



Mental Health Act 1983

1983 CHAPTER 20

PART VIII

MISCELLANEOUS FUNCTIONS OF LOCAL AUTHORITIES AND THE SECRETARY OF STATE

[^{F1} Approved mental health professionals]

Textual Amendments

- F1** S. 114 and cross-heading substituted (1.4.2008 for certain purposes, otherwise 3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 18**, 56 (with [Sch. 10](#)); [S.I. 2008/745](#), **arts. 2(a)**, 3(b); [S.I. 2008/1900](#), **art. 2(c)** (with [art. 3, Sch.](#)); [S.I. 2008/2156](#), **art. 2(a)** (with [art. 3, Sch.](#))

[^{F2}114 Approval by local social services authority.

- (1) A local social services authority may approve a person to act as an approved mental health professional for the purposes of this Act.
- (2) But a local social services authority may not approve a registered medical practitioner to act as an approved mental health professional.
- (3) Before approving a person under subsection (1) above, a local social services authority shall be satisfied that he has appropriate competence in dealing with persons who are suffering from mental disorder.
- (4) The appropriate national authority may by regulations make provision in connection with the giving of approvals under subsection (1) above.
- (5) The provision which may be made by regulations under subsection (4) above includes, in particular, provision as to—
 - (a) the period for which approvals under subsection (1) above have effect;
 - (b) the courses to be undertaken by persons before such approvals are to be given and during the period for which such approvals have effect;

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- (c) the conditions subject to which such approvals are to be given; and
 - (d) the factors to be taken into account in determining whether persons have appropriate competence as mentioned in subsection (3) above.
- (6) Provision made by virtue of subsection (5)(b) above may relate to courses approved or provided by such person as may be specified in the regulations (as well as to courses approved under section [^{F3}114ZA or] 114A below).
- (7) An approval by virtue of subsection (6) above may be in respect of a course in general or in respect of a course in relation to a particular person.
- (8) The power to make regulations under subsection (4) above includes power to make different provision for different cases or areas.
- (9) In this section “ the appropriate national authority ” means—
- (a) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in England, the Secretary of State;
 - (b) in relation to persons who are or wish to become approved to act as approved mental health professionals by a local social services authority whose area is in Wales, the Welsh Ministers.
- (10) In this Act “ approved mental health professional ” means—
- (a) in relation to acting on behalf of a local social services authority whose area is in England, a person approved under subsection (1) above by any local social services authority whose area is in England, and
 - (b) in relation to acting on behalf of a local social services authority whose area is in Wales, a person approved under that subsection by any local social services authority whose area is in Wales.]

Textual Amendments

- F2** S. 114 and cross-heading substituted (1.4.2008 for certain purposes, otherwise 3.11.2008) by [Mental Health Act 2007 \(c. 12\)](#), **ss. 18**, 56 (with [Sch. 10](#)); [S.I. 2008/745](#), **arts. 2(a)**, 3(b); [S.I. 2008/1900](#), **art. 2(c)** (with [art. 3](#), [Sch.](#)); [S.I. 2008/2561](#), **art. 2(a)** (with [art. 3](#), [Sch.](#))
- F3** Words in s. 114(6) inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\)](#), **ss. 217(3)**, 306(4); [S.I. 2012/1319](#), **art. 2(4)**

[^{F4}114ZA] Approval of courses: England

- (1) [^{F5}Social Work England] may approve courses for persons who are, or wish to become, approved to act as approved mental health professionals by a local social services authority whose area is in England.
- (2) [^{F6}Social Work England] must publish a list of—
- (a) the courses which are approved under this section, and
 - (b) the courses which have been, but are no longer, approved under this section and the periods for which they were so approved.
- (3) The functions of an approved mental health professional are not to be considered to be relevant social work for the purposes of Part 4 of the Care Standards Act 2000.

^{F7}(4)

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[Social Work England may charge fees for approving courses under subsection (1).
^{F8}(5)

(6) In this section “Social Work England” means the body corporate established by section 36(1) of the Children and Social Work Act 2017.]]

Textual Amendments

- F4** S. 114ZA inserted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 217\(2\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)
- F5** Words in s. 114ZA(1) substituted (E.) (2.12.2019) by [The Social Workers Regulations 2018 \(S.I. 2018/893\), regs. 1\(2\), 39\(2\)](#); S.I. 2019/1436, [reg. 2\(b\)](#)
- F6** Words in s. 114ZA(2) substituted (E.) (2.12.2019) by [The Social Workers Regulations 2018 \(S.I. 2018/893\), regs. 1\(2\), 39\(3\)](#); S.I. 2019/1436, [reg. 2\(b\)](#)
- F7** S. 114ZA(4) omitted (E.) (2.12.2019) by virtue of [The Social Workers Regulations 2018 \(S.I. 2018/893\), regs. 1\(2\), 39\(4\)](#); S.I. 2019/1436, [reg. 2\(b\)](#)
- F8** S. 114ZA(5)(6) inserted (E.) (2.12.2019) by [The Social Workers Regulations 2018 \(S.I. 2018/893\), regs. 1\(2\), 39\(5\)](#); S.I. 2019/1436, [reg. 2\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 114ZA: power to amend conferred (1.4.2018) by [Children and Social Work Act 2017 \(c. 16\), ss. 48\(1\), 70\(2\)](#); S.I. 2018/346, [reg. 4\(p\)](#)

