisions;
- 5.2 The ability to obtain, analyse and share appropriate information from individuals and other resources in order to manage the decision-making process;
- 5.3 The ability to provide reasoned and clear oral and written reports to promote effective, accountable and independent AMHP decision making;
- 5.4 The ability to present a case at a legal hearing;
- 5.5 The ability to exercise their functions as an AMHP independently, and with authority and autonomy;
- 5.6 The ability to evaluate the outcomes of interventions with patients, carers and others, including the identification of any unmet need.

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**IECHYD MEDDWL, CYMRU**

**MENTAL HEALTH, WALES**

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2008

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