

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

PERSONNEL COMMITTEE

28TH NOVEMBER 2022

**JOINT REPORT OF THE HEAD OF ADULT SERVICES – ANGELA THOMAS AND THE
HEAD OF CHILDREN AND YOUNG PEOPLE SERVICES – KERI WARREN**

Matter for Decision: To increase the Council's Approved Mental Health Professional (AMHP) Allowance

Wards Affected: All wards

1. Purpose of Report:

The purpose of this report is to seek Members' approval to increase the current rate of payment for Approved Mental Health Professionals Allowance (AMHP) backdated with effect from 1st April 2022.

2. Executive Summary:

The Local Authority has a responsibility to appoint, approve and re-approve suitably qualified and experienced workers to undertake specific duties, as laid down by the Mental Health Act 1983 (as amended by the MHA 2007). The regulations allow the approval of registered and professionally qualified mental health professionals to act as an AMHP.

The AMHP's role is to carry out statutory functions under the Mental Health Act.

Local Authorities Social Services Departments are responsible for ensuring that sufficient AMHP's are available to carry out their role.

3. Background:

Approved Mental Health Professionals (AMHPs) are approved to act as such by a Local Authorities Social Services Department when they are satisfied that the person

has appropriate competence in dealing with people who are suffering from mental disorder.

Section 114 of the Mental Health Act 1983, define the functions of Local Authorities and the Secretary of State with regard to the approval of AMHPs. Section 13 of the Mental Health Act defines the duties of AMHPs to make applications for admission (to hospital) or guardianship.

4. Functions of the AMHP:

The Mental Health Act sets out the range of functions that an AMHP may undertake. The Mental Health Act pertains to both adults and children. The main functions of the AMHP are listed below, however, this list is not exhaustive and reference should be made to legislation and the Code of Practice.

Main AMHP functions

- To enter and inspect premises (other than an NHS hospital) in which a mentally disordered person is living, if there is reasonable cause to believe that the patient is not under proper care (s115).
- To apply for a warrant to enter specified premises and remove a patient, if appropriate, to enable an assessment to be made (s135).
- To interview and assess a person removed to a place of safety or move to another such place (s135/136).
- To co-ordinate the process of assessment for the patients they assess for possible detention under the Mental Health Act (CoP 4.40).
- When considering the need to admit the patient to hospital, whether voluntarily or under compulsory admission, to reach an independent judgement about whether the use of compulsory detention is necessary. To pursue alternatives to the use of detention under the Mental Health Act wherever possible (s13 (2) and (5)).
- To make an application for admission to hospital or a guardianship application where the AMHP is satisfied that such an application ought to be made. A person can only be detained for assessment and treatment under the Mental Health Act, Section 2 or Section 3, if the person is suffering from a mental disorder of a nature or degree which warrants their detention. If it necessary for the health or safety of the person or for the protection of others.

There is specific training around the AMHP role which is undertaken by Swansea University at a Masters Level (Level 7)

There is a programme of continual professional development once qualified. A robust system for approving/re-approving AMHPS is in place (Appendix A) Section 114 (MHA 2007) outlines statutory duties to be complied in relation to the approval / re-approval responsibilities of AMHPs.

5. Current situation:

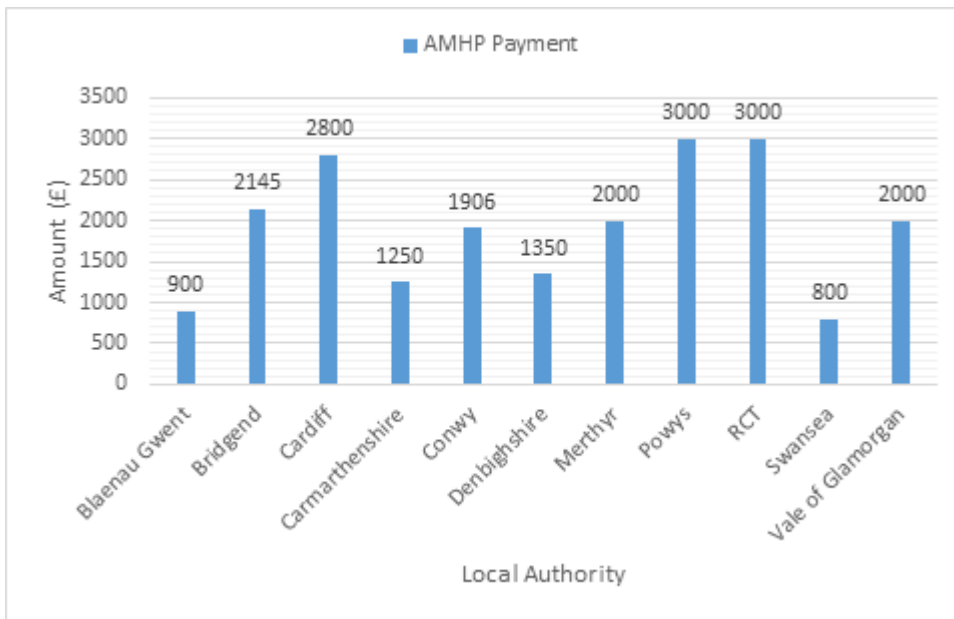
There are currently 16 AMHPS throughout the local authority covering a 24 hour period. There is a daytime rota in place to cover the AMHP function/role.