[^{F9}114A [^{F10}Approval of courses: Wales]

[^{F11}(1) The [^{F12}Social Care Wales] may, in accordance with rules made by it, approve courses for persons who are, or wish to become, approved to act as approved mental health professionals by a local social services authority whose area is in Wales.]

[^{F13}(2) For that purpose—

- (a) subsections (2), (3), (4)(a) and (7) of section 114 of the Regulation and Inspection of Social Care (Wales) Act 2016 apply as they apply to approvals given, rules made and courses approved under that section, and
- (b) sections 73 to 75 and section 115 of that Act apply accordingly.]

^{F14}(3)

(4) The functions of an approved mental health professional shall not be considered to be relevant social work [^{F15}for the purposes of Parts 3 to 8 of the Regulation and Inspection of Social Care (Wales) Act 2016] .

(5) The ^{F16}... [^{F17}Social Care Wales] may also carry out, or assist other persons in carrying out, research into matters relevant to training for approved mental health professionals.]

Textual Amendments

- F9** S. 114A inserted (1.10.2007) by [Mental Health Act 2007 \(c. 12\), ss. 19, 56 \(with Sch. 10\)](#); S.I. 2007/2798, [art. 2\(a\)](#)
- F10** S. 114A title substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 217\(8\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)

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- F11** S. 114A(1) substituted (1.8.2012) by [Health and Social Care Act 2012 \(c. 7\), ss. 217\(5\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)
- F12** Words in s. 114A(1) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 38\(a\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4Sch.)
- F13** S. 114A(2) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 38\(b\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4Sch.)
- F14** S. 114A(3) omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 217\(6\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)
- F15** Words in s. 114A(4) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 38\(c\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4Sch.)
- F16** Words in s. 114A(5) omitted (1.8.2012) by virtue of [Health and Social Care Act 2012 \(c. 7\), ss. 217\(7\), 306\(4\)](#); S.I. 2012/1319, art. 2(4)
- F17** Words in s. 114A(5) substituted (3.4.2017) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\), s. 188\(1\), Sch. 3 para. 38\(d\)](#); S.I. 2017/309, art. 2(j) (with arts. 3, 4Sch.)

[^{F18}115 Powers of entry and inspection.

- (1) An approved mental health professional may at all reasonable times enter and inspect any premises (other than a hospital) in which a mentally disordered patient is living, if he has reasonable cause to believe that the patient is not under proper care.
- (2) The power under subsection (1) above shall be exercisable only after the professional has produced, if asked to do so, some duly authenticated document showing that he is an approved mental health professional.]

Textual Amendments

- F18** S. 115 substituted (3.11.2008) by [Mental Health Act 2007 \(c. 12\), ss. 21, 56, Sch. 2 para. 8](#) (with [Sch. 10](#)); S.I. 2008/1900, [art. 2\(d\)](#) (with [art. 3, Sch.](#)); S.I. 2008/2561, [art. 2\(b\)](#) (with [art. 3, Sch.](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied by [1996 c. 46 Sch. 2 para. 9](#)(replacing [1968 c 20 s. 23](#)) (Act applied (prosp.) by [1968 c. 20, s. 23\(4\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 9](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act applied (prosp.) by [1957 c. 53, s. 63C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act applied (prosp.) by [1955 c. 19, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act applied (prosp.) by [1955 c. 18, s. 116C\(6\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 4](#)(replacing [1957 c 53 s. 63](#)) (Act: Power to apply conferred (prosp.) by [1957 c. 53, s. 63B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 4](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 19 s. 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 19, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2, para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))
- Act power to applied by [1996 c. 46 Sch. 2 para. 1](#)(replacing [1955 c 18 s 116](#)) (Act: Power to apply conferred (prosp.) by [1955 c. 18, s. 116B\(4\)\(c\)](#) (as substituted (prosp.) by [1996 c. 46, ss. 8, 36\(2\), Sch. 2 para. 1](#) which said amending provision was repealed (31.3.2005) by [Domestic Violence, Crime and Victims Act 2004 \(c. 28\), ss. 58\(2\), 60, Sch. 11; S.I. 2005/579, art. 3\(h\)\(i\)\(ix\)\)](#))

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 74\(8\)](#) inserted by [2015 c. 2 Sch. 3 para. 3\(3\)](#)