

## SCHEDULE 1

Regulation 2

### Professional Requirements

The professional requirements are as follows—

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

## SCHEDULE 2

Regulation 3(2)

### Matters to be taken into account to determine competence

#### 1. Key Competence Area 1: Application of Values to the AMHP Role

1. Whether the applicant has—

- (a) the ability to identify, challenge and, where possible, redress discrimination and inequality in all its forms in relation to AMHP practice;
- (b) an understanding of and respect for individuals' qualities, abilities and diverse backgrounds, and is able to identify and counter any decision which may be based on unlawful discrimination;
- (c) 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, and
- (d) a sensitivity to individuals' needs for personal respect, confidentiality, choice, dignity and privacy while exercising the AMHP role.

#### 2. Key Competence Area 2: Application of Knowledge: The Legal and Policy Framework

(1) Whether the applicant has—

- (a) appropriate knowledge of and ability to apply in practice—
  - (i) mental health legislation, related codes of practice and national and local policy guidance, and
  - (ii) relevant parts of other legislation, codes of practice, national and local policy guidance, in particular the Children Act 1989(4), the Children Act 2004(5), the Human Rights Act 1998(6) and the Mental Capacity Act 2005(7);

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(1) [S.I. 2002/253](#). The Register is divided into parts in accordance with the Nurses and Midwives (Parts of and Entries in the Register) Order of Council 2004 ([S.I. 2004/1765](#)).

(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.

(4) 1989 c.41.

(5) 2004 c.31.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

- (b) a knowledge and understanding of the particular needs of children and young people and their families, and an ability to apply AMHP practice in the context of those particular needs;
- (c) an understanding of, and sensitivity to, race and culture in the application of knowledge of mental health legislation;
- (d) 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;
- (e) the ability to—
  - (i) evaluate critically local and national policy to inform AMHP practice, and
  - (ii) base AMHP practice on a critical evaluation of a range of research relevant to evidence-based practice, including that on the impact on persons who experience discrimination because of mental health.

(2) In paragraph (1), “relevant” means relevant to the decisions that an AMHP is likely to take when acting as an AMHP.

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

- 3. Whether the applicant has a critical understanding of, and is able to apply in practice—
  - (a) a range of models of mental disorder, including the contribution of social, physical and development factors;
  - (b) the social perspective on mental disorder and mental health needs, in working with patients, their relatives, carers and other professionals;
  - (c) the implications of mental disorder for patients, their relatives and carers, and
  - (d) the implications of a range of treatments and interventions for patients, their relatives and carers.

### **4. Key Competence Area 4: Application of Skills: Working in Partnership**

- 4. Whether the applicant has the ability to—
  - (a) articulate, and demonstrate in practice, the social perspective on mental disorder and mental health needs;
  - (b) communicate appropriately with and establish effective relationships with patients, relatives, and carers in undertaking the AMHP role;
  - (c) articulate the role of the AMHP in the course of contributing to effective inter-agency and inter-professional working;
  - (d) use networks and community groups to influence collaborative working with a range of individuals, agencies and advocates;
  - (e) consider the feasibility of and contribute effectively to planning and implementing options for care such as alternatives to compulsory admission, discharge and aftercare;
  - (f) recognise, assess and manage risk effectively in the context of the AMHP role;
  - (g) effectively manage difficult situations of anxiety, risk and conflict, and an understanding of how this affects the AMHP and other people concerned with the patient’s care;
  - (h) discharge the AMHP role in such a way as to empower the patient as much as practicable;

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(6) 1998 c.42.  
(7) 2005 c.9.

- (i) plan, negotiate and manage compulsory admission to hospital or arrangements for supervised community treatment;
- (j) manage and co-ordinate effectively the relevant legal and practical processes including the involvement of other professionals as well as patients, relatives and carers, and
- (k) balance and manage the competing requirements of confidentiality and effective information sharing to the benefit of the patient and other persons concerned with the patient's care.

## **5. Key Competence Area 5: Application of Skills: Making and Communicating Informed Decisions**

- 5. Whether the applicant has the ability to—
  - (a) assert a social perspective and to make properly informed independent decisions;
  - (b) obtain, analyse and share appropriate information having due regard to confidentiality in order to manage the decision-making process including decisions about supervised community treatment;
  - (c) compile and complete statutory documentation, including an application for admission;
  - (d) provide reasoned and clear verbal and written reports to promote effective, accountable and independent AMHP decision making;
  - (e) present a case at a legal hearing;
  - (f) exercise the appropriate use of independence, authority and autonomy and use it to inform their future practice as an AMHP, together with consultation and supervision;
  - (g) evaluate the outcomes of interventions with patients, carers and others, including the identification of where a need has not been met;
  - (h) make and communicate decisions that are sensitive to the needs of the individual patient, and
  - (i) keep appropriate records with an awareness of legal requirements with respect to record keeping and the use and transfer of information.