There is a commitment to ongoing AMHP training. An additional 3 AMHPS successfully completed and approved by the local authority as of September 2022.

The AMHP Allowance payment amount is currently based on the Council's honorarium payment rate of £66 a month/£800 per year. The allowance has not been reviewed in over 10 years. It is typical in Local Authorities to have an additional payment for AMHPS in consideration of the role and the additional training required.

6. National findings:

A comparison with other local authorities has been undertaken with 11 respondents.



The average value of AMHP payments across the respondents is £2000. A number of Local Authorities have increased their AMHP allowance within the last financial year. Neath Port Talbot and Swansea are the lowest paying Local Authorities.

The consideration of the increase in payment will be more in keeping with other local authorities. It will support retention and recruitment of AMHPS. A recognition of the complexities of the role and additional training required to undertake the role.

7. Retention and recruitment issues:

Typically an AMHP sits within one of the Community Mental Health Teams (CMHT) but not exclusively. We have seen AMHP's move on to other posts within the authority and due to the commitments of their new role, they have had to hand back their warrants.

Recruitment into CMHT Social Work posts – applicants for vacancies have had limited experience in mental health or are newly qualified Social Workers and consequently are not qualified AMHPs.

Handback and enquiries around handing back warrants of existing AMHPS. (3 within the last year) The LA have a duty to provide an AMHP cover – It is increasingly difficult to cover the AMHP Rota, reliant of the support of the Emergency Duty Team (EDT) providing sessional cover during the day.

8. Challenges within the role of AMHP:

Challenges in community Mental Health Assessments – lack of local beds, capacity issues in Neath Port Talbot Hospital and Cefn Coed Hospital.

Challenges of response time in ambulance and police response due to capacity issues within the ambulance services and the police. AMHP assessment not necessarily being considered a priority response/need.

The time spend on an AMHP assessment is often out of hours – A typical community assessment (until patient is in hospital) is 6 hours. It becoming more common for day time AMHPS to be working out of hours on occasions until early hours of the morning. AMHPs are not paid for time spent out of hours - it is a recognition in the AMHP allowance. The current payment equates to £66 a month.

Increase in requests for Mental Health Act assessments both for adults and children. AMHP’s typically are on the rota 1 to 2 days per week. It is in addition to their care coordination/Social Work role. Increasingly difficult to get cover on the rota, expectation to do more shifts on top of increase in day to day workload.

Presenting risks in the community and in hospital - the AMHP is often left with an individual who is presenting as unwell and the risk that comes with this both to the person being assessed and the AMHP.

These are national issue and they are well documented in mental health forums and practice discussions.

9. Financial Impact:

Current Payment per AMHP	Proposed Payment per AMHP
<u>£800 per year</u>	<u>£2, 000 per year</u>
£340 – on cost	£850 on cost
£1, 140 – Total Cost to the Local Authority	£2, 850 – Total Cost – Total cost to the Local Authority
Increase per AMHP = £1710 Increase for current AMHP payments (16 AMHPS) = <u>£27,360 per annum</u>	
The number of AMHPs employed within any given year will not increase significantly in consideration of the number of AMHPs required to meet the need of the service	

to cover the statutory duty. The issue is more around retention of current AMHPs, training AMHP to cover those individuals who have requested to hand back their warrants. The increase will be funded by Directorate budget reserves.

10. Integrated impact assessment:

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment, attached at appendix 2 has indicated that a more in-depth assessment is not required. A summary is included below:

“A full impact is not required as there is no impact on any protected group. It also has no negative impact on bio-diversity or the Welsh Language”.

11. Valleys Communities Impact:

No Impacts.

12. Workforce Impact:

The Local Authority has a responsibility to appoint, approve and re-approve suitably qualified and experienced workers to undertake specific duties, as laid down by the Mental Health Act 1983.

The consideration of an increase in the AMHP allowance will be more in keeping with other local authorities.

It will support retention and recruitment of AMHPS.

It is in recognition of the complexities, challenges and additional training required to undertake the role.

13. Legal Impact:

The AMPHs role is to carry out statutory functions under the Mental Health Act.

Local authorities' social services departments are responsible for ensuring that sufficient AMPHs are available in their area to carry out their roles under the Mental Health Act.

Section 114 of the Mental Health Act 1983 defines the functions of Local Authorities and the Secretary of State with regard to the approval of AMHPs.

Section 13 of the Mental Health Act defines the duty of AMHPs

14. Risk Management Impacts:

Local authorities' social services departments are responsible for ensuring that sufficient AMPHs are available in their area to carry out their roles under the Mental Health Act.

15. Crime and Disorder Impacts

No impact.

16. Counter Terrorism Impacts

No impact

17. Consultation:

There is no requirement for external consultation on this item. The proposed changes have been presented to Trade Union colleagues at the Social Services Joint Consultative Group who were supportive of the consideration of the AMHP allowance increase.

18. Recommendations:

It is **RECOMMENDED** that Members **APPROVE** the consideration of the AMHP allowance payment being increased to £2,000 per annum backdated with effect from 1st April 2022.

FOR DECISION

19. Appendices:

Appendix 1 – Approved Mental Health Professional Approval and Re-approval
Policy

Appendix 2 – Impact Assessment First Stage

20. Officer Contact

